

CITY OF EAGLE LAKE  
REGULAR CITY COMMISSION MEETING  
MONDAY, FEBRUARY 6, 2023  
7:00 P.M.  
TO BE HELD IN THE COMMISSION CHAMBERS  
LOCATED AT 675 E EAGLE AVE  
EAGLE LAKE, FLORIDA 33839

**AGENDA**

- I. CALL TO ORDER**
- II. INVOCATION**
- III. PLEDGE OF ALLEGIANCE TO THE FLAG**
- IV. ROLL CALL**
- V. AUDIENCE**
- VI. SPECIAL PRESENTATIONS/RECOGNITIONS/PROCLAMATIONS, REQUESTS**

- A. Staff Reports
- B. City Manager Report
- C. Consideration of the reappointment of Vicki Spofford to the Planning Commission
- D. Consideration of appointing Alternate Member Raquel Martinez to open Planning Commission Seat
- E. Consideration of the appointment of Joshua Macon as an Alternate to the Planning Commission

**VII. PUBLIC HEARINGS**

- A. Consideration of the second reading of Ordinance No.: O-23-02, An Ordinance of the City of Eagle Lake, Florida Extending the Corporate Limits of the City of Eagle Lake, to Include Therein Additional Territory Lying Contiguous and Adjacent to the Present Boundaries of the City of Eagle Lake; Describing Said Additional Territory; Repealing all Ordinances Conflicting Herewith and Providing an Effective Date. (General Location: Two parcels of land totaling approximately 3.98 acres in size, lying southeast of the intersection of Cooley Road and County Road 540, West, and a Street Address of 0 Cooley Road, Eagle Lake, FL 33839) (A & E Property) effective upon second reading
- B. Consideration of the second reading of Ordinance No.: O-23-03, An Ordinance Amending the City of Eagle Lake, Florida 2030 Comprehensive Plan by Revising the Future Land Use Map Series to Assign Neighborhood Activity Center Future Land Use to Two (2) Annexed Parcels; Amending the City of Eagle Lake, Florida Zoning Map to Apply General Commercial (CG) Zoning to the Same Certain Parcels; Repealing All Ordinances in Conflict Herewith; and, Providing an Effective Date. (General Location: Two parcels of land totaling approximately 3.98 acres in size, lying southeast of the intersection of Cooley Road and County Road 540, West, with a Street Address of 0 Cooley Road, Eagle Lake, Florida 33839 (A & E Property) effective upon second reading
- C. Consideration of the first reading of Ordinance No. O-23-04, An Ordinance of the City of Eagle Lake, Polk County, Florida, Amending Eagle Lake Code of Ordinance, Chapter 11, Health, Sanitation, Nuisances, and Minimum Property Maintenance Standards; Amending Article 1. In General Section 11-1 through 11-8, Article II Code Enforcement Division 1 Generally, Section 11-20 Through 11-22, Division 2 Enforcement Procedure, Section 11-23 Through 11-31, Division Supplemental Enforcement Procedures Section 11-36 Through 11-40, Article III Nuisances Division 1 Generally Section 11-101 Through 11-104, Division 2

Debris, Weeds, Wild Growth, Dangerous and Unsanitary Conditions Section 11-106 Through 11-112, Division 3 Noise Section 11-120 Through 11-127, Division 4 Litter, Garbage and Refuse Section 11-130 Through 1-140, Division 5 Motor Vehicles or Vessels Section 11-146 Through 11-148, Article IV Minimum Property Maintenance Standards Division 1 Section 11-201 Through 11-242, Division 2 Abandoned Real Property Section 11-276 Through 11-282, Providing for Severability, and Providing for an Effective Date.

- D. Consideration of the first reading of **Ordinance No.: O-23-05**, An Ordinance of the City Commission of the City of Eagle Lake, Florida, Amending the City of Eagle Lake Code of Ordinances, Chapter 16, Utilities, Article V. Billing Procedures, Fees and Deposits, Section 16-141, Deposits, to Increase the Amount of Utility Deposits for Solid Waste, Sewer, and Water Service Utility Residential Tenant Customers; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.
- E. Consideration of the first reading of **Ordinance No.: O-23-06**, An Ordinance of the City Commission of the City of Eagle Lake, Florida, Deleting Section 16-149 of the City of Eagle Lake Code of Ordinances in Its's Entirety; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

**VIII. OLD BUSINESS**

**IX. NEW BUSINESS**

- A. Discussion of the Engineering Report for the Linda Weldon Building (Red Brick)
- B. Consideration of Modification No. 1 to the Interlocal Agreement Between City of Eagle Lake, Florida and Grady Judd, as Sheriff of Polk County, Florida
- C. Consideration of A & E Preliminary Engineering Plan Review

**X. CONSENT AGENDA**

- A. Approval of the Regular City Commission Minutes -----01/03/2023
- B. Approval of Zambelli contract for Fireworks on June 24, 2023 in the amount of \$7,000
- C. Approval of Financials
- D. Approval of Surplus List
- E. Approval of Bad Debt List -----\$1,339.63
- F. Approval of Eagle Lake Municipal Election Administration Agreement
- G. Approval of Potential Election Poll Workers for the April Municipal Election

**XI. AUDIENCE**

**XII. CITY ATTORNEY**

**XIII. CITY COMMISSION**

**XIV. ADJOURNMENT**

Please be advised that if you desire to appeal any decisions made as a result of the above hearing or meeting, you will need a record of the proceedings and in some cases a verbatim record is required. You must make your own arrangements to produce this record. (Florida Statute 286.0105).

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the City Clerk's Office at 75 North Seventh Street, P.O. Box 129, Eagle Lake, Florida 33839 or phone (863) 293-4141 within 2 working days of your receipt of this meeting notification; if you are hearing or voice impaired, call 1-800-955-8771.

POSTED AT CITY HALL AND THE EAGLE LAKE POST OFFICE ON JANUARY 31, 2023  
BY CITY CLERK DAWN WRIGHT, MMC, FCRM, PHRP

# FROM THE DESK OF THE CITY MANAGER

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Memo To: Mayor and Commissioners

Date: February 6, 2023

Ref: Monthly Report

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**.GOV** – We are changing the City’s domain to EAGLELAKEFL.gov because it is more secure for governments than the .com domain.

**I & I Study** – We received approval from FDEP for a Sanitary Sewer Evaluation Survey (SSES, which is an Inflow/Infiltration sewer system study). This is the first step to work on sewer system repairs. The funding approval is in the amount of \$375,000 and includes 50% principal forgiveness or \$187,500. We are preparing the necessary application and will have it on the Agenda for the March meeting.

**New Employee** – With Gary Stroud looking at retirement and a tight labor market, we have hired Adam Werner and will be working in the Public Works Department.

**Rate Study** – With the costs of our involvement with the water cooperative becoming more clearer, I would like to contact Florida Rural Water to update our rate study.

The initial cost estimates for our involvement in PRWC’s Southeast Wellfield have come in and next year we are looking at a \$67,710 commitment in 2023. These payments will rapidly increase to \$628,000 by 2028.

**Request for Qualifications** – We currently have RFQ’s out for an architect for city hall, playground equipment and planning services.

**Sheriff Department** – With the recent increase in housing construction, traffic and population, our deputies are being asked to respond to a lot more calls. I would like to look into the possibility of hiring an additional deputy.



# CITY OF EAGLE LAKE

"GROWING WITH PEOPLE IN MIND"

75 NORTH SEVENTH STREET, P O BOX 129, EAGLE LAKE, FLORIDA 33839

## APPLICATION FOR BOARD APPOINTMENT

BOARD/COMMISSION Planning

|  |   |
|--|---|
| NAME: <u>VICTORIA Spofford</u>   | PHONE: <u>863 207 0498</u>  |
| HOME ADDRESS: <u>75 LAKE McLeod DR. Eagle Lake 33839</u>                       |   |
| BUSINESS ADDRESS: <u>NA.</u>   | BUSINESS PHONE: _____   |
| CITY RESIDENT<br><input checked="" type="radio"/> YES <input type="radio"/> NO | OWN PROPERTY IN CITY<br><input checked="" type="radio"/> YES <input type="radio"/> NO |
| CITY BUSINESS LICENSE<br>YES <input checked="" type="radio"/> NO               | REGISTERED VOTER<br><input checked="" type="radio"/> YES <input type="radio"/> NO     |

OCCUPATION/TYPE OF BUSINESS: Retired N.Y.S. teacher

SPECIAL KNOWLEDGE OR EXPERIENCE APPLICABLE TO FUNCTION OF BOARD/COMMISSION: \_\_\_\_\_  
34 year career as educator Prior Plan. com  
member former HOA president

OTHER INFORMATION (CIVIC ACTIVITIES, ETC.): Church choir  
Avid gardener

NOTE: IF YOU ARE APPROVED TO ANY BOARD, COMMISSION OR COMMITTEE YOU WILL BE REQUIRED TO COMPLETE A FINANCIAL DISCLOSURE FORM IN ACCORDANCE WITH THE REQUIREMENTS OF FLORIDA LAW FOR EVERY YEAR DURING WHICH YOU SERVE AS AN APPOINTEE.

|                                     |                       |
|-------------------------------------|-----------------------|
| SIGNATURE: <u>Victoria Spofford</u> | DATE: <u>1-1-2023</u> |
|-------------------------------------|-----------------------|

IF YOU ARE NOT APPOINTED AT THE NEXT MEETING, SCHEDULED FOR PURPOSE OF MAKING APPOINTMENTS, WOULD YOU LIKE TO MAINTAIN THIS APPLICATION ON FILE? ☒ YES ☐ NO





# CITY OF EAGLE LAKE

"GROWING WITH PEOPLE IN MIND"

75 NORTH SEVENTH STREET, P O BOX 129, EAGLE LAKE, FLORIDA 33839

## APPLICATION FOR BOARD APPOINTMENT

BOARD/COMMISSION Planning Commission

|  |   |  |   |
|--|---|--|---|
| NAME: <u>Joshua William Macon</u>  |   | PHONE: <u>863-624-9107</u>   |   |
| HOME ADDRESS: <u>459 3rd St. N. Eagle Lake, FL. 33839</u>                      |   |  |   |
| BUSINESS ADDRESS: _____  |   | BUSINESS PHONE: _____  |   |
| CITY RESIDENT<br><input checked="" type="radio"/> YES <input type="radio"/> NO | OWN PROPERTY IN CITY<br><input type="radio"/> YES <input checked="" type="radio"/> NO | CITY BUSINESS LICENSE<br><input type="radio"/> YES <input checked="" type="radio"/> NO | REGISTERED VOTER<br><input checked="" type="radio"/> YES <input type="radio"/> NO |

OCCUPATION/TYPE OF BUSINESS: Photographer - Legoland

SPECIAL KNOWLEDGE OR EXPERIENCE APPLICABLE TO FUNCTION OF BOARD/COMMISSION:  
Very active in church, schools, homeless giveaways...

OTHER INFORMATION (CIVIC ACTIVITIES, ETC.): \_\_\_\_\_

NOTE: IF YOU ARE APPROVED TO ANY BOARD, COMMISSION OR COMMITTEE YOU WILL BE REQUIRED TO COMPLETE A FINANCIAL DISCLOSURE FORM IN ACCORDANCE WITH THE REQUIREMENTS OF FLORIDA LAW FOR EVERY YEAR DURING WHICH YOU SERVE AS AN APPOINTEE.

|                               |                      |
|-------------------------------|----------------------|
| SIGNATURE: <u>[Signature]</u> | DATE: <u>1/10/23</u> |
|-------------------------------|----------------------|

IF YOU ARE NOT APPOINTED AT THE NEXT MEETING, SCHEDULED FOR PURPOSE OF MAKING APPOINTMENTS, WOULD YOU LIKE TO MAINTAIN THIS APPLICATION ON FILE? ☒ YES ☐ NO

ORDINANCE NO. O-23-02

AN ORDINANCE OF THE CITY OF EAGLE LAKE, FLORIDA EXTENDING THE CORPORATE LIMITS OF THE CITY OF EAGLE LAKE, TO INCLUDE THEREIN ADDITIONAL TERRITORY LYING CONTIGUOUS AND ADJACENT TO THE PRESENT BOUNDARIES OF THE CITY OF EAGLE LAKE; DESCRIBING SAID ADDITIONAL TERRITORY; REPEALING ALL ORDINANCES CONFLICTING HERewith AND PROVIDING AN EFFECTIVE DATE. (General Location: Two parcels of land totaling approximately 3.98 acres in size, lying southeast of the intersection of Cooley Road and County Road 540, West, with a street address of 0 Cooley Road, Eagle Lake, Florida 33839) (A & E Property)

WHEREAS, the owner of the property to be annexed, have filed a petition for voluntary annexation pursuant to Section 171.044, Florida Statutes; and

WHEREAS, the City of Eagle Lake deems it expedient and practical to incorporate said territory, as the same is in conformity with the overall plans for extending the boundaries of the City of Eagle Lake; and,

WHEREAS, the property herein described is contiguous, compact and adjacent to the corporate limits of the City of Eagle Lake, and the property will become a part of the unified corporate area with respect to municipal services and benefits.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF EAGLE LAKE, FLORIDA:

1. That the City Commission of the City of Eagle Lake does hereby annex into the corporate limits of the City of Eagle Lake, Florida, the following described property.

That property described in Composite Exhibit "A", consisting of two pages, including a legal description, and a location map.



2. All ordinances in conflict herewith are hereby repealed.

3. This ordinance shall take effect after the second reading, provided however, that such change shall first be noted upon the official zoning map of the City of Eagle Lake, Florida.

INTRODUCED on first reading this 3rd day of January, 2023.

PASSED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF EAGLE LAKE, FLORIDA

\_\_\_\_\_  
CORY COLER, MAYOR  
COMMISSIONER

ATTEST:

\_\_\_\_\_  
DAWN WRIGHT, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
HEATHER R. MAXWELL, CITY ATTORNEY

## **EXHIBIT "A"**

### **LEGAL DESCRIPTION:**

The South  $\frac{1}{2}$  of lot 8; and lot 7 less the South 304 feet thereof, in W.M Hampton's Subdivision, as shown by map or plat thereof recorded in the office of the clerk of the circuit court in and for Polk County, Florida, in Plat Book 2, Page 36.

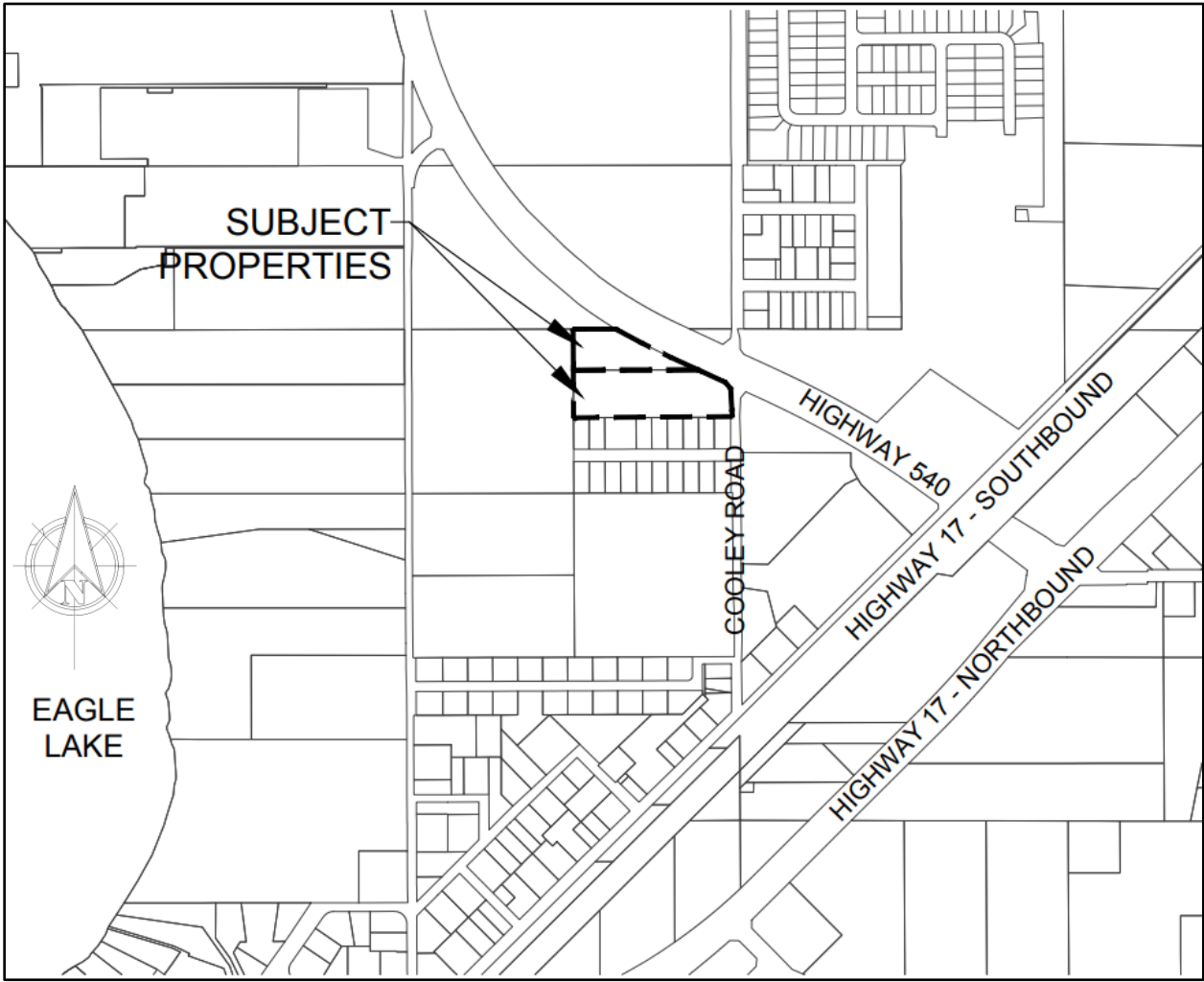
AND

The South  $\frac{1}{2}$  of lot 8, W.M Hampton's Subdivision of the northeast  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$  of Section 6. Township 29 South, Range 26 East, according to the map or plat thereof as recorded in Plat Book 2, Page 36 of the public records of office of Polk County, Florida, less any part thereof conveyed to the State of Florida, Department of Transportation for road right-of-way purposes for State Road 655 as described in O.R. Book 3767, Page 2156, less a parcel of land being a portion of lot 8 of W.M. Hampton's subdivision in accordance with the Plat thereof recorded in Plat Book 2, Page 36 of the public records of Polk County, Florida, also lying in the southwest  $\frac{1}{4}$  of Section 6, Township 29 South, Range 26 East, Polk County, Florida and being more particularly described as follows:

Commence at the  $\frac{1}{2}$  inch iron pipe marking the northeast corner of the southwest  $\frac{1}{4}$  of said Section 6; thence south  $89^{\circ}54'05''$  west along the north line of said Lot 8 and the north line of the southwest  $\frac{1}{4}$  of said Section 6, a distance of 23.98 feet to the westerly right-of-way line of Cooley Road (as shown on Florida Department of Transportation Right-of-way Map Section 16120-2504), said point also being the point of beginning; thence continue south  $89^{\circ}54'02''$  west along the said north line of said Lot 8 and the north line of the southwest  $\frac{1}{4}$  of said Section 6, a distance of 169.68 feet to a point on the northeasterly right-of-way line of State Road 540 realignment (as shown on Florida Department of Transportation Right-of-way Map Section 16120-2504); thence south  $65^{\circ}13'32''$  east along the said northeasterly right-of-way line of State Road 540 realignment a distance of 148.19 feet to a point; thence north  $51^{\circ}27'06''$  east along the said northeasterly right-of-way line of State Road 540 realignment a distance of 40.33 feet to a point on the aforesaid westerly right-of-way of Cooley Road; thence north  $05^{\circ}30'03''$  east along the westerly right-of-way of Cooley Road a distance of 37.43 feet to the point of beginning.

Parcel Identification Number: 262906-672000-000071 and 262906-672000-000082

LOCATION MAP:





# NEXT LEVEL

PLANNING & PERMITTING

## LETTER OF TRANSMITTAL

TO: Tom Ernharth  
City of Eagle Lake  
P.O. Box 129  
Eagle Lake, FL 33839

DATE: November 17, 2022  
PROJECT: A&E Autobody – Cooley Road  
RE: Annexation

### WE ARE SENDING YOU THE FOLLOWING ITEMS:

| <u>COPIES</u> | <u>DATE</u>       | <u>NO.</u>  | <u>DESCRIPTION</u>   |
|---------------|-------------------|-------------|--|
|               | <u>11/14/2022</u> | <u>1033</u> | <u>Check in the amount of \$1,000.00 for Annexation.</u>                           |
|               |                   |             | <u>Petition to Voluntarily Annex Property into the City of Eagle Lake, Florida</u> |
|               |                   |             | <u>Parcel Info – 262906-672000-0071 &amp; -000082</u>                              |
|               |                   |             | <u>Deed – OR Bk 12476 Pgs 911-915</u>  |
|               |                   |             | <u>Letter of Authorization</u>   |
|               |                   |             |  |
|               |                   |             |  |

|   |  |  |                                |
|---|--|--|--------------------------------|
| <input checked="" type="checkbox"/> FOR YOUR APPROVAL | <input checked="" type="checkbox"/> FOR REVIEW AND COMMENT | <input checked="" type="checkbox"/> HAND DELIVERED | <input type="checkbox"/> OTHER |
| <input type="checkbox"/> FOR YOUR FILE                | <input type="checkbox"/> FOR YOUR INFORMATION              | <input type="checkbox"/> REGULAR MAIL              |                                |
| <input type="checkbox"/> FOR YOUR SIGNATURE           | <input type="checkbox"/> PER YOUR REQUEST                  | <input type="checkbox"/> OVERNIGHT                 |                                |
| <input type="checkbox"/> FOR YOUR USE                 | <input type="checkbox"/> OTHER                             | <input type="checkbox"/> ELECTRONIC MAIL           |                                |

RECEIVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

### REMARKS:

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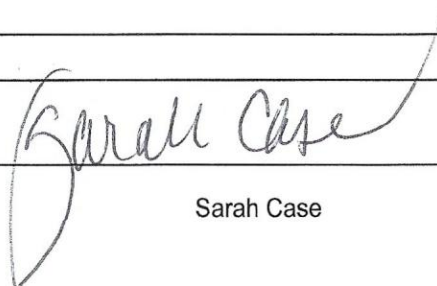
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COPY TO: A&E  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNED:   
Sarah Case

sarah@nextlevelpolk.com



PETITION TO VOLUNTARILY ANNEX PROPERTY INTO THE  
CITY OF EAGLE LAKE, FLORIDA

A&E Auto Body, CR 540 W - Parcels 262906-672000-000071 & -000082

THIS PETITION IS FILED pursuant to chapter 171.044, Florida Statutes, City of Eagle Lake Ordinances and all other laws applicable thereto, for the purpose of annexing the hereinafter described real property into the City of Eagle Lake.

We, the undersigned, being and constituting all the owners of the hereinafter described real property, hereby file this petition for annexation, and consent thereto, of the following described real property into the City of Eagle Lake, Florida in accordance with the above set forth Florida Statutes, Ordinances of the City of Eagle Lake and other applicable law; said real property lying and being in Polk County, Florida, to-wit:

LEGAL DESCRIPTION:

See attached Deed OR Bk 124/6 Pgs 911-915

ADDRESS OF PROPERTY TO BE ANNEXED: 540 W

SIZE IN ACRES: 4 +/-

POPULATION AT TIME OF ANNEXATION: 2,300 +/-\*

\*2,496 at 2000 Census; 2,255 at 2010 Census

NUMBER AND ADDRESS OF ALL DWELLINGS/COMMERCIAL/INDUSTRIAL,

INSTITUTIONAL USES:

CURRENT POLK COUNTY FUTURE LAND USE & ZONING CLASSIFICATION: RL-2 (Polk County)

**NOTE:** Polk County Land Use and Zoning Map classifications will remain in effect until City Land Use and Zoning Map classifications have been established for the property according to State and City law.

**REQUIRED:** MAP OF AREA X (check if enclosed)

**LEGAL DESCRIPTION BY METES AND BOUNDS** X (check if enclosed)

PROPOSED CITY FUTURE LAND USE: COMM & ZONING CLASSIFICATION: CG

SIGNATURE OF PETITIONER(S):

Sarah Case, Next Level Planning & Permitting

Name

6700 S. Florida Ave, Suite 4

Address

Lakeland, FL 33813

City

State Zip

863.398.9651

Telephone

Date

Accepted by

NOTARY:

*This is to certify that this is an original document.*

City Clerk



**FEES PAID**

NAME OF APPLICANT Sarah Case, authorized agent

|   | CHECK   |            | COSTS     |
|---|---------|------------|-----------|
|   | WHAT    |            | BROUGHT   |
| REQUESTED CHANGE(S)   | APPLIES | COSTS      | FORWARD   |
| 1. ANNEXATION   |         | \$1,000.00 | Ch # 1033 |
| 2. ZONING AMENDMENT (w/or w/out) IMPACT STATEMENT)  |         | \$750.00   | Ch # 1035 |
| 3. PLANNED UNIT DEVELOPMENT (INCL. IMPACT STATEMENT)*   |         | \$600.00   |           |
| PLUS ACREAGE ADJUSTMENT (per acre)  |         | \$4.00     |           |
| 4. SUBDIVISION PLAT (10 OR LESS LOTS)**   |         | \$500.00   |           |
| UTILITY/CONSTRUCTION PLANS  |         | \$300.00   |           |
| OR  |         |            |           |
| SUBDIVISION PLAT (MORE THAN 10 LOTS)**  |         | \$750.00   |           |
| UTILITY/CONSTRUCTION PLANS  |         | \$500.00   |           |
| 5. SITE PLAN REVIEWS* (do not chg. If chging for subdiv.plat)   |         | \$350.00   |           |
| 6. COMPREHENSIVE PLAN AMENDMENTS  |         |            |           |
| SMALL SCALE < 10 ACRES  |         | \$500.00   | Ch # 1034 |
| LARGE SCALE 10 ACRES +  |         | \$1,000.00 |           |
| TEXT  |         | \$500.00   |           |
| 7. IMPACT STATEMENT (do not chg.if chgd.for zoning amend.)  |         | \$500.00   |           |
| <b>TOTAL FEES DUE:</b>  |         |            |           |
| *At a minimum, these items may require special consultants or legal counsel. The City, in its sole judgement, shall decide when to retain such special consultants or legal counsel and the cost of same shall be passed on to the applicant. |         |            |           |
| **Preliminary/Final Plat Approval - both are included in one-time only fee  |         |            |           |



**Parcel Details: 26-29-06-  
672000-000082**

 TAX EST  PRT CALC  PRC  HTML PRC  TRIM  HTML TRIM  TAX BILL

**Owners**

|                    |     |
|--------------------|-----|
| NEWBOLD PHILLIP    | 25% |
| GAMBLE CHERIE      | 25% |
| BARROW TODD        | 25% |
| MOTT PAMELA BARROW | 25% |

**Mailing Address**

Address 1 **20430 CAMELOT DR**  
Address 2  
Address 3 **BROOKSVILLE FL 34601-4683**

**Site Address**

Address 1 **0 COUNTY ROAD 540 W**  
Address 2  
City **EAGLE LAKE**  
State **FL**  
Zip Code **33839**

**Parcel Information**

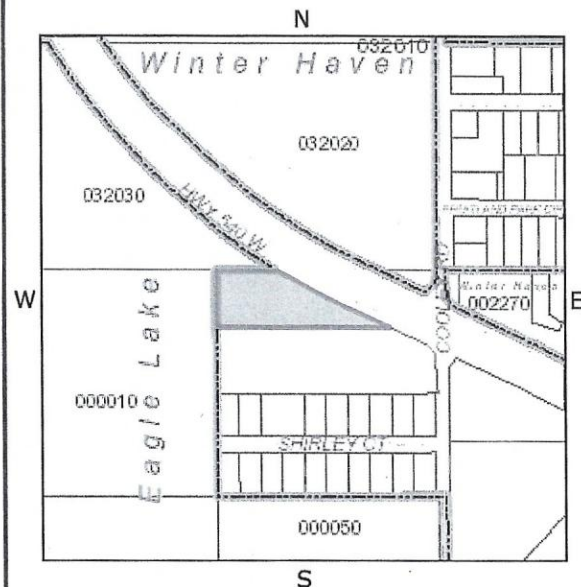
Neighborhood **210180.00**  
Show Recent Sales in this Neighborhood  
Subdivision **HAMPTON W M SUB PB 2 PG 36**  
Property (DOR) **Vac.Res (Code: 0001)**  
Use Code  
Acreage **1.27**  
Taxing District **UNINCORP/SWFWMD (Code: 90000)**  
Community  
Redevelopment **NOT IN CRA**  
Area

**Property Desc**

**DISCLAIMER:** This property description is a condensed version of the original legal description recorded in the public records. It does not include the section, township, range, or the county where the property is located. It is a description of the ownership boundaries only and does not include easements or other interests of record. The property description should not be used when conveying property. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property description. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation.

HAMPTON W M SUB PB 2 PG 36 N1/2 OF LOT 8 THAT  
PART THEREOF LYING S OF R/W FOR SR 655 AS REC IN  
OR 3767 PG 2156

**Area Map**



**Recorded Plat**

Visit the Polk County Clerk of Courts website to view the Recorded Plat for this parcel

Note: Some plats are not yet available on the Clerk's website. The site contains images of plats recorded on 01/05/1973 (beginning with book 058 Page 020) or later. For information on Plats recorded before 01/05/1973 (Book 058 Page 019 or less) please contact the Polk County Clerk's Office.

**Mapping Worksheets (plats) for 262906**

Mapping Worksheet  
HTML (opens in new  
tab)

Mapping Worksheet Printable PDF

## Sales History

**Important Notice:** If you wish to obtain a copy of a deed for this parcel, click on the blue OR Book/Page number. Doing so will cause you to leave the Property Appraiser's website and access the Polk County Clerk of the Circuit Court's Official Records Search. Once the document opens, click the printer icon to print the document. If you have any issues opening the document once you have met all the listed system requirements, please contact the Clerk's office at (863)534-4000 and ask to speak to an IT staff member. If the Book/Page number does not have a blue link to Official Records, the deed may not be available through the online records of the Clerk of the Circuit Court. In order to obtain a copy of the deed you will need to contact the Clerk of the Circuit Court Indexing Department at 863-534-4516. If the Type Inst is an "R", the document is not available through the Clerk of the Circuit Court's Official Records Search. Please contact the Property Appraiser to order "R" type instruments.

| OR Book/Page | Date    | Type Inst | Vacant/<br>Improved | Grantee                   | Sales Price |
|--------------|---------|-----------|---------------------|---------------------------|-------------|
| 09337/00772  | 08/2014 | Q         | V                   | NEWBOLD PHILLIP           | \$100       |
| 08746/01779  | 08/2012 | Q         | V                   | BARROW TODD               | \$100       |
| 08214/00933  | 08/2010 | Q         | V                   | BARROW JANICE             | \$100       |
| 6396/1803    | 09/2005 | Q         | V                   | BILBREY OTIS B            | \$100       |
| 4811/0248    | 09/2001 | W         | V                   | VILLAGE CHURCH OF GOD INC | \$3,000     |
| 1042/0516    | 01/1966 | W         | E                   |                           | \$100       |

## Exemptions

**Important Notice:** In 2022, the Florida Legislature increased property tax exemptions for residents who are widows, widowers, blind, or totally and permanently disabled from \$500 to \$5,000. The increased exemption amount will become effective as of January 1, 2023, for the 2023 tax year. This change does not affect your tax bill for 2022.

**Note:** The drop down menus below provide information on the amount of exemption applied to each taxing district. The HX—first \$25,000 homestead exemption may be allocated to one or more owners. The HB—second \$25,000 amended homestead exemption reflects the name of the first owner only.

| Code  | Bld. # | Description | % Ownership | Renew Cd | Year Name | Note | Value |
|---|--------|-------------|-------------|----------|-----------|------|-------|
| If you have a Senior Exemption(Additional Homestead Exemption for Persons 65 and Older): For the 2022 tax year, the allowable total household adjusted gross income received during 2021 could not exceed \$32,561. If your total household adjusted gross income exceeded this limit, YOU MUST NOTIFY THIS OFFICE. Receiving no notification from the qualified senior will be considered a sworn statement, under penalty of perjury, that the income does not exceed the limit. Improperly claiming any exemption could result in a lien against your property. If you would like to receive a notice of renewal electronically, please send us an email at <a href="mailto:paoffice@polk-county.net">paoffice@polk-county.net</a> with your name, property address, and confirmation of your request. |        |             |             |          |           |      |       |

## PERMITS

The Polk County Property Appraiser's Office does not issue or maintain permits. Please contact the appropriate permit issuing agency to obtain information. This property is located in the **UNINCORP/SWFWMD** taxing district. The beginning of the description indicates permit agency (UNINCORP is an abbreviation for Unincorporated **POLK COUNTY**).

## Land Lines

| LN   | Land Dscr     | Ag/GreenBelt | Land Unit Type | Front | Depth | Units |
|--|---------------|--------------|----------------|-------|-------|-------|
| 1  | * Residential | N            | A              | 0     | 0     | 1.26  |
| * For Zoning/Future Land Use contact Polk County or the Municipality the parcel is located in. |               |              |                |       |       |       |

**NOTICE:** All information ABOVE this notice is current (as of Thursday, October 27, 2022 at 2:08:04 AM). All information BELOW this notice is from the 2022 Tax Roll, except where otherwise noted.

## Value Summary (2022)

| Desc | Value |
|------|-------|
|------|-------|



|                                   |          |
|-----------------------------------|----------|
| Land Value                        | \$54,180 |
| Building Value                    | \$0      |
| Misc. Items Value                 | \$0      |
| Land Classified Value             | \$0      |
| Just Market Value                 | \$54,180 |
| *Cap Differential and Portability | \$126    |
| Agriculture Classification        | \$0      |
| Assessed Value                    | \$54,054 |
| Exempt Value (County)             | \$0      |
| Taxable Value (County)            | \$54,054 |

\*This property contains a Non Homestead Cap with a differential of \$126.

### Values by District (2022)

| District Description             | Final<br>Tax<br>Rate | Assessed<br>Value      | Final<br>Assessed<br>Taxes | Exemption           | Final<br>Tax<br>Savings | Taxable<br>Value    | Final<br>Taxes  |
|----------------------------------|----------------------|------------------------|----------------------------|---------------------|-------------------------|---------------------|-----------------|
| BOARD OF COUNTY COMMISSIONERS    | 6.692000             | \$54,054               | \$361.73                   | \$0                 | \$0.00                  | \$54,054            | \$361.73        |
| POLK COUNTY PARKS MSTU           | 0.545000             | \$54,054               | \$29.46                    | \$0                 | \$0.00                  | \$54,054            | \$29.46         |
| POLK COUNTY LIBRARY MSTU         | 0.204600             | \$54,054               | \$11.06                    | \$0                 | \$0.00                  | \$54,054            | \$11.06         |
| POLK COUNTY STORMWATER MSTU      | 0.097000             | \$54,054               | \$5.24                     | \$0                 | \$0.00                  | \$54,054            | \$5.24          |
| POLK COUNTY SCHOOL BOARD - STATE | 3.271000             | \$54,180               | \$177.22                   | \$0                 | \$0.00                  | \$54,180            | \$177.22        |
| POLK COUNTY SCHOOL BOARD - LOCAL | 2.248000             | \$54,180               | \$121.80                   | \$0                 | \$0.00                  | \$54,180            | \$121.80        |
| SOUTHWEST FLA WATER MGMT DIST    | 0.226000             | \$54,054               | \$12.22                    | \$0                 | \$0.00                  | \$54,054            | \$12.22         |
|                                  |                      | <b>Assessed Taxes:</b> | <b>\$718.73</b>            | <b>Tax Savings:</b> | <b>\$0.00</b>           | <b>Total Taxes:</b> | <b>\$718.73</b> |

### Taxes

| Desc                       | Last Year                     | 2022 Final                    |
|----------------------------|-------------------------------|-------------------------------|
| Taxing District            | UNINCORP/SWFWMD (Code: 90000) | UNINCORP/SWFWMD (Code: 90000) |
| Millage Rate               | 13.8543                       | 13.2836                       |
| Ad Valorem Assessments     | \$680.80                      | \$718.73                      |
| Non-Ad Valorem Assessments | \$0.00                        | \$0.00                        |
| <b>Total Taxes</b>         | <b>\$680.80</b>               | <b>\$718.73</b>               |

**Your final tax bill may contain Non-Ad Valorem assessments which may not be reflected on this page, such as assessments for roads, drainage, garbage, fire, lighting, water, sewer, or other governmental services and facilities which may be levied by your county, city or any other special district. Visit the Polk County Tax Collector's site for Tax Bill information related to this account. Use the Property Tax Estimator to estimate taxes for this account.**

### Prior Year Final Values

The Final Tax Roll is the 1st certification of the tax rolls by the Value Adjustment Board, per Florida Statute 193.122(2), F.S. This is the date all taxable property and tax rolls are certified for collection to the Tax Collector. Corrections made after this date are not reflected in the Final Tax Roll Values.

#### 2021

|            |             |
|------------|-------------|
| Land Value | \$49,140.00 |
|------------|-------------|

|                        |             |
|------------------------|-------------|
| Building Value         | \$0.00      |
| Misc. Items Value      | \$0.00      |
| Just Value (Market)    | \$49,140.00 |
| SOH Deferred Val       | \$0.00      |
| Assessed Value         | \$49,140.00 |
| Exempt Value (County)  | \$0.00      |
| Taxable Value (County) | \$49,140.00 |
| <b>2020</b>            |             |
| Land Value             | \$46,620.00 |
| Building Value         | \$0.00      |
| Misc. Items Value      | \$0.00      |
| Just Value (Market)    | \$46,620.00 |
| SOH Deferred Val       | \$0.00      |
| Assessed Value         | \$46,620.00 |
| Exempt Value (County)  | \$0.00      |
| Taxable Value (County) | \$46,620.00 |
| <b>2019</b>            |             |
| Land Value             | \$46,620.00 |
| Building Value         | \$0.00      |
| Misc. Items Value      | \$0.00      |
| Just Value (Market)    | \$46,620.00 |
| SOH Deferred Val       | \$0.00      |
| Assessed Value         | \$46,620.00 |
| Exempt Value (County)  | \$0.00      |
| Taxable Value (County) | \$46,620.00 |
| <b>2018</b>            |             |
| Land Value             | \$45,360.00 |
| Building Value         | \$0.00      |
| Misc. Items Value      | \$0.00      |
| Just Value (Market)    | \$45,360.00 |
| SOH Deferred Val       | \$315.00    |
| Assessed Value         | \$45,045.00 |
| Exempt Value (County)  | \$0.00      |
| Taxable Value (County) | \$45,045.00 |

**DISCLAIMER:**

The Polk County Property Appraiser makes every effort to produce and publish the most current and accurate information possible. The PCPA assumes no responsibility for errors in the information and does not guarantee that the data are free from errors or inaccuracies. Similarly the PCPA assumes no responsibility for the consequences of inappropriate uses or interpretations of the data. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation. Utilization of the search facility indicates understanding and acceptance of this statement by the user.

Last Updated: Thursday, October 27, 2022 at 2:08:04 AM



**Parcel Details: 26-29-06-  
672000-000071**

 TAX EST  PRT CALC  PRC  HTML PRC  TRIM  HTML TRIM  TAX BILL

**Owners**

|                    |     |
|--------------------|-----|
| NEWBOLD PHILLIP    | 25% |
| GAMBLE CHERIE      | 25% |
| BARROW TODD        | 25% |
| MOTT PAMELA BARROW | 25% |

**Mailing Address**

Address 1 **20430 CAMELOT DR**  
Address 2  
Address 3 **BROOKSVILLE FL 34601-4683**

**Site Address**

Address 1 **0 COOLEY RD**  
Address 2  
City **EAGLE LAKE**  
State **FL**  
Zip Code **33839**

**Parcel Information**

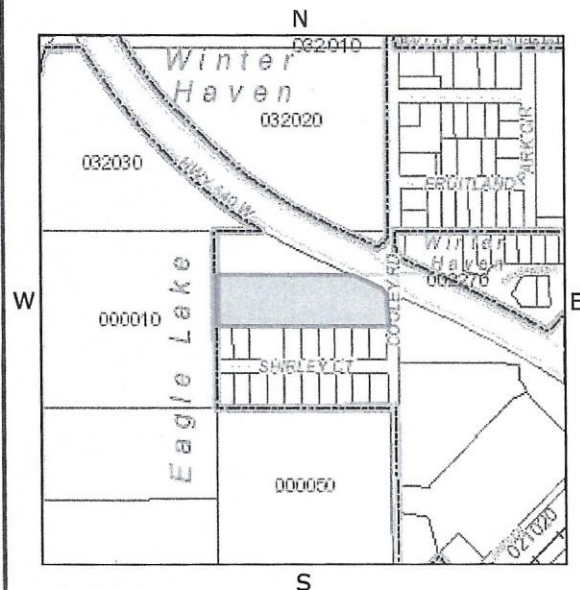
Neighborhood **210180.00**  
Show Recent Sales in this Neighborhood  
Subdivision **HAMPTON W M SUB PB 2 PG 36**  
Property (DOR) Use Code **Vac.Res (Code: 0001)**  
Acreage **2.71**  
Taxing District **UNINCORP/SWFWMD (Code: 90000)**  
Community Redevelopment Area **NOT IN CRA**

**Property Desc**

**DISCLAIMER:** This property description is a condensed version of the original legal description recorded in the public records. It does not include the section, township, range, or the county where the property is located. It is a description of the ownership boundaries only and does not include easements or other interests of record. The property description should not be used when conveying property. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property description. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation.

HAMPTON WM SUB PB 2 PG 36 LOT 7 LESS S 304 FT & S1/2 OF LOT 8 THAT PART THEREOF LYING SWLY OF R/W SR 655 AS REC IN OR 3767-2156

**Area Map**



**Recorded Plat**

Visit the Polk County Clerk of Courts website to view the Recorded Plat for this parcel

Note: Some plats are not yet available on the Clerk's website. The site contains images of plats recorded on 01/05/1973 (beginning with book 058 Page 020) or later. For information on Plats recorded before 01/05/1973 (Book 058 Page 019 or less) please contact the Polk County Clerk's Office.

**Mapping Worksheets (plats) for 262906**

Mapping Worksheet  
HTML (opens in new tab)

Mapping Worksheet Printable PDF

## Sales History

**Important Notice:** If you wish to obtain a copy of a deed for this parcel, click on the blue OR Book/Page number. Doing so will cause you to leave the Property Appraiser's website and access the Polk County Clerk of the Circuit Court's Official Records Search. Once the document opens, click the printer icon to print the document. If you have any issues opening the document once you have met all the listed system requirements, please contact the Clerk's office at (863)534-4000 and ask to speak to an IT staff member. If the Book/Page number does not have a blue link to Official Records, the deed may not be available through the online records of the Clerk of the Circuit Court. In order to obtain a copy of the deed you will need to contact the Clerk of the Circuit Court Indexing Department at 863-534-4516. If the Type Inst is an "R", the document is not available through the Clerk of the Circuit Court's Official Records Search. Please contact the Property Appraiser to order "R" type instruments.

| OR Book/Page | Date    | Type Inst | Vacant/<br>Improved | Grantee         | Sales Price |
|--------------|---------|-----------|---------------------|-----------------|-------------|
| 09337/00772  | 08/2014 | Q         | V                   | NEWBOLD PHILLIP | \$100       |
| 08746/01782  | 08/2012 | Q         | V                   | BARROW TODD     | \$100       |
| 08214/00939  | 08/2010 | Q         | V                   | NEWBOLD LUCILLE | \$100       |
| 3873/1940    | 06/1997 | Q         | V                   |                 | \$100       |

## Exemptions

**Important Notice:** In 2022, the Florida Legislature increased property tax exemptions for residents who are widows, widowers, blind, or totally and permanently disabled from \$500 to \$5,000. The increased exemption amount will become effective as of January 1, 2023, for the 2023 tax year. This change does not affect your tax bill for 2022.

**Note:** The drop down menus below provide information on the amount of exemption applied to each taxing district. The HX—first \$25,000 homestead exemption may be allocated to one or more owners. The HB—second \$25,000 amended homestead exemption reflects the name of the first owner only.

| Code  | Bld. # | Description | % Ownership | Renew Cd | Year Name | Note | Value |
|---|--------|-------------|-------------|----------|-----------|------|-------|
| If you have a Senior Exemption(Additional Homestead Exemption for Persons 65 and Older): For the 2022 tax year, the allowable total household adjusted gross income received during 2021 could not exceed \$32,561. If your total household adjusted gross income exceeded this limit, YOU MUST NOTIFY THIS OFFICE. Receiving no notification from the qualified senior will be considered a sworn statement, under penalty of perjury, that the income does not exceed the limit. Improperly claiming any exemption could result in a lien against your property. If you would like to receive a notice of renewal electronically, please send us an email at <a href="mailto:paoffice@polk-county.net">paoffice@polk-county.net</a> with your name, property address, and confirmation of your request. |        |             |             |          |           |      |       |

## PERMITS

The Polk County Property Appraiser's Office does not issue or maintain permits. Please contact the appropriate permit issuing agency to obtain information. This property is located in the **UNINCORP/SWFWMD** taxing district. The beginning of the description indicates permit agency (**UNINCORP** is an abbreviation for Unincorporated **POLK COUNTY**).

## Land Lines

| LN   | Land Dscr   | Ag/GreenBelt | Land Unit Type | Front | Depth | Units |
|--|-------------|--------------|----------------|-------|-------|-------|
| 1 *  | Residential | N            | A              | 0     | 0     | 2.71  |
| * For Zoning/Future Land Use contact Polk County or the Municipality the parcel is located in. |             |              |                |       |       |       |

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## Value Summary (2022)

| Desc           | Value    |
|----------------|----------|
| Land Value     | \$37,796 |
| Building Value | \$0      |



|                                   |          |
|-----------------------------------|----------|
| Misc. Items Value                 | \$0      |
| Land Classified Value             | \$0      |
| Just Market Value                 | \$37,796 |
| *Cap Differential and Portability | \$67     |
| Agriculture Classification        | \$0      |
| Assessed Value                    | \$37,729 |
| Exempt Value (County)             | \$0      |
| Taxable Value (County)            | \$37,729 |

\*This property contains a Non Homestead Cap with a differential of \$67.

### Values by District (2022)

| District Description             | Final<br>Tax<br>Rate | Assessed<br>Value      | Final<br>Assessed<br>Taxes | Exemption           | Final<br>Tax<br>Savings | Taxable<br>Value    | Final<br>Taxes  |
|----------------------------------|----------------------|------------------------|----------------------------|---------------------|-------------------------|---------------------|-----------------|
| BOARD OF COUNTY COMMISSIONERS    | 6.692000             | \$37,729               | \$252.48                   | \$0                 | \$0.00                  | \$37,729            | \$252.48        |
| POLK COUNTY PARKS MSTU           | 0.545000             | \$37,729               | \$20.56                    | \$0                 | \$0.00                  | \$37,729            | \$20.56         |
| POLK COUNTY LIBRARY MSTU         | 0.204600             | \$37,729               | \$7.72                     | \$0                 | \$0.00                  | \$37,729            | \$7.72          |
| POLK COUNTY STORMWATER MSTU      | 0.097000             | \$37,729               | \$3.66                     | \$0                 | \$0.00                  | \$37,729            | \$3.66          |
| POLK COUNTY SCHOOL BOARD - STATE | 3.271000             | \$37,796               | \$123.63                   | \$0                 | \$0.00                  | \$37,796            | \$123.63        |
| POLK COUNTY SCHOOL BOARD - LOCAL | 2.248000             | \$37,796               | \$84.97                    | \$0                 | \$0.00                  | \$37,796            | \$84.97         |
| SOUTHWEST FLA WATER MGMT DIST    | 0.226000             | \$37,729               | \$8.53                     | \$0                 | \$0.00                  | \$37,729            | \$8.53          |
|                                  |                      | <b>Assessed Taxes:</b> | <b>\$501.55</b>            | <b>Tax Savings:</b> | <b>\$0.00</b>           | <b>Total Taxes:</b> | <b>\$501.55</b> |

### Taxes

| Desc                       | Last Year                     | 2022 Final                    |
|----------------------------|-------------------------------|-------------------------------|
| Taxing District            | UNINCORP/SWFWMD (Code: 90000) | UNINCORP/SWFWMD (Code: 90000) |
| Millage Rate               | 13.8543                       | 13.2836                       |
| Ad Valorem Assessments     | \$475.17                      | \$501.55                      |
| Non-Ad Valorem Assessments | \$0.00                        | \$0.00                        |
| <b>Total Taxes</b>         | <b>\$475.17</b>               | <b>\$501.55</b>               |

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The Final Tax Roll is the 1st certification of the tax rolls by the Value Adjustment Board, per Florida Statute 193.122(2), F.S. This is the date all taxable property and tax rolls are certified for collection to the Tax Collector. Corrections made after this date are not reflected in the Final Tax Roll Values.

#### 2021

|                   |             |
|-------------------|-------------|
| Land Value        | \$34,299.00 |
| Building Value    | \$0.00      |
| Misc. Items Value | \$0.00      |

|                        |             |
|------------------------|-------------|
| Just Value (Market)    | \$34,299.00 |
| SOH Deferred Val       | \$0.00      |
| Assessed Value         | \$34,299.00 |
| Exempt Value (County)  | \$0.00      |
| Taxable Value (County) | \$34,299.00 |
| <b>2020</b>            |             |
| Land Value             | \$32,786.00 |
| Building Value         | \$0.00      |
| Misc. Items Value      | \$0.00      |
| Just Value (Market)    | \$32,786.00 |
| SOH Deferred Val       | \$0.00      |
| Assessed Value         | \$32,786.00 |
| Exempt Value (County)  | \$0.00      |
| Taxable Value (County) | \$32,786.00 |
| <b>2019</b>            |             |
| Land Value             | \$32,786.00 |
| Building Value         | \$0.00      |
| Misc. Items Value      | \$0.00      |
| Just Value (Market)    | \$32,786.00 |
| SOH Deferred Val       | \$0.00      |
| Assessed Value         | \$32,786.00 |
| Exempt Value (County)  | \$0.00      |
| Taxable Value (County) | \$32,786.00 |
| <b>2018</b>            |             |
| Land Value             | \$31,273.00 |
| Building Value         | \$0.00      |
| Misc. Items Value      | \$0.00      |
| Just Value (Market)    | \$31,273.00 |
| SOH Deferred Val       | \$201.00    |
| Assessed Value         | \$31,072.00 |
| Exempt Value (County)  | \$0.00      |
| Taxable Value (County) | \$31,072.00 |

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Last Updated: Thursday, October 27, 2022 at 2:08:04 AM



INSTR # 2022291531  
BK 12476 Pgs 911-915 PG(s) 5  
RECORDED 11/04/2022 01:50:37 PM  
STACY M. BUTTERFIELD,  
CLERK OF COURT POLK COUNTY  
DEED DOC \$3,150.00  
RECORDING FEES \$44.00  
RECORDED BY laurdavi

Prepared by and return to:

R- Michael J. Kincart  
Attorney at Law  
Peterson & Myers, P.A. (Lakeland)  
225 E. Lemon Street Suite 300  
Lakeland, FL 33801  
863-294-3360  
File Number: NEWP1L-1  
Parcel Identification Number: 262906-672000-000971 & 000082

[Space Above This Line For Recording Data]

## Warranty Deed

This Warranty Deed made this 4th day of November, 2022 between Phillip Newbold, a single man and Cherie Gamble, a married woman and Todd Barrow, a married man and Pamela Barrow Mott, a married woman whose post office address is 20430 Camelot Drive, Brooksville, FL 34601, grantor, and You&Me V&M, Inc., a Florida corporation whose post office address is 11000 US HWY 17 S, Eagle Lake, FL 33839, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseeth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Polk County, Florida to-wit:

See Attached Exhibit "A"

Subject to taxes for 2023 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2022.

**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.

**\*\* Signatures are on the Following Page \*\***



Signed, sealed and delivered in our presence:

Witness # 1

Sign Name: Dayton Phan

Print Name: Dayton Phan

Witness # 2

Sign Name: Raymond Davis

Print Name: Raymond Davis

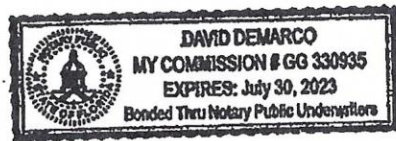
Phillip Newbold  
Phillip Newbold

Cherie Gamble  
Cherie Gamble

State of Florida  
County of Pasco

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 2 day of November, 2022 by Phillip Newbold and Cherie Gamble, who ☐ are personally known or ☒ have produced a driver's license as identification.

[Notary Seal]



David Demarco  
Notary Public

Printed Name: David Demarco

My Commission Expires: 7-30-2023



Witness # 1

Sign Name: [Signature]

Print Name: Kelley Blackburn

Witness # 2

Sign Name: [Signature]

Print Name: Brittany M. Nash

[Signature]  
Todd Barrow

State of Florida  
County of Polk

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 4th day of November, 2022 by Todd Barrow, who ☐ is personally known or ☒ has produced a driver's license as identification.

[Notary Seal]



[Signature]  
Notary Public

Printed Name: Brittany M. Nash

My Commission Expires: June 21, 2026

Witness # 1

Sign Name:

Print Name:

Witness # 2

Sign Name:

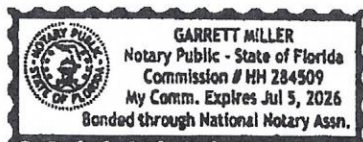
Print Name:

State of Florida

County of St. Johns

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 3<sup>rd</sup> day of November, 2022 by Pamela Barrow <sup>BM</sup> ~~Mott~~, who ☐ is personally known or ☒ has produced a ~~driver's license~~ <sup>CM</sup> ~~Passport~~ as identification.

[Notary Seal]



Notary Public

Printed Name:

My Commission Expires:

## Exhibit A

The S 1/2 of lot 8; and lot 7 less the South 304 feet thereof, in W.M. HAMPTON'S SUBDIVISION, as shown by map or plat thereof recorded in the office of the clerk of the circuit court in and for Polk County, Florida, in Plat Book 2, Page 36.

AND

THE NORTH 1/2 OF LOT 8, W.M. HAMPTON'S SUBDIVISION OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 29 SOUTH, RANGE 26 EAST, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 36, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, LESS ANY PART THEREOF CONVEYED TO THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION FOR ROAD RIGHT-OF-WAY PURPOSES FOR STATE ROAD 655 AS DESCRIBED IN O.R. BOOK 3767, PAGE 2156 LESS A PARCEL OF LAND BEING A PORTION OF LOT 8 OF W.M. HAMPTON'S SUBDIVISION IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 36, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, ALSO LYING IN THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 29 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE 1/2 INCH IRON PIPE MARKING THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE SOUTH 89°54'05" WEST ALONG THE NORTH LINE OF SAID LOT 8 AND THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 6, A DISTANCE OF 23.98 FEET TO THE WESTERLY RIGHT OF WAY LINE OF COOLEY ROAD (AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 16120-2504), SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°54'02" WEST ALONG THE SAID NORTH LINE OF SAID LOT 8 AND THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 6, A DISTANCE OF 169.68 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD 540 REALIGNMENT (AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 16120-2504); THENCE SOUTH 65°13'32" EAST ALONG THE SAID NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD 540 REALIGNMENT A DISTANCE OF 148.19 FEET TO A POINT; THENCE NORTH 51°27'06" EAST ALONG THE SAID NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD 540 REALIGNMENT A DISTANCE OF 40.33 FEET TO A POINT ON THE AFORESAID WESTERLY RIGHT OF WAY OF COOLEY ROAD; THENCE NORTH 05°30'03" EAST ALONG THE WESTERLY RIGHT OF WAY OF COOLEY ROAD A DISTANCE OF 37.43 FEET TO THE POINT OF BEGINNING.

Parcel Identification Number: 262906-672000-000071 & 000082

File Number: NEWP1L-1 Warranty Deed Page 5 of 5

DoubleTime®

Book 12476/Page 915 CFN#2022291531

Page 5 of 5



I hereby certify that the foregoing is a true copy of the record in my office this day, Nov 04, 2022. Redacted ☐ Unredacted/law ☒  
Stacy M. Butterfield, Clerk of Court Polk County, Florida  
By                      Deputy Clerk



1. The first part of the report is a general statement of the purpose and scope of the study.

2. The second part of the report is a detailed description of the methods used in the study.

3. The third part of the report is a discussion of the results of the study.

4. The fourth part of the report is a conclusion and a list of references.

5. The fifth part of the report is a list of references.





NEXT LEVEL  
PLANNING & PERMITTING

A&E AUTOBODY – COOLEY ROAD

**LETTER OF AUTHORIZATION**

Parcel 262906-672000-000082 & 262906-672000-000071

I hereby authorize Sarah Case of Next Level Planning & Permitting to apply for and sign any necessary applications needed for the Annexation, Land Use, and Zoning process through the City of Eagle Lake, Polk County, Florida regarding the above referenced Property.

Signature *V. Z. Arrington* Title *Pres*  
You&Me V&M, Inc.

STATE OF FLORIDA  
COUNTY OF POLK

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization this 15<sup>th</sup> day of Nov., 2022, by Victoria Arrington, who is ☒ personally known to me or ☐ has produced \_\_\_\_\_ as identification and who (did) (did not) take an oath.

*Valerie Wheatley*  
SIGNATURE OF NOTARY PUBLIC

Valerie Wheatley  
PRINTED NAME OF NOTARY PUBLIC STAMP & DATE

MY COMMISSION EXPIRES 09/19/25



## **IMPACT STUDY – A&E AUTO BODY – COOLEY ROAD**

### **PROJECT SUMMARY**

The subject property is an existing vacant property within Unincorporated Polk County's jurisdiction that has RL-2 Land Use designation. The owners, You&Me VM, LLC, purchased the property in November 2022 with the intent to relocate their existing A&E Autobody shop located 12002 Highway 17, Eagle Lake.

The current request is to Annex into Eagle Lake and assign Commercial Land Use and Zoning to allow 'Repair Garage, Minor.' The subject parcels are 232712-000000-021080 & -021350, approximately 3.98 Acres. The Polk County Property Appraiser has received a request to combine the referenced parcels for development and design purposes.

### **ARTICLE 3: - REQUIRED INFORMATION—GENERAL Sec. 4.7.3.10. - Provisions.**

1. Will the proposed change be contrary to the established land use pattern(s) in the surrounding area? If an incompatibility would be created between the proposed and existing land uses, describe the techniques and methods to be used to minimize such differences?

**The subject site is currently undeveloped. The proposed development will implement buffers, i.e. opaque fencing and vegetative, to mitigate any incompatibility, as well as to ensure protection from vandalism.**

2. Describe how the proposed development would be consistent with the city comprehensive plan in relation to land use, transportation, recreation, utilities, and all related plan elements.

### **Consistency with City Comprehensive Plan:**

#### **FUTURE LAND USE ELEMENT**

**Policy 1.1 (d) - Application is compatible with surrounding land uses, with the implementation of vegetative and opaque buffers**

**Policy 1.2 (1-11) – Application demonstrates compliance with the eleven provisions stated**

**Policy 1.3 – Application is a reasonable revision to the Future Land Use map for both Polk County, and the City of Eagle Lake**

**Policy 1.4 – Development of the subject site will require management of stormwater runoff through the City, SWFWMD, and possibly FDOT**

**Policy 2.1 (8) - requested classification is Repair Garages, Minor**

**Policy 2.9 – implementing transit-oriented design**

**Policy 4.11 – Mixed Land Uses and intensities along the US 17 Corridor**

**Policy 9.1 & 9.2 – Application is not encouraging urban sprawl**



**Policy 12.2 – Application encourages compatibility between adjacent land uses**

**Policy 13.1 -proposed Commercial along highway corridors with emphasis on compatibility**

#### **TRANSPORTATION ELEMENT**

**Subject site has direct frontage onto Highway 540 W, a DOT principal arterial roadway. Site improvements will be required to comply with the FDOT's requirements for safe and efficient access & drainage.**

#### **INFRASTRUCTURE ELEMENT**

**Level of Service Standards implementing Potable Water, Solid Waste, and Drainage Facilities will be reviewed for any site improvements**

3. What changed or changing conditions in the area make the approval of this petition necessary?

**The area is vacant, and has never been developed. The specific area is situated for vehicle oriented uses; Commercial Land Use and Zoning is appropriate for the subject property.**

4. Describe why the site is suitable for the intended uses.

**The subject site is suitable for Commercial designation.**

5. Describe the site and list all land uses (by area calculations) and structures existing on and adjacent to the site as of the petition date and how the proposed action is compatible or will be made compatible with such uses.

**The subject site is comprised of two parcels, totaling approximately 3.98 acres. The subject site has never been developed, and under the County's Residential mapping designation garnered no interest to residential developers. The new site owners have owned and operated the A&E Autobody minor vehicle repair shop in unincorporated Eagle Lake for 23 years. Polk County purchased A&E's current location for pending County road improvements, forcing A&E to relocate their existing business and build new.**

6. Will the proposed development materially alter the population density of the area and thereby increase the demand on public facilities, i.e. schools, parks, sewers, water, and similar public services?

**There will be no additional demand for the above-mentioned public facilities with the exception of water and solid waste. Non-residential uses do not impact schools and parks.**

7. Will the proposed development adversely affect property values of adjacent property?

**Due to the location of the subject site along the Hwy 540 W and close proximity to the US Hwy 17 intersection, property values will not be adversely affected. Studies have shown that new construction provides an increase in value to adjacent existing properties.**

8. Will the proposed development create environmental problems? How will the proposed development take into account the natural features of the site, such as topography, wetlands, and similar conditions and what steps will be taken to protect these features?

**Please refer to Map Exhibits provided with this Impact Study. There are no environmentally sensitive areas within the subject site.**

9. Will the proposed development encroach on or disturb rare, endangered, threatened, and special concern species wildlife habitat? What steps will be taken to protect these habitats?

**No impact to threatened and endangered species or habitats is proposed.**

10. Will the proposed development create or excessively increase traffic congestion or otherwise affect public safety? A traffic analysis shall be required which addresses the impact of the proposed action on all roads?

**The subject application is to annex and assign Commercial designation for a site that is located along State Road.**

11. Will the proposed development adversely impact quality of life conditions on adjoining properties or within the neighborhood?

**No adverse impacts are proposed to surrounding neighborhoods.**

12. If the proposed development is located in an area presently undeveloped, describe how the proposed development may or may not influence future land uses in the area.

**The subject property is currently undeveloped.**

13. Describe the availability and suitability of other sites within the city suitable for the type of development proposed on land already zoned for such use(s)?

**This site was the only land available for sale in close proximity to the existing A&E facility. .**

#### ARTICLE 4: - REQUIRED INFORMATION—SPECIFIC

##### Sec. 4.7.4.10. – Land use.

1. Describe each of the proposed land uses and identify the following where applicable:

- A. The density, typical floor areas, and type and number of residential dwelling units;

**Commercial Lot Coverage maximum is 40% (LDR)**

**Floor Area Ratio (FAR) is 1.0**

**Site is 3.98 AC = 173,369 SF x .40 = 69,348 SF Max Lot Coverage**

**The site will most likely build approximately 25,000 SF of buildings - total**

- B. Types of commercial, industrial, or other land uses proposed for the development;

**Repair Garage, Minor**

- C. The customer service base and service area for intended commercial and/or industrial land uses;

**County wide**

- D. The gross land area proposed for each type of use, including parking, open space, recreation, and the gross areas of pervious and impervious surfaces, including structures, for the site.

**Subject site will be limited to a total footprint of 69,348 SF however only 25,000 SF is anticipated**

Sec. 4.7.4.20. - Population.

1. The anticipated population to be generated by the proposed action.

**Application for Annexation, Land Use, and Zoning will not generate additional population.**

2. Calculate the projected permanent and seasonal population of the proposed development and/or the population generated in the case of commercial or industrial land uses.

**No seasonal population is proposed with this development.**

3. If the proposed development is a commercial or industrial use, describe the employment characteristics, including the anticipated number of employees, type of job skills or training required for the new jobs, percentage of local people that will be employed and/or will be brought in from other locations, number of shifts per day, and peak shift employees.

**Hours of Operation are typically Monday through Friday; one-shift of employees 8am – 5pm.**

4. Describe the demographic composition of any additional population generated as a result of the proposed development.

**No additional population projected**

Sec. 4.7.4.30. - Streets and access.

1. Estimate the number of vehicle trips per day based upon the Institute of Transportation Engineers Trip Generation Manual (most current edition) expected to be generated and for the peak hour(s), for all streets impacted by the development. Establish background traffic counts and determine the impact on those streets affected by the proposed development. Provide a trip distribution model and traffic analysis prepared by a licensed traffic engineer, subject to approval by the administrative official as to the methodology.

**Average Annual Daily Trips anticipated for Automobile Care Center (ITE Land Use Code 942) is:**

**[See attached from Institute of Transportation Engineers excerpt]**

**2.94 AADT per 1,000 SF x 25,000 SF**

**2.94 x 25 = 73.5 USE 74 Average Annual Daily Trips**



Describe what modifications would be required of the present transportation system (streets) of the city, county, and/or state to meet the needs of the proposed development.

**Highway 540 W is a State Principal Arterial. Future development of the subject site would require compliance with all applicable regulations.**

2. Describe the off street parking facilities to be used and the total number of spaces required for the proposed development.

**Typically, one space per employee (avg 20 – 25) and gated storage yards for vehicles pending repair.**

3. Describe the methods to be utilized for provision of ingress and egress to the site.

**Existing Ingress/egress is via HWY 540W, a divided highway via a right in/right out, with potential secondary access on to Cooley Road.**

4. Describe the walkway or other systems planned for accommodating pedestrian traffic.

**Sidewalks are existing along the 540 W Highway corridor adjacent to the site**

Sec. 4.7.4.40. - Site conditions, surface and stormwater management, wildlife habitat.

1. Describe the impact the proposed development will have on surface and stormwater management, including methods to be utilized to control off-site discharges and surface runoff.

**Development of the subject site will require compliance with all applicable regulations.**

2. Describe any alteration of the site's natural drainage features or systems that would be necessary for the proposed development.

**The site's natural drainage pattern is from Northwest to Southeast. Future development on site will require stormwater treatment permitted through SWFWMD and FDOT.**

3. Describe the local aquifer recharge system, groundwater conditions, well cones of influence, and any changes to these water supplies which would result from the proposed development.

**No changes are anticipated.**

4. Identify all rare, endangered, threatened, and special concern species of wildlife and their habitats found on the site. Describe the impact of the proposed development on this wildlife and the proposed mitigation of these impacts.

**There are no threatened or endangered species on site.**

Sec. 4.7.4.50. - Potable water, waste water, solid waste, and recreation. **[Note: Demand Ratios sourced from the City of Lakeland Concurrency Determination]**

1. Indicate the location of the nearest city water supply that will serve the proposed development, size of line, length of extensions required, number of equivalent residential units or customers to be served, estimated gallons per day required, and impact and connection fees to be paid to the city.

**Non-Residential Uses – Potable Water - 315 gallons per day per 2,000 SF**

**25,000 SF Building =  $25,000/2000 = 12.5$  –  $12.5 \times 315 \text{ GPD} = 3,938 \text{ GPD}$  estimated water generation**

2. Indicate the location of the nearest city sewer main that will serve the proposed development, size of line, length of extensions required, number of units or customers to be served, estimated gallons per day to be generated, and impact and connection fees to be paid to the city.

**Non-Residential Uses - Wastewater – 85% of potable water GPD demand**

**$3,938 \times 0.85 = 3,347 \text{ GPD}$  estimated wastewater generation**

3. Calculate the solid waste volume anticipated to be generated in pounds per capita per day or tons per day, as a result of the proposed development. If contract services are to be considered, identify the solid waste disposal site and the entity responsible for collection and disposal.

**Solid Waste = 11 pounds per day per 2,000 SF**

**$12.5 \times 11 = 138 \text{ pounds per day}$  estimated solid waste generation**

Sec. 4.7.4.60. - Level of services.

Calculate the number of users as a result of the proposed development, on the following. Use the LOS standards contained in the concurrency management system (division IX, appendix B of the land development regulations) as the basis for calculations. [APPROXIMATE]

1. Recreation; **non-residential**
2. Educational facilities **non-residential**
3. Health care; Winter Haven Hospital – 12 Minutes, 3.9 miles
4. Fire protection; Polk County Fire Rescue 17 station – 3 min – 1.1 miles
5. Police protection; Eagle Lake City Hall – 3 min 1.1 miles
6. Electric power, gas, and phone. TECO Electric – 8 min 4.2 miles, Gas Services, Inc. – 7 min 3.5 miles

Sec. 4.7.4.70. - Taxes.

Calculate the estimated ad valorem tax yield to the city government, school board, and any special taxing districts that levy taxes on the property, for the next five years.

**The subject property is vacant and will be assessed based on improvement value. Additionally that assessed value will also be taxed under the City's tax rate of 7.651600.**

Sec. 4.7.4.80. - Required exhibits and maps.

**PLEASE SEE ATTACHED EXHIBITS**

Exhibits and maps shall be of sufficient size and type to facilitate understanding of the components of the proposed development. The scale shall be dependent upon the specific application and the applicable requirements detailed in the land development regulations. Dates of preparation and any amendments shall be noted on all exhibits and maps. The following exhibits and maps shall be provided as a part of all impact statements:

1. A location map showing the proposed development in relationship to streets, community facilities, schools, and natural features of the area such as lakes and drainage ways.



2. A topographic map with contour intervals meeting the requirements as spelled out for the particular petition and delineation of areas of special flood hazard (100-year flood plain) as identified on the flood insurance rate maps (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the city or for Polk County in the case of annexation.
  3. An existing land use and zoning map of the site and the abutting properties.
  4. A soils map with the accompanying soils classifications as provided by the Soils Conservation Service. If other sources are utilized for this information, such data and maps shall be fully explained and interpreted.
  5. A traffic circulation map identifying existing streets on or adjacent to the proposed development site, identifying them by name,
  6. maintenance responsibility, pavement width, and right-of-way dimensions.
  7. A site plan meeting the requirements of the specific petition but in any case showing at a minimum the proposed land uses, type, and maximum density for each residential area, typical minimum lot sizes and dimensions for each use and unit by type, dimensions of buffers, easements, open space areas, parking and loading areas, setbacks, and circulation routes.
8. A drainage plan showing existing and proposed drainage areas, water retention sites, structures, easements, canals, wetlands, water courses, and any other drainage features that may be necessary for the proposed development.

## Land Use: 942

### Automobile Care Center

#### Description

An automobile care center houses numerous businesses that provide automobile-related services, **such as repair and servicing**, stereo installation and seat cover upholstery. Quick lubrication vehicle shop (Land Use 941) and automobile parts and service center (Land Use 943) are related uses.

#### Additional Data

The p.m. peak hour of the generator typically coincided with the peak hour of the adjacent street traffic.

The sites were surveyed in 1988 and 1994 in Florida and California.

#### Source Numbers

267, 273, 439

# Automobile Care Center (942)

**Average Vehicle Trip Ends vs: 1000 Sq. Feet Occ. Gr. Leasable Area**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 7 and 9 a.m.**

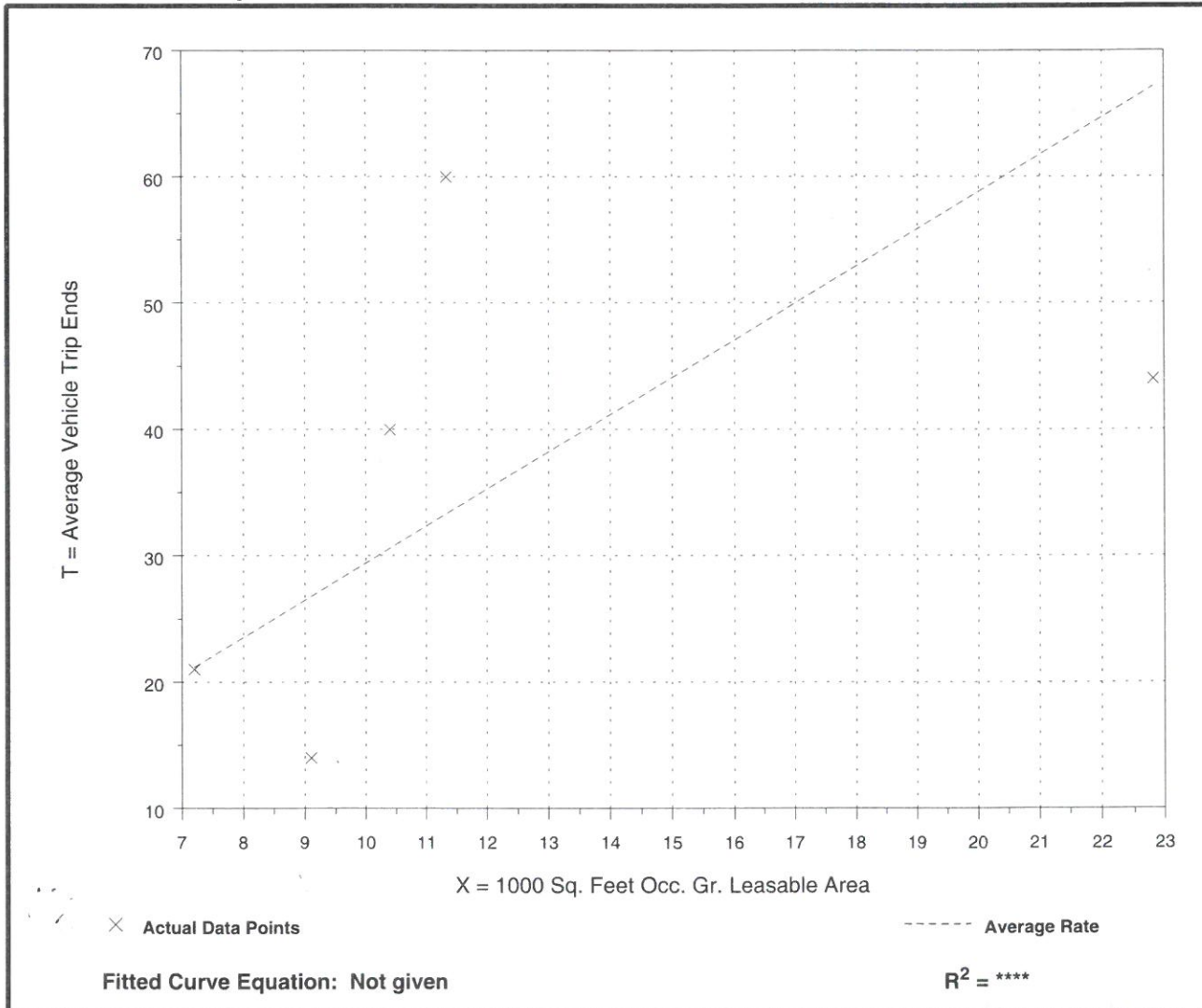
Number of Studies: 5  
 Average 1000 Sq. Feet OGLA: 12  
 Directional Distribution: 65% entering, 35% exiting

## Trip Generation per 1000 Sq. Feet Occ. Gr. Leasable Area

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 2.94         | 1.54 - 5.29    | 2.15               |

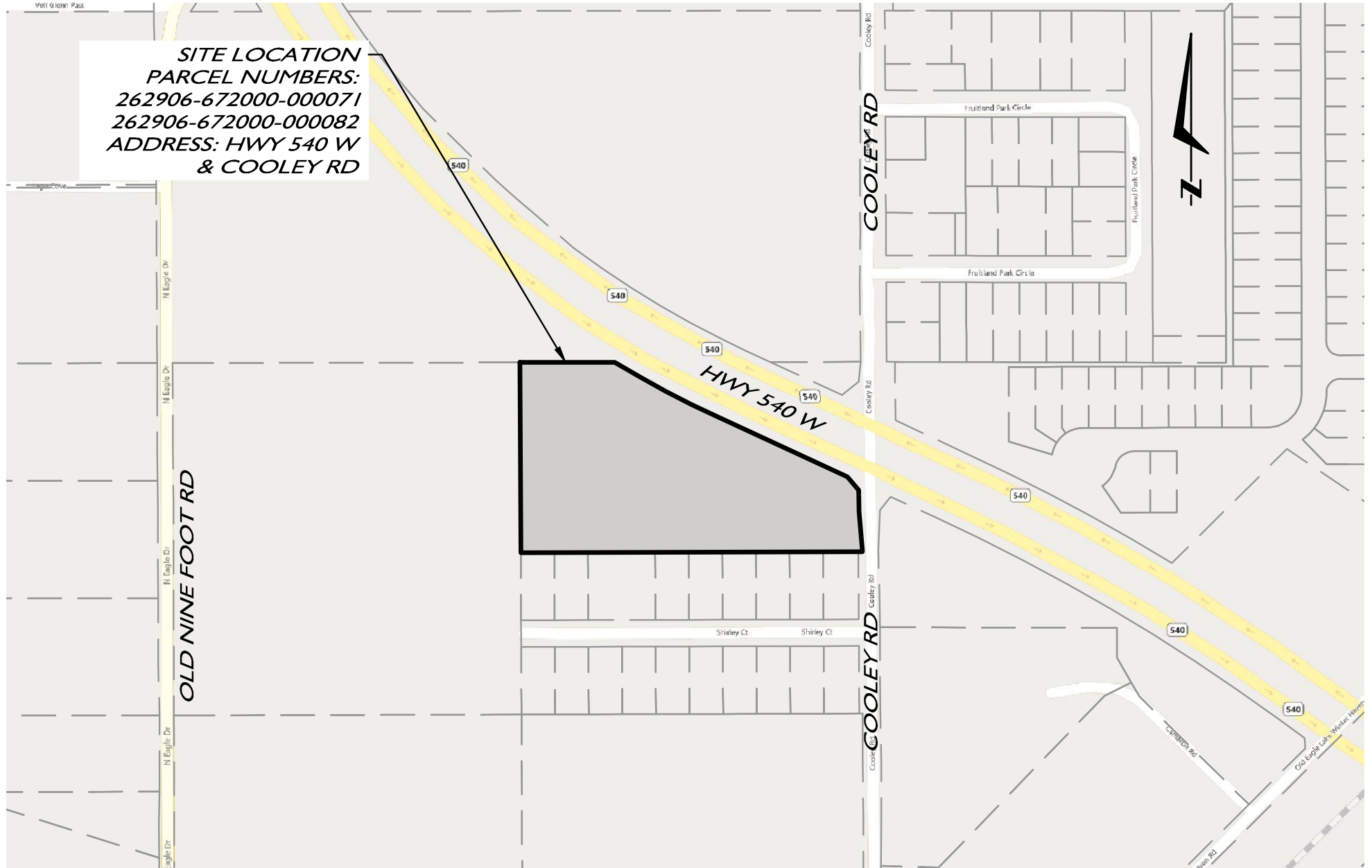
## Data Plot and Equation

*Caution - Use Carefully - Small Sample Size*





**SITE LOCATION**  
**PARCEL NUMBERS:**  
262906-672000-000071  
262906-672000-000082  
**ADDRESS: HWY 540 W**  
**& COOLEY RD**



# **EXHIBIT A**

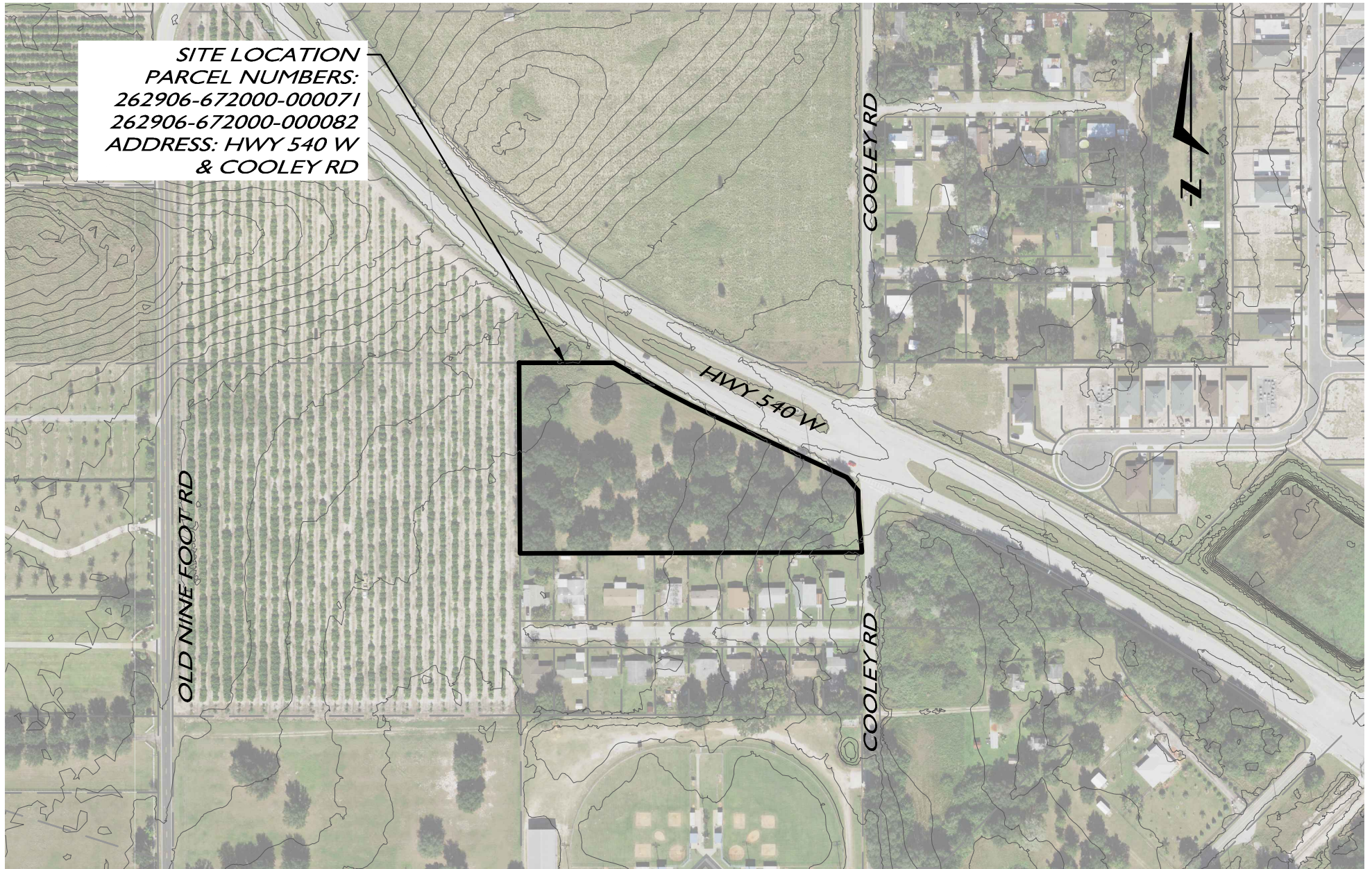
## **LOCATION MAP**

**A & E**  
**AUTOBODY**  
**COOLEY ROAD**





SITE LOCATION  
PARCEL NUMBERS:  
262906-672000-000071  
262906-672000-000082  
ADDRESS: HWY 540 W  
& COOLEY RD



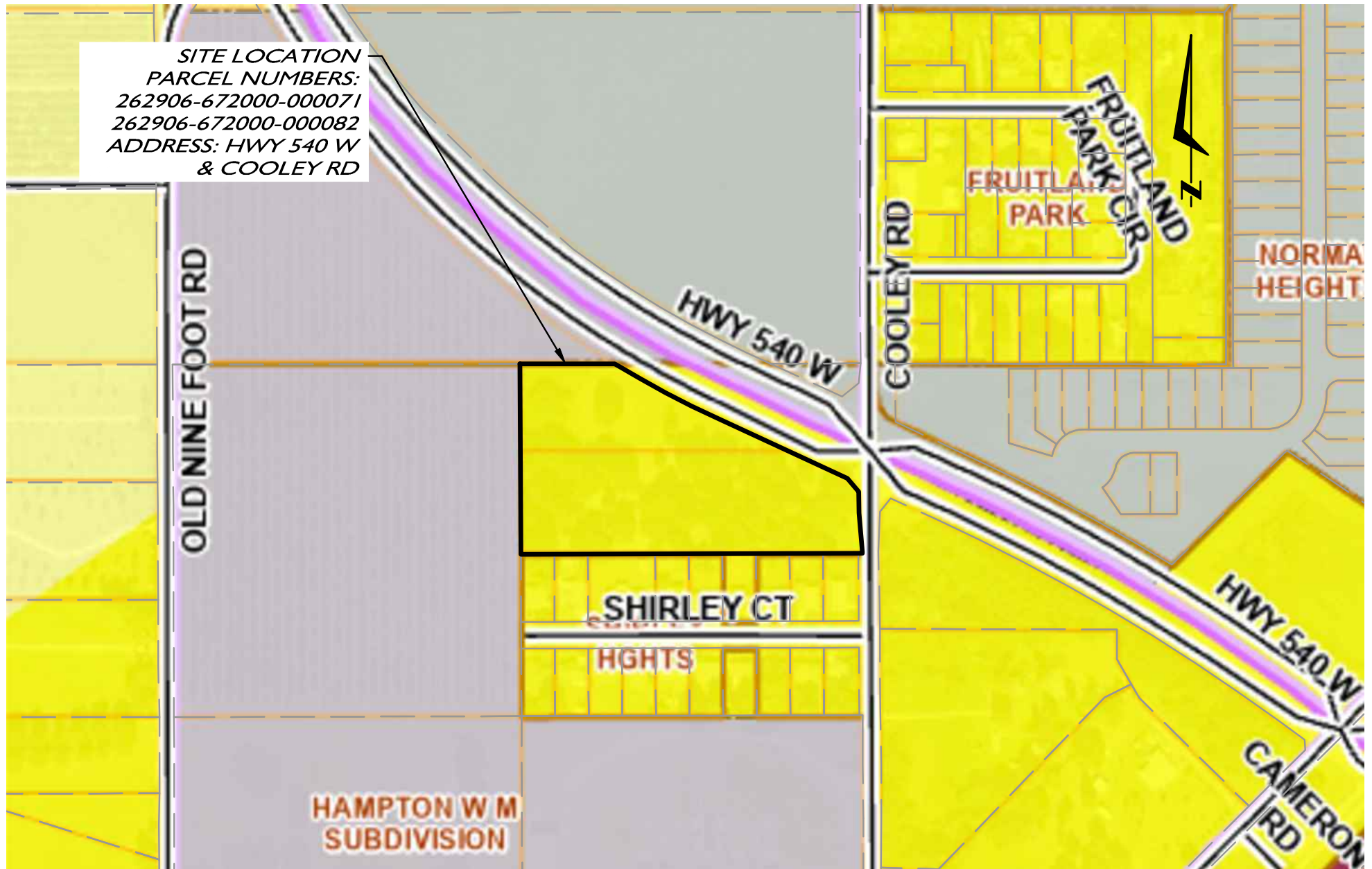
# **EXHIBIT B TOPOGRAPHICAL MAP**

**A & E  
AUTOBODY  
COOLEY ROAD**





SITE LOCATION  
PARCEL NUMBERS:  
262906-672000-000071  
262906-672000-000082  
ADDRESS: HWY 540 W  
& COOLEY RD



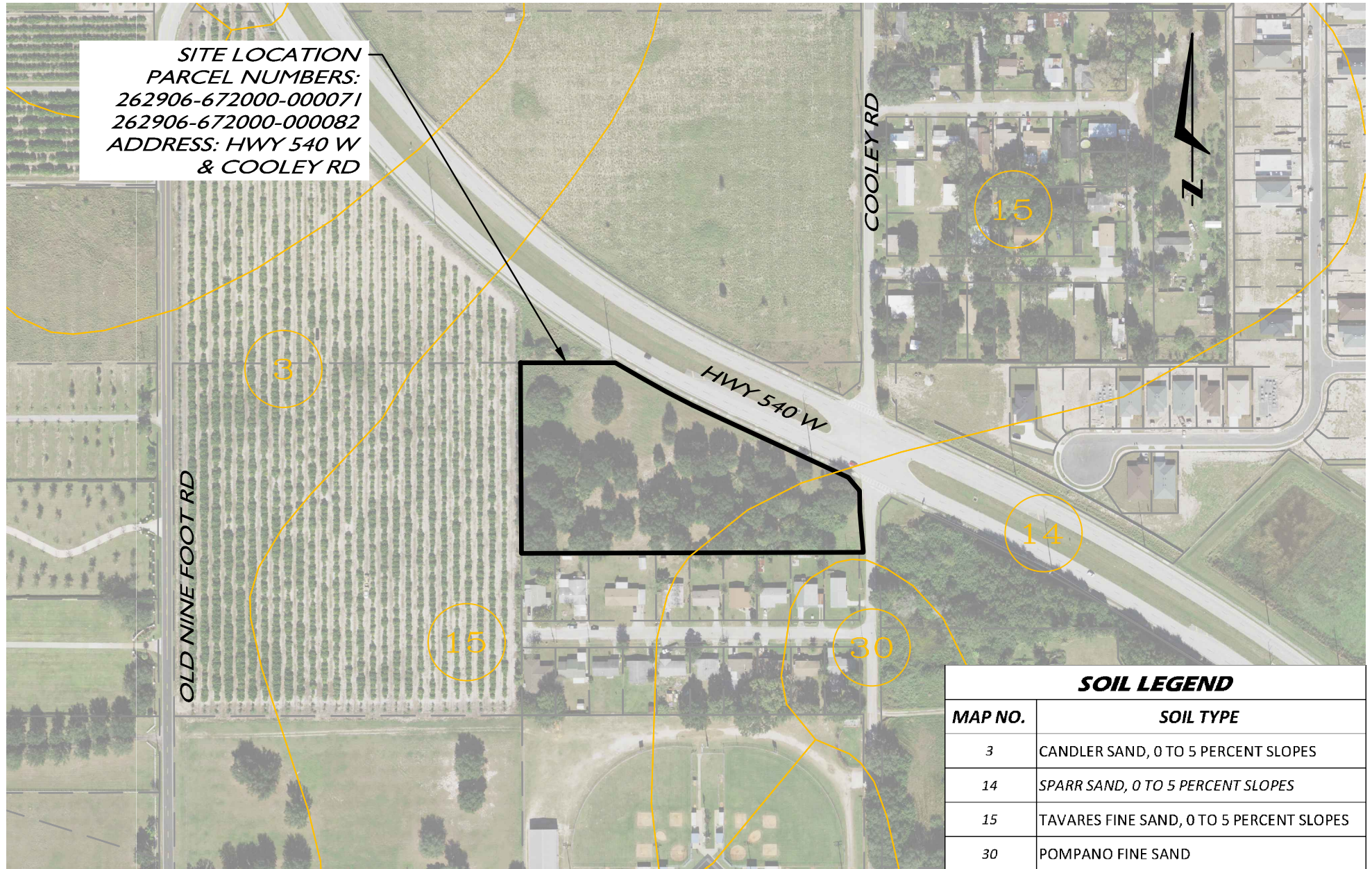
## **EXHIBIT C LAND USE MAP**

**A & E  
AUTOBODY  
COOLEY ROAD**





**SITE LOCATION**  
**PARCEL NUMBERS:**  
 262906-672000-000071  
 262906-672000-000082  
**ADDRESS: HWY 540 W**  
**& COOLEY RD**



**SOIL LEGEND**

| MAP NO. | SOIL TYPE                                |
|---------|--|
| 3       | CANDLER SAND, 0 TO 5 PERCENT SLOPES      |
| 14      | SPARR SAND, 0 TO 5 PERCENT SLOPES        |
| 15      | TAVARES FINE SAND, 0 TO 5 PERCENT SLOPES |
| 30      | POMPANO FINE SAND                        |

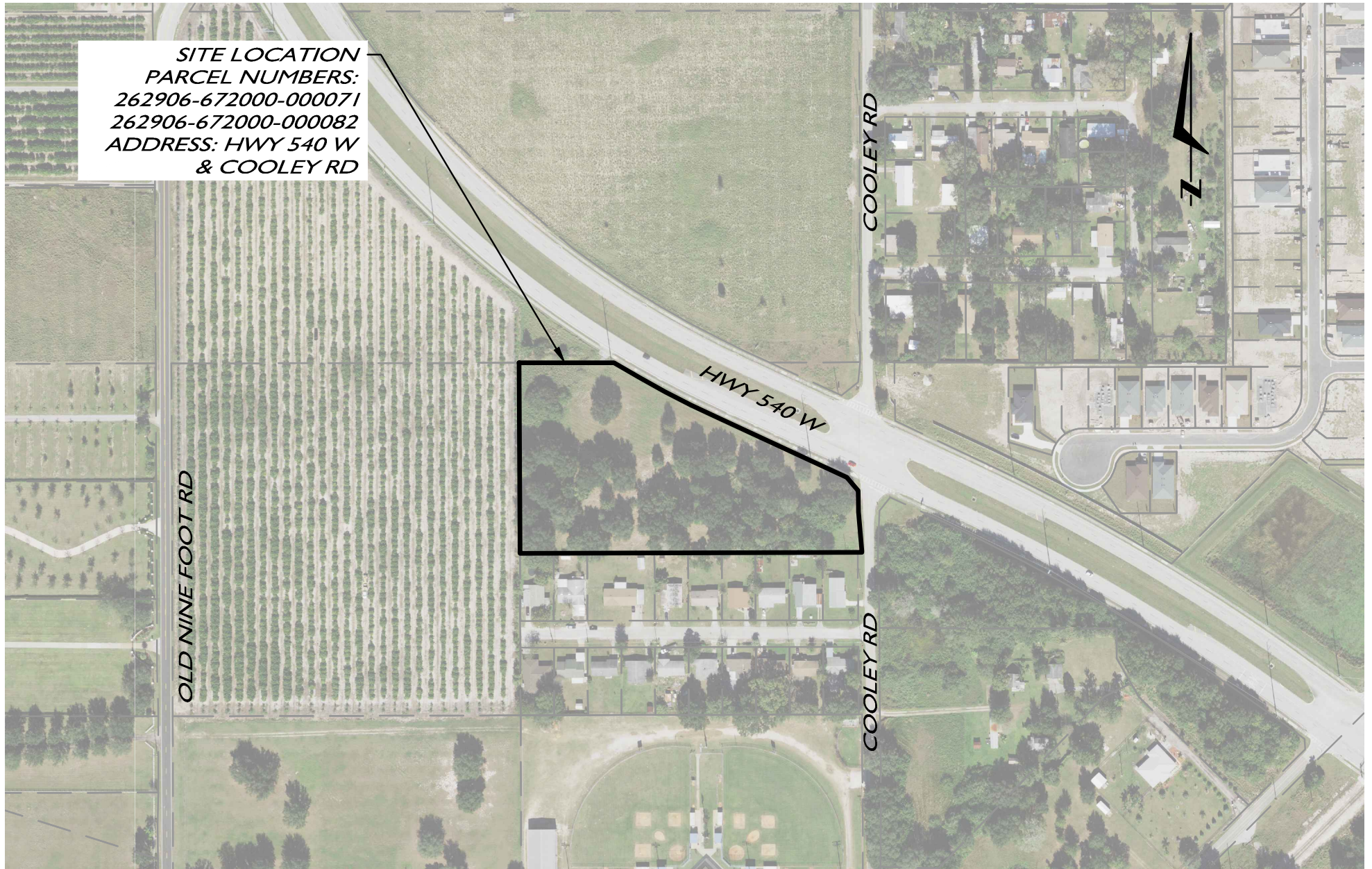
**EXHIBIT D**  
**SOILS MAP**

**A & E**  
**AUTOBODY**  
**COOLEY ROAD**





**SITE LOCATION**  
**PARCEL NUMBERS:**  
262906-672000-000071  
262906-672000-000082  
**ADDRESS: HWY 540 W**  
**& COOLEY RD**



# **EXHIBIT E**

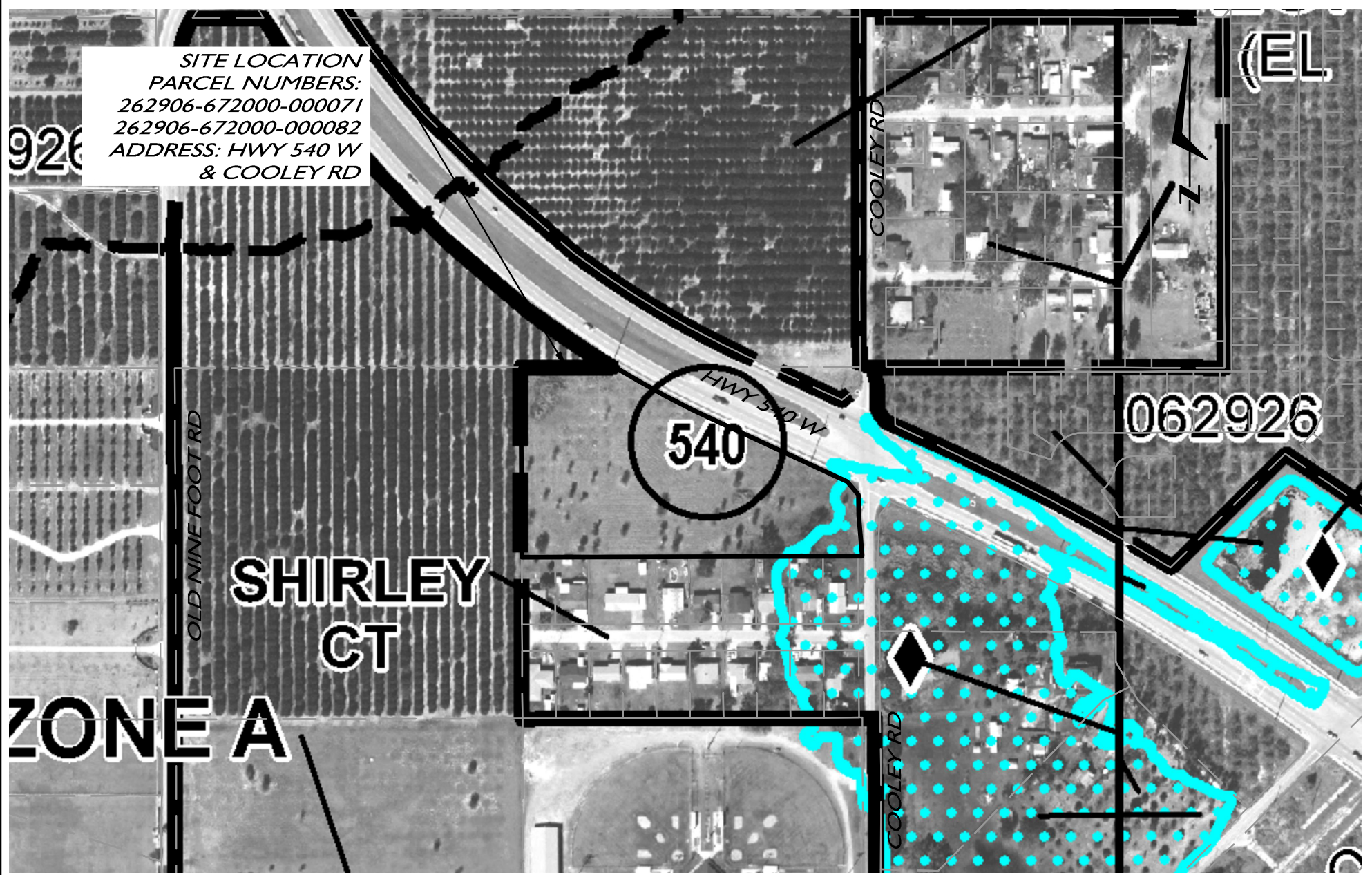
## **AERIAL MAP**

**A & E**  
**AUTOBODY**  
**COOLEY ROAD**





SITE LOCATION  
PARCEL NUMBERS:  
262906-672000-000071  
262906-672000-000082  
ADDRESS: HWY 540 W  
& COOLEY RD



**EXHIBIT F**  
**F.E.M.A. MAP**

**A & E**  
**AUTOBODY**  
**COOLEY ROAD**





SITE LOCATION  
PARCEL NUMBERS:  
262906-672000-000071  
262906-672000-000082  
ADDRESS: HWY 540 W  
& COOLEY RD



# **EXHIBIT G WETLANDS MAP**

**A & E  
AUTOBODY  
COOLEY ROAD**





## MEMORANDUM

TO: Tom Ernharth, City Manager, City of Eagle Lake  
FROM: Merle Bishop, FAICP, Senior Planner  
DATE: December 15, 2022  
SUBJECT: A&E Autobody (A&E Auto annexation/Comprehensive Plan Amendment/zoning)  
PROJECT: ELAKX22020 – A&E SR540 Annexation

In response to the City's request, we have completed our review of the annexation/Comprehensive Plan (Map) Amendment/Zoning application submitted by Sarah Case, Next Level Planning & Permitting, on 11/17/22 to the City of Eagle Lake for two parcels totaling approximately 3.98 acres and generally located immediately southwest of the intersection of State Road 540 and Cooley Road.

### BACKGROUND:

**Property Owner(s):** Phillip Newbold, Cherie Gamble, Todd Barrow, and Pamela Mott Borrow.

**Applicant:** A&E Auto Body, Inc.  
12002 U.S. Highway 17, N.  
Eagle Lake, FL 33839-5401

**Site Location:** SW of the intersection of SR 540 and Cooley Road  
Eagle Lake, FL 33839-5401

**Parcel ID #:** 262906-672000-000071 and 262906-672000-000082

**Total Site Size:** 3.98 acres +/-

**Current Land Use:** Vacant

**Future Land Use Designation:** Polk County – Residential Low (RL)

**Zoning Designations:** Polk County – Residential Low (RL-2)

**Proposed Future Land Use Designation:** Neighborhood Activity Center

**Proposed Zoning Districts:** General Commercial (CG)

### BACKGROUND:

The applicant requests the City annex the parcels and amend its Comprehensive Plan by adding the parcels to the Future Land Use Map with a Neighborhood Activity Center (NAC) designation. Additionally, the applicant requests that the parcel be assigned a General Commercial (CG) zoning designation. The CG zoning classification is consistent with the NAC future land use designation and will permit general commercial and automotive oriented uses requiring a conspicuous and accessible location convenient to streets carrying substantial volumes of traffic (§2.3.1.60, LDC). These uses include general retail stores, restaurants, gas stations, personal service, and professional offices. Additionally, CG zoning permits minor repair garages with conditions (PC) as identified in Table 2.4.2.10(A). It is the applicant's intention to relocate the existing A&E Autobody vehicle repair operation from its current location at the intersection of S.R. 540 and U.S. Highway 17 to the subject 3.98 +/- acres.

A minor autobody repair garage falls under the definition of “garage, repair – minor” as defined in the Land Development Code under Section 8.1.1.20. This definition, which provides guidelines for the use, is restated below:

*The building(s) and premises or portions thereof designed and intended for some or all of the purposes indicated under “service stations” but which, unlike a service station, include provisions for small-scale mechanical work on motor vehicles. Small-scale work shall include inspection, maintenance, repair or replacement of the following: break systems; ignition and electrical systems; carburetor and fuel systems; batteries; oil; anti-freeze and other fluids; tires, tuning and adjustments; provided, that body work and painting shall be conducted within a completely enclosed but safely vented building. Such garages may also be used for hiring, renting, indoor storing, or selling of motor vehicles when directly supporting the operations of the minor repair garage. Moving trucks and trailer rental may be permitted consistent with Section 2.6.2.275 (Truck and Trailer Rental). Large-scale work including engine removal; disassembly or re-assembly; transmission removal or installation; or storage of vehicles or motor vehicle materials or parts is prohibited. (Section 8.1.1.20, LDC)*

Additionally, Section 2.6.2.195 – Repair garages, minor and major, provides conditions for this use within the CG zoning district. This Section is restated the following:

1. No outside storage of any motor vehicle supplies or parts is permitted. All material must be stored inside a building each night.
2. All large-scale repairs must be done in an enclosed building.
3. No inoperable vehicle will be on the premises more than ten consecutive days. Time extensions may be granted by the code enforcement officer in ten consecutive day increments up to two months from the date the vehicle arrived on the premises. An extension may be granted if the code enforcement officer concludes that the repair garage has proceeded with due diligence and in good faith in repair attempts to make the vehicle operable or to have the vehicle removed. All such request for extensions shall be submitted in writing not less than five days before the expiration of the time-period, stating the reason for the time extension request and providing proof of the need for extension.
4. All repair garages must meet all Environmental Protection Agency, Florida Department of Environmental Protection, and Florida Department of Transportation regulations.

The combined parcels have approximately 525 feet of frontage on State Road 540 (Winter-Lake Road), a divided, four lane minor arterial roadway maintained by the State of Florida; and 115 feet of frontage on Cooley Road, a local collector road owned and maintained by Polk County. The existing right-of-way width for SR 540 at this location is approximately 135 feet. Any new access to these roads will require a roadway access permit from Florida DOT, District 1 for SR 540 and Polk County for Cooley Road.

#### **SURROUNDING LAND USES:**

|  |   |  |
|--|---|--|
| <b>NW</b> – citrus grove<br>(City of Eagle Lake) | <b>N</b> – S.R. 540; vacant land owned by the Village Church of God<br>(City of Winter Haven)     | <b>NE</b> – S.R. 540; single family homes in the Fruitland Park and Normandy Heights subdivisions.<br>(City of Winter Haven) |
| <b>W</b> – citrus grove<br>(City of Eagle Lake)  | <b>Subject Property</b><br><b>(vacant w/scattered oak trees)</b>                                  | <b>E</b> – Cooley Road; vacant overgrown large lot<br>(unincorporated Polk County)   |
| <b>SW</b> – citrus grove<br>(City of Eagle Lake) | <b>S</b> – single family homes in the Shirley Heights Subdivision<br>(unincorporated Polk County) | <b>SE</b> – vacant property and scattered single family homes<br>(unincorporated Polk County)                                |

### PUBLIC INFRASTRUCTURE:

The existing (Polk County) RL-2 zoning would permit 2 dwelling units for a total of 7 single family homes on the 3.98 acres. Additional residential density/units may potentially be achieved up to 5.0 dwelling units per acre for a total of 19 dwelling units through the achievement of density bonus points and approval of a Planned Development pursuant to public hearing as required by the Polk County Land Development Code. The applicant states that the property will most likely be developed for a total of 25,000 square feet for a “minor repair garage.” However, the request is for CG zoning which includes all permitted uses within this zoning classification and is not limited to a specific site plan, use or square feet. Therefore, the demand for public infrastructure should be based on the development potential of CG zoning for the 3.98 acres.

The requested Neighborhood Activity Center Future Land Use and CG zoning for 3.98 acres potentially permits an estimated maximum of 69,348 square feet of commercial retail space (based on 40% lot coverage for buildings in CG zoning). However, due to the maximum impervious lot coverage of 70%, the geometric shape of the parcels, off-street parking and loading requirements, drainage/retention, utilities, location of adjoining roads and access limitations, etc. the most probable development scenario would be approximately 40,000 square feet for retail commercial uses.

The City’s Level of Service (LOS) for City facilities and services is established in the 2030 Comprehensive Plan. Impacts on LOS should be evaluated based on the impact resulting from the potential development of the property for 40,000 square feet of retail space since the request is not limited to a specific site plan or development conditions.

| POTENTIAL INFRASTRUCTURE IMPACTS                                 |                       |   |                    |
|--|-----------------------|---|--------------------|
| Current Available Capacity                                       | Current Vested Demand | Demands from 40K sq. ft Commercial Retail | Remaining Capacity |
| <b>Potable Water (LOS: 300 gpd<sup>1</sup>/ERC<sup>2</sup>)</b>  |                       |   |                    |
| 1.584 mgpd   | 899,423 gpd           | 7,200 gpd                                 | 677,377 gpd        |
| <b>Sanitary Sewer (LOS: 275 gpd<sup>1</sup>/ERC<sup>2</sup>)</b> |                       |   |                    |
| 750,000 gpd  | 619,789 gpd           | 2,508 gpd                                 | 127,703 gpd        |
| <b>Recreation (LOS: 4.5 acres/1,000 population<sup>3</sup>)</b>  |                       |   |                    |
| 17.45 acres  | 11.34 acres           | 0.00 acres                                | 6.11 acres         |
| <b>Transportation – S.R. 540 – LOS: C</b>                        |                       |   |                    |
| 2,000 trips <sup>4</sup> (PM Peak Hr.)                           | N/A                   | 529.60 trips <sup>5</sup> (PM Peak Hr.)   | 1,470 trips        |

<sup>1</sup> City of Eagle Lake 2030 Comprehensive Plan, Administrative Section, Capacity Needs Assessment (pages 9 & 22)

<sup>2</sup> Equivalent Residential Connection (dwelling unit) for retail commercial is calculated based on 0.6 ERU/1,000 sq. ft.

<sup>3</sup> City of Eagle Lake, 2030 Comprehensive Plan, Recreation and Open Space Element, Policy 6.1 (page 2)

<sup>4</sup> Polk TPO Roadway Database 2022 (Effective date: April 2022)

<sup>5</sup> ITE TripGen – Retail Shopping Plaza <40K Sq. ft. (Trip Generation Manual, 11<sup>th</sup> Edition)

Sufficient capacity exists for all of the infrastructure areas evaluated for a development of 40,000 square feet of retail commercial development without diminishing the adopted level of service.

### CONSISTENCY WITH COMPREHENSIVE PLAN:

The consistency of the proposed amendment with the Comprehensive Plan has been reviewed. Specifically, we find that the proposed amendment is consistent with or complies with the following applicable policies.

## A. FUTURE LAND USE ELEMENT

**Policy 2.8, Neighborhood Activity Centers:** *Neighborhood Activity Centers are intended to accommodate the shopping, business, and service needs of residents of the City and the adjacent surrounding population. Permitted uses include supermarkets, office, convenience store, service station, Post Office, and related commercial services. Neighborhood Activity Centers must be located at the intersections of major collectors and arterial roadways or along an arterial road.*

The requested Neighborhood Activity Center Future Land Use and CG zoning designation is located at the intersection of a minor arterial roadway (SR 540) and a local collector (Cooley Road) with access to existing infrastructure with sufficient capacity for development of the property for commercial uses. There is no other commercial uses or land use located in the immediate vicinity of the requested amendment. The closest commercial future land use designation and zoning is located approximately 1,300 feet to the southeast at the intersection of SR 540 and US Highway 17. This location is a logical location for establishing a NAC with connectivity to regional roadway network.

**Policy 3.1,** *The City shall identify development constraints created by soil conditions, topography, natural features, and resources and regulate densities and intensities where such constraints exist.*

The property is generally located above the flood zone for Eagle Lake and has well-drained soils which are suitable of a low-rise multi-family development on the property. The Federal Emergency Management Agency (FEMA) flood maps indicated that a small portion of the easternmost edge of the property, next to Cooley Road is located in flood zone “AE.” This should not present a restriction for development of the site for commercial uses.

There are two soil classifications identified on the property by the USDA, Natural Resources Conservation Service, Soil Survey: Sparr sand (83.5% of the site) and Tavares fine sand (16.5% of the site). The Sparr sand soil is described as “somewhat poorly drained” with the depth to water table of greater than 80 inches and no flooding or ponding. The Tavares fine sand is described as moderately well drained with the depth to water table greater than 80 inches and no flooding or ponding.

**Policy 4.1,** *The City shall direct development to areas where public facilities and services are available or shall be available at the time of development. High density/intensity land uses shall be directed to areas where the greatest level of service of public facilities and services exist.*

**Policy 4.2,** *The City shall issue development orders and plan public facility improvements and expansions in a manner which supports implementation of the Future Land Use Element and Map and is consistent with the Capital Improvements Element.*

The location of the property will enable development to be served by public facilities and services that are currently available or will be available prior to the issuance of any development orders.

**Policy 9.1,** *The City shall locate Future Land Uses at densities and intensities that will discourage urban sprawl and leap-frog development patterns.*

The proposed Neighborhood Activity Center Future Land Use and CG zoning will allow for the continuation of the existing commercial development of the property and expansion of the established commercial development pattern at the intersection of two arterial roadways.



**Policy 12.2,** *The City shall enforce land development regulation criteria to achieve compatibility between adjacent land uses.*

The proposed Neighborhood Activity Center Future Land Use and CG zoning will allow commercial development on a minor arterial highway. However, the adjacent land use located immediately south of the property is zoned and used for subdivision of 19 single family homes, which is not compatible with potential commercial uses or a “minor repair garage.” Development of the site for these uses can achieve some degree of compatibility by installing a solid, opaque fence and retaining existing vegetation/trees along the south property line; directing lighting away from adjacent property to prevent glare; limiting outside storage in compliance with §2.6.2.295, LDC; conducting all repairs inside enclosed buildings; and limiting hours of operation to prevent interference with resident’s enjoyment of their property.

**B. TRANSPORTATION ELEMENT**

**Policy 4.1,** *When reviewing development proposals for properties abutting or impacting traffic on State or County-maintained roadways, coordinate with the FDOT and Polk TPO to ensure consistency with state, regional and county standards, and determine impacts on adopted levels of service.*

The property has access to State Road 540, which is a State maintained minor arterial road, and Cooley Road, a local collector road, owned and maintained by Polk County. Prior to final construction plan approval, the applicant will be required to coordinate a traffic analysis and driveway access with the Florida DOT, District 1 and/or Polk County.

**C. INFRASTRUCTURE ELEMENT**

The requested Neighborhood Activity Center Future Land Use and CG zoning will permit development consistent with several policies of the Infrastructure Element with respect to maximizing the use of existing facilities to ensure capacity is available for existing and proposed development throughout the City.

**CONCLUSION:**

The Eagle Lake Land Development Code requires that the Planning Commission shall consider the rezoning petition and base its recommendation to the City Commission upon a determination that the following conditions are satisfactorily met (Division VI, Article 2, Section 6.1.2.10 – General(4))

- A. The rezoning petition is consistent with the City of Eagle Lake Comprehensive Plan;
- B. The rezoning petition will not lower the adopted level of service below the minimum level of services as set forth in the comprehensive plan for any public facilities or services; unless binding commitments for mitigation to maintain the adopted level(s) of service established in the comprehensive plan have been or will be written into a developer’s agreement between the city and applicant;
- C. The proposed rezoning and all permitted uses within the category sought will be compatible with the development of surrounding property;
- D. The need and justification for the change;
- E. The effect of the change, if any, on the particular property and on surrounding properties;
- F. The amount of undeveloped land in the general area and in the city having the same classification as that requested; and
- G. The proposed rezoning and all permitted uses are compatible with development on surrounding property; or compatibility can be achieved with a zoning district of lesser density or lesser intensity which is specified in the planning commission’s recommendation.

The intended use of the property for a minor repair garage must comply with the requirements of the land development code, specifically Section 2.6.2.195 and the definition of a “garage, repair – minor” under Section 8.1.1.20 as restated above.

The requested CG zoning is not compatible with the adjacent single-family subdivision, which has a land use of Residential Low (RL-2) in unincorporated Polk County and the Polk County Comprehensive Plan. However, compatibility can be achieved by incorporating design and operational techniques, to include: installing a solid, opaque fence and retaining existing vegetation/trees along the south property line; directing lighting away from adjacent property to prevent glare; limiting outside storage in compliance with §2.6.2.295, LDC; conducting all repairs inside enclosed buildings; and limiting hours of operation to prevent interference with resident’s enjoyment of their property. The requested Future Land Use Map Amendment to assign Neighborhood Activity Center Land Use and assign General Commercial (CG) zoning to the property are consistent with the Eagle Lake Comprehensive Plan. Additionally, the Neighborhood Activity Center Future Land Use and CG zoning is consistent with the future land use designation and zoning of the adjacent parcel, west of Eagle Avenue.

Based on this analysis, we find that the requested Neighborhood Activity Center Future Land Use designation and CG zoning are consistent with the applicable goals, objectives and policies of the Eagle Lake 2030 Comprehensive Plan, as amended. Furthermore, the requested future land use and zoning is consistent and compatible with the existing Neighborhood Activity Center and CG zoning located adjacent to the eastern and southern property boundary and north, across U.S. Highway 17.

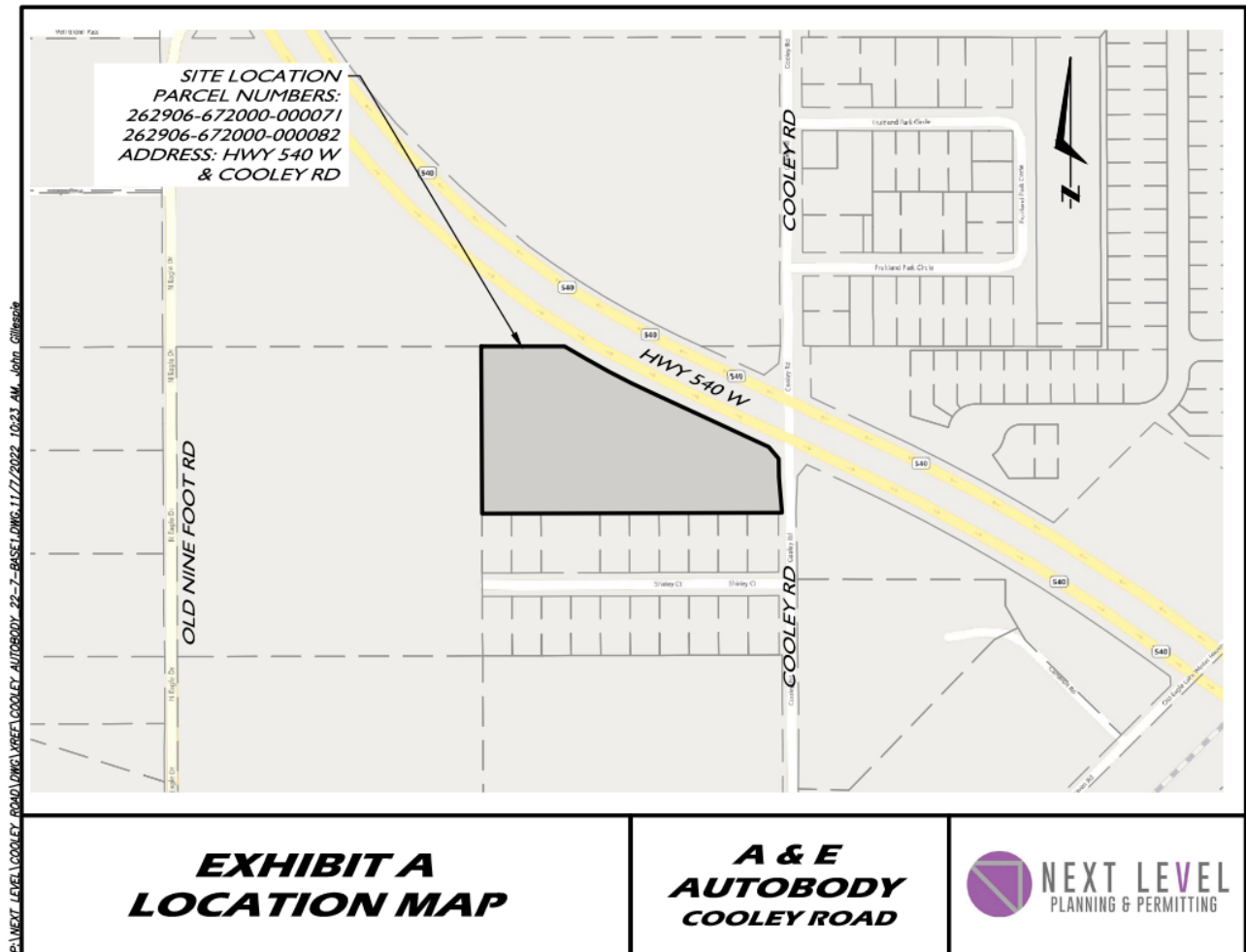
#### **RECOMMENDATION:**

The requested Comprehensive Plan Amendment to amend the Future Land Use Map and assign Neighborhood Activity Center to the subject parcel and assign General Commercial (CG) zoning is hereby recommended for approval.

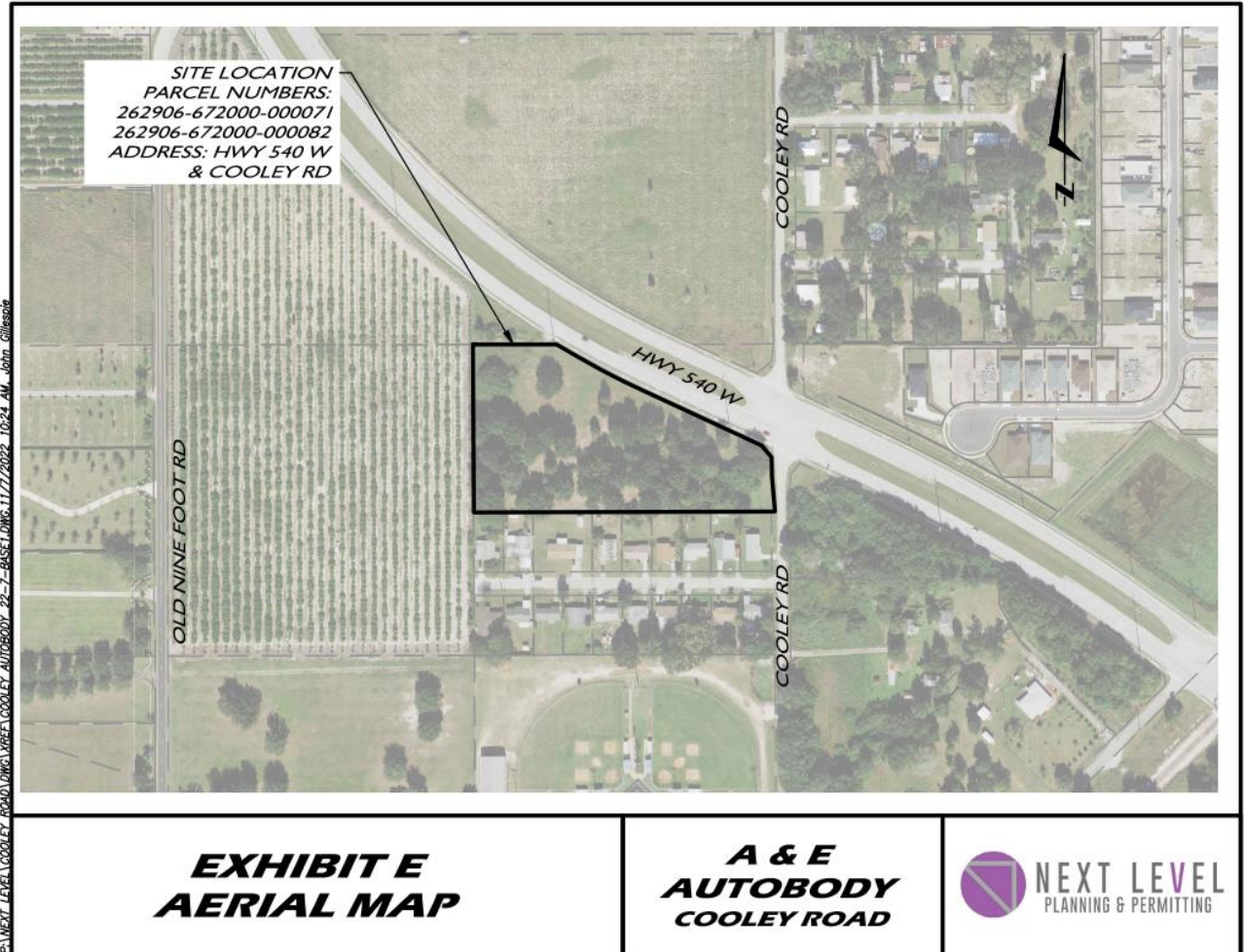
#### **ATTACHMENTS:**

- EXHIBIT A – Location Map
- EXHIBIT B – Aerial Photograph
- EXHIBIT C – Future Land Use
- EXHIBIT D – Zoning Map
- EXHIBIT E – Legal Description

## EXHIBIT A – LOCATION MAP

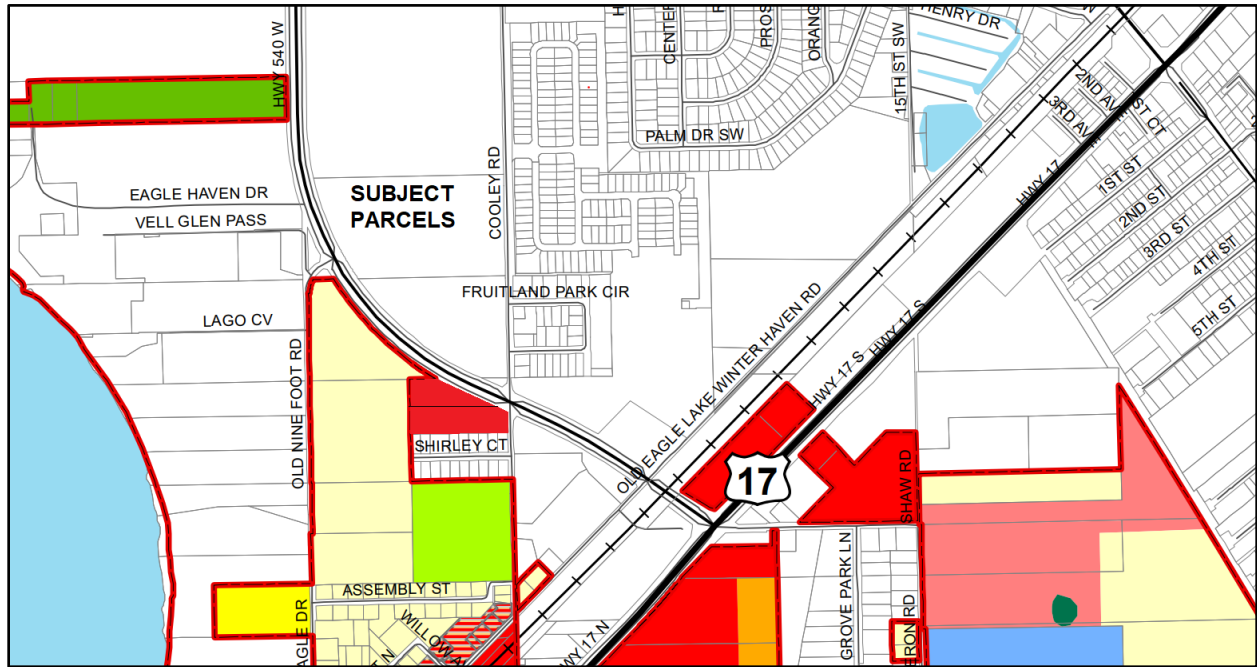


## EXHIBIT B – AERIAL PHOTOGRAPH

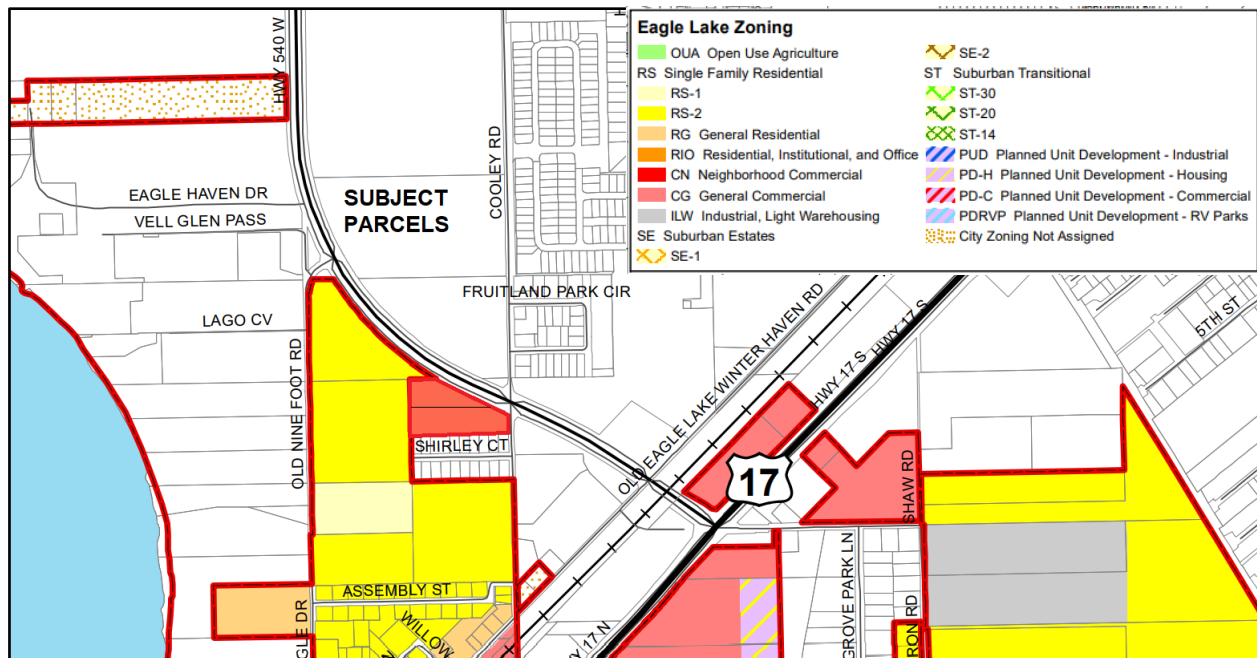




## EXHIBIT C – FUTURE LAND USE



## EXHIBIT D – ZONING MAP



## EXHIBIT E – LEGAL DESCRIPTION

The South  $\frac{1}{2}$  of lot 8; and lot 7 less the South 304 feet thereof, in W.M Hampton's Subdivision, as shown by map or plat thereof recorded in the office of the clerk of the circuit court in and for Polk County, Florida, in Plat Book 2, Page 36.

AND

The South  $\frac{1}{2}$  of lot 8, W.M Hampton's Subdivision of the northeast  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$  of Section 6. Township 29 South, Range 26 East, according to the map or plat thereof as recorded in Plat Book 2, Page 36 of the public records of office of Polk County, Florida, less any part thereof conveyed to the State of Florida, Department of Transportation for road right-of-way purposes for State Road 655 as described in O.R. Book 3767, Page 2156, less a parcel of land being a portion of lot 8 of W.M. Hampton's subdivision in accordance with the Plat thereof recorded in Plat Book 2, Page 36 of the public records of Polk County, Florida, also lying in the southwest  $\frac{1}{4}$  of Section 6, Township 29 South, Range 26 East, Polk County, Florida and being more particularly described as follows:

Commence at the  $\frac{1}{2}$  inch iron pipe marking the northeast corner of the southwest  $\frac{1}{4}$  of said Section 6; thence south  $89^{\circ}54'05''$  west along the north line of said Lot 8 and the north line of the southwest  $\frac{1}{4}$  of said Section 6, a distance of 23.98 feet to the westerly right-of-way line of Cooley Road (as shown on Florida Department of Transportation Right-of-way Map Section 16120-2504), said point also being the point of beginning; thence continue south  $89^{\circ}54'02''$  west along the said north line of said Lot 8 and the north line of the southwest  $\frac{1}{4}$  of said Section 6, a distance of 169.68 feet to a point on the northeasterly right-of-way line of State Road 540 realignment (as shown on Florida Department of Transportation Right-of-way Map Section 16120-2504); thence south  $65^{\circ}13'32''$  east along the said northeasterly right-of-way line of State Road 540 realignment a distance of 148.19 feet to a point; thence north  $51^{\circ}27'06''$  east along the said northeasterly right-of-way line of State Road 540 realignment a distance of 40.33 feet to a point on the aforesaid westerly right-of-way of Cooley Road; thence north  $05^{\circ}30'03''$  east along the westerly right-of-way of Cooley Road a distance of 37.43 feet to the point of beginning.

Parcel Identification Number: 262906-672000-000071 and 262906-672000-000082

ORDINANCE NO.: O-23-03

AN ORDINANCE AMENDING THE CITY OF EAGLE LAKE, FLORIDA 2030 COMPREHENSIVE PLAN BY REVISING THE FUTURE LAND USE MAP SERIES TO ASSIGN NEIGHBORHOOD ACTIVITY CENTER FUTURE LAND USE TO TWO (2) ANNEXED PARCELS; AMENDING THE CITY OF EAGLE LAKE, FLORIDA ZONING MAP TO APPLY GENERAL COMMERCIAL (CG) ZONING TO THE SAME CERTAIN PARCELS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND, PROVIDING AN EFFECTIVE DATE.(General Location: Two parcels of land totaling approximately 3.98 acres in size, lying southeast of the intersection of Cooley Road and County Road 540, West, with a street address of 0 Cooley Road, Eagle Lake, Florida 33839) (A & E Property)

**WHEREAS**, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, delegated the responsibility to local governmental units the power to adopt regulations designed to promote the public health, safety and general welfare of its citizens; and

**WHEREAS**, the City of Eagle Lake, Florida, pursuant to Section 163.3161, et. seq., Florida Statutes, the Community Planning Act, formerly the Florida Local Government Comprehensive Planning and Land Development Regulation Act, was required to prepare and adopt a comprehensive plan; and

**WHEREAS**, the City of Eagle Lake City Commission adopted the Eagle Lake 2030 Comprehensive Plan on April 18, 2011; and

**WHEREAS**, Chapter 163, Part II, Florida Statutes, the Community Planning Act, provides authority for local governments to amend their respective comprehensive plans and outlines certain procedures to amend adopted comprehensive plans; and

**WHEREAS**, the City of Eagle Lake received an application, dated November 17, 2022, for voluntary annexation of property described herein and attached as Exhibit A, pursuant to Section 171.044, Florida Statutes; and

**WHEREAS**, the City of Eagle Lake City Commission duly annexed the property described herein and identified as the amendment area into the corporate limits of the City of Eagle Lake on February 6, 2023; and

**WHEREAS**, the City of Eagle Lake received an application dated November 17, 2022 to amend the City's 2030 Comprehensive Plan Future Land Use Map by assigning

Commercial Future Land Use designation and the City's Zoning Map to assign General Commercial (CG) zoning to the property described herein; and

**WHEREAS**, pursuant to Section 163.3184, Florida Statutes, and Division VI of the Eagle Lake Land Development Code, after due public notice the City of Eagle Lake Planning Commission, as the "Local Planning Agency," held a public hearing on January 3, 2023 to consider making a recommendation to the City Commission regarding the application for an amendment to the Future Land Use Map and CG zoning; and

**WHEREAS**, pursuant to Section 163.3184, Florida Statutes, the Eagle Lake City Commission held a public hearing on January 3, 2023 and February 6, 2023 to consider the adoption of the proposed amendment to its Comprehensive Plan and Zoning Map; and

**WHEREAS**, the Eagle Lake City Commission considered all oral and written comments received during such public hearing, including the data and analysis provided for this amendment, and the recommendation of the Planning Commission.

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Eagle Lake, Florida, as follows:

## **SECTION I. PURPOSE AND INTENT,**

This Ordinance is hereby enacted to carry out the purpose and intent of, and exercise the authority set out in the Community Planning Act, Chapter 163, Part II, Florida Statutes, as amended.

## **SECTION II. FUTURE LAND USE MAP AMENDMENT.**

The City of Eagle Lake City Commission hereby adopts the following amendment to the Eagle Lake 2030 Comprehensive Plan Future Land Use Map Series, which will be updated consistent with the action of the Eagle Lake City Commission set forth in this Ordinance.

1. The Comprehensive Plan Amendment application request an amendment to the Future Land Use Map Series designated as the amendment area described herein and consisting of 3.98 +/- acres.
2. The amendment area is specifically described by a legal description and location map attached hereto as Exhibits A and B and includes the following Parcel Identification Numbers: 262906-672000-000071 and 262906-672000-000082.
3. Prior to annexation by the amendment area was designated Residential Low (RL-2) on the Polk County Comprehensive Plan Future Land Use Map Series adopted by the Board of County Commissioners, Polk County, Florida.
4. Upon the legal effective date of this Ordinance, the Eagle Lake Future Land Use Map category for the amendment area will be designated as Neighborhood Activity Center as shown in Exhibit C, attached hereto Any future development of the



amendment area will be required to meet the standards of the Eagle Lake Comprehensive Plan.

**SECTION III. ZONING ASSIGNMENT.**

Upon the legally effective date of this Ordinance, the Zoning Classification for the amendment area will be designated as General Commercial (CG) as shown in Exhibit D, attached hereto, pursuant to the provisions of the Eagle Lake Land Development Code

**SECTION IV. CONFLICT WITH OTHER ORDINANCES OR CODES.**

All Ordinances or parts of Ordinances of the Code of Ordinances of Eagle Lake, Florida, in conflict with the provision of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION V. SEVERABILITY**

Should any word, phrase, sentence or section of this Ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then such shall be severed from this Ordinance, and the remainder of the Ordinance shall remain in full force and effect.

**SECTION VI. EFFETIVE DATE.**

This Ordinance shall become effective on the 31<sup>st</sup> day after its adoption by the Eagle Lake City Commission.

ADOPTED ON THIS \_\_\_\_\_, 2023

EAGLE LAKE CITY COMMISSION:

ATTEST:

\_\_\_\_\_  
DAWN WRIGHT  
CITY CLERK

BY: \_\_\_\_\_  
CORY COLER, MAYOR

Approved as to Form:

\_\_\_\_\_  
HEATHER R. MAXWELL, ESQ.  
CITY ATTORNEY

## EXHIBIT A – LEGAL DESCRIPTION

### LEGAL DESCRIPTION:

The South  $\frac{1}{2}$  of lot 8; and lot 7 less the South 304 feet thereof, in W.M Hampton's Subdivision, as shown by map or plat thereof recorded in the office of the clerk of the circuit court in and for Polk County, Florida, in Plat Book 2, Page 36.

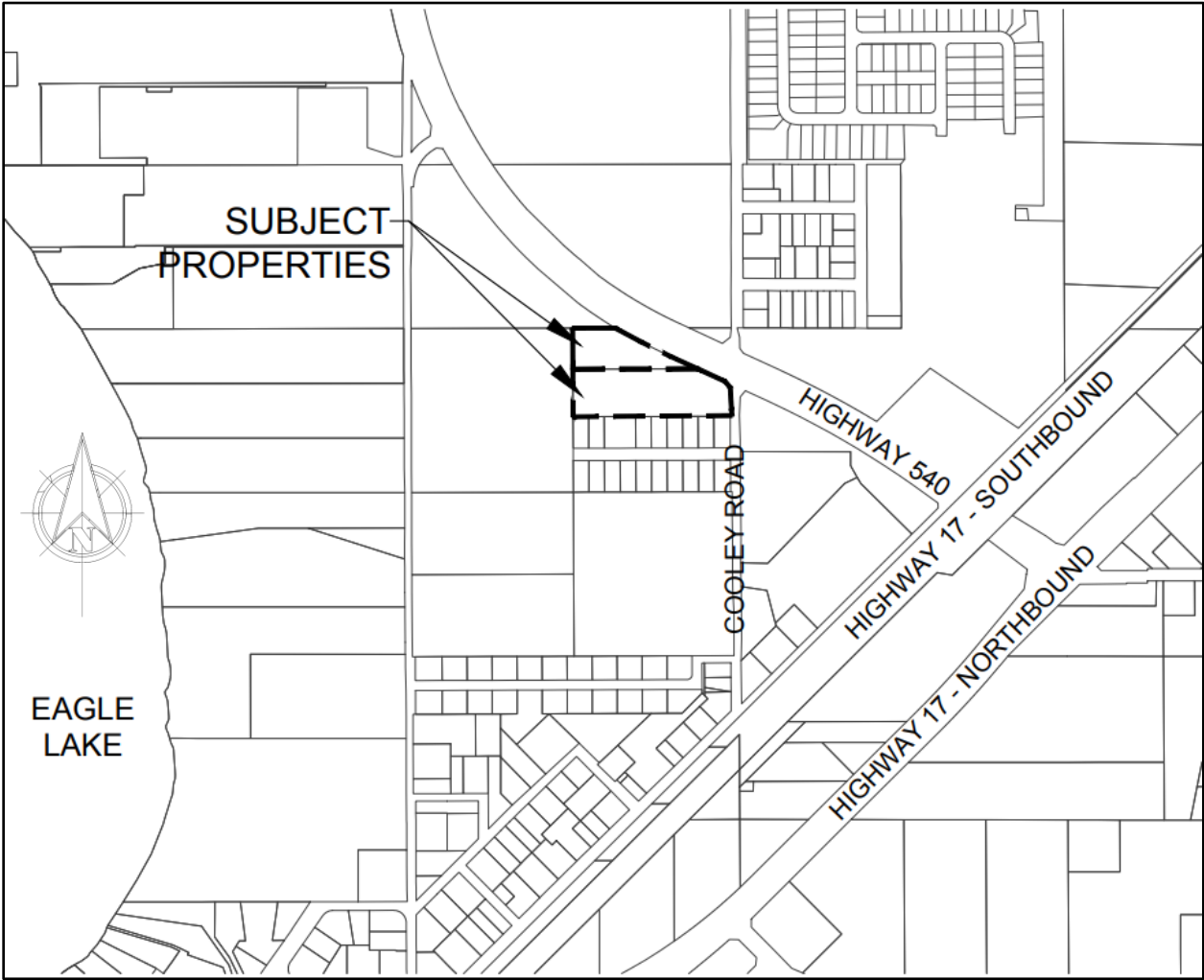
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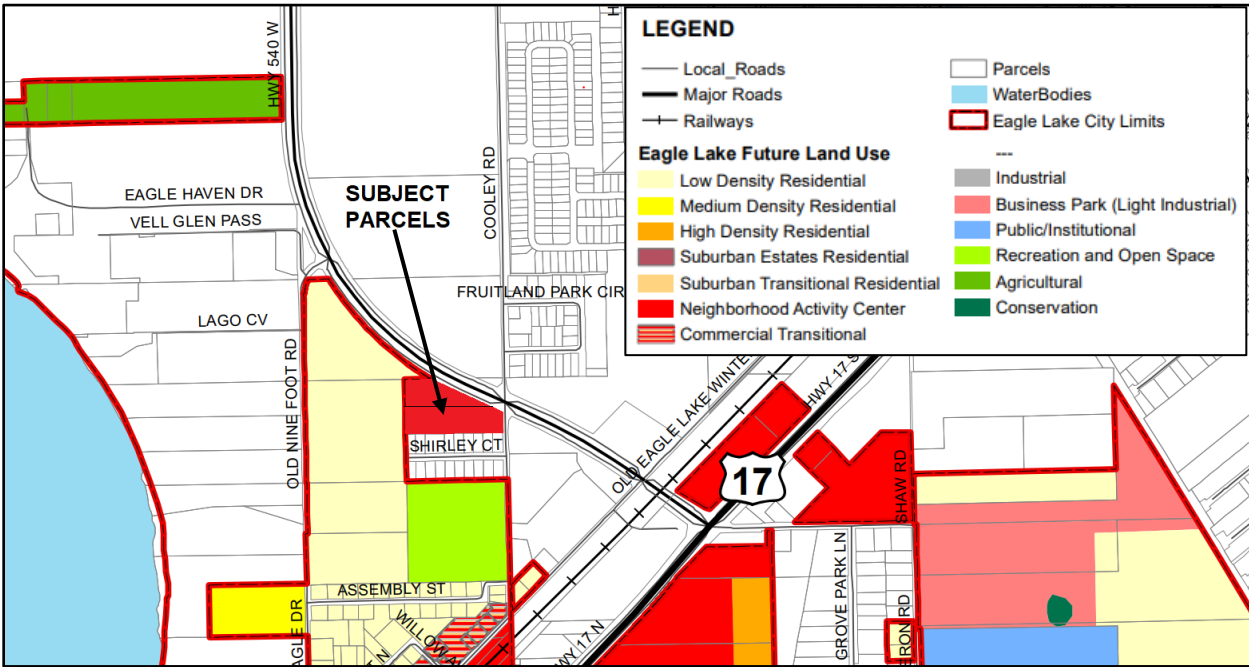
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Parcel Identification Number: 262906-672000-000071 and 262906-672000-000082

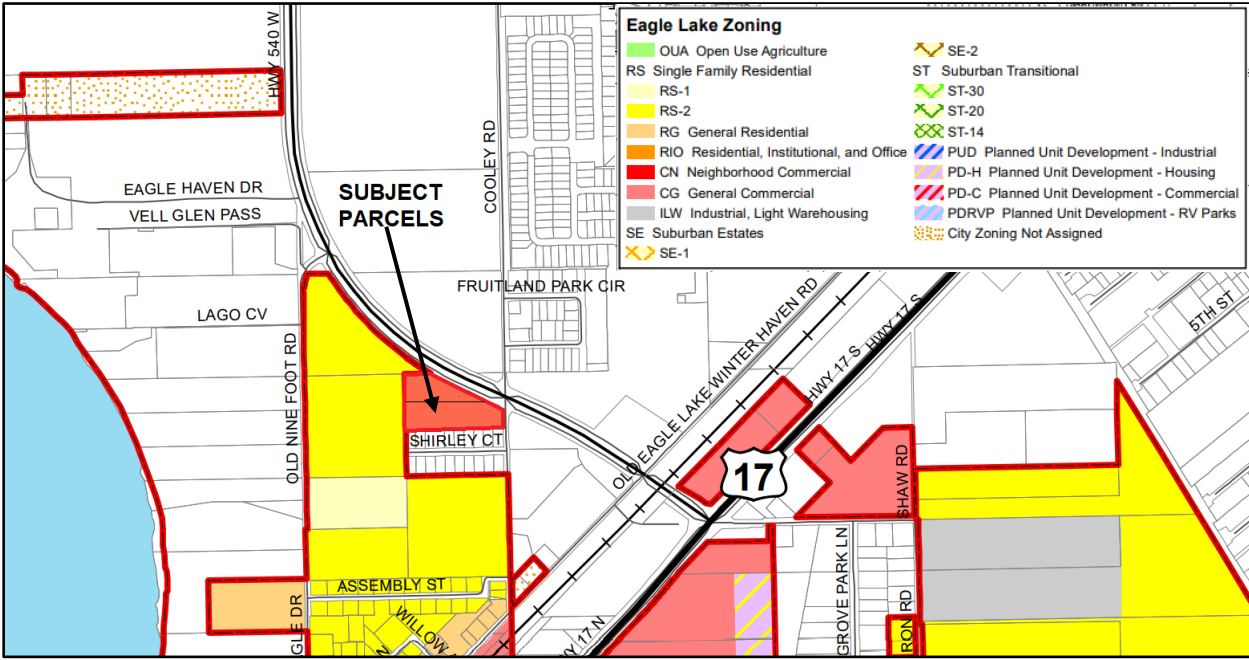
EXHIBIT B – LOCATION MAP



# EXHIBIT C – FUTURE LAND USE MAP



# EXHIBIT D – ZONING MAP







# NEXT LEVEL

PLANNING & PERMITTING

## LETTER OF TRANSMITTAL

TO: Tom Ernharth  
City of Eagle Lake  
P.O. Box 129  
Eagle Lake, FL 33839

DATE: November 17, 2022  
PROJECT: A&E Autobody – Cooley Road  
RE: Land Use & Zoning

### WE ARE SENDING YOU THE FOLLOWING ITEMS:

| <u>COPIES</u> | <u>DATE</u>       | <u>NO.</u>  | <u>DESCRIPTION</u>  |
|---------------|-------------------|-------------|---|
|               | <u>11/14/2022</u> | <u>1034</u> | <u>Check in the amount of \$500 - Small-Scale Comprehensive Plan Amendment</u>      |
|               | <u>11/14/2022</u> | <u>1035</u> | <u>Check in the amount of \$750 – Zoning Amendment</u>                              |
|               |                   |             | <u>Comprehensive Plan Amendment/Zoning Application</u>                              |
|               |                   |             | <u>Letter of Authorization</u>  |
|               |                   |             |   |
|               |                   |             | <u>Map Exhibits – Location, Topo, Land use, Soils, Aerial, FEMA, &amp; Wetlands</u> |
|               |                   |             |   |

☒ FOR YOUR APPROVAL      ☒ FOR REVIEW AND COMMENT      ☒ HAND DELIVERED      ☐ OTHER  
☐ FOR YOUR FILE      ☐ FOR YOUR INFORMATION      ☐ REGULAR MAIL      ☐  
☐ FOR YOUR SIGNATURE      ☐ PER YOUR REQUEST      ☐ OVERNIGHT      ☐  
☐ FOR YOUR USE      ☐ OTHER      ☐ ELECTRONIC MAIL      ☐

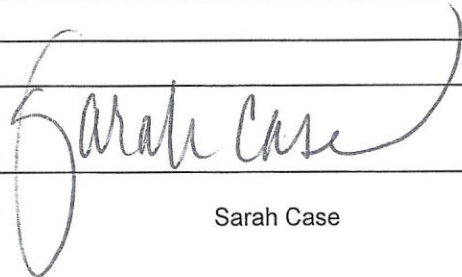
RECEIVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

### REMARKS:

The enclosed application(s) is companion to request for Voluntary Annexation, submitted under separate cover.

COPY TO: A&E  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNED: \_\_\_\_\_



Sarah Case

sarah@nextlevelpolk.com

**COMPREHENSIVE PLAN AMENDMENT/ZONING  
CITY OF EAGLE LAKE**

**Date of Application:** November 17, 2022

**Application:** CPA-large scale: CPA-small scale: COMM **Zoning:** CG

**City only:** Case number(s): **Date found complete:**

**Please include:**

1. Location map
2. Map showing property's Future Land Use designation and/or Zoning Map designation.
3. Existing Land Use Map
4. A copy in Microsoft Word of any documentation
5. If a Large Scale amendment, please include 14 copies of application and support materials.

**I. APPLICATION SUMMARY**

**A. Applicant's Name and Address:**

Sarah Case, Authorized Agent for You&Me, V&M, Inc.

Next Level Planning & Permitting  
6700 South Florida Ave., Suite 4

Lakeland, FL 33813

**Signature of Applicant:** Sarah Case

**Telephone:** 863.398.9651

**Name, Address, and Phone Number of Contact Person:**

(same)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**B. Property Description**

1. Location (include location map and site map):

Please see attached Location Map

2. Total Site Acreage: 4 +/-

3. Current Land Utilization: Vacant

4. Parcel identification Number (Section, Township, Range, Subdivision and Parcel Number): 262906-672000-000071 & -000082

**C. Land Use/Zoning Designation**

1. Existing Future Land Use Category: RL-2 (Polk County)

2. Requested Future Land Use Category: COMM

3. Current Zoning District(s):

CG

4. Requested Zoning District(s):

5. Is the property within the Area of Critical State Concern? No  
Please attach Green Swamp Impact Statement.

**II. PLANNING AND DEVELOPMENT DEPARTMENT REVIEW**

**A. Natural Features Analysis**

1. Topography: See attached Exhibit B - Topographical Map - Contours show SE slope

2. Soils: See attached Exhibit D - Soils Map depicting Soils #s14 & 15

3. Vegetation: See attached Exhibit E - Aerial Map

4. Flood Prone Areas: See attached Exhibit F - FEMA Map; Floodplain shown in SE corner of site

5. Wetlands: See attached Exhibit G - Wetlands Map; no Wetlands

6. Wildlife Habitat: None

**B. Land Use Analysis**

1. Current Future Land Use Development Potential: RL-1 (Polk County) - 1 DU p/AC = 2 DU
2. Proposed Future Land Use Development Potential: COMMERCIAL
3. Current Population Projection Yield: 2.62 per capita @ 2 DU = 5 persons
4. Proposed Population Projection Yield: Non- Residential
5. General Analysis: \_\_\_\_\_  
See Impact Study

**C. Special Designated Areas Analysis**

N/A

1. Special Management Area: \_\_\_\_\_
2. Aquatic Preserve: \_\_\_\_\_
3. Historic and/or Archaeological Preserves: \_\_\_\_\_
4. Air Installation Compatible Use Zones (AICUZ): \_\_\_\_\_
5. Historic Districts: \_\_\_\_\_
6. Coastal High Hazard Area (CHHA): \_\_\_\_\_
7. Groundwater Aquifer Recharge Area: \_\_\_\_\_
8. Wellhead Protection Zone: \_\_\_\_\_

**D. Public Facilities and Services Analysis**

1. Potable Water

- a. Provider: City of Eagle Lake
- b. Incremental Impact: \_\_\_\_\_
- c. Impact upon Level of Service (LOS): \_\_\_\_\_



d. Improvements Needed: \_\_\_\_\_

2. Sanitary Sewer

a. Provider: City of Eagle Lake

b. Incremental Impact: \_\_\_\_\_

c. Impact upon Level of Service (LOS): \_\_\_\_\_

d. Improvements Needed: Connection to Forcemain (at Developer's expense)

3. Traffic Circulation

a. Provider: Proposed Ingress/Egress to 540 W (FDOT)

b. Incremental Impact: \_\_\_\_\_

c. Impact upon Level of Service (LOS): \_\_\_\_\_

d. Improvements Needed: Driveway improvement

4. Mass Transit

a. Service Provided to the Area: None Currently

b. Impact upon Level of Service (LOS): \_\_\_\_\_

c. Improvements Needed: \_\_\_\_\_

5. Drainage

a. Facilities Service Site: SWFWMD/FDOT

b. Impact upon Level of Service (LOS): 25 Yr./24-Hour Storm event w/Discharge; 100 Yr./24-Hour Storm event w/out discharge

c. Improvements Needed: On-Site Stormwater Retention (Owner's Expense) if building additions are proposed

6. Recreation

a. Incremental Impact: \_\_\_\_\_

b. Impact upon Level of Service (LOS): \_\_\_\_\_

c. Improvements Needed: \_\_\_\_\_

7. Solid Waste

a. Incremental Impact: \_\_\_\_\_

b. Impact upon Level of Service (LOS): \_\_\_\_\_

c. Improvements Needed: \_\_\_\_\_

E. Please describe in detail the 2010 Comprehensive Plan compatibility and zoning compatibility.

Please refer to attached Impact Study

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If the Applicant is not the land owner, the following authorization  
from the land owner must signed and notarized

I hereby authorize (See attached Letter of Authorization from Owner)  
to act on my behalf on the following action:

Comprehensive Plan Change ☒, Zoning Change ☒, and/or Conditional Use \_\_\_\_\_

Sarah Case  
Land Owner's Signature

11-17-2022  
Date

Sarah Case, Next Level Planning & Permitting  
Print Name

\_\_\_\_\_  
Address of Land Owner

State of Florida

County of Polk

The foregoing instrument was acknowledged before me by SARAH CASE

on this 17<sup>th</sup> day of November, 2002.

Valerie Wheatley  
Notary

S  
E  
A  
L

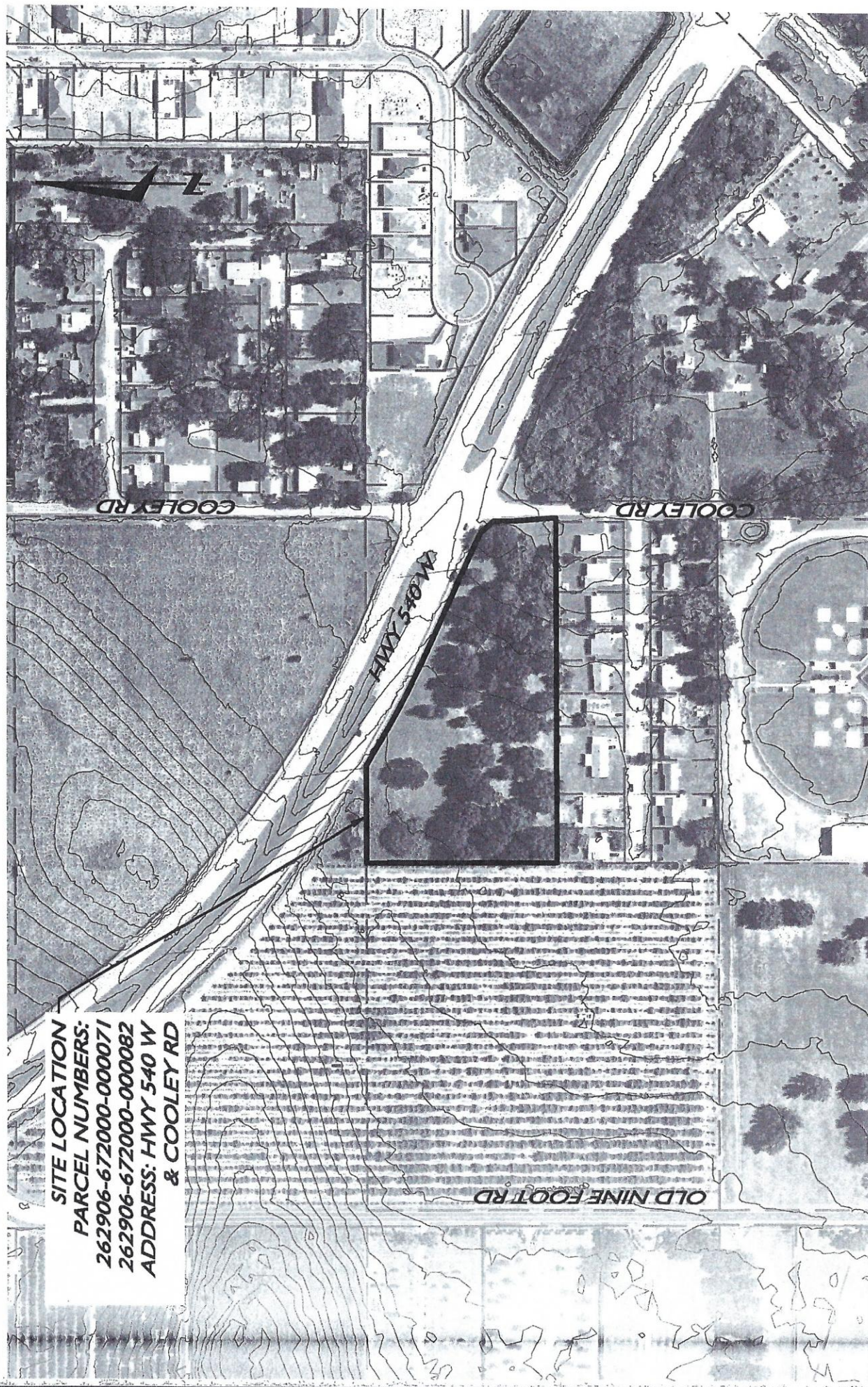


P:\NEXT LEVEL\COOLEY ROAD\DWG\XREF\COOLEY AUTOBODY 22-7-BASE1.DWG, 11/7/2022 10:23 AM, John Gillespie



## NEXT LEVEL PLANNING & PERMITTING





**SITE LOCATION**  
**PARCEL NUMBERS:**  
262906-672000-000071  
262906-672000-000082  
**ADDRESS: HWY 540 W**  
**& COOLEY RD**

# EXHIBIT B TOPOGRAPHICAL MAP

**A & E**  
**AUTOBODY**  
**COOLEY ROAD**



**NEXT LEVEL**  
PLANNING & PERMITTING



**SITE LOCATION**  
**PARCEL NUMBERS:**  
262906-672000-000071  
262906-672000-000082  
**ADDRESS: HWY 540 W**  
**& COOLEY RD**

OLD NINE FOOT RD

HWY 540 W

COOLEY RD

FRUITLAND  
PARK

FRUITLAND  
PARK CIR

NORMA  
HEIGHT

SHIRLEY CT

HGHTS

HAMPTON W M  
SUBDIVISION

HWY 540 W

CAMERON  
RD

**EXHIBIT C**  
**LAND USE MAP**

**A & E**  
**AUTOBODY**  
**COOLEY ROAD**



**NEXT LEVEL**  
PLANNING & PERMITTING



**SITE LOCATION**  
**PARCEL NUMBERS:**  
 262906-672000-000071  
 262906-672000-000082  
**ADDRESS: HWY 540 W**  
**& COOLEY RD**

OLD NINE FOOT RD

HWY 540 W

COOLEY RD

**SOIL LEGEND**

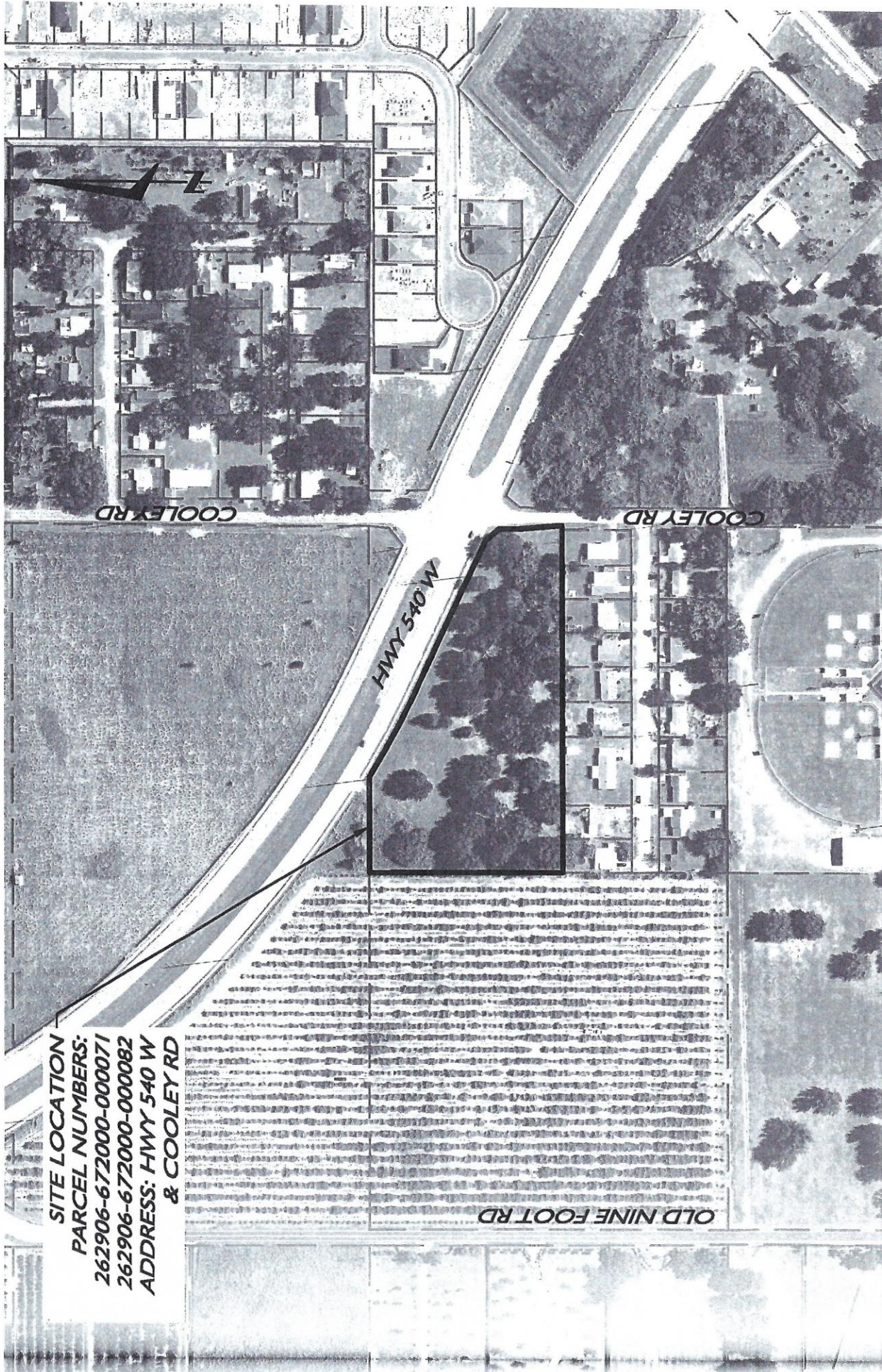
| MAP NO. | SOIL TYPE                                |
|---------|--|
| 3       | CANDLER SAND, 0 TO 5 PERCENT SLOPES      |
| 14      | SPARR SAND, 0 TO 5 PERCENT SLOPES        |
| 15      | TAVARES FINE SAND, 0 TO 5 PERCENT SLOPES |
| 30      | POMPAÑO FINE SAND                        |

**EXHIBIT D**  
**SOILS MAP**

**A & E**  
**AUTOBODY**  
**COOLEY ROAD**

 **NEXT LEVEL**  
 PLANNING & PERMITTING





**SITE LOCATION**  
**PARCEL NUMBERS:**  
262906-672000-000071  
262906-672000-000082  
**ADDRESS: HWY 540 W**  
**& COOLEY RD**

# EXHIBIT E AERIAL MAP

**A & E  
AUTOBODY  
COOLEY ROAD**



**NEXT LEVEL  
PLANNING & PERMITTING**



**SITE LOCATION**  
**PARCEL NUMBERS:**  
262906-672000-000071  
262906-672000-000082  
**ADDRESS: HWY 540 W**  
**& COOLEY RD**

926

(EL)

540

062926

SHIRLEY  
CT

ZONE A

**EXHIBIT F**  
**F.E.M.A. MAP**

**A & E**  
**AUTOBODY**  
**COOLEY ROAD**



**NEXT LEVEL**  
PLANNING & PERMITTING



SITE LOCATION  
PARCEL NUMBERS:  
262906-672000-000071  
262906-672000-000082  
ADDRESS: HWY 540 W  
& COOLEY RD

OLD NINE FOOT RD

HWY 540 W

COOLEY RD

COOLEY RD

Winter Haven

**EXHIBIT G  
WETLANDS MAP**

**A & E  
AUTOBODY  
COOLEY ROAD**



**NEXT LEVEL**  
PLANNING & PERMITTING





A&E AUTOBODY – COOLEY ROAD

**LETTER OF AUTHORIZATION**

Parcel 262906-672000-000082 & 262906-672000-000071

I hereby authorize Sarah Case of Next Level Planning & Permitting to apply for and sign any necessary applications needed for the Annexation, Land Use, and Zoning process through the City of Eagle Lake, Polk County, Florida regarding the above referenced Property.

Signature *V. Z. Arrington* *Pres.*  
You&Me V&M, Inc. Title

STATE OF FLORIDA  
COUNTY OF POLK

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization this 15<sup>th</sup> day of Nov., 2022, by Victoria Arrington, who is ☒ personally known to me or ☐ has produced \_\_\_\_\_ as identification and who (did) (did not) take an oath.

*Valerie Wheatley*  
SIGNATURE OF NOTARY PUBLIC

Valerie Wheatley  
PRINTED NAME OF NOTARY PUBLIC STAMP & DATE

MY COMMISSION EXPIRES 09/19/25





## ORDINANCE NO. O-23-04

(Chapter 11 Health, Sanitation, Nuisances, Minimum Property Maintenance, and Housing Standards)

AN ORDINANCE OF THE CITY OF EAGLE LAKE, POLK COUNTY, FLORIDA, AMENDING EAGLE LAKE CODE OF ORDINANCE, CHAPTER 11, HEALTH, SANITATION, NUISANCES, AND MINIMUM PROPERTY MAINTENANCE STANDARDS; AMENDING ARTICLE I. IN GENERAL SECTION 11-1 THROUGH 11-8, ARTICLE II CODE ENFORCEMENT DIVISION 1 GENERALLY, SECTION 11-20 THROUGH 11-22, DIVISION 2 ENFORCEMENT PROCEDURE, SECTION 11-23 THROUGH 11-31, DIVISION 3 SUPPLEMENTAL ENFORCEMENT PROCEDURES SECTION 11-36 THROUGH 11-40, ARTICLE III NUISANCES DIVISION 1 GENERALLY SECTION 11-101 THROUGH 11-104, DIVISION 2 DEBRIS, WEEDS, WILD GROWTH, DANGEROUS AND UNSANITARY CONDITIONS SECTION 11-106 THROUGH 11-112, DIVISION 3 NOISE SECTION 11-120 THROUGH 11-127, DIVISION 4 LITTER, GARBAGE AND REFUSE SECTION 11-130 THROUGH 11-140, DIVISION 5 MOTOR VEHICLES OR VESSELS SECTION 11-146 THROUGH 11-148, ARTICLE IV MINIMUM PROPERTY MAINTENANCE STANDARDS DIVISION 1 SECTION 11-201 THROUGH 11-242, DIVISION 2 ABANDONED REAL PROPERTY SECTION 11-276 THROUGH 11-282, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Be it enacted by the City Commission of the City of Eagle Lake, Polk County, Florida:

## Chapter 11 Health, Sanitation, Nuisances, Minimum Property Maintenance, and Housing Standards

### Article I. In General

#### 11-1 LEGISLATIVE INTENT.

In accordance with authority granted by F.S. Ch. 162 and 166, it is the intent of the city commission to promote, protect, and improve the health, safety and welfare of the citizens of Eagle Lake; to provide an equitable, expeditious, effective and inexpensive method of enforcing any city code or ordinance where a violation exists; and to provide authority for the immediate issuance of a citation if a repeat violation is found, if a violation presents a serious threat to the public health, safety or welfare, or if a violation is irreparable or irreversible.

#### 11-2 DEFINITIONS AND RULES OF CONSTRUCTION.

- (a) The following words, terms or phrases, when used in this article, shall have the meanings ascribed to them in this section:

**Code enforcement board.** The board appointed by the city commission in accordance with authority granted by F.S. § 162.03, and established to impose administrative fines severally.

**Code enforcement officer.** Any designated or authorized employee or agent of the city whose duty it is to enforce or assure compliance with city codes and ordinances.

**Continuing violation.** A violation which continues to occur after notice to correct the violation has been issued to the violator. Each day a violation continues shall constitute a separate infraction, and a penalty may be assessed for each day of continuing violation.

**Person.** Any natural person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer or any other entity whatsoever, or any combination of such, jointly or severally.

**Repeat violation.** A violation of a provision of a code or ordinance by a person whom the code enforcement board has previously found to have violated the same provision within five (5) years prior to the violation.

**Violation.** Any act or failure to act which results in an infraction of a duly enacted city code or ordinance.

- (b) For the purpose of administration and enforcement of city codes, unless otherwise stated in this article, the following rules of construction shall apply:

The word "shall" is always mandatory and not discretionary;

The word "may" is permissive.

Unless the context clearly indicates the contrary, where regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or" or "either" the conjunction shall be interpreted as follows:

- (1) "And" indicates that all the connected terms, conditions, provisions, or events shall apply.
- (2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
- (3) "Either" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

### **11-3 APPLICABILITY.**

The provisions of this article shall apply in the incorporated area of Eagle Lake for the enforcement of city codes as they may be amended from time to time.

### **11-4 SEVERABILITY.**

If any section, subsection, paragraph, sentence, clause or phrase of this Chapter is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of these regulations shall continue in full force and effect, it being the intent of the city commission to have adopted these regulations without such unconstitutional or invalid section, subsection, paragraph, sentence, clause or phrase.

### **11-5 AUTHORITY AND LIABILITY OF CITY OFFICIALS.**

- a) It is unlawful for any person to obstruct or resist the City Manager, his designee, or any person authorized by the City Manager in the discharge of his duties as provided for in this chapter. A person committing such obstruction or resistance is guilty of a misdemeanor and upon conviction therefor shall be punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment in jail not to exceed sixty (60) days or both.
- b) Any code inspector or any person authorized by this article shall be immune from prosecution, civil or criminal, for trespass upon real property while in the discharge of duties imposed by this article.
- c) The City Manager, his designee, or the City shall not be liable for any damages caused during the removal or impounding of any vehicle(s) or vessel(s) impounded or disposed of in accordance with the provisions of this chapter.

- d) In addition to enforcement procedures provided under this chapter, any person violating any prohibitions against an unlicensed, abandoned, wrecked, dismantled, derelict or inoperative vehicle(s), vessel(s), or any other property may be subject to code enforcement procedures and penalties in accordance with this chapter.

#### **11-6 NOTICE TO ABATE A NUISANCE.**

- a) It shall be the duty of any person receiving the notice of a public nuisance(s) as provided in this Chapter to comply with the provisions of the notice and to abate such nuisances(s) within ten (10) days after the receipt of such notice, and if such person shall fail or refuse to abate such nuisances(s) within ten (10) days from receipt of such notice without just cause, such failure is declared to be unlawful and shall constitute a misdemeanor. Each day such nuisances(s) persists shall constitute a separate violation.
- b) It is unlawful and shall constitute a misdemeanor for any person, after having received notice as provided in this chapter, to remove any nuisances(s) from any property to any other property upon which storage is not permitted.
- c) If the nuisance is not abated within the time provided, and after notice has been given in accordance with F.S. 162, the city may abate the nuisance and the cost of abatement may be charged to the owner of the nuisance or assessed against the land upon which the nuisance exists or both.

#### **11-7 REPEAT VIOLATOR STATUS.**

When a property owner violates any article within the City Code three (3) times within a five (5) year period and is notified in accordance with the procedures provided for herein, the owner shall be considered for an automatic code enforcement board hearing to be shown as repeatedly contributing to a nuisance, and any further violations of the same ordinance shall subject the owner to a repeat offender status and a fine not to exceed five hundred dollars (\$500.00) for each day the violation continues, in addition to any and all costs associated with enforcement of the City's Codes.

#### **11-8 PENALTIES.**

Any person violating the provisions of this Chapter shall be punished as provided in [Section 1-14.](#)

[Reserved 11-9 – 11-19](#)

### Article II. Code Enforcement

#### Division 1. Generally

#### **11-20 CODE ENFORCEMENT BOARD.**

- (a) A code enforcement board is established in accordance with [Section 2-38 and 2-39](#) of this Code.
- (b) The members of the code enforcement board shall elect a chairman, who shall be a voting member, from among the members of the board. The presence of four (4) or more members shall constitute a quorum. Members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the city commission or as are otherwise provided by law.
- (c) All findings by the board must be approved by a majority of those members present and voting. At least 4 members must vote in order for the action to be official
- (d) The city attorney shall either be the counsel to the enforcement board or shall represent the city by presenting cases before the code enforcement board, but in no case shall the city attorney serve in both capacities.
- (e) No member of the code enforcement board shall have the power to initiate enforcement proceedings for violations of the various codes.
- (f) The code enforcement board shall have the power to:
  - (1) Adopt rules for the conduct of its hearings.



- (2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the police department.
- (3) Subpoena evidence to its hearings.
- (4) Take testimony under oath.
- (5) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance

#### **11-21 SPECIAL MAGISTRATE.**

(1) *Authority to appoint.*

The city commission of the City of Eagle Lake is hereby authorized to utilize a special magistrate in lieu of the code enforcement board on a regular basis or on a case-by-case basis as the city commission may deem appropriate. To effectuate the utilization of a special magistrate, the city commission by majority vote must adopt a resolution authorizing the use of a special magistrate on a regular basis or on a case-by-case basis. The city commission shall have the option to utilize a code enforcement board or special magistrate at any time the city commission deems appropriate in a manner consistent with law. The city commission shall also have the authority to appoint an alternate special magistrate.

(2) *Qualifications.*

The special magistrate shall be an attorney who resides in Polk County, or has a place of business located in Polk County, who possesses an outstanding reputation for civic pride, interest, responsibility and business or professional ability. The appointment as special magistrate or alternate special magistrate shall be made by the city commission on the basis of experience and interest in the fields of zoning, building control and code enforcement. In instances where the alternate special magistrate is serving, said alternate special magistrate shall have all of the powers and authority of the special magistrate as set forth herein and as otherwise provided by law.

(3) *Period of service and compensation.*

The special magistrate and alternate special magistrate shall be compensated for services rendered and shall serve at the pleasure of the city commission, and shall not be deemed a city employee.

(4) *Support services.*

The city shall provide such clerical, administrative personnel and legal services deemed reasonably necessary to support the special magistrate activities and assist in the proper performance of the magistrate's duties. The special magistrate is not authorized engage, hire, or use any person, except those provided by city, to assist in the performance of duties.

- (5) The special magistrate shall have the jurisdiction and authority to hear and decide any code enforcement matters the city commission shall determine as appropriate.

#### **11-22 AFFIRMATION AND MODIFICATION OF PRIOR ORDERS.**

The code enforcement board and special magistrate, as the case may be, shall have the jurisdiction and authority to affirm or modify penalties and decisions, as appropriate and to the extent permitted by law, imposed or entered by predecessor code enforcement boards and special magistrates.

#### Division 2. Enforcement Procedure

#### **11-23 NOTICES.**

Notice shall be provided in accordance with F.S. § 162.12 as amended from time to time.

#### **11-24 APPEALS.**

- (a) **Notice of violation.** Any owner aggrieved by the findings and order of the code enforcement officer as set forth in [Section 11-25](#) shall have the right to appeal said decision prior to the expiration of the time within which such owner was given to correct the nuisance. Any appeal taken pursuant to this section must be requested in writing and received by the City Clerk at 75 N 7<sup>th</sup> St., Eagle Lake, Florida. The enforcement officer will place the appeal on the agenda of the next scheduled regular code enforcement board hearing.
- (b) **Final administrative order.** An aggrieved party, including the city, may appeal a final administrative order of the code enforcement board to the circuit court. Such appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the board. An appeal shall be filed within thirty (30) days of the execution of the order to be appealed.

#### **11-25 INITIATION OF PROCEEDINGS.**

- (a) It shall be the duty of the code enforcement officer to initiate enforcement proceedings of the various codes.
- (b) Except as provided in subsections (c) and (d), if a violation of the codes is found, the code enforcement officer shall notify the violator and give him a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code enforcement officer shall notify the code enforcement board and request a hearing. A hearing shall be scheduled, and written notice of such hearing shall be provided as set forth in [Section 11-23](#) to said violator. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code enforcement officer, the case may be presented to the code enforcement board even if the violation has been corrected prior to the board hearing, and the notice shall so state.
- (c) If a repeat violation is found, the code enforcement officer shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code enforcement officer, upon notifying the violator of a repeat violation, shall notify the code enforcement board and request a hearing. A hearing shall be scheduled, and written notice of such hearing shall be provided pursuant to [Section 11-23](#). The case may be presented to the code enforcement board even if the repeat violation has been corrected prior to the board hearing, and the notice shall so state.
- (d) If the code enforcement officer has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety and welfare, or if the violation is irreparable or irreversible in nature, the code enforcement officer shall make a reasonable effort to notify the violator and may immediately notify the code enforcement board and request a hearing.

#### **11-26 CONDUCT OF HEARING.**

- (a) Upon request of the code enforcement officer, or at such other times as may be necessary, the chairman of the code enforcement board may call a hearing of the board; a hearing may also be called by written notice signed by at least three (3) members of the board. Minutes shall be kept of all hearings, and all hearings and proceedings shall be open to the public. The city shall provide clerical and administrative personnel as may be reasonably required for the proper performance of its duties.
- (b) Each case before the code enforcement board shall be presented by a member of the administrative staff or the city attorney. If the city prevails in prosecuting a case before the code enforcement board, it shall be entitled to recover all costs incurred in prosecuting the case before the board.
- (c) The code enforcement board shall proceed to hear the cases on the agenda for the day. All testimony shall be under oath and shall be recorded. The code enforcement board shall take testimony from the code enforcement officer and the alleged violator. Formal rules of evidence

shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

- (d) At the conclusion of the hearing, the code enforcement board shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with the provisions of [Section 11-27](#).

#### **11-27 FINDING OF FACT, CONCLUSIONS OF LAW, AND ORDER.**

- (a) The finding of fact, conclusions of law, and order shall be by motion approved by a majority of those members present, except that at least four (4) members must vote in order for the action to be official.
- (b) The order may include a notice that it must be complied with by a specified date and that a fine may be imposed and, under the conditions specified, in [Section 11-28\(c\)](#), the cost of repairs may be added to the fine if the order is not complied with by said date.
- (c) A certified copy of such order shall be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns.
- (d) If the order is complied with by the date specified in the order, the code enforcement board shall issue an order acknowledging compliance, and such order shall be recorded in the public records of the county. A hearing is not required to issue an order acknowledging compliance.

#### **11-28 ADMINISTRATIVE FINES AND COSTS OF REPAIRS.**

- (a) The code enforcement board, upon notification by the code enforcement officer that an order of the board has not been complied with by the set time, may order the violator to pay a fine in an amount specified by the board which shall not exceed two hundred fifty dollars (\$250.00) per day for each day the violation continues past the date set by the board for compliance. If a finding of a violation has been made pursuant to [section 11-27](#), a separate hearing shall not be necessary for issuance of the order imposing the fine.
- (b) The code enforcement board, upon notification by the code enforcement officer that a repeat violation has been committed, may order the violator to pay a fine which shall not exceed five hundred dollars (\$500.00) per day for each day the repeat violation is found to have occurred by the code enforcement officer. If a finding of a repeat violation has been made pursuant to [Section 11-27](#), a separate hearing shall not be necessary for issuance of the order imposing the fine.
- (c) If the code enforcement officer believes that the violation presents a serious threat to the public health, safety and welfare, or if the violation is irreparable or irreversible in nature, the code enforcement board shall notify the city commission which may direct the city manager to make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs in addition to the fine imposed pursuant to this section.
- (d) In determining the amount of the fine, if any, the code enforcement board shall consider the gravity of the violation, any actions taken by the violator to correct the violation, and any previous violations committed by the violator.
- (e) The code enforcement board may reduce a fine imposed pursuant to this section.
- (f) A fine imposed pursuant to this section shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to [Section 11-28](#), whichever occurs first.



#### **11-29 LIENS.**

- (a) A certified copy of the order imposing a fine shall be recorded in the public records of the county and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator.
- (b) Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of the state, including levy against the personal property, but such order shall not be deemed to be a court judgment except for enforcement purposes.
- (c) A lien arising from a fine imposed pursuant to this section runs in favor of the city, and the city clerk may execute a satisfaction or release of lien entered pursuant to this section. The city shall be entitled to recover all costs incurred by recording and satisfying a valid lien.
- (d) After three (3) months from the filing of any such lien which remains unpaid, the code enforcement board may authorize the city attorney to foreclose on the lien, provided that no lien created pursuant to this section may be foreclosed on real property which is a homestead under section 4, Article X of the State Constitution.
- (e) No lien filed under this article shall continue for a period longer than twenty (20) years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose the lien is commenced in a court of competent jurisdiction. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.
- (f) In an action to foreclose a lien, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the foreclosure.

#### **11-30 RECORDED STATEMENT CONSTITUTES LIEN.**

Where the full amount due the city for costs expended by the city in accordance with the provisions of [Section 11-28](#) is not paid by the owner of property coming under this chapter within thirty (30) days after the cutting, destroying and/or removal of such weeds, grass, undergrowth, rubbish, debris, trash, deleterious and unhealthy growth or other noxious matter brought into compliance by the city, then in that case the code official shall cause to be recorded in the public records of the county, a sworn statement showing the cost and expense incurred for the work and the date, place or property on which such work was done, and the recordation of such sworn statement shall constitute a special assessment lien and privilege on the property, equivalent to the lien of municipal taxes and taking precedence over all other recorded liens, and such lien shall remain in full force and effect for the amount due on principal and interest, plus costs of court, if any, for collection, until final payment has been made.

#### **11-31 ALTERNATIVE COLLECTION OF ABATEMENT AND VIOLATION CORRECTION SPECIAL ASSESSMENT LIENS.**

- (a) At the city manager's option, a resolution may be prepared for consideration by the city commission identifying outstanding special assessments owed to the city for municipal abatement of nuisances and municipal correction of violations of the minimum property maintenance standards of the city, including municipal demolition of one (1) or more structures, and seeking authorization to collect such special assessments as non-ad valorem property tax pursuant to F.S. Ch. 197. The proposed resolution shall designate the name and address of the owner, a description of the lots or land and the charges to be assessed against such lots or land for abatement or corrective activity. If prepared, the resolution shall be presented to the city commission by the code official and, upon approval of the resolution by the city commission, outstanding charges shall be assessed against the property and shall be and remain a lien against such property prior to all other liens or interests, save and except taxes, and shall bear interest at the rate of eight (8) percent per annum from the date the resolution is approved by the city commission.
- (b) Before adoption of the resolution specified in paragraph (a), the city commission shall cause to be published a notice directed to the owner(s) of the subject property, designating a time and place where complaints will be heard with reference to the proposed assessment and when such

assessment will be finally approved and confirmed by the city commission. A copy of such notice shall be served upon the property owner(s) by first class U.S. Mail at the owner's last known address as same appears on the records of the property appraiser of the county. The failure to mail such notice or notices shall not invalidate any of the proceedings under this article.

- (c) At the time and place designated in the notice provided in paragraph (b), the city commission shall meet as an equalizing board to hear and consider any and all complaints as to such assessment and shall adjust and equalize the assessment, and when so equalized and approved and the resolution specified in paragraph (a) adopted, such assessment shall stand confirmed and be and remain a legal, valid and binding lien upon the property against which such assessment is made until paid.
- (d) To the extent not inconsistent with general or special law, special assessment liens created and perfected pursuant to the provisions set forth herein and unrecorded at the time of the filing for record of a notice of lis pendens against the subject property shall nonetheless be enforceable against the subject property and shall have the priority specified herein if the city's interest or lien did not arise until after the filing for record of such notice of lis pendens.
- (e) Only special assessments which may become a lien against homestead as permitted by Section 4, Art. X of the State Constitution may be collected using the alternative method described herein, if the property in question is entitled to homestead protection.

#### **Reserved 11-32 – 11-35**

### **Division 3. Supplemental Enforcement Procedures**

#### **11-36 CODE ENFORCEMENT CITATION SYSTEM.**

- (a) In accordance with F.S. § 162.22, a code enforcement citation system is established to provide a supplemental means of enforcing city codes and ordinances under circumstances which are not conducive to enforcement through procedures provided in division 2.
- (b) The provisions of this division are additional and supplemental means of enforcing city codes and ordinances. Nothing contained herein shall prohibit the city from enforcing its codes or ordinances by any other means.

#### **11-37 APPLICABILITY.**

- a) A citation may be issued for violation of any city code or ordinance. For the purpose of enforcing codes and ordinances pursuant to the provisions of this division, any such violation shall constitute a civil infraction.
- (b) A citation may be issued for commencing any work or conducting any occupation within the incorporated area for which a permit or license is required without first obtaining such permit or license except as provided in subsection (d). For the purpose of enforcing codes and ordinances pursuant to the provisions of this division, any such violation shall constitute a civil infraction.
- (c) A citation may be issued at the direction of the city manager for violation of any city code or ordinance not specifically authorized by this section when, in the opinion of the city manager, implementation of the code enforcement citation system is the most effective means of eliminating a serious threat to the public health, safety or welfare. For the purposes of enforcing codes and ordinances pursuant to the provisions of this division, any such violation shall constitute a civil infraction.
- (d) The provisions of this division shall not apply to building codes adopted pursuant to F.S. § 553.73, as they apply to construction.

#### **11-38 AUTHORITY AND POWERS OF CODE ENFORCEMENT OFFICER.**

- (a) A code enforcement officer is authorized to issue a citation to any person when, based upon personal investigation, and not necessarily personal knowledge, the officer has reasonable cause to believe that:

- (1) The person has committed a civil infraction in violation of any duly enacted code or ordinance which is enforceable pursuant to this division; and
  - (2) The county court will hear the charge.
- (b) A code enforcement officer shall have no power of arrest nor shall the officer be subject to the provisions of F.S. §§ 943.085 through 943.244.
- (c) Refusal to accept a citation issued by a code enforcement officer shall constitute a misdemeanor of the second degree punishable as provided in [Section 11-40](#).

#### **11-39 PROCEDURE.**

- (a) Except as provided in subsection (c) below, if a violation is found, the code enforcement officer shall provide notice, prior to issuing a citation, that the person has committed a civil infraction in violation of a city code or ordinance. The officer shall establish a reasonable time period, which shall be no more than thirty (30) days, within which the person must correct the violation.
- (b) If, upon personal investigation, the code enforcement officer finds that the person has not corrected the violation within the time period allowed, the officer may issue a citation to the person who has committed the violation.
- (c) The code enforcement officer is not required to provide the person with a reasonable time to correct the violation prior to issuing a citation and may immediately issue a citation if the officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.
- (d) A citation issued by the code enforcement officer shall be in a form reviewed by the city attorney and approved by the city manager and shall contain the following information:
- (1) The date and time of issuance.
  - (2) The name and address of the person to whom the citation is issued.
  - (3) The date and time the civil infraction was committed.
  - (4) The facts constituting reasonable cause.
  - (5) The number or section of the code or ordinance violated.
  - (6) The name and authority of the code enforcement officer.
  - (7) The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
  - (8) The applicable civil penalty if the person elects to contest the citation.
  - (9) The applicable civil penalty if the person elects not to contest the citation.
  - (10) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he shall be deemed to have waived his right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
- (e) After issuing the citation to the alleged violator, the code enforcement officer shall deposit the original and one (1) copy of the citation with the clerk of the county court.
- (f) The county court in and for the Tenth Judicial Circuit shall hear and consider charges of code and ordinance violations pursuant to the issuance of citations.

#### **11-40 PENALTIES.**

- (a) A violation of a code or ordinance enforced by procedures established in this division is a civil infraction with a maximum civil penalty not to exceed five hundred dollars (\$500.00) per violation.
- (b) Fines, penalties and administrative costs to be assessed for uncontested citations shall be established by a uniform fine schedule adopted by resolution of the city commission, said resolution being incorporated herein by reference.



- (c) If a citation is issued for a repeat violation and the citation is uncontested, the following shall apply:
- (1) Any person who commits a second violation of a code or ordinance shall be assessed a fine as set forth in the next class higher than that of the ordinance violated as specified in the uniform fine schedule, or, if there is not a higher class, an additional one hundred dollars (\$100.00) provided that such fine does not exceed the maximum civil penalty.
  - (2) Any person who commits a third violation of a code or ordinance shall be assessed a fine as set forth in the class two (2) higher than that of the ordinance violated as specified in the uniform fine schedule, or, if there is not a higher class, an additional one hundred dollars (\$100.00) provided that such fine does not exceed the maximum civil penalty.
  - (3) Each further repeat violation shall be assessed an additional one hundred dollars (\$100.00) above the amount of fine assessed for the previous violation provided that such fine does not exceed the maximum civil penalty.
- (d) Fines, penalties and administrative costs for contested citations shall be set as the court may deem appropriate but shall not exceed the maximum civil penalty.
- (e) Any person who willfully refuses to sign and accept a violation issued by a code enforcement officer shall be guilty of a misdemeanor of the second degree which is punishable by a fine not exceeding five hundred dollars (\$500.00) or by a definite term of imprisonment in the county jail not exceeding sixty (60) days or by both fine and imprisonment.

[Reserved 11-41 - 11-45](#)

## Article III - Nuisances

### Division 1. Generally

#### **11-101 NUISANCE PENALTY (F.S. 823.01)**

All nuisances that tend to annoy the community, injure the health of the citizens in general, or corrupt the public morals are misdemeanors of the second degree, and punishable as provided in F.S. 775.083, except that a violation of F.S. 823.10 (Place where controlled substances are illegally kept, sold, or used declared a public nuisance) is a felony of the third degree.

#### **11-102 OUTDOOR SALES.**

Outdoor sales of merchandise from a vehicle, in a Right of Way, stall, or any designated area shall constitute a roadside stand, curb market or open-air market, as defined herein, and are not permitted within the city.

**EXCEPTION:** May be allowed for special events with required permit.

#### **11-103 CREATION UNLAWFUL.**

It shall be unlawful for any person to create a nuisance, or suffer or permit a nuisance to exist upon property which is under his care, custody or control.

#### **11-104 DUTY OF PROPERTY OWNER.**

It shall be the duty of every owner of land lying within the corporate limits of the city to clear the same or destroy all nuisances that may be on such land. It shall also be the duty of every owner of land with a sidewalk abutting thereon to keep the sidewalk free and clear of all weeds, undergrowth, rubbish, debris and trash.

### Division 2. Debris, Weeds, Wild Growth, Dangerous and Unsanitary Conditions

#### **11-106 WEEDS, GRASS, OVERGROWTH, UNDERGROWTH, AND RANK GROWTH.**

All premises and exterior property *to include* the portion of the adjoining public right-of-way between the property *and* the street, other than agricultural, shall be maintained free from weeds or plant growth in excess of 8 (eight) inches in height for improved property, twelve (12) inches in height for unimproved property, dead and or downed trees, stumps must be ground to or below grade, low hanging branches must be trimmed to a height of at least six (6) feet above grade. The removal of

any tree, four (4) inches or greater in diameter at breast height (DBH), cannot be removed without a permit.

**EXCEPTION:** Parcels over 1 acre need only mow and clean the first twenty-five (25) feet of the perimeter of the property.

#### **11-107 JUNK AND TRASH.**

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. It shall be the duty of each property owner or household in this city to remove all debris from his or her property, including the streets, alleys, and sidewalks bordering thereon, and keep same in good, clean, and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

No owner or occupant shall permit old or broken lumber, rusted or unused equipment, discarded refrigerators, discarded stoves, old pipe, scrap metal, or other used, discarded and worn, unsightly articles or materials to remain in any yard or open area owned, occupied or in the possession of such person for a period of more than ten (10) days.

Further, unless authorized by the zoning category of the property, no owner or occupant of a building, structure or premises may utilize such property for the open storage of abandoned, untagged, or inoperative motor vehicles, iceboxes, refrigerators, stoves, glass, building material, rubbish, or similar items

#### **11-108 DEAD TREES, LIMBS, BRANCHES AND ACCUMULATED LANDSCAPING MATERIALS.**

It shall be the responsibility of the owner and/or occupant to remove and properly dispose of dead and/or downed trees, limbs, branches, bagged or piled grass clippings, bagged, or piled leaves and other piles or accumulations of material resulting from landscaping or maintenance of a parcel of land or lots. Stumps resulting from the removal of dead trees will be ground to or below grade level as to prevent a hazardous condition.

#### **11-109 TREE DECLARED NUISANCE/ DANGEROUS.**

- a) Any tree extending over a street, alley, highway, or parking lot shall be trimmed by the property owner or his authorized agent, on which the tree trunk is located, so as to provide a clear height above the street, alley, highway, or parking lot of not less than fourteen (14) feet.
- b) Any tree extending over a sidewalk or multi-modal trail shall be trimmed by the property owner, or his authorized agent, so as to provide a clear height above the sidewalk or multi-modal trail, of not less than eight (8) feet.
- c) The property owner of any tree which extends over a street, alley, highway, parking lot, sidewalk, or multi-modal trail shall remove any and all dead branches from the tree which, if dislodged, are likely to fall upon the public street, alley, highway or sidewalk.
- d) In the event that the property owner fails to meet the requirements of this section, the City may then issue a written notice of violation to the property owner giving fifteen (15) days to correct the violation. If the violation is not corrected within the given period of time the City has the option of correcting the violation at the property owner's expense.

#### **11-110 DANGEROUS CONDITIONS - GENERAL.**

It is unlawful for any person to maintain or permit the existence of any condition that is a danger to life, health, or property within the City. Dangerous conditions include, but are not limited to, any unsecured structure, structures in violation of the Florida Building Code, the International Property Maintenance Code, the Uniform Code for the Abatement of Dangerous Buildings, trees in danger of falling, all or in part, unprotected excavations, improper storage of hazardous or toxic materials, any abandoned or stored refrigeration unit, appliance, derelict vehicle, derelict vessel, or other condition that could trap a person, in such a place as to be easily accessible to persons without first having made adequate provisions to prevent entry into such without having removed all latches, catches, locking devices or the door thereof, so that escape from the interior may be had, or otherwise ensure lack of access.

### **11-111 GRAFFITI.**

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

### **11-112 OPEN FIRES, BONFIRES, CAMPFIRES, RECREATIONAL FIRES**

#### **11-112.1 DEFINITIONS**

*Open Fires:* Includes, without limitation, campfires, bonfires, unpermitted controlled burns, burning of yard and household trash, burning of construction debris, burning of organic debris, and igniting of fireworks unless expressly exempted from a burn ban.

*Recreational fires:* Noncommercial burning of material other than for religious or ceremonial purposes which is not contained in a barbecue grill or a barbecue pit and the total fuel area is not exceeding three (3) feet in diameter and two (2) feet in height.

#### **11-112.2 RECREATIONAL FIRES (FS 590.11)**

- (1) It is unlawful for any individual or group of individuals to build a warming fire, bonfire, or campfire and leave it unattended while visible flame, smoke, or emission exists.
- (2) Anyone who violates this municipal code commits a misdemeanor of the second degree, punishable as provided in FS 775.082 or 775.083.

#### **11-112.3 BONFIRES (FS 823.02)**

Anyone concerned with causing or making a bonfire within 10 rods (165 feet) of any house or building shall be guilty of a misdemeanor of the second degree, punishable as provided in FS 775.082 or FS 775.083

### **Reserved 11-113 – 11-119**

### **Division 3. Noise**

#### **11-120 SEVERABILITY.**

If any provision of this division or the application thereof is held invalid, such invalidity shall not affect the other provisions or application of this division which can be given effect without the invalid provisions or application, and to this end the provisions of this division are hereby declared severable.

#### **11-121 NOISE DISTURBANCE—DEFINED.**

As used in the division, a "noise disturbance" is any sound which is:

- (1) Unreasonably loud and disturbing;
- (2) Of such character, quantity, or duration as to be injurious to human or animal life, or property;
- (3) Of such character, quantity, or duration as to unreasonably interfere with the comfortable enjoyment of life or property; or
- (4) Of such character, quantity, or duration as to unreasonably interfere with the normal conduct of business.

#### **11-122 PROHIBITION OF NOISE DISTURBANCE.**

No person or legal entity, through its officers, agents or employees, shall make, maintain, or cause to be made or maintained a noise disturbance as defined in this division. The continuation of a noise disturbance upon one's property following notice of its existence to that person making, maintaining, or causing to be made or maintained a noise disturbance shall be deemed to continue with the permission of the property owner and/or lessee.

#### **11-123 SPECIFIC PROHIBITIONS.**



The following specified acts and circumstances are hereby declared to constitute prohibited noise disturbances in violation of this division, provided, however, such enumeration is not and shall not be deemed to be exclusive, provided, further, that all other acts and circumstances meeting the definition of noise disturbance are likewise declared to be in violation of this division.

- (1) *Radios, televisions, tape players, compact disc players, musical instruments and similar devices.* Playing or permitting the playing of any radio, television, tape player, compact disc player, musical instrument or similar device, whether or not amplified, in such a manner or with such a volume as to annoy or disturb the quiet, comfort and repose of a reasonable person in a dwelling, place of business, hotel or other place of residence.
- (2) *Amplified human voice.*  
Amplifying the human voice in such a manner or with such volume as to annoy or disturb the quiet, comfort, and repose of a reasonable person in any dwelling, place of business, hotel or other place of residence.
- (3) *Creating noise for purpose of advertising prohibited.*  
Blowing any horn or whistle, ringing any bell, or using any other device whereby a noise is produced for the purpose of advertising any business, occupation, or article or for the purpose of attracting attention to such advertisement shall be prohibited. No person shall cause or procure the same to be done within the city.
- (4) *Other noises.*  
All unnecessary or unauthorized noises, including animal noises, and annoying vibrations, shall be prohibited.

#### **11-124 EXEMPTIONS.**

The provisions of this division, except for those specified prohibitions set forth hereinabove, shall not apply to the following sounds:

- (1) The unamplified human voice;
- (2) Railway locomotives or cars;
- (3) Household or farming tools, appliances and equipment meeting manufacturer's specifications as to sound, if applicable;
- (4) Aircraft and airport activity conducted in accordance with federal laws and regulations;
- (5) Maintenance of public service facilities;
- (6) Law enforcement activities, including training;
- (7) Authorized target shooting;
- (8) Emergency signals during emergencies;
- (9) Emergency signal testing;
- (10) Motor vehicles operating on a public right-of-way subject to F.S. § 316.293;
- (11) Refuse collection and mosquito fogging;
- (12) Operation of any regulated utility;
- (13) Ordinary and customary construction activities exempt from or for which the City of Eagle Lake has issued a development permit, provided such activity occurs between 7:00 a.m. and 9:00 p.m.;
- (14) Organized athletic contests;
- (15) Sounds relating to and originating within any area zoned for commercial use;

- (16) Sounds relating to and originating within any area zoned for industrial use;
- (17) Sounds relating to and originating from legal, pre-existing, non-conforming commercial and industrial activities;
- (18) Boats and boating activities;
- (19) Emergency devices and vehicles used for the purpose of alerting persons of an emergency or the emission of sound in the performance of emergency work;
- (20) Lawful non-commercial public gatherings including, but not limited to, parades, festivals, and school functions;
- (21) Reasonable operation of equipment associated with the following activities between one-half (½) hour before sunrise and 10:00 p.m.:
  - Lawn care, soil cultivation;
  - Maintenance of trees, hedges and gardens, the use of lawn mowers, saws and tractors, tree trimming and limb clipping.

These exemptions do not apply to the specific prohibitions set forth in [Section 11-123](#) above.

#### **11-125 SCHOOL-RELATED ACTIVITIES.**

All authorized school-related activities are exempt from the provisions of this division.

#### **11-126 SEPARATE VIOLATIONS.**

Each separate occurrence shall constitute a separate violation and shall be punishable as such hereunder.

#### **11-127 PENALTIES.**

A person who violates [Section 11-122](#) and [Section 11-123](#) as set forth hereinabove, shall be subject to prosecution in the name of the state in the same manner as misdemeanors are prosecuted; and, upon conviction, such person shall be punished by a fine not to exceed five hundred dollars (\$500.00), or imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment.

#### **Reserved 11-128 – 11-129**

#### **Division 4. Litter, Garbage and Refuse**

The City of Eagle Lake hereby adopts by reference Polk County Ordinance 99-24, known as the "Polk County Litter Law" as may be amended from time to time in the future.

#### **11-130 DEFINITIONS.**

*Containers* means a device used to temporarily store garbage and/or rubbish.

*Dump* means to dump, throw, discard, place, deposit, or dispose of.

*Garbage* means any animal or vegetable waste resulting from handling, preparation, cooking and consumption of food.

*Landfill* means a site for the deposit of garbage, rubbish, or other waste to be legally deposited.

*"Law enforcement officer"* means any officer of the Florida Highway Patrol, the Polk County Sheriff's Office, a Municipal Police Department, Officers of the Florida Game and Freshwater Fish Commission, Polk County Code Enforcement Officers, and, solely for the purposes of this division, any employee of the Polk County Division of Parks and Recreation designated by the department as a Litter Control Officer.

*Litter* means any garbage; rubbish; trash; refuse; can; bottle; box; container; paper; tobacco product; tire; appliance; mechanical equipment or part; building or construction material; tool; machinery; wood; motor vehicle or motor vehicle part; vessel; aircraft; farm machinery or equipment; sludge from a waste treatment facility, water supply treatment plant, or air pollution

control facility; or substance in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

*Motor vehicle* means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor, or semitrailer combination, or any other vehicle that is powered by a motor.

*Person* means any individual, firm, sole proprietorship, partnership, corporation, or unincorporated association.

*Rubbish* means any Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

*Vessel* means a boat, barge, or airboat or any other vehicle used for transportation on water.

#### **11-131 ACCUMULATION OF RUBBISH OR GARBAGE.**

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

#### **11-132 DISPOSAL OF RUBBISH.**

Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in an approved container or rubbish disposal facility.

#### **11-133 DISPOSAL OF GARBAGE.**

Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved container or garbage disposal facility.

#### **11-134 APPLIANCES, REFRIGERATORS, AND OTHER LARGE WASTE.**

Appliances, Refrigerators, and other large waste not in operation shall not be discarded, abandoned or stored on any premises without first securing or removing the doors.

#### **11-135 CONTAINERS.**

The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak-proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

##### **11-35.1 RESIDENTIAL TRASH CONTAINERS**

Every occupant of a residential property shall place garbage or rubbish in approved containers. Containers may be placed at curbside no earlier than 1 day prior to collection day and must be removed no later than 1 day after collection day.

##### **11-35.2 RESIDENTIAL RECYCLING CONTAINERS**

Every occupant of a residential property shall place recycling materials in approved containers. Containers may be placed at curbside no earlier than 1 day prior to collection day and must be removed no later than 1 day after collection day.

#### **11-136 DISTRIBUTION OF HANDBILLS.**

Except as otherwise provided in this section, no person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or vehicle in any public place or private premises. It shall not be unlawful to distribute without charge a noncommercial handbill to a person in a vehicle or to an occupant of a non-posted residence willing to accept it. If the residence is inhabited and not posted and unless requested by anyone present not to do so, a handbill secured in a plastic bag may be attached to the front door or within 10 feet of the door.

#### **11-137 DUMPING LITTER PROHIBITED.**

Unless otherwise authorized by law or permit, it is unlawful for any person to dump litter in any manner or amount:



- (1) In or on any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, or any other public lands, except in containers or areas lawfully provided therefor. When any litter is thrown or discarded from a motor vehicle, the operator or owner of the motor vehicle, or both, shall be deemed in violation of this division;
- (2) In or on any lake, river, canal, or stream of the county, including canals. When any litter is thrown or discarded from a vessel, the operator or owner of the vessel, or both, shall be deemed in violation of this division; or
- (3) In or on any private property, unless prior consent of the owner has been given and unless such litter will not cause a public nuisance or be in violation of any other state or local law, rule or regulation.

#### **11-138 - DUMPING RAW HUMAN WASTE PROHIBITED.**

Unless otherwise authorized by law or permit, it is unlawful for any person to dump raw human waste from any train, aircraft, motor vehicle, or vessel upon the public or private lands or waters of the city or county.

#### **11-139 - PENALTIES; ENFORCEMENT.**

- (a) Any person who dumps litter in violation of [Section 11-137](#) of this division or raw human waste in violation of [Section 11-138](#) of this division is guilty of a noncriminal infraction, punishable by a civil penalty of \$100.00 for the first infraction and \$500.00 for the second or subsequent infractions. In addition, the court may require the violator to pick up litter or perform other labor commensurate with the offense committed.
- (b) Persons cited for an infraction under this division shall sign and accept a citation acknowledging receipt of the citation. Persons receiving a citation may pay the civil penalty within ten days of the date of receiving the citation. If a person fails to pay the civil penalty within ten days of receipt of the citation, the clerk's office shall issue a notice to appear. The clerk shall assess a \$10.00 late fee for each penalty paid after the initial ten-day period. The late fee shall be retained by the clerk's office for the purpose of defraying operating expenses. Payment of the civil penalty and applicable late fee shall be deemed an admission of the infraction and a waiver of the violator's right to a nonjury trial on the issue of the commission of the violation. Failure to pay the civil penalty and late fee when the citation has not been successfully contested shall result in the recording of a lien for the unpaid amount as well as for recording fees.
- (c) A citation issued pursuant to this division shall state the date and time of issuance, name and address of the person in violation, date of the violation, section of the ordinance or subsequent amendments thereto violated, name of the law enforcement officer issuing the citation, the date and time when the violator shall appear in county court if he or she wishes to contest the citation, and a conspicuous statement indicating the penalty for willful refusal to sign and accept the citation.
- (d) Any person who willfully refuses to sign and accept a citation issued pursuant to this division shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or 775.083

#### **11-140 - ENFORCEMENT OF OTHER REGULATIONS.**

This division does not limit the authority of any state or local agency to enforce other laws, rules, or ordinances relating to litter or solid waste management.

[Reserved 11-141 - 11-145](#)

## Division 5. Motor Vehicles or Vessels

### **11-146 DEFINITIONS.**

*DERELICT, INOPERABLE MOTOR VEHICLE or VESSEL means* A vehicle or vessel which cannot be used for its intended purpose for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its owner power.

### **11-147 MOTOR VEHICLE(S), OR VESSEL(S).**

Except as provided for in other regulations, the presence of an unlicensed, abandoned, wrecked, dismantled, derelict or inoperative vehicle(s) or vessel(s), on any private or public property, is declared to constitute a public nuisance that shall be abated as such in accordance with the provisions of [Section 11-148](#). The tearing down, stripping or junking of such vehicle(s) or vessel(s) shall be permitted only where and when such use is specifically authorized, permitted, or licensed under other ordinances of the city and in strict accordance therewith; or which use is conducted entirely within the confines of an accessory building, carport, or garage, then only provided that such vehicle(s) or vessel(s) is the property of the owner or occupier of the lot and that such use is not a commercial use of the property, unless such use is authorized by other ordinances of the city.

#### Inoperable or Derelict Vehicle(s) or Vessel(s):

A vehicle or vessel, or parts thereof, shall be deemed to be "derelict" or inoperable if the vehicle(s) or vessel(s) is:

- 1) Inoperable to the extent that it is unable to perform its original intended function or;
- 2) Partially or wholly dismantled or;
- 3) In a condition that prevents legal operation or;
- 4) Junked or intended to be recycled, scrapped, or;
- 5) Unlicensed.

This section defining derelict, inoperable and abandoned vehicle(s) or vessel(s) shall not apply to the following:

- 1) A vehicle(s) or vessel(s) that is enclosed in a secure building.
- 2) A vehicle(s) or vessel(s) on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of the business enterprise as determined by the Eagle Lake Code of Ordinances.
- 3) A vehicle(s) or vessel(s) in an appropriate storage or depository facility maintained in a lawful place and manner by a governmental agency.
- 4) An antique motor vehicle as defined in F.S. 320.086 which is licensed as provided by law.
- 5) A vehicle(s) or vessel(s) which is covered by an intact custom vehicle or vessel cover made for the specific type and size of vehicle or vessel which it covers.
  - a) In no instance shall a person have more than one (1) custom covered vehicle or vessel on his or her residential property or two (2) custom covered vehicles, vessels, or combination thereof on his or her nonresidential property
  - b) No custom covered vehicle(s) or vessel(s) may be stored on public property or right-of-way.
- 6) A race car that is currently actively engaged in racing and equipped for racing with roll cage, windows removed, drivers name, sponsors and number displayed. Demolition race cars shall be considered derelict vehicles two weeks after the demolition race.
- 7) An automobile repair shop may only have derelict vehicles on the premises for the time necessary under agreement for repair with business customers. Automobile dealers may not have derelict vehicles on the premises for resale.

### **11-148 DISPOSITION AND IMPOUNDMENT OF VEHICLE(S) OR VESSEL(S):**

- a) **PRIVATE PROPERTY:** No person in charge of any private property within the city shall allow any unlicensed, abandoned, wrecked, dismantled, derelict, inoperative vehicle(s), or vessel(s) to remain on any private property for a period longer than ten (10) days. This shall not apply to any

vehicle(s) or vessel(s) in an enclosed building, a carport, or any vehicle allowed under [Section 11-147 Motor Vehicle\(s\), or Vessel\(s\)](#).

- b) **PUBLIC PROPERTY:** No person shall allow any unlicensed, abandoned, wrecked, dismantled, derelict, or inoperative vehicle(s), or vessel(s) to remain on any public property for a period longer than five (5) days. This shall not apply to any vehicle in an enclosed building, a carport, or on a commercial property operated in a lawful manner for vehicle repair or restoration.
- c) If the vehicle(s) or vessel(s) is not removed in accordance with notice set forth in this chapter, the City Manager or his designee may cause the vehicle(s) or vessel(s) to be removed. The vehicle(s) or vessel(s) owner may have vehicle(s) or vessel(s) released upon proof of ownership by title, registration or bill of sale and paying all towing and storage fees to the private contractor. If the vehicle or vessel is unclaimed the private contractor may dispose of the vehicle or vessel in any manner permitted by law.

#### [Reserved 11-149 – 11-200](#)

### Article IV Minimum Property Maintenance Standards

#### Division 1

##### [11-201 INTENT.](#)

- (a) The provisions of this Division shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.
- (b) This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

##### [11-202 APPLICABILITY.](#)

Where there is a specific conflict between a general requirement of this code and a specific requirement of this code, the specific requirement shall govern. Where differences occur between provisions of this code, and any referenced standard in this code, this code shall generally govern. Chapter 553, Florida Statutes, the Florida Building Code and all referenced standards in the Florida Building Code shall control all matters relating to new building construction, repair and remodeling. The Florida Fire Prevention Code / Florida Life Safety Code shall control all matters relating to fire safety. Where, in a specific case, different sections of this code specify different requirements, the most restrictive will govern.

##### [11-202.1 Maintenance.](#)

Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from, shut off from, or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

##### [11-202.2 Application of Other Codes.](#)

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of Chapter 553, Florida Statutes, and



any applicable building codes, including, but not limited to, the Florida Building Code. Nothing in this code shall be construed to cancel, modify or set aside any of the provisions of Chapter 553, Florida Statutes, or any applicable building codes to a particular project, including, but not limited to, the Florida Building Code or any referenced standard therein.

#### 11-202.3 Existing remedies.

The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

#### 11-202.4 Workmanship.

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

#### 11-202.5 Historic Buildings.

The provisions of this code shall not be mandatory for existing buildings or structures that are designated as historic by the National Park Service and listed on the National Register of Historic Places when such buildings or structures are judged by the Code Official to be safe and in the public interest of health, safety, and welfare.

#### 11-202.6 Referenced Codes and Standards.

The codes and standards referenced throughout this code shall be considered part of this code and are accordingly adopted and incorporated herein by reference to the prescribed extent of such reference. Where differences occur between provisions of this code and the referenced standards, the more stringent standard shall apply.

#### 11-202.7 Requirements Not Covered by Code.

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health, and general welfare, not specifically covered by this code shall be determined by the Code Official using the following:

- a. Reference to the International Property Maintenance Code, 2015 edition;
- b. Reference to the manufacturer's suggested guidelines or instructions for installation and use;
- c. Reference to the Florida Building Code or any other applicable building code;
- d. Reference to the 1997 Uniform Code for the Abatement of Dangerous Buildings;
- e. Reference to primary law (including federal, state, and local sources);
- f. Reference to any generally accepted practice in the industry, occupation, or general use for which the existing fixture, structure or equipment is primarily designated for, or which the public health, safety, and welfare requires; or
- g. Reference to any other suitably acceptable source of custom or practice reasonably accepted by society and sufficiently reliable in nature such that the requirement would be generally known and accepted in the community.
- h. Any amendment to each of the aforementioned codes or other provisions of law shall include any amendments made from time to time.

The Code Official, upon observing a deficiency in a requirement necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health, and general welfare, shall, in addition to regular enforcement protocol, issue along with the first notice a written determination including the basis for requirement and the necessary steps to correct the deficiency observed to meet the requirement.

#### 11-202.8 Code Officials.

Each Code Enforcement Officer and Building Official of the City is deemed a "Code Official" for purposes of this code. A code official may only exercise authority in enforcing this code for which the said code official is duly licensed. Code Enforcement is a division of the Department of Planning and Development. Any notices required to be delivered to the Code Official under this code shall be delivered to the responsible Code Official for the case.

#### 11-202.9 Liability.

In accordance with § 768.28(9)(a), Florida Statutes, a City official or employee charged with the enforcement of this code shall not be held personally liable in tort or named as a party defendant in any action for any injury or damage suffered as a result of any act, event, or omission of action in the scope of her or his employment or function, unless such officer, employee, or agent acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

#### **11-203 SEVERABILITY.**

If any section, subsection, paragraph, sentence, clause or phrase of this Division is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of these regulations shall continue in full force and effect, it being the intent of the city commission to have adopted these regulations without such unconstitutional or invalid section, subsection, paragraph, sentence, clause or phrase.

#### **11-204 DUTIES AND POWERS OF THE CODE OFFICIAL**

##### 11-204.1 Inspections.

The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

##### 11-204.2 Right of Entry.

Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

##### 11-204.3 Identification.

The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

##### 11-204.4 Notices and Orders.

The code official shall issue all necessary notices or orders to ensure compliance with this code.

##### 11-204.5 Department Records.

The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

#### 11-204.6 Modifications.

Whenever there are practical difficulties involved in carrying out the provisions of this code, the Building Official shall have the authority to grant modifications to structures for individual cases as may be deemed necessary in his or her discretion. Should a modification be denied, the requester may appeal the Building Official's decision to the Board of Adjustment and Appeals. No modification from the terms of this code shall be issued unless the Board of Adjustment and Appeals finds, based on competent substantial written evidence submitted to the Planning & Development Department at least seven (7) business days before the day of the scheduled meeting of the Board of Adjustment and Appeals, that all of the following conditions are met:

- a. The requested modification is in compliance with the intent and purpose of this code;
- b. The requested modification does not lessen health, life, safety and fire requirements;
- c. The circumstances giving rise to the requested modification are peculiar to the structure and do not arise from the actions of a structure owner or occupant;
- d. The requested modification, if approved, will not confer any special privilege that is denied by the provisions of this code to other similarly situated structures;
- e. Literal interpretation of the provisions of this code would deprive the structure owner or occupant of rights commonly enjoyed by other similarly situated structures; and
- f. The requested modification, if approved, is the minimum modification that will allow reasonable use of the structure.

All requests for modifications must be submitted to the City in writing. It is the requester's responsibility to include a proper mailing address with the written request for modification.

While it is preferred that the requester provide evidence supporting the modification to the Board of Adjustment and Appeals at the time of making the written request, to ensure that the requester is given adequate opportunity to provide the Board of Adjustment and Appeals with all relevant evidence, the Planning & Development Director shall, upon receipt of a request for modification, forward a notice, along with a copy of this Section, to the address supplied by the requester that identifies the Board meeting date and the deadline for document submittal.

Should a modification to this code be approved, the Board of Adjustment and Appeals shall draft a modification order and shall forward a copy of the modification order to the Code Official for placement in the Code Official's files and a copy of the modification order to the Building Official for placement in the Building Official's files.

Modifications to this code granted by the Board of Adjustment and Appeals are not variances and do not run with the land, and upon the application for a building permit from the City for the subject building, structure or premises by the owner or occupant thereof, such modifications shall cease to be in existence and the subject building, structure or premises must be brought into compliance with this code as a condition of issuance of the permit.

Any aggrieved person adversely affected by a decision of the Board of Adjustment and Appeals made pursuant to this Section shall, within thirty (30) days of rendition of the



decision, make appeal to an applicable Court of law in accordance with the Florida Rules of Appellate Procedure by filing with such Court a petition for writ of certiorari. Such an appeal shall be in the nature of that from a final administrative decision.

#### 11-204.7 Alternative Materials, Methods and Equipment.

The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

#### 11-204.8 Required Testing.

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority, but not the obligation, to require tests to be made as evidence of compliance at the property owner's expense.

#### 11-204.9 Used Material and Equipment.

The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved by the code official.

#### 11-204.10 Approved Materials and Equipment.

Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

### **11-205 UNSAFE STRUCTURES AND EQUIPMENT**

When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be *placarded* pursuant to the provisions of this code.

#### 11-205.1 Unsafe Structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

#### 11-205.2 Unsafe Equipment.

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

#### 11-205.3 Structure Unfit for Human Occupancy.

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in

disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

#### 11-205.4 Unlawful Structure.

An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

#### 11-205.5 Dangerous Structure or Premises.

For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous.

- a. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the requirements for existing buildings identified in Chapter 553, Florida Statutes, the Florida Building Code, the Florida Fire Prevention Code or the Florida Life Safety Code.
- b. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
- c. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
- d. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
- e. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
- f. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
- g. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
- h. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
- i. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for habitation or in such a condition that is likely to cause sickness or disease.

- j. Any building or structure, because of lack of sufficient or proper fire-resistance-related construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
- k. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

#### 11-205.6 Closing of Structures.

If a structure is unfit for human habitation and occupancy, and is not in danger for structural collapse, but is open such that the interior of the structure is easily accessible through open or broken windows, open or broken doors, or missing structural elements, the Code Official is authorized to issue a demand for correction in accordance with [Section 11-23](#) of this code.

Alternatively, should the structure

- (1) pose an imminent danger to the health, safety, and welfare of the general public;
- (2) be occupied periodically by transients or itinerants; or
- (3) be utilized for illegal conduct in violation of any federal, state or local law,

the Code Official is authorized to have the structure immediately closed up so as not to be an attractive nuisance by posting a notice at each entrance to the building and by sealing each accessible entrance.

When the Code Official elects to post a "notice " on a structure at each accessible entrance, in accordance with subsection (1), (2) or (3) above, the Code Official shall send a bill for the City's expense in closing the structure to the owner of the property underlying the structure or the agent of such owner of the property underlying the structure by United States certified mail, return receipt requested. Should the City's bill be returned unclaimed, the City may then post the bill on the closed structure and at a conspicuous location at City Hall for ten (10) days, which, on the tenth day after posting, shall constitute the equivalent of delivery. After billing by the City, if the full amount due the City is not paid by the owner of the structure or the agent of the owner of the structure within thirty (30) days after receipt of the bill or after the expiration of ten (10) days after posting the bill, the Code Official shall cause to be recorded in the public records of the county, a sworn statement showing the cost and expense incurred for the work and the date, place and property on which such work was done, and an affidavit of constructive service by posting, if any, and the recordation of such sworn statement shall constitute a special assessment lien on the property equivalent to the lien of municipal taxes and taking precedence over all other recorded liens, and shall remain in full force and effect for the amount due on principal and interest, plus costs of court, if any, for collection, until final payment has been made. Such special assessment lien may be foreclosed in the manner provided for by general law.

Any owner aggrieved by the findings and order of the Code Official shall have the right to appeal said decision prior to the expiration of the time within which to pay the bill for closing the structure due the City. Any appeal taken must be requested, in writing, and timely received by the City Clerk at 201 West Central Avenue, Lake Wales, Florida. In the event the time for owner to pay expires on a weekend, evening or a holiday, the owner shall have until 5:00 p.m. the next business day to file the request for appeal. Such written notice or request may be in any form which clearly notifies the City of the owner's request. The Code Official shall place the appeal on the agenda of the next scheduled Code Enforcement Board Hearing or may request a special meeting to hear the appeal. Any appeal shall stay all proceedings in furtherance with the action appealed from until after the hearing is held. It shall be the responsibility of the owner of



the property in question to show that the City's actions are without reason. The Code Enforcement Board shall determine whether the appeal is justified. The appeal hearing shall be conducted in accordance with the provisions of Chapter 162, Florida Statutes. If it is determined by the Code Enforcement Board, based on competent substantial evidence in the record, that the City's actions are without reason, the cost for closing the structure shall be borne by the City.

No structure closed by the City pursuant to this section may be reopened unless said structure is wholly compliant with this code or unless it is shown during a timely appeal after hearing that the City's actions in closing the structure were without reason.

#### 11-205.6.1 Authority to Disconnect Service Utilities.

The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in [Section 11-202.6](#) in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to the disconnection the owner or occupant of the building, structure, or service system shall be notified in writing as soon as practical thereafter.

#### 11-205.7 Notice.

Whenever the Building Official has reason to condemn a structure or equipment under the provisions of this section, a notice of violation shall be posted in a conspicuous place on or about the structure affected by such notice and served on the owners of land, the agent of such owners, or the person or persons responsible for the structure or equipment by United States certified mail, return receipt requested. If the notice pertains to equipment, it shall also be placed on the equipment in violation. The notice shall specify a reasonable time in which the structure or equipment owner or the person or persons responsible for the structure or equipment shall abate the condition and bring such structure or equipment into compliance.

#### 11-205.8 Placarding.

Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises or on defective equipment a placard *which includes* a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

##### 11-205.8.1 Placard Removal.

The code official shall remove the placard whenever the defect or defects upon which the placarding action were based have been eliminated. Any person who defaces or removes a placard without the approval of the code official shall be subject to the penalties provided by this code.

#### 11-205.9 Prohibited Occupancy.

Any structure placarded by a Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy a placarded premise or shall operate placarded equipment, and any owner, agent of such owner, or any person responsible for the premises who shall let anyone occupy a placarded premise or operate placarded equipment shall be subject to the *penalties of this section*.

#### 11-205.10 Abatement Methods.

The owner, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe

conditions either by repair, rehabilitation, demolition or other approved corrective action.

#### 11-205.11 Record.

The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

#### 11-205.12 Boarded up structures.

No structure may be boarded up by its owner for a period of time exceeding one hundred twenty (120) days unless:

- (1) the owner is granted a written waiver signed by the Building Official and the Code Official; or
- (2) the structure has been closed in accordance with [Section 11-205.6](#) of this code.

All structures shall be maintained in accordance with [Section 11-234.5](#) of this code ("Exterior walls"), and all materials used to enclose the building must be neatly fitted within window and door openings and must be painted to blend in with the rest of the building. Closing a structure in accordance with [Section 11-205.6](#) of this code does not relieve the owner from complying with this provision.

#### 11-205.13 Penalties:

Any person who violates any of the provisions of this section is guilty of a misdemeanor of the second degree, and punishable as provided in F.S. 775.082, and/or 775.083 except that a violation of F.S. 823.10 (Place where controlled substances are illegally kept, sold, or used declared a public nuisance) is a felony of the third degree.

### **11.206. EMERGENCY MEASURES**

#### 11.206.1 Emergency closing.

When,

- a. in the opinion of the Building Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or
- b. any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or
- c. in the opinion of either the Code Official or Building Official, there is actual or potential danger to the building occupants or those in proximity of any structure because of explosives, explosive fumes, or vapors or the presence of toxic fumes, gases or materials or operation of defective or dangerous equipment; both the Code Official and the Building Official are authorized and empowered to order and require the occupants to vacate the premises forthwith. The official ordering the vacation of the premises shall immediately thereafter post, at each entrance to the structure, a notice in substantially the following form:

"DANGER! THIS STRUCTURE IS CLOSED TO THE PUBLIC! DANGER!  
NOTICE OF EMERGENCY CLOSING  
IMMEDIATE ORDER OF CLOSURE

This structure is unsafe and has been closed by Order of the City of Eagle Lake pursuant to Section 11-206.1 of the Eagle Lake Code of Ordinances.

For information, please call the Code Enforcement Division at (863) 293-4141 X114 or the Building Official at (863) 293-4141

Any person ordered to take emergency measures shall comply with such order forthwith. It shall be unlawful for a person to enter a posted structure except for the

purpose of securing the structure, making the required inspections and repairs, removing the hazardous condition, or to demolish the structure. Any such person in violation of this provision is subject to the penalty found in [Section 11-40](#), Eagle Lake Code of Ordinances and may be immediately removed from the structure by City personnel.

#### 11-206.2 Safeguards.

Whenever, in the opinion of the Code Official or Building Official as the situation may require, there is an emergency situation warranting an emergency closing of a structure pursuant to [Section 11.205.6 \(1\), \(2\), or \(3\)](#) of this code, the City and the official ordering the closing of the structure is authorized to order that work be done in an attempt to secure the structure such that it may be rendered temporarily safe. Neither the City nor the official ordering the closing of the structure however is under any obligation under this Section to perform any work to ensure that the structure is rendered safe. Further, should the City or the official ordering the closing of the structure choose to order that work be done in an attempt to secure the structure, neither the City nor the official ordering the closing of the structure shall be liable for any damage done to the structure during the performance of such safeguard work.

#### 11-206.3 Closing Streets.

When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

#### 11-206.4 Notification of Emergency Closing to City Commission.

The City Manager shall provide the City Commission notice of any emergency closing actions taken by the City pursuant to this Code. The failure to provide such notice shall have no effect on the validity of enforcement actions taken hereunder.

#### 11-206.5 Costs of Safeguard Work.

Costs incurred in the performance of safeguard work shall be paid by the City of Lake Wales, but shall be assessed against the owner of the structure, as a special assessment on the real property underlying the structure, upon a showing at the mandatory hearing described in § 109.6 of this code, by competent substantial evidence, that the safeguard work was required by exigencies of the situation, given the totality of the circumstances.

#### 11-206.6 Mandatory Hearing; Appeal.

Immediately after closing a structure pursuant to [Section 11-206.1](#) of this code, the official closing the structure shall request a hearing as soon as possible before the Code Enforcement Board for the purpose of reviewing the decision of the official to determine whether it was reasonable under the totality of the circumstances. Such hearing shall be conducted in accordance with the provisions of Chapter 162, Florida Statutes, and any decision rendered by the Code Enforcement Board as to the propriety of the closure must be based on competent substantial evidence. Any appeal from the decision of the Code Enforcement Board under this provision shall be taken by filing a petition for certiorari with the appropriate court under the Florida Rules of Appellate Procedure. The nature of such an appeal shall be from a final administrative order of the City.

### 11-207 DEFINITIONS.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*ANCHORED.* Secured in a manner that provides positive connection.



*APPROVED.* Approved by the code official.

*BASEMENT.* That portion of a building which is partly or completely below grade.

*BATHROOM.* A room containing plumbing fixtures including a bathtub or shower.

*BEDROOM.* Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

*CODE OFFICIAL.* The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

*CONDEMN.* To adjudge unfit for occupancy.

*DETACHED.* When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

*DETERIORATION.* To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

*DWELLING UNIT.* A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

*EXTERIOR PROPERTY.* The open space on the premises and on adjoining property under the control of owners or operators of such premises.

*EXTERMINATION.* The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

*GARBAGE.* The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

*GUARD.* A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

*HABITABLE SPACE.* Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

*HOUSEKEEPING UNIT.* A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

*IMMINENT DANGER.* A condition which could cause serious or life-threatening injury or death at any time.

*INFESTATION.* The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

*INOPERABLE MOTOR VEHICLE or VESSEL.* A vehicle or vessel which cannot be used for its intended purpose for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its owner power.

*LABELED.* Equipment, materials or products to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

*LET FOR OCCUPANCY OR LET.* To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or

is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

*NEGLECT.* The lack of proper maintenance for a building or structure.

*OCCUPANCY.* The purpose for which a building or portion thereof is utilized or occupied.

*OCCUPANT.* Any individual living or sleeping in a building, or having possession of a space within a building.

*OPENABLE AREA.* That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

*OPERATOR.* Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

*OWNER.* Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

*PERSON.* An individual, corporation, partnership or any other group acting as a unit.

*PEST ELIMINATION.* The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

*PREMISES.* A lot, plot or parcel of land, easement or public way, including any structures thereon.

*PUBLIC WAY.* Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

*ROOMING HOUSE.* A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as one- or two-family dwelling.

*ROOMING UNIT.* Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

*RUBBISH.* Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

*SLEEPING UNIT.* A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

*STRUCTURE.* That which is built or constructed or a portion thereof.

*TENANT.* A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

*TOILET ROOM.* A room containing a water closet or urinal but not a bathtub or shower.

*VENTILATION.* The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

*WORKMANLIKE.* Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

*YARD.* An open space on the same lot with a structure.

## **11-233. EXTERIOR PROPERTY AREAS**

### **11-233.1 Sanitation and Storage of Materials.**

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. It shall be the duty of each property owner or household in this city to remove all debris, from his or her property, including the streets, alleys, and sidewalks bordering thereon, and keep same in good, clean, and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

No owner or occupant shall permit old or broken lumber, rusted or unused equipment, discarded refrigerators, discarded stoves, old pipe, scrap metal, or other used, discarded and worn, unsightly articles or materials to remain in any yard or open area owned, occupied or in the possession of such person for a period of more than ten (10) days.

Further, unless authorized by the zoning category of the property, no owner or occupant of a building, structure or premises may utilize such property for the open storage of abandoned, untagged, or inoperative motor vehicles, iceboxes, refrigerators, stoves, glass, building material, rubbish or similar items.

### **11-233.2 Grading and Drainage.**

All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

**Exception:** Approved retention areas and reservoirs.

### **11-233.3 Sidewalks and Driveways.**

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

### **11-233.4 Weeds, Grass and Overgrowth.**

All premises and exterior property, other than agricultural, shall be maintained free from weeds or plant growth in excess of twelve (12) inches in height, dead and or downed trees, stumps must be ground to or below grade, low hanging branches must be trimmed to a height of at least six (6) feet above grade. The removal of any tree, four (4) inches or greater in diameter at breast height (DBH), cannot be removed without a permit.

**EXCEPTION:** Parcels over 10 acres need only mow and clean the first twenty-five (25) feet of the perimeter of the property.

### **11-233.5 Dead Trees, Limbs, Branches and Accumulated Landscaping Materials.**

It shall be the responsibility of the owner and or occupant to remove and/or properly dispose of dead and/or downed trees, limbs, branches, bagged or piled grass clippings, bagged or piled leaves and other piles or accumulations of material resulting from landscaping or maintenance of a parcel of land or lots. Stumps resulting from the removal of dead trees will be ground to or below grade level as to prevent a hazardous condition.

### **11-233.6 Tree Declared Nuisance/ Dangerous.**

- a) Any tree extending over a street, alley, highway, or parking lot shall be trimmed by the property owner, or his authorized agent, on which the tree trunk is located, so as to provide a clear height above the street, alley, highway, or parking lot of not less than fourteen (14) feet.



- b) Any tree extending over a sidewalk or multi-modal trail shall be trimmed by the property owner, or his authorized agent, so as to provide a clear height above the sidewalk, or multi-modal trail of not less than eight (8) feet.
- c) The property owner of any tree which extends over a street, alley, highway, parking lot, sidewalk, or multi-modal trail shall remove any and all dead branches from the tree which, if dislodged, are likely to fall upon the street, alley, highway, parking lot, sidewalk, or multi-modal trail.
- d) In the event that the property owner fails to meet the requirements of this section, then the City may issue a written notice of violation to the property owner giving fifteen (15) days to correct the violation. If the violation is not corrected within the given period of time then the City has the option of correcting the violation at the property owner's expense.

#### 11-233.7 Rodent Harborage.

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

#### 11-233.8 Exhaust Vents.

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

#### 11-233.9 Accessory Structures.

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

#### 11-233.10 Defacement of Property.

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

#### 11-233.11 Dangerous Conditions - General.

It is unlawful for any person to maintain or permit the existence of any condition that is a danger to life, health, or property within the City. Dangerous conditions include, but are not limited to, any unsecured structure, structures in violation of the Florida Building Code, The International Property Maintenance Code, The Uniform Code for the Abatement of Dangerous Buildings, trees in danger of falling, all or in part, unprotected excavations, improper storage of hazardous or toxic materials, any abandoned or stored refrigeration unit, appliance, derelict vehicle, derelict vessel, or other condition that could trap a person, in such a place as to be easily accessible to persons without first having made adequate provisions to prevent entry into such without having removed all latches, catches, locking devices or the door thereof, so that escape from the interior may be had, or otherwise ensure lack of access.

### **11-234 EXTERIOR STRUCTURE**

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

#### 11-234.1 Protective Treatment.

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

#### 11-234.2 Premises Identification.

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabetic letters.

- a) Residential property address numbers shall be a minimum of four (4) inches (102 mm) high with a minimum one-half (.5) inch (12.7 mm) stroke width.
- b) Commercial property address numbers shall be a minimum of six (6) inches (152.4mm) high with a minimum one-half (.5) inch (12.7 mm) stroke width.

#### 11-234.3 Structural Members.

All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

#### 11-234.4 Foundation Walls.

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

#### 11-234.5 Exterior Walls.

All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

#### 11-234.6 Roofs and Drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

#### 11-234.7 Decorative Features.

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

#### 11-234.8 Overhang Extensions.

All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

#### 11-234.9 Stairways, Decks, Porches and Balconies.

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

#### 11-234.10 Chimneys and Towers.

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

#### 11-234.11 Handrails and Guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. Every exterior flight of stairs shall have handrails and guardrails installed in accordance with Chapter 553, Florida Statutes and applicable portions of the Florida Building Code.

#### 11-234.12 Window, Skylight and Door Frames.

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

##### 11.234.12.1 Glazing.

All glazing materials shall be maintained free from cracks and holes.

##### 11.234.12.2 Openable Windows.

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

#### 11-234.13 Insect Screens.

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than sixteen (16) mesh per one (1) inch (25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. All screens shall be maintained free from open rips, tears, or other defects.

**Exception:** Screens shall not be required where other approved means, such as central air conditioning, air curtains, or insect repellent fans are employed.

#### 11-234.14 Doors.

All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

#### 11-234.15 Basement Hatchways.

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

#### 11-234.16 Guards for Basement Windows.

Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

#### 11-234.17 Building Security.



Doors, windows or hatchways for dwelling units, rooming units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

#### 11-234.17.1 Doors.

Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

#### 11-234.17.2 Windows.

Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

#### 11-234.17.3 Basement Hatchways.

Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

#### 11-234.18 Skirting Around Foundations.

Latticework or similar approved material must be installed along continuous openings on the outside perimeter of buildings with floors elevated above the ground and where more than twelve (12) inches of vertical opening area exists from the ground to the building wall. The installation must be performed in an approved aesthetic manner in accordance with typical construction methods in practice. Existing skirting shall be maintained in good repair and free from broken or missing sections, pieces or cross members.

### **11-235 INTERIOR STRUCTURE**

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

#### 11-235.1 Structural Members.

All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

#### 11-235.2 Interior Surfaces.

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

#### 11-235.3 Stairs and Walking Surfaces.

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

#### 11-235.4 Handrails and Guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. Every interior flight of stairs shall have handrails and guardrails installed in accordance with Chapter 553, Florida Statutes and applicable portions of the Florida Building.

#### 11-235.5 Interior Doors.

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

### **11.236. PEST EXTERMINATION**

#### 11-236.1 Infestation.

All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

**Exception:** Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

#### 11-236.2 Owner.

The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

#### 11-236.3 Single Occupant.

The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

#### 11-236.4 Multiple Occupancy.

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for extermination.

#### 11-236.5 Occupant.

The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

### **11-237. SANITARY DRAINAGE SYSTEM**

All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

#### 11-237.1 Maintenance.

Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

### **11-238. STORM DRAINAGE**

Drainage of roofs and paved areas, yards and courts, and other open areas of the premises shall not be discharged in a manner that creates a public nuisance.

### **11-239. ELECTRICAL EQUIPMENT**

#### 11-239.1 Installation.

All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

#### 11-239.2 Receptacles.

Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

### 11-240. FIRE SAFETY REQUIREMENTS

- a. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Florida Fire Prevention Code.
- b. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Florida Building Code.

#### 11.241 FIRE PROTECTION SYSTEMS

- a. A person shall not occupy as owner-occupant nor shall let to another for occupancy, any building or structure which is not equipped with adequate fire prevention equipment in accordance with the Florida Fire Prevention Code. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Florida Fire Prevention Code.
- b. Every dwelling unit shall be provided with an approved listed smoke alarm, installed in accordance with the manufacturer's recommendations and listing. When activated, the device shall provide an audible alarm.

### 11.242 SWIMMING POOLS, SPAS AND HOT TUBS

#### 11-242.1 Swimming Pools.

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

#### 11-242.2 Enclosures.

Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1,219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1,372 mm) above the bottom of the gate, the release mechanism shall be located on the poolside of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

**EXCEPTION:** Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

Reserved 11-243 – 11-275



It is the purpose and intent of the City of Eagle Lake to establish a process to address abandoned real properties located within the city. It is the city's further intent to specifically establish an abandoned real property program as a mechanism to protect neighborhoods within the city limits from becoming blighted through the lack of adequate maintenance and security of such abandoned real properties.

#### **11-277 DEFINITIONS.**

*Abandoned real property* means any property that is vacant and under a current notice of default and/or notice of mortgagee's sale by the lender or the subject of a tax lien certificate sale and/or properties that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure sale.

*Evidence of vacancy* means any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but not be limited to, overgrown and/or dead vegetation, accumulation of abandoned personal property, statements by neighbors, passers-by, delivery agents or government agents, among other evidence that the property is vacant.

*Foreclosure* means the process by which a property, placed as security for a real estate loan, is sold at public sale to satisfy the debt if the borrower defaults.

*Inspection* means a close viewing of the property and the exterior of any structures located thereon placed as security for a real estate loan and includes a viewing of any interior portions of the structure which are visible from the outside of the structure. However, an inspection does not require an entry into any structure for purpose of viewing the interior.

*Local* means within the boundaries of Polk County, Florida.

*Local agent* means the agent designated by the mortgagee upon registration as required under this article.

*Vacant* means any building or structure that is not legally occupied.

#### **11-278 APPLICABILITY.**

The provisions of sections [11-276](#) through [11-282](#) of this article shall be considered cumulative and not superseding or subject to any other law or provision for same, but shall rather be an additional remedy available to the city above and beyond any other state, county, and/or local provisions for same.

#### **11-279 PENALTIES.**

Violations of the provisions of sections [11-276](#) through [11-282](#) of this article shall be treated as a strict liability offense regardless of intent. Any person, firm, and/or company that violates any portion of these code sections shall be subject to prosecution and/or administrative enforcement as provided in the City of Eagle Lake Code of Ordinances.

#### **11-280 REGISTRATION OF ABANDONED REAL PROPERTY.**

- a) Any mortgagee who holds a mortgage on real property located within the city shall perform an inspection of the property that is the security for the mortgage upon default by the mortgagor, prior to the issuance of a notice of default. If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned and the mortgagee shall, within ten business days of the inspection, register the property with the City of Eagle Lake on forms provided by the city. A separate registration is required for each vacant property.

- (b) If the property is occupied but remains in default, it shall be inspected by the mortgagee, or the mortgagee's designee, monthly until (1) the mortgagor or other party remedies the default, or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall, within ten business days of that inspection, register the property with the city on forms provided by the city.
- (c) Registration pursuant to this section shall contain the name of the mortgagee, the direct mailing address of the mortgagee, a direct contact name and telephone number of mortgagee's contact, a facsimile number and e-mail address and, in the case of a company or out-of-state area mortgagee, the local agent responsible for the security and maintenance of the property.
- (d) This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the mortgagee/beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.
- (e) Properties subject to this article shall remain under the annual registration, maintenance and security requirements of sections [11-280](#), [11-281](#) and [11-282](#), respectively, long as they remain vacant.
- (f) Any person or company that has registered a property under this section must report any change of information contained in the registration within ten business days of the change.
- (g) Any mortgagee who holds a mortgage on real property located within the city which is in default and the subject of an outstanding notice of default shall perform an inspection of the property. If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned and the mortgagee shall, within ten business days of the inspection, register the property with the city on forms provided by the city. A separate registration is required for each vacant property. If the property is occupied but remains in default, it shall thereafter be subject to the re-inspection requirements as set forth in subsection (b) in [section 11-280](#) of this article.

#### **11-281 MAINTENANCE REQUIREMENTS.**

- (a) The exteriors of the properties subject to sections [11-276](#) through [11-282](#) of this article shall be kept free of grass and weeds in excess of 12 inches, junk, trash, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local law, discarded personal items, including but not limited to, furniture, clothing, appliances, or any other items that give the appearance that the property is abandoned.
- (b) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris. Pools and spas shall comply with the enclosure requirements of the City of Eagle Lake's Code of Ordinances and Florida Building Code, as amended from time to time.
- (c) Failure of the mortgagee or property owner of record to properly maintain the property may result in a violation of the City of Eagle Lake's Code of Ordinances and the issuance of a notice of violation/notice of hearing or a notice to correct/citation by the city's code enforcement officer. Pursuant to finding and determination by the city's special magistrate, or a state court judge with jurisdiction, the city may take the necessary action to ensure compliance with this section.

#### **11-282 SECURITY REQUIREMENTS.**

- (a) Properties subject to sections [11-276](#) through [11-282](#) of this article shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

- (b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property and/or structure.
- (c) If the property is owned by a company and/or out of area mortgagee, a local agent shall perform bi-weekly (every other week) inspection to verify compliance with the requirements of this section, and any other applicable laws. Upon the request of the city, the local agent shall provide copy of the inspection reports to the city manager, or his designee.
- (d) The property shall be conspicuously posted with the name and 24-hour contact phone number of the local agent.

**Severability:** If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated.

**Effective Date:** This ordinance shall become effective immediately upon its passage by the city commission.

**CERTIFIED AS TO PASSAGE** this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

By: \_\_\_\_\_  
CORY COLER, MAYOR  
CITY OF EAGLE LAKE, POLK COUNTY FLORIDA

ATTEST:

\_\_\_\_\_  
DAWN WRIGHT CITY CLERK

Approved as to Form:

\_\_\_\_\_  
HEATHER R. MAXWELL, ESQ.  
CITY ATTORNEY



ORDINANCE NO.: O-23-05

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EAGLE LAKE, FLORIDA, AMENDING THE CITY OF EAGLE LAKE CODE OF ORDINANCES, CHAPTER 16, UTILITIES, ARTICLE V. BILLING PROCEDURES, FEES AND DEPOSITS, SECTION 16-141, DEPOSITS, TO INCREASE THE AMOUNT OF UTILITY DEPOSITS FOR SOLID WASTE, SEWER, AND WATER SERVICE UTILITY RESIDENTIAL TENANT CUSTOMERS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Eagle Lake provides solid waste, sewer and water service for residents within the City limits and within the City's expanded service area; and

WHEREAS, the City of Eagle Lake regularly encounters unpaid utility accounts for which the utility deposit is insufficient to cover the unpaid debt to the City; and

WHEREAS, historically, unpaid utility accounts for which the utility deposit is insufficient to cover the unpaid debt to the City occur with a much greater frequency for tenants of residential property than owners of residential property; and

WHEREAS, the City of Eagle Lake desires to increase its deposit charged to customers for solid waste, sewer and water service for residential tenant customers.

NOW, THEREFORE, BE IT ORDAINED by the people of the City of Eagle Lake, Florida:

1. That Chapter 16, Utilities, Section 16-141, Deposits, of the Code of Ordinances of the City of Eagle Lake, Florida, is hereby amended as shown on Exhibit "A" attached hereto and made a part hereof (~~strike through~~ language deleted, underline language added).
2. All ordinances in conflict herewith are hereby repealed to the extent necessary to give this ordinance full force and effect.

3. Should any section, paragraph, clause, sentence, item, word or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part hereof, not so declared to be invalid.

4. This ordinance shall take effect immediately upon its adoption by the City Commission of the City of Eagle Lake, Florida. Deposits in existence prior hereto shall not be changed by the City Manager pursuant to Section 16-141. The City Manager's duty to change the deposit amounts pursuant to Section 16-141 shall commence with the adoption hereof.

INTRODUCED on first reading this \_\_\_\_ day of \_\_\_\_\_, 2023.

PASSED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF EAGLE LAKE, FLORIDA

\_\_\_\_\_  
CORY COLER, MAYOR  
COMMISSIONER

ATTEST:

\_\_\_\_\_  
CITY CLERK DAWN M. WRIGHT

Approved as to form:

\_\_\_\_\_  
CITY ATTORNEY HEATHER R. MAXWELL

ORDINANCE O-23-xx

Exhibit "A"

(~~strike through~~ language deleted, underline language added)

**Sec. 16-141. Deposits.**

A deposit as herein provided in this section shall be paid at the time of each application for solid waste, sewer and water service. This sum shall be retained in a special account to insure payment of all charges. When service is permanently discontinued, this deposit, less any accumulated charges, shall be refunded to the rate payer.

|                                | <i>Inside City</i>  | <i>Outside City</i>   |
|--------------------------------|---|---|
| Residential Customers          | <del>\$200.00</del>   | <del>\$215.00</del>   |
| <u>Property Owners</u>         | <u>\$200.00</u>   | <u>\$215.00</u>   |
| <u>Property Tenants</u>        | <u>\$250.00</u>   | <u>\$250.00</u>   |
| Commercial Customers           | \$250.00  | \$275.00  |
| Industrial customers           | \$300.00  | \$340.00  |
| Multi-unit Customers*          | 2 times the average<br>monthly billing or<br>\$250.00<br>whichever is greater | 2 times the average<br>monthly billing or<br>\$275.00<br>whichever is greater |
| Potential bad debt customers** | 2 times the previously<br>listed deposit amount                               | 2 times the previously<br>listed deposit amount                               |

\*Multi-unit customers shall include, but not be limited to, apartment complexes, hotels, motels, congregate or assisted living facilities.

\*\*Potential bad debt customers shall include those customers who have a bad credit report through verifying mechanisms and services and/or those customers who have a delinquent or bad check history with the city.



ORDINANCE NO.: O-23-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EAGLE LAKE, FLORIDA, DELETING SECTION 16-149 OF THE CITY OF EAGLE LAKE CODE OF ORDINANCES IN ITS ENTIRETY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Eagle Lake adopted Ordinance No. 21-03, establishing a new administrative fee to set up utility accounts; and

WHEREAS, by virtue of Ordinance 21-03, Section 16-149 of the Eagle Lake Code of Ordinances is no longer in effect; and

WHEREAS, the City Commission of the City of Eagle Lake deems it in the best interests of the City to delete Section 16-149 of the Eagle Lake Code of Ordinances in its entirety.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Eagle Lake, Florida:

1. That Eagle Lake Code of Ordinances, Chapter 16, Utilities; Article V; Billing Procedures, Fees and Deposits; Section 16-149, Water, Irrigation and/or Sewer Services Account Setup Fee, is hereby deleted in its entirety, as follows (~~Strikethrough~~ language deleted):

**~~Sec. 16-149. — Water, irrigation and/or sewer services account setup fee:~~**

~~— There is hereby established an initial setup fee of \$5.00 for each new water, irrigation and/or sewer services account, which shall include any water, irrigation or sewer service singly or in combination with one or both of the other services. Said fees shall be due and payable by each customer establishing said services with the City of Eagle Lake. The account setup fee adopted herein shall apply to all new accounts established after the effective date hereof.~~

2. All ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect.

3. Should any section, paragraph, clause, sentence, item, word or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance, as a whole, or any part hereof, not so declared to be invalid.

4. This Ordinance shall take effect immediately upon its adoption by the City Commission of the City of Eagle Lake, Florida.

INTRODUCED on first reading this \_ day of \_\_\_\_\_, 2023.

PASSED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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CORY COLER, MAYOR  
COMMISSIONER

ATTEST:

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CITY CLERK DAWN WRIGHT

Approved as to form:

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CITY ATTORNEY HEATHER R. MAXWELL

December 30, 2022

ELAKX22011

Mr. Tom Ernharth  
City Manager  
City of Eagle Lake  
75 North 7th Street  
Eagle Lake, FL 33839

**RE: LINDA WELDON BUILDING LIMITED EVALUATION  
ESTIMATED LIVE LOAD RATING ANALYSIS SUMMARY  
685 E EAGLE AVENUE  
EAGLE LAKE, FL 33839**

Dear Mr. Ernharth:

Per your request, Pennoni Associates Inc. (Pennoni) completed an estimated safe live load rating analysis of the first floor and second floor of the existing community center building at the above referenced address. The building under consideration is a two-story building with hip roof and was built in 1926 approximately. Original structural drawings were not provided for our review. A field survey was conducted by Pennoni to create a 2D floor plan of the interior space of the building using a High-Definition Laser Scan (HDLS). A limited follow up site inspection was conducted by Pennoni on October 20, 2022, to visually inspect selected part of the exposed and readily accessible structural elements of the building primary structural system.

The following are the observations from our limited site inspection of the structural system:

1. The building has exterior load bearing masonry walls and two interior wood load bearing walls along the corridor at the center of the building.
2. The roof framing consists of plywood deck of unknown thickness supported on 2x6 rafters at 24" oc. The rafters are braced by purlins and purlin bracing (kickers) at lower 1/3 span in the attic below, to transfer the roof loads to the interior load bearing wall along the corridor.
3. The second-floor ceiling has 2x8 ceiling joists at 16" o.c. spanning between the exterior masonry walls and the interior load bearing walls at the corridor.
4. The second-floor floor faming consists of plywood deck of unknown thickness supported on 2x12 floor joists at 16" oc. The floor joists span between the exterior masonry walls and the interior load bearing walls at the corridor. These floor joists also support a lath and plaster ceiling secured to the bottom of the joists. The maximum span of the second-floor floor joists is approximately 24'-0".
5. The first floor is an elevated floor supported on joists and stringer system with masonry piers in the crawl space underneath. The first-floor faming consists of plywood deck of unknown thickness supported on 3x10 floor joists at 16" o.c. The 3x10 floor joists are supported by two-ply 3x10 dropped stringers. The maximum spacing of the two 3x10 stringers is approximately 11'-8", with two lines of stringers directly under the interior load bearing walls at corridors. The stringers are supported by



12"x12" brick piers spaced approximately at 6'-0" on center maximum. The brick piers are assumed to be supported on shallow spread footings. The maximum span of the first-floor joists is approximately 11'-0".

6. The exterior load bearing masonry walls and interior CMU walls at the elevator continue into the crawl space below first floor and assumed to be supported on shallow foundations.

### **Analysis**

The objective of our analysis was to review the load carrying capacities of the first floor and second floor framing members to identify the maximum allowable safe working live load according to the latest 2020 Florida Building Code. The existing superimposed dead load at each level is calculated as below.

#### **Roof Loads:**

|                                 |                 |
|---------------------------------|-----------------|
| Roof Deck                       | 5.0 PSF         |
| Roofing + Insulation            | 5.0 PSF         |
| Rafters/ Purlins/ Purlin Braces | 5.0 PSF         |
| MEP                             | 3.0 PSF         |
| Miscellaneous                   | 2.0 PSF         |
| <b>Total Roof Dead Load</b>     | <b>20.0 PSF</b> |
| <b>Roof Live Load</b>           | <b>20.0 PSF</b> |

#### **2<sup>nd</sup> Floor Ceiling (Attic):**

|   |                 |
|---|-----------------|
| Ceiling   | 3.0 PSF         |
| Ceiling Joists                                    | 3.0 PSF         |
| Insulation + Miscellaneous                        | 4.0 PSF         |
| <b>Total 2<sup>nd</sup> Floor Attic Dead Load</b> | <b>10.0 PSF</b> |
| <b>2<sup>nd</sup> Floor Attic Live Load</b>       | <b>10.0 PSF</b> |

#### **2<sup>nd</sup> Floor:**

|   |                 |
|---|-----------------|
| Deck  | 5.0 PSF         |
| Joists                                      | 4.0 PSF         |
| Ceiling (Wood Lath and Plaster)             | 8.0 PSF         |
| MEP   | 3.0 PSF         |
| Floor Finish+ Miscellaneous                 | 5.0 PSF         |
| <b>Total 2<sup>nd</sup> Floor Dead Load</b> | <b>25.0 PSF</b> |

#### **1st Floor:**

|                                  |                 |
|----------------------------------|-----------------|
| Deck                             | 5.0 PSF         |
| Joists                           | 4.50 PSF        |
| Stringers                        | 2.50 PSF        |
| MEP                              | 3.0 PSF         |
| Floor Finish+ Miscellaneous      | 5.0 PSF         |
| <b>Total 1st Floor Dead Load</b> | <b>20.0 PSF</b> |

Based on the field measurements and the superimposed dead loads as assumed above, we performed a limited structural analysis of the first floor and second floor framing to identify the maximum allowable live load capacities. The load rating analysis was completed assuming the wood species as 1922 Southern Pine Dense Structural Timber. Our analysis led to following results:

**Second Floor:** All the areas in second floor including the classrooms, corridor, and restrooms in second floor is estimated to have a live load capacity of **40 PSF**.

**First Floor:** All the areas in first floor including the classrooms, corridor, and restrooms in second floor is estimated to have a live load capacity of **40 PSF**.

Limitations of the above estimated safe load rating is based on an assumed species and type of timber floor framing used. The 1922 Design Values for Structural Timber was attached as **EXHIBIT A**. In order to verify the load rating capacity of the floors within a high degree of engineering certainty, we need to either identify the species and strength of the existing wood framing members or perform load tests on existing floor system.

### **Summary**

It is our understanding that the City intends to use this building for library use. According to table 1607.1 of 2020 Florida Building Code, the minimum required floor live load for library use is **150 psf**. Within reasonable degree of engineering judgment, our analysis results indicate that the current load capacity of the first and second floors do not meet this requirement. At a minimum, the following would be likely necessary in order to increase the live load capacity of the first and second floors to 150 psf.

1. The existing 2x12 floor joists in second floor would need to be reinforced by sistering new members for the full span of the joists.
2. The existing 3x10 floor joists in first floor would need to be reinforced by sistering new members for the full span of the joists.
3. The existing (2) 3x10 stringers in first floor would need to be reinforced by sistering new members and /or adding new pier supports with new spread footings to decrease the span of the stringers.

Note: The above recommendations are based on the assumption that the interior loadbearing walls at corridors will remain in place.

Attachment: **Exhibit A-** 1922 Design Values for Structural Timber

**Exhibit B-** Summary of Work from Klar and Klar Architects, Inc.

Sincerely,  
Pennoni

J. Vincent Barnes III PE, SI  
Forensic Division Manager

Chakradhar Gondhi, PE  
Project Engineer

## **EXHIBIT A**

### **1922 DESIGN VALUES FOR STRUCTURAL TIMBER**

# NATIONAL LUMBER MANUFACTURERS ASSOCIATION—WOOD CONSTRUCTION INFORMATION

International Building, Washington, D. C.

Harris Trust Building, Chicago, Ill.

Sept. 1st, 1922

Page One

## MAXIMUM SPANS FOR JOISTS AND RAFTERS\*

The following tables provide a handy means of determining the maximum clear spans for wood joists and rafters. They are based upon a wide range of strength values and cover ordinary load conditions.

The span length should be limited by deflection to prevent cracks where ceilings are covered with some hard, inelastic material such as plaster. Where ceilings are not so covered and where a small amount of sag or spring is not objectionable the span length may be determined by the

bending strength of the member instead of by its stiffness.

All spans given in these tables are based on the actual sizes of lumber.

When the allowable stresses for timber are not prescribed in the local building code use the values given below. They are taken from the recommendations of the Forest Products Laboratory, Department of Agriculture, at Madison, Wisconsin, that were officially adopted by the American Society for Testing Materials and the American Railway Engineering Association.

### ALLOWABLE UNIT STRESSES FOR STRUCTURAL TIMBER

(Pounds Per Square Inch)

| Species of Timber                  | Modulus of Elasticity | BENDING                 |                         | COMPRESSION                        |                        |
|------------------------------------|-----------------------|-------------------------|-------------------------|------------------------------------|------------------------|
|                                    |                       | Stress in Extreme Fibre | Horizontal Shear Stress | Parallel to Grain, "Short Columns" | Perpendicular to Grain |
| Cedar, Western Red.....            | 1,000,000             | 900                     | 80                      | 700                                | 200                    |
| Cedar, Northern White.....         | 800,000               | 750                     | 70                      | 550                                | 175                    |
| Chestnut.....                      | 1,000,000             | 950                     | 90                      | 800                                | 300                    |
| Cypress.....                       | 1,400,000             | 1,300                   | 100                     | 1,100                              | 350                    |
| Douglas Fir (No. 1 Struct.).....   | 1,600,000             | 1,600                   | 100                     | 1,200                              | 350                    |
| Douglas Fir (No. 2 Struct.).....   | 1,500,000             | 1,300                   | 90                      | 1,000                              | 300                    |
| Douglas Fir, Rocky Mt. Region..... | 1,200,000             | 1,100                   | 85                      | 800                                | 275                    |
| Fir, Balsam.....                   | 1,000,000             | 900                     | 70                      | 700                                | 150                    |
| Gum, Red.....                      | 1,200,000             | 1,100                   | 100                     | 800                                | 300                    |
| Hemlock, Western.....              | 1,400,000             | 1,300                   | 75                      | 900                                | 300                    |
| Hemlock, Eastern.....              | 1,100,000             | 1,000                   | 70                      | 700                                | 300                    |
| Larch, Western.....                | 1,300,000             | 1,200                   | 100                     | 1,100                              | 325                    |
| Maple, Sugar or Hard.....          | 1,600,000             | 1,500                   | 150                     | 1,200                              | 500                    |
| Maple, Silver or Soft.....         | 1,100,000             | 1,000                   | 100                     | 800                                | 350                    |
| Oak, White or Red.....             | 1,500,000             | 1,400                   | 125                     | 1,000                              | 500                    |
| Pine, Southern Yellow (Dense)..... | 1,600,000             | 1,600                   | 125                     | 1,200                              | 350                    |
| Pine, Southern Yellow (Sound)..... | 1,500,000             | 1,300                   | 105                     | 1,000                              | 300                    |
| Pine, Eastern White.....           | 1,000,000             | 900                     | 85                      | 750                                | 250                    |
| Pine, Western White.....           | 1,000,000             | 900                     | 85                      | 750                                | 250                    |
| Pine, Norway.....                  | 1,200,000             | 1,100                   | 85                      | 800                                | 300                    |
| Redwood.....                       | 1,300,000             | 1,200                   | 70                      | 1,000                              | 250                    |
| Spruce, Red, White or Sitka.....   | 1,200,000             | 1,100                   | 85                      | 800                                | 250                    |
| Spruce, Engelmann.....             | 800,000               | 750                     | 70                      | 600                                | 175                    |
| Tamarack, Eastern.....             | 1,300,000             | 1,200                   | 95                      | 1,000                              | 300                    |

\* Prepared by Richard G. Kimbell, primarily as a service to Building Officials.



## **EXHIBIT B**

### **Summary of Work**



November 18, 2022

Eagle Lake  
Linda Weldon Building  
75 7th St. N.  
Eagle Lake, FL 33839

## Architect's Project: Eagle Lake Library

### RE: Summary of work to date and findings from Architects viewpoint:



28473 U.S. 19n. #602  
clearwater  
florida 33761



ph. (727)-799-5420  
fax. (727) 799-9625  
www.klarklar.com



roberta s. klar aia  
steven l. klar  
tim g. knowles aia  
kristina f. novisk

1. Site meeting to review existing conditions and systems layout. (8/10/2022)
2. Discussion with city staff on ideas for library use within building and accessibility of building. (8/10/2022)
3. Met with library head to discuss library needs, program of spaces, and future expansion. (10/26/2022)
4. ADA restrooms on lower floor are only accessible from outside of building and on a uncovered route. Not practical for long term use.
5. Existing egress stairs on exterior needs to be replaced and should not be used. See structural report.
6. Existing space layout and structure limit how space can be re purposed. (See structural for more information.)
7. Exterior brick work needs repair in various areas and tuck pointing to repair missing mortar.
8. Received as-built plan from Pennoni (10/20/2022) and organized for use in schematic design layout for library temp space and sheriff temp space.
9. We were put on hold before any space planning for library and temp sheriff office on 2<sup>nd</sup> floor. (11/14/2022)

Respectfully,

**Tim G. Knowles, AIA, NCARB**

**Principal Architect, Klar and Klar Architects, Inc.**

MODIFICATION NO. 1  
TO THE INTERLOCAL AGREEMENT BETWEEN  
CITY OF EAGLE LAKE, FLORIDA, AND GRADY JUDD, AS  
SHERIFF OF POLK COUNTY, FLORIDA

This Modification Number 1 is effective on 12/29/22, and hereby amends Articles 2 and 6 of the Interlocal Agreement executed by and between City of Eagle Lake, a municipality of the State of Florida located within the boundaries of Polk County, Florida (hereinafter referred to as "CITY") and Grady Judd, as Sheriff of Polk County, a Constitutional Officer of the State of Florida (hereinafter referred to as "SHERIFF") (together, "the Parties") which commenced on October 1, 2021, for a period of four (4) years.

WHEREAS, the Parties desire to amend the interlocal agreement filed with the clerk of court which commenced on October 1, 2021, to add additional services.

NOW THEREFORE, in consideration of the mutual promises contained below, and other good and valuable consideration, receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

I. MODIFICATIONS:

(a) ARTICLE 2-LEVELS OF SERVICE is amended with deleted language in "strike through" and added language in "double underline" as follows:

2.3 Safety Cameras. SHERIFF shall provide CITY with surveillance cameras for the purpose of crime awareness and prevention. SHERIFF will determine the location and positioning of the cameras for optimal performance. CITY agrees to provide SHERIFF permission to install the cameras at designated locations. All rights and manner of use of cameras, and all rights, titles, interest, and use of camera data, shall remain in the control of SHERIFF.

(b) Article 6 is amended with deleted language in "strike through" and added language in "double underline" as follows:

6.5. CITY agrees to reimburse the SHERIFF yearly for the five safety (5) cameras set forth in paragraph 2.3 the sum of ten thousand dollars (\$10,000.00). CITY also agrees to reimburse SHERIFF the one-time installation cost of one thousand seven hundred fifty dollars (\$1,750.00).

~~6.5~~ 6.6. The CITY shall make quarterly payments in advance for the base contract. Quarterly payments shall be made prior to October 1, January 1, April 1, and July 1. Additional law enforcement services requested by the CITY, as set forth in Article 2.1~~(b)(2)~~, shall be invoiced by the SHERIFF as incurred and paid within thirty (30) days.

II. MISCELLANEOUS.

(a) All terms and conditions of the Contract remain full force and effect.

(b) This Modification No. 1 constitutes the full and complete agreement of the Parties with respect to the subject matter and supersedes any prior contract, arrangements, and communications, whether oral or written, with respect to the subject matter.

(c) As of the date of this Modification No. 1, each party represents that it is not aware of any facts or circumstances that would, upon satisfaction of any notice or cure requirements, constitute an Event of Default by the other party.

(d) This Modification No. 1 may be executed in duplicate, each duplicate copy of this Modification No.1 shall be treated as an original, and facsimile signatures are acceptable as original signatures.



(e) Each person signing this Modification No. 1 warrants that he or she is duly authorized to do so and to bind the respective party.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed for the uses and purposes set forth herein.

POLK COUNTY SHERIFF'S OFFICE  
BY ANDRIA MCDONALD, EXECUTIVE DIRECTOR

Andria McDonald

Date: 12/29/22

APPROVED AS TO FORM:  
BY SHERIFF'S COUNSEL

[Signature]

ATTEST

[Signature]  
WITNESS TO ANDRIA MCDONALD

CITY OF EAGLE LAKE  
By Tom Ernharth, City Manager

\_\_\_\_\_

Date: \_\_\_\_\_

ATTEST  
By Dawn Wright, Clerk

\_\_\_\_\_

APPROVED AS TO FORM AND CONTENT:

BY \_\_\_\_\_  
City of Eagle Lake Attorney

\_\_\_\_\_

Initials: \_\_\_\_\_

Initials: am

CITY OF EAGLE LAKE  
BUILDING AND PLANNING DEPARTMENT  
SITE PLAN/SUBDIVISION REVIEW APPLICATION

DATE: 01-12-2023 \_\_\_\_\_

DOCUMENTS REQUIRED TO SUBMIT A SITE PLAN/SUBDIVISION FOR FINAL REVIEW:

1. Completed Site Plan/subdivision review application
2. Survey of the property
3. Six complete sets of site plans signed and sealed by a Registered Professional Engineer in Florida (drawn to scale acceptable for review) and support materials/specifications. At a minimum the drawings shall include:

General

- a. All set backs from property lines
- b. All lot line measurements.
- c. The location and distance to the nearest fire hydrant
- d. The location and distance to water/sewer facilities including appropriate design details.
- e. The location, measurements, and design of all new streets.
- d. Drainage plans.
- e. Copy of Water Management District approval, wavier, or application with date of expected approval.

In addition on a Commercial Site Plan

- a. Location and dimensions of all structures.
- b. Location and design of driveways and streets
- c. Location, measurements of all parking including handicap parking spaces.
- d. Dumpster location(s)
- e. Water meter size and location with back flow preventor on building-side of meter.
- f. Copy of Hotel and Restaurant Commission approval when applicable.

Site Plan/Subdivision Review APPLICATION

Date: 01-12-2023

APPLICANT:

Name: A&E Auto Body, Inc

Address: 12002 US Hwy 17 N, Eagle Lake, FL 33839

\_\_\_\_\_

\_\_\_\_\_

Phone #: 863-585-5294

Signature of Applicant: \_\_\_\_\_

Print Name of Applicant: Vicki Arrington

OWNER: (IF DIFFERENT FROM APPLICANT): Name Address and phone number

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone #: \_\_\_\_\_

Signature of Owner: \_\_\_\_\_

Print Name of Owner: \_\_\_\_\_

ENGINEER AND/OR ARCHITECT: Name, address, and phone number:

Name: Chad Brooker, PE

Address: 35 Don Polston Drive, Suite 115, Eagle Lake, FL 33839

Phone #: 863-397-1626

Name of Project: A&E Plaza

Address of Project: 11000 US Hwy 17 N, Eagle Lake, FL 33839

Parcel: 26-29-06-672500-005501

Total Acres: 2.07

Legal Description: See Plans & Survey

Cost of Construction: Unknown

Subdivision: Total number of lots: N/A Minimum lot size: \_\_\_\_\_

Minimum Building Size: \_\_\_\_\_ Living area: \_\_\_\_\_

Total under Roof: \_\_\_\_\_

Commercial Site Plan: Applicant is proposing a retail building project with site, utility, & stormwater improvements.



Total Square Feet of each Building/Structure: Existing Building: 4,800 sq ft

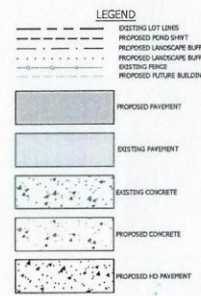
Proposed Building: 6,250 sq ft

Future Building: 5,000 sq ft

Number of parking spaces: 25 Handicapped Spaces: 2

Number of turnouts on State or County Roads: 1

Percentage of Lot in Impervious Cover (paved and buildings): 58%

[illegible]

January 24, 2023

**ELAKX22012**

Mr. Tom Ernharth, City Manager  
City of Eagle lake  
75 North 7<sup>th</sup> Street  
Eagle Lake, FL 33839

**RE: A&E RETAIL PRELIMINARY ENGINEERING PLAN REVIEW**

Dear Tom,

We have completed a preliminary engineering review of the development plans for the A&E Retail project dated January 12, 2023. We have some comments and concerns as noted below.

**Potable Water**

1. The proposed water system layout is acceptable. However, we need to see hydraulic calculations that the proposed 6" main can provide sufficient fire flow as required for the proposed commercial buildings.

**Sanitary Sewer**

1. The applicant has proposed to utilize on-site septic and drain field systems (2) to serve this project. We have no objection to the use of these on-site sewer systems. We will need to see permits from the Polk County Health Department before we can issue final plan approval.

**Stormwater**

1. The plans include two typical details for utility crossings, but we need to see plan/profiles for the storm system piping to ensure that proper separation between the storm piping and utility piping is maintained and that proper cover over the storm system piping is provided.
2. We do not perform a detailed review of the storm system design calculations. Prior to final plan approval we will need to see the permit issued by SWFWMD for this drainage system.

The Developer can resubmit just the revised sheets for our re-review. The City will not provide final approval for these construction plans until the issues noted above are addressed.

Sincerely,

**PENNONI ASSOCIATES INC.**



Steven C. Shealey, PE, MPA  
Senior Consultant





## TRADITIONS ENGINEERING

Tom Ernharth, City Manager  
Polk County Land Development  
City of Eagle Lake  
75 North 7th Street, Eagle Lake, FL 33839

01/25/2023

**Subject: A&E Plaza – Eagle Lake Comments**  
**TE Project No. 22-30**

Dear Tom,

This is in response to your request for additional information.

**Potable Water – Steven Shealey, PE**

**Comments:** The proposed water system layout is acceptable. However, we need to see hydraulic calculations that the proposed 6" main can provide sufficient fire flow as required for the proposed commercial buildings.

**Response:** **The Potable Water Model Report has been included with this submittal.**

**Sanitary Sewer – Steven Shealey, PE**

**Comments:** The applicant has proposed to utilize on-site septic and drain field systems (2) to serve this project. We have no objection to the use of these on-site sewer systems. We will need to see permits from the Polk County Health Department before we can issue final plan approval.

**Response:** **The PCHD permits for the septic systems have been applied for and will be submitted as separate correspondence once received.**

**Stormwater – Steven Shealey, PE**

**Comments:** The plans include two typical details for utility crossings, but we need to see plan/profiles for the storm system piping to ensure that proper separation between the storm piping and utility piping is maintained and that proper cover over the storm system piping is provided.

**Response:** **There are (2) crossing details provided on the Utility Plan. The utility crossing detail #2 outlines the crossing of the 2" poly waterline and the gravity sanitary sewer system as shown in the plan view. Since the waterline is a pressure pipe, it will be routed under the gravity system to maintain 18" of separation. A separate profile for this crossing is not required. The utility crossing detail #1 shows the detailed pipe elevations for the crossing of the two gravity pipes (storm & sanitary sewer). Additionally, Section B-B on sheet C-700 has been expanded to show the crossing of these pipes as well as define the needed cover over the pipe. Please review sheets C-500 & C-700 for more information.**



Comments: We do not perform a detailed review of the storm system design calculations. Prior to final plan approval we will need to see the permit issued by SWFWMD for this drainage system.

Response: **The approved FDEP 10/2 Stormwater Certification Permit has been included with this submittal.**

If you have any questions regarding this letter, please call me at (863) 397-1627 or email me at [CBrooker@Traditions-Eng.com](mailto:CBrooker@Traditions-Eng.com)

Sincerely,

Charles "Chad" Brooker, P.E.

Traditions Engineering, LLC



# POTABLE WATER MODEL REPORT

FOR

## ***A&E Plaza***

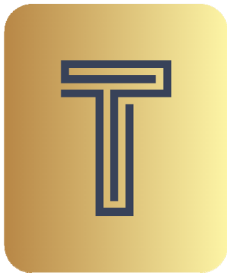
LOCATED AT:

11000 US Hwy 17 S,  
Eagle Lake, Florida 33839

PREPARED FOR:

A&E Auto Body Inc  
12002 US Hwy 17 N,  
Eagle Lake, Florida 33839

PREPARED BY:



**TRADITIONS** ENGINEERING

6039 Cypress Gardens Blvd, Suite #290  
Winter Haven, Florida 33884  
863-397-1626

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| - Demand Reference               |           |
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| o Hydrant Pressure/Flow Results  |           |
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# **CHAPTER 1**

## Narrative

## **MODEL NARRATIVE**

### **Connection & Tie-In Pressure:**

The proposed potable water main extension will connect to the existing City of Eagle Lake water main at the intersection of the Cameron Road & SR 17. The tie-in pressure of the existing main was assumed to be 40 psi at the connection point per the PCU USSM.

### **Proposed Development Model:**

The Proposed Development Model accounts for the required fire flow and potable water demand. As such, this report shows the model results from the Peak Flow Model and Max Day + Fire Flow model. See below for demand calculations. All mains were sized to deliver the required demand with a minimum of 20 psi at each node and a maximum 12 fps in the mains.

## **DEMAND REFERENCE**

### **Potable Water Generation Calculation:**

Average Daily Flow of 400 gpd per toilet (1 per store) = 0.28 gpm

Peak Flow Demand = 4 x Average Flow = 1.12 gpm per unit.

1.12 gpm x 6 stores = 6.72 gpm Total

Max Day Demand = 2.25 x Average Flow = 0.63 gpm per unit.

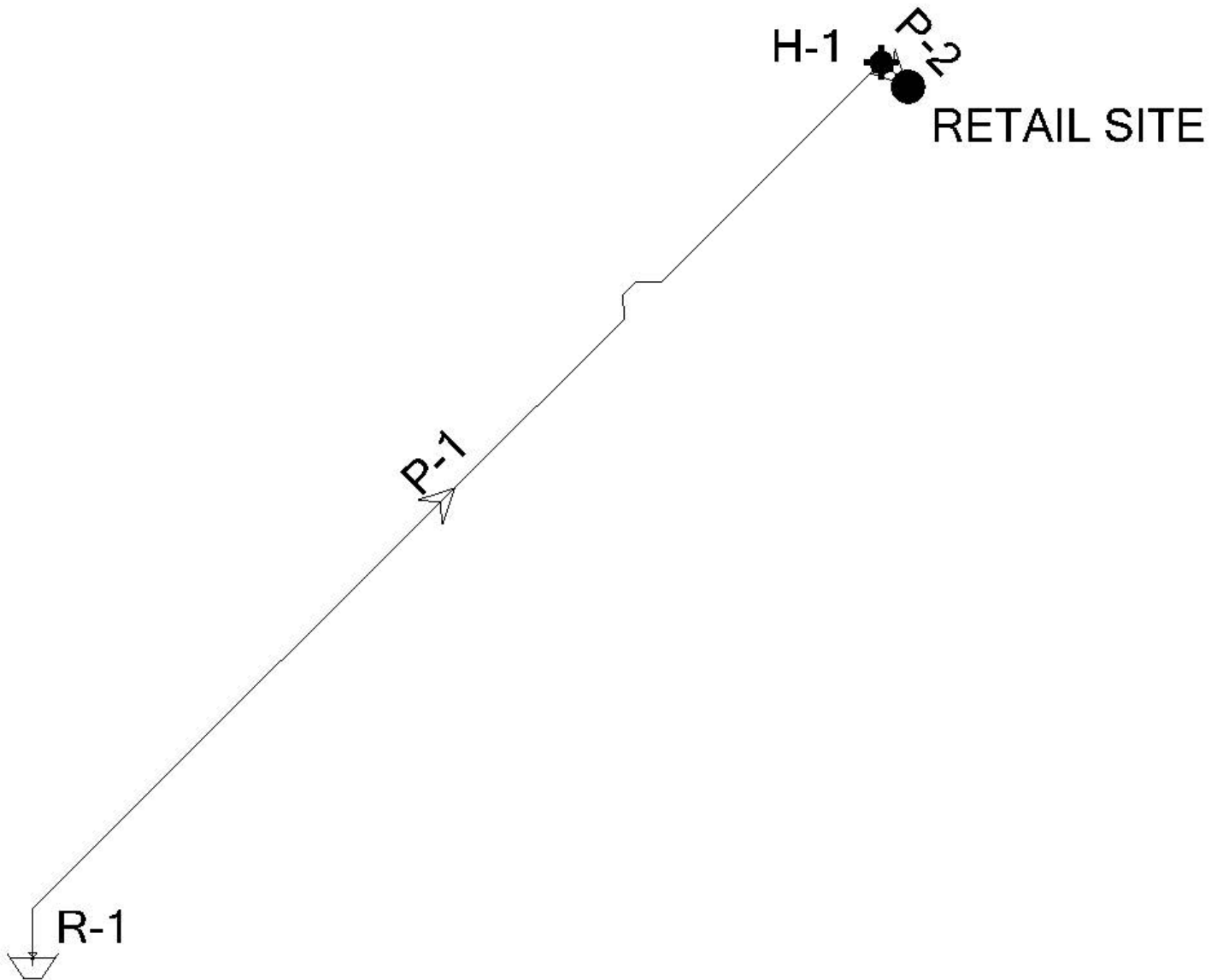
0.63 gpm x 6 stores = 3.78 gpm Total

### **Fire Flow Requirements:**

The required fire flow for the proposed development is 1,000 gpm at the proposed fire hydrant. The Fire Flow model is to run simultaneously with the Max Day demand.

## **CHAPTER 2**

# NODE DIAGRAM





## PEAK FLOW DEMAND

**FlexTable: Pipe Table**

| Label               | Length (Scaled)<br>(ft) | Start Node         | Stop Node   | Diameter<br>(in) | Material |
|---------------------|-------------------------|--------------------|-------------|------------------|----------|
| P-1                 | 443                     | R-1                | H-1         | 6.0              | PVC      |
| P-2                 | 13                      | H-1                | RETAIL SITE | 6.0              | PVC      |
| Hazen-Williams<br>C | Flow<br>(gpm)           | Velocity<br>(ft/s) |             |                  |          |
| 130.0               | 7                       | 0.08               |             |                  |          |
| 130.0               | 7                       | 0.08               |             |                  |          |

### FlexTable: Junction Table

| Label       | Elevation<br>(ft) | Hydraulic Grade<br>(ft) | Pressure<br>(psi) | Demand<br>(gpm) |
|-------------|-------------------|-------------------------|-------------------|-----------------|
| RETAIL SITE | 136.38            | 232.14                  | 41                | 7               |

**FlexTable: Reservoir Table**

| Label | Elevation<br>(ft) | Hydraulic Grade<br>(ft) | Flow (Out net)<br>(gpm) |
|-------|-------------------|-------------------------|-------------------------|
| R-1   | 232.14            | 232.14                  | 7                       |



## MAX DAY & FIRE FLOW DEMAND

**FlexTable: Pipe Table**

| Label               | Length (Scaled)<br>(ft) | Start Node         | Stop Node   | Diameter<br>(in) | Material |
|---------------------|-------------------------|--------------------|-------------|------------------|----------|
| P-1                 | 443                     | R-1                | H-1         | 6.0              | PVC      |
| P-2                 | 13                      | H-1                | RETAIL SITE | 6.0              | PVC      |
| Hazen-Williams<br>C | Flow<br>(gpm)           | Velocity<br>(ft/s) |             |                  |          |
| 130.0               | 1,004                   | 11.39              |             |                  |          |
| 130.0               | 4                       | 0.04               |             |                  |          |

### FlexTable: Junction Table

| Label       | Elevation<br>(ft) | Hydraulic Grade<br>(ft) | Pressure<br>(psi) | Demand<br>(gpm) |
|-------------|-------------------|-------------------------|-------------------|-----------------|
| RETAIL SITE | 136.38            | 199.06                  | 27                | 4               |

### FlexTable: Hydrant Table

| Label | Elevation<br>(ft) | Demand<br>(gpm) | Pressure<br>(psi) |
|-------|-------------------|-----------------|-------------------|
| H-1   | 139.11            | 1,000           | 26                |



**FlexTable: Reservoir Table**

| Label | Elevation<br>(ft) | Hydraulic Grade<br>(ft) | Flow (Out net)<br>(gpm) |
|-------|-------------------|-------------------------|-------------------------|
| R-1   | 232.14            | 232.14                  | 1,004                   |



FLORIDA DEPARTMENT OF  
Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

---

**SELF-CERTIFICATION FOR  
A STORMWATER MANAGEMENT SYSTEM IN UPLANDS SERVING  
LESS THAN 10 ACRES OF TOTAL PROJECT AREA AND  
LESS THAN 2 ACRES OF IMPERVIOUS SURFACES**

|  |   |
|--|---|
| <b>Owner(s)/Permittee(s):</b>                            | A&E Auto Body Inc                       |
| <b>File No:</b>  | 0430745001EG                            |
| <b>File Name:</b>  | A&E PLAZA                               |
| <b>Site Address:</b>                                     | 11000 Hwy 17 S<br>Eagle Lake FL - 33839 |
| <b>County:</b>   | Polk                                    |
| <b>Latitude:</b>   | 27° 59' 14.5217"                        |
| <b>Longitude:</b>  | -81° 44' 44.3071"                       |
| <b>Total Project Area:</b>                               | 2.066                                   |
| <b>Total Impervious Surface Area:</b>                    | 1.082                                   |
| <b>Approximate Date of Commencement of Construction:</b> | 03/01/2023                              |
| <b>Registered Florida Professional:</b>                  | Charles Brooker                         |
| <b>License No.:</b>                                      | 88615                                   |
| <b>Company:</b>  | Traditions Engineering, LLC             |

**Date:** January 25, 2023

**Charles Brooker** certified through the Department's Enterprise Self-Service Application portal that the project described above was designed by the above-named Florida registered professional to meet the following requirements:

- (a) The total project area involves less than 10 acres and less than 2 acres of impervious surface;
- (b) Activities will not impact wetlands or other surface waters;
- (c) Activities are not conducted in, on, or over wetlands or other surface waters;
- (d) Drainage facilities will not include pipes having diameters greater than 24 inches, or the hydraulic equivalent, and will not use pumps in any manner;
- (e) The project is not part of a larger common plan, development, or sale; and
- (f) The project does not:
  - 1. Cause adverse water quantity or flooding impacts to receiving water and adjacent lands;

- 2.Cause adverse impacts to existing surface water storage and conveyance capabilities;
- 3.Cause a violation of state water quality standards; or
- 4.Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to s. 373.042 or a work of the district established pursuant to s. 373.086, F.S.

This certification was submitted before initiation of construction of the above project. The system is designed, and will be operated and maintained in accordance with applicable rules adopted pursuant to part IV of chapter 373, F.S. There is a rebuttable presumption that the discharge from such system will comply with state water quality standards. Therefore, construction, alteration, and maintenance of the stormwater management system serving this project is authorized in accordance with s.403.814(12), F.S.

In accordance with s. 373.416(2), F.S., if ownership of the property or the stormwater management system is sold or transferred to another party, continued operation of the system is authorized only if notice is provided to the Department within 30 days of the sale or transfer. This notice can be submitted to:

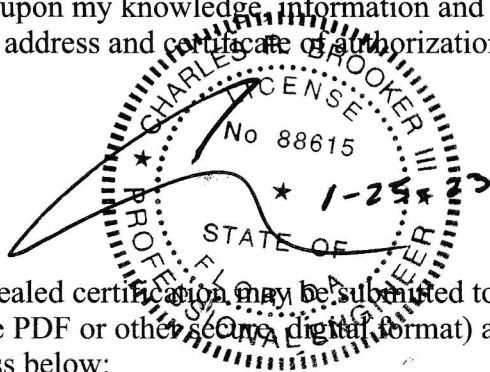
FDEP Southwest District  
13051 N Telecom Pkwy  
Temple Terrace, FL33637

This certification was submitted along with the following electronic documents:

| File Description |
|------------------|
| Plans            |
| Drainage Report  |
| Survey           |

If you have submitted this certification as a Florida Registered Professional, you may wish to sign and seal this certification, and return a copy to the Department, in accordance with your professional practice act requirements under Florida Statutes.

I, Charles Brooker, License No. 88615, do hereby certify that the above information is true and accurate, based upon my knowledge, information and belief. In the space below, affix signature, date, seal, company name, address and certificate of authorization (if applicable).



This sealed certification may be submitted to the Department, either electronically (as an attachment in Adobe PDF or other secure digital format) at [SW\\_ERP@dep.state.fl.us](mailto:SW_ERP@dep.state.fl.us), or as a hardcopy, at the postal address below:

FDEP Southwest District  
13051 N Telecom Pkwy  
Temple Terrace, FL33637

CITY OF EAGLE LAKE  
REGULAR CITY COMMISSION MEETING  
TUESDAY, JANUARY 3, 2023  
7:00 P.M.  
COMMISSION CHAMBERS  
675 E EAGLE AVE  
EAGLE LAKE, FLORIDA 33839

**I. CALL TO ORDER**

Mayor Coler called the meeting to order at 7:00 p.m.

**II. INVOCATION**

Commissioner Metosh gave the invocation.

**III. PLEDGE OF ALLEGIANCE TO THE FLAG**

The Commission and audience said the Pledge of Allegiance to the Flag.

**IV. ROLL CALL**

PRESENT: Billings, Wilson, Metosh, Coler

ABSENT: Clark

City Clerk Wright advised that Commissioner Clark notified her that he had to work and wouldn't be able to attend the meeting tonight.

**MOTION** was made by Commissioner Metosh and seconded by Commissioner Billings to excuse Commissioner Clark from the meeting tonight.

Mayor Coler asked for audience and Commission discussion; there was none.

The vote was as follows:

AYES: 4

NAYS: 0

**V. AUDIENCE**

There were no comments from the audience.

**VI. SPECIAL PRESENTATIONS/RECOGNITIONS/PROCLAMATIONS, REQUESTS**

**A. Staff Reports**

Sgt. Freeze updated the Commission regarding the events that have occurred in the city.

**B. City Manager Report**

City Manager Ernharth requested permission to go out to bid for an RFQ for an architect for the City Hall Complex.



**MOTION** was made by Commissioner Metosh and seconded by Commissioner Billings to authorize the City Manager to advertise RFQ for an architect for the City Hall Complex.

Mayor Coler asked for audience and Commission discussion; there was none.

The vote was as follows:

AYES: 4

NAYS: 0

City Manager Ernharth stated July 4th is on a Tuesday this year and he asked for permission to also close on Monday July 3, 2023.

**MOTION** was made by Commissioner Billings and seconded by Commissioner Metosh to approve closing on both July 3, 2023 and July 4, 2023.

Mayor Coler asked for audience and Commission discussion; there was none.

The vote was as follows:

AYES: 4

NAYS: 0

Mayor Coler discussed the use and feasibility of the red brick building and using the Red Brick Building as a library; he stated that he understands there could be a substantial cost involved to bring the building up to code.

City Manager Ernharth stated the red brick building will be on the next agenda for discussion.

## **VII. PUBLIC HEARINGS**

- A. Consideration of the first reading of **Ordinance No.: O-23-02**, An Ordinance of the City of Eagle Lake, Florida Extending the Corporate Limits of the City of Eagle Lake, to Include Therein Additional Territory Lying Contiguous and Adjacent to the Present Boundaries of the City of Eagle Lake; Describing Said Additional Territory; Repealing all Ordinances Conflicting Herewith and Providing an Effective Date. (General Location: Two parcels of land totaling approximately 3.98 acres in size, lying southeast of the intersection of Cooley Road and County Road 540, West, and a Street Address of 0 Cooley Road, Eagle Lake, FL 33839 (A & E Property))

Attorney Maxwell read Ordinance No.: O-23-02 by title only.

**MOTION** was made by Commissioner Wilson and seconded by Commissioner Metosh to approve Ordinance No.: O-23-02.

Mayor Coler asked for audience and commission discussion; there was none.

The roll call vote was as follows:

AYES: Billings, Wilson, Metosh, Coler

NAYS: None

- B. Consideration of the first reading of **Ordinance No.: O-23-03**, An Ordinance Amending the City of Eagle Lake, Florida 2030 Comprehensive Plan by Revising the Future Land Use Map

Series to Assign Neighborhood Activity Center Future Land Use to Two (2) Annexed Parcels; Amending the City of Eagle Lake, Florida Zoning Map to Apply General Commercial (CG) Zoning to the Same Certain Parcels; Repealing All Ordinances in Conflict Herewith; and, Providing an Effective Date. (General Location: Two parcels of land totaling approximately 3.98 acres in size, lying southeast of the intersection of Cooley Road and County Road 540, West, with a Street Address of 0 Cooley Road, Eagle Lake, Florida 33839 (A & E Property)

Attorney Maxwell read Ordinance No.: O-23-03 by title only.

**MOTION** was made by Commissioner Wilson and seconded by Commissioner Metosh to approve Ordinance No.: O-23-03.

Mayor Coler asked for audience and commission discussion; there was none.

The roll call vote was as follows:

AYES: Billings, Wilson, Metosh, Coler

NAYS: None

**VIII. OLD BUSINESS**

There was no old business.

**IX. NEW BUSINESS**

- A. Consideration of **Resolution No: R-23-04**, A Resolution of City the Commission of the City of Eagle Lake, Florida, Approving and Adopting the City of Eagle Lake 2022 Water Supply Work Plan Update; and Providing an Effective Date.

Attorney Maxwell read Resolution No.: R-23-04 by title only.

**MOTION** was made by Commissioner Wilson and seconded by Commissioner Metosh to approve Resolution No.: R-23-04.

The vote was as follows:

AYES: 4

NAYS: 0

- B. Consideration of Eagle Lake Stormwater Outfall Treatment System not to exceed the amount of \$450,000

**MOTION** was made by Commissioner Wilson and seconded by Commissioner Metosh to approve Eagle Lake Stormwater Outfall Treatment System not to exceed the amount of \$450,000.

The vote was as follows:

AYES: 4

NAYS: 0

**X. CONSENT AGENDA**

- A. Approval of the Regular City Commission Minutes -----12/05/2022
- B. Approval of Financials
- C. Consideration of The Ranches at Lake McLeod (East Ranches) Final Plat

**MOTION** was made by Commissioner Wilson and seconded by Commissioner Metosh to approve items: A. the Regular City Commission Minutes of 12/05/2022, B. the Financials, and C. The Ranches at Lake McLeod (East Ranches) Final Plat

Mayor Coler asked for audience and commission discussion; there was none.

The vote was as follows:

AYES: 4

NAYS: 0

**XI. AUDIENCE**

There were no comments from the audience.

**XII. CITY ATTORNEY**

Attorney Maxwell had no report.

**XIII. CITY COMMISSION**

Commissioner Wilson had no report.

Commissioner Metosh had no report.

Commissioner Billings had no report.

Mayor Coler stated that the legislative session will be starting soon and encouraged involvement from the Commission.

Mayor Coler encouraged the commission to attend the next Ridge League of Cities Dinner in February.

Mayor Coler and the Commission wished everyone a Happy New Year.

**XIV. ADJOURNMENT**

**MOTION** was made by Commissioner Billings and seconded by Commissioner Metosh to adjourn at 7:15 p.m.

The vote was as follows:

AYES: 4

NAYS: 0

---

MAYOR CORY COLER

ATTEST:

---

CITY CLERK DAWN WRIGHT



**ZAMBELLI FIREWORKS MANUFACTURING CO.**

THIS CONTRACT AND AGREEMENT (this "Contract") is made effective as of this 9th day of Jan, 2023, by and between:

**Zambelli Fireworks Manufacturing Co.** of Warrendale, Pennsylvania (hereinafter referred to as "Zambelli"),

-AND-

City of Eagle Lake

(hereinafter referred to as "Client").

WHEREAS, Zambelli is in the business of designing and performing exhibitions and displays of fireworks; and

WHEREAS, Client desires that Zambelli provide an exhibition and display of fireworks for Client's benefit pursuant to the terms and conditions hereof, and Zambelli desires to perform an exhibition and display of fireworks for Client's benefit pursuant to the terms and conditions hereof.

NOW, THEREFORE, in consideration of the mutual agreements herein contained:

Zambelli, intending to be legally bound, agrees as follows:

1. Zambelli agrees to sell, furnish and deliver to Client a 10 minute fireworks display [per the program submitted by Zambelli to Client, accepted by Client and made a part hereof] (hereinafter referred to as the "Display") to be exhibited on the display date set forth below (hereinafter referred to as the "Display Date"), or on the postponement date set forth below (hereinafter referred to as the "Postponement Date") if the Display is postponed as provided herein, which Display Date and Postponement Date have been agreed upon at the time of signing this Contract.

Display Date: June 24, 2023

Postponement Date: \_\_\_\_\_

2. Zambelli agrees to furnish the services of display technicians (hereinafter referred to as "Display Technicians") who are sufficiently trained to present the Display. Zambelli shall determine in its sole discretion the number of Display Technicians necessary to take charge of and safely present the Display.
3. Zambelli agrees to furnish insurance coverage in connection with the Display for bodily injury and property damage, including products liability, which insurance shall include Client as additional insured regarding claims made against Client for bodily injury or property damage arising from the operations of Zambelli in performing the Display provided for in this Contract. Such insurance afforded by Zambelli shall not include claims made against Client for bodily injury or property damage arising from failure of Client, including through or by its employees, agents and independent contractors, to perform its obligations under this Contract, including without limitation those set forth in paragraphs 5 and 6 below. Client shall indemnify and hold Zambelli harmless from all claims and suits made against Zambelli for bodily injury or property damage arising from failure of Client, including through or by its employees, agents and independent contractors, to perform its obligations under this Contract, including without limitation those set forth in paragraphs 5 and 6 below.

Client, intending to be legally bound, agrees as follows:

4. Client agrees to pay Zambelli the sum of \$ 7,000 (hereinafter referred to as the "Purchase Price"), fifty percent (50%) of which is due upon signing this Contract and the balance of which is due at noon three (3) days prior to the Display Date. All credit card payments will be subject to a 3.9% surcharge. Zambelli reserves the right to add to Client's invoice an equitable transportation surcharge in the event of any material increase in transportation costs (including the cost of fuel and third party shipping costs) to Zambelli after the date of this Contract. In addition, Client agrees to pay a postponement fee of fifteen percent (15%) of the Purchase Price plus Additional Third Party Charges (as defined in paragraph 11 below) if the Display is fired on the Postponement Date, or twenty-five percent (25%) of the Purchase Price plus Additional Third Party Charges if the Display is fired on a date other than the Display Date or the Postponement Date ("Alternate Date"). The Alternate Date must occur within six months of the original Display Date at a time agreeable to both Zambelli and the Client. Generally, Alternate Dates will not include the period from June 28<sup>th</sup> through July 7<sup>th</sup>. This Checks shall be made payable to Zambelli Fireworks Manufacturing Co., unless otherwise authorized in writing by Zambelli. NO CASH shall be paid to any agent or employee of Zambelli, unless otherwise authorized in writing

by Zambelli. There shall be no refund of the Purchase Price due and payable under this paragraph 4, except as specifically provided in paragraph 11 below.

5. Client agrees to meet all deadlines outlined in the Design and Production Provisions, which has been provided to Client, including but not limited to the following:
  - (a) Client must select a suitable place for the Display, including a firing and debris zone reasonably acceptable to Zambelli (hereinafter referred to as the "Display Area") and submit such selection to Zambelli no later than sixty (60) days prior to the Display Date. The Display Area shall adhere to or exceed applicable National Fire Protection Association ("NFPA") standards including the Zambelli guideline that the Display Area have a radius of at least 100 feet per inch (or as mutually agreed to between Zambelli and Client) of the largest diameter pyrotechnic from the firing site in all directions to any parking area, spectators, inhabited buildings, public roads, or active railroad. Client shall submit a site map (attached hereto as Exhibit A) to Zambelli accurately representing the physical characteristics of the Display Area as pertains to NFPA and Zambelli guidelines. The content of the Display may be limited by the selection of the Display Area due to the requirement to provide sufficient safety zones.
  - (b) Zambelli will secure all Fireworks permits necessary for the Display as required, including but not limited to police, local, and state permits, and arrange for any security bonds or insurance as required by law. In addition, Zambelli will notify and obtain permission from the FAA to display fireworks. Client will assist Zambelli when appropriate in completing permit applications. Client shall be responsible for any Special Event permits required by City. It is the responsibility of the Client to contact the City's Special Events Department regarding their event.
  - (c) **If the Display is choreographed to music, the final selection of the music must be submitted to Zambelli by Client no later than ninety (90) days prior to the Display Date.**
6. If, in its sole discretion, Client designates an area for members of the public to view the Display (hereinafter referred to as the "Spectator Area") or an area for vehicular parking (hereinafter referred to as the "Parking Area"), Client shall (a) ensure that the Spectator Area does not infringe on the Display Area, (b) have sole responsibility for ensuring that the terrain of the Spectator Area and any structures thereon, including but not limited to grandstands and bleachers are safe for use by spectators, (c) have sole responsibility for ensuring that the Parking Area is safe for use, (d) have sole responsibility to police, monitor and appropriately control spectator access to the Spectator Area and the Parking Area and police and monitor and appropriately control the behavior of persons in these areas. It is expressly agreed that Zambelli shall not inspect any area other than the Display Area, except to ensure that any Spectator or Parking Areas are outside the Display Area.
7. Prior to, during, and immediately following the Display, Client shall monitor the Display Area and will be solely responsible to keep all persons and property not authorized by Zambelli out of the Display Area and behind safety zone lines and limits.
8. Following the Display, Client shall be solely responsible for policing of the Display Area and for cleanup except as specifically provided in the sentence immediately following. Zambelli shall be responsible for the removal of unexploded fireworks and the cleanup of material debris, the removal of frames, sets and lumber from the Discharge Area, and the refilling of holes created by Zambelli or on behalf of Zambelli within the Discharge Area.
9. Client will include a direct reference to "Zambelli Fireworks" in all promotional material, including but not limited to event schedules; radio, television, newspaper and internet announcements; newspaper articles; and other media.

The parties, intending to be legally bound, mutually agree as follows:

10. It is agreed and understood by the parties hereto that should inclement weather prevent firing of the Display on the Display Date, as determined by the Authority Having Jurisdiction (as defined in paragraph 14 below) or as reasonably determined by Zambelli, then the program shall be postponed and fired on the Postponement Date. If there is no Postponement Date and the Display is not fired on the Display Date, or if inclement weather prevents firing of the Display on the Postponement Date, as determined by the Authority Having Jurisdiction or as reasonably determined by Zambelli, the Display will be cancelled and there will be no refund of the Deposit or fifty percent (50%) of the Purchase Price, whichever is greater.



11. Client's cancellation of the Display will only be effective upon receipt by Zambelli of a written notice from an authorized person representing Client. In the event of cancellation of the Display, the parties agree as follows:
  - (a) If Client cancels the Display more than sixty-one (61) days prior to the Display Date, Client agrees to pay Zambelli a cancellation fee equal to ten percent (10%) of the Purchase Price plus Additional Third Party Charges, as defined below.
  - (b) If Client cancels the Display from thirty-one (31) to sixty (60) days prior to the Display Date, Client agrees to pay Zambelli a cancellation fee equal to twenty percent (20%) of the Purchase Price plus Additional Third Party Charges, as defined below.
  - (c) If Client cancels the Display from five (5) days prior the Display to thirty (30) days prior to the Display Date, Client agrees to pay Zambelli a cancellation fee equal to thirty percent (30%) of the Purchase Price plus Additional Third Party Charges, as defined below.
  - (d) If Client cancels the Display less than five (5) days prior to the day of the Display, Client agrees to pay Zambelli a cancellation fee equal to fifty percent (50%) of the Purchase Price plus Additional Third Party Charges, as defined below.
  - (e) "Additional Third Party Charges" shall mean all costs and expenses incurred by Zambelli and paid or payable to third parties in connection with the Display, including but not limited to security fees, permits and licensing fees and expenses, barge and tow expenses, and firewatch fees.
12. Zambelli reserves the exclusive right to make minor modifications and substitutions to the Display, provided that such changes are reasonable and necessary and do not materially adversely affect price, time of delivery, functional character or performance of the Display.
13. It shall be within Zambelli's and/or the Authority Having Jurisdiction's discretion to terminate the firing of the Display if any unsafe or unsuitable condition is identified. If such condition is not corrected, Zambelli may cancel the Display without further liability to Client for such cancellation.
14. The parties agree to cooperate with the regulatory authorities having jurisdiction over the Display, including, but not limited to local fire and police departments, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Department of Transportation, the Department of Homeland Security, and the USCG (any such authority having jurisdiction over the Display is sometimes referred to herein as, the "Authority Having Jurisdiction"). The parties acknowledge that such governmental regulatory authorities having jurisdiction over the Display have the right to prohibit the Display until unsafe or unsuitable conditions are corrected.
15. This contract shall be deemed made in the State of Florida and shall be construed in accordance with the laws of the State of Florida, excluding its conflict of law rules. The parties agree and consent to the jurisdiction of the courts of the State of Florida and the Federal District Court for the Southern District of Florida to decide all disputes regarding this Contract.
16. If Client becomes bankrupt or insolvent, or if a petition in bankruptcy is filed by or against Client or if a receiver is appointed for Client, Zambelli may refuse to perform under this Contract and may terminate this Contract without prejudice to the rights of Zambelli. If Client's financial condition becomes unsatisfactory to Zambelli, Zambelli may require that Client deposit the balance of the Purchase Price in escrow or provide sufficient proof of its ability to pay the balance of the Purchase Price.
17. Except to the extent, if any, specifically provided to the contrary herein, in no event shall Zambelli be liable to Client for any indirect, special, consequential, incidental or punitive damages or lost profits, however caused and on any theory of liability (including negligence of any kind, strict liability or tort) arising in any way out of this contract, whether or not Zambelli has been advised of the possibility of damages.
18. If Client fails to pay the monies due under this Contract, Zambelli is entitled to recover the balance due plus interest at one and one-half percent (1 ½ %) per month on amounts past due sixty (60) days or more. Further, on balances outstanding one hundred twenty (120) days or more, Zambelli is entitled to recover the balance due, plus accrued interest, plus attorneys fees of ten percent (10%) of the amount past due, plus court costs, or, if less, the maximum amount permitted by law.

19. This Contract shall not be construed to create a partnership or joint venture between the parties or persons mentioned herein.
20. Each party hereunder shall be excused for the period of delay in the performance of any of its obligations hereunder and shall not be liable for failure to perform or considered in default hereunder, when prevented from so performing by a cause or causes beyond its reasonable control, including but not limited to fire, storm, earthquake, flood, drought, accident, explosion, operation malfunction, or interruption, strikes, lockouts, labor disputes, riots, war (whether or not declared or whether or not the United States is a member), Federal, state, municipal or other governmental legal restriction or limitation or compliance therewith, failure or delay of transportation, shortage of, or inability to obtain materials, supplies, equipment, fuel, power, labor or other operational necessity, interruption or curtailment of power supply, or act of God, nature or public enemy.
21. This Contract constitutes the sole and entire understanding of the parties with respect to the matters contemplated hereby and supersedes and renders null and void all prior negotiations, representations, agreements and understandings (oral and written) between the parties with respect to such matters. No change or amendment may be made to this Contract except by an instrument in writing signed by each of the parties.
22. Notices, consents, requests or other communications required or permitted to be given by either party pursuant to this Contract shall be given in writing by first class mail, postage prepaid addressed as follows: if to Zambelli, to the address set forth below; if to Client, to 75 N 7th St., PO Box 129, Eagle Lake, FL
23. This Contract may be executed in one or more counterparts, each of which shall be deemed to be an original but all of which together shall be deemed to be one and the same instrument. The exchange of copies of this Contract and of signature pages by facsimile transmission shall constitute effective execution and delivery of this Contract as to the parties and may be used in lieu of the original Contract for all purposes. This Contract and all the rights and powers granted by this Contract shall bind and inure to the benefit of the parties and their respective successors and assigns.

IN WITNESS WHEREOF, we set our hands and seals to the agreement in duplicate the day and year first above written.

**FOR Client:**

**FOR: Zambelli Fireworks Manufacturing Co.**

BY \_\_\_\_\_

BY \_\_\_\_\_

PRINT Samantha Ethridge

PRINT \_\_\_\_\_

DATE \_\_\_\_\_

DATE \_\_\_\_\_

Please sign contract where indicated for Client and return all copies for final acceptance to:

**Zambelli Fireworks Manufacturing Co.**  
1060 Holland Drive, Suite J  
Boca Raton, FL 33487  
561-395-0955 FAX 561-395-1799



# Zambelli

## FIREWORKS

### Required Insurance Requisition Form

Customer Name City of Eagle Lake  
Address P.O. Box 129  
City Eagle Lake State Florida Zip 33839  
Display Date 06/24/2022 Rain Date N/A  
Location of Display Eagle Lake Beach- Boat Ramp  
City Eagle Lake State Florida Zip 33839

Name all Additional Insured

City of Eagle Lake  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name & Address of Display Site Property Owner

City of Eagle Lake - (Eagle Lake  
Beach Boat Ramp)  
\_\_\_\_\_

Certificate to be issued to: City of Eagle Lake  
Address P.O. Box 129  
City Eagle Lake State Florida Zip 33839  
Title \_\_\_\_\_ Phone 863-293-4141

**\* This form must be returned with your signed contract for the insurance certificate to be processed. Our insurance company requires that we have this form in addition to the signed contract prior to the certificate being issued.**

1060 Holland Drive – Suite J  
Boca Raton, FL 33487  
(561) 395-0955  
[www.zambellifireworks.com](http://www.zambellifireworks.com)

# Zambelli

## FIREWORKS

### Communication Sheet

Communications Sheet must be completed in its entirety each year.

*Our insurance carrier requires a newly completed form each year.*

A Zambelli Fireworks representative will use this sheet to contact you.

| Customer Information   |                             | Show Information       |            |
|------------------------|-----------------------------|------------------------|------------|
| Customer Name          | City of Eagle Lake          | Show Date              | 06/24/2023 |
| Address                | P.O. Box 129                | Rain Date              | N/A        |
| City, State, Zip       | Eagle Lake, FL 33839        | Time of Show           |            |
|                        |                             | Duration of Show       |            |
| Firing Site Location   |                             | Storage Site Location  |            |
| Description            | Eagle Lake Beach            | Description            |            |
| Site contact Name      |                             | Site Contact Name      |            |
| Phone Number           |                             | Phone Number           |            |
| Address                | 370 W. Eagle Ave.           | Address                |            |
| City, State, Zip       | Eagle Lake, FL 33839        | City, State, Zip       |            |
| Contact Person         |                             | Alternate Contact #1   |            |
| Name                   | Samantha Ethridge           | Name                   |            |
| Address                | P.O. Box 129                | Address                |            |
| City, State, Zip       | Eagle Lake, FL 33839        | City, State, Zip       |            |
| Home Phone Number      |                             | Home Phone Number      |            |
| Fax Number             | (863) 293-3590              | Fax Number             |            |
| Office Number (& ext.) | (863) 293-4141              | Office Number (& ext.) |            |
| Cell Number            | (863) 307-2131              | Cell Number            |            |
| E-Mail                 | sethridge@eaglelake-fla.com | E-Mail                 |            |
| Alternate Contact #2   |                             | Day of Show Contact    |            |
| Name                   |                             | Name                   |            |
| Address                |                             | Address                |            |
| City, State, Zip       |                             | City, State, Zip       |            |
| Home Phone Number      |                             | Home Phone Number      |            |
| Fax Number             |                             | Fax Number             |            |
| Office Number (& ext.) |                             | Office Number (& ext.) |            |
| Cell Number            |                             | Cell Number            |            |
| E-Mail                 |                             | E-Mail                 |            |

SAFE SHOWS ARE A RESULT OF PROPER PLANNING!

1060 Holland Drive – Suite J  
 Boca Raton, FL 33487  
 (561) 395-0955  
[www.zambellifireworks.com](http://www.zambellifireworks.com)



CITY OF EAGLE LAKE - GENERAL FUND  
ACCOUNT BALANCE

DEC 2022

|   |                |
|---|----------------|
| <b>ACCOUNT BALANCE AS OF NOV 30, 2022</b> | 4,652,291.17   |
| DEPOSITS                                  | 1,866,534.10   |
| CLEARED CHECKS                            | (2,032,686.24) |
| WITHDRAWALS/ACH                           | 0.00           |
| RETURNED CHECKS                           | 0.00           |

|   |                     |
|---|---------------------|
| <b>ACCOUNT BALANCE AS OF DEC 31, 2022</b> | <b>4,486,139.03</b> |
|---|---------------------|

**OUTSTANDING CHECKS:**

|       |                                       |              |
|-------|---------------------------------------|--------------|
| 44428 | CITY OF TAYLORS FALLS PCCA - REF      | (100.00)     |
| 45110 | FLORIDA BLUE                          | (19,097.12)  |
| 45113 | Liberty National Insurance Company QB | (301.48)     |
| 45115 | MINNESOTA LIFE                        | (202.80)     |
| 45111 | Florida Municipal Insurance Trust QB  | (108.15)     |
| 45116 | New York Life Ins QB                  | (21.68)      |
| 45132 | SPECTRUM ENTERPRISE 168089401         | (733.23)     |
| 45136 | VERIZON WIRELESS - CELL               | (614.45)     |
| 45119 | BOARD OF CO COMM - FUEL               | (366.69)     |
| 45131 | SPECTRUM ENTERPRISE 106972201         | (69.98)      |
| 45124 | NEXAIR, LLC                           | (46.43)      |
| 45127 | POLK COUNTY LIBRARY COOPERATIVE *     | (20.00)      |
| 45145 | FLORIDA PEST CONTROL                  | (189.00)     |
| 45143 | CITY OF TEMPLE TERRACE - REF          | (50.00)      |
| 45168 | POLK COUNTY SHERIFF                   | (142,290.25) |
| 45171 | RIVERO, GORDIMER & COMPANY PA         | (6,577.50)   |
| 45177 | WATER IMPACT SAVINGS                  | (5,500.00)   |
| 45172 | SEWER IMPACT SAVINGS                  | (5,500.00)   |
| EFT   | FMPTF                                 | (4,114.16)   |
| 45175 | UTILITY FUND                          | (2,706.74)   |
| 45169 | PUBLIC BUILDINGS AND FAC. PB          | (1,984.00)   |
| 45165 | City of Eagle Lake Water Dept         | (795.16)     |
| 45167 | PARKS AND REC. FEES-PB                | (582.00)     |
| 45176 | WALMART - CAPITAL ONE                 | (353.82)     |
| 45166 | MARIA ESCOBEDO - REF                  | (200.00)     |
| 45170 | RICOH USA INC                         | (165.85)     |
| 45162 | EMPLOYEE FUND QB                      | (106.00)     |
| 45163 | CDN PARTNERS INC                      | (93.75)      |
| 45173 | TAMPA ELECTRIC CO.-1                  | (66.21)      |
| 45174 | Tampa Electric Company-2              | (47.14)      |
| 45164 | CENGAGE LEARNING INC / GALE           | (41.23)      |
| JE #5 |                                       | (6,575.24)   |
| JE #3 | Florida Department of Revenue         | (17.50)      |

|                                  |                     |
|----------------------------------|---------------------|
| <b>TOTAL OUTSTANDING CHECKS:</b> | <b>(199,637.56)</b> |
|----------------------------------|---------------------|

|         |            |        |
|---------|------------|--------|
| Deposit | 12/29/2022 | 292.00 |
|---------|------------|--------|

|                                    |               |
|------------------------------------|---------------|
| <b>TOTAL OUTSTANDING DEPOSITS:</b> | <b>292.00</b> |
|------------------------------------|---------------|

|                                   |                     |
|-----------------------------------|---------------------|
| <b>REMAINING ACCOUNT BALANCE:</b> | <b>4,286,793.47</b> |
|-----------------------------------|---------------------|

**CITY OF EAGLE LAKE**  
**Profit & Loss Budget vs. Actual**  
**October through December 2022**

|   | Oct - Dec 22        | Budget              | \$ Over Budget     | % of Budget  |
|---|---------------------|---------------------|--------------------|--------------|
| <b>Ordinary Income/Expense</b>                    |                     |                     |                    |              |
| <b>Income</b>                                     |                     |                     |                    |              |
| <b>310.000 · Taxes</b>                            |                     |                     |                    |              |
| 311.000 · Ad Valorem Taxes                        | 1,088,589.20        | 1,189,000.00        | -100,410.80        | 91.6%        |
| <b>312.000 · Sales, Use &amp; Gas Taxes</b>       |                     |                     |                    |              |
| 312.300 · 9th Cent Gas Tax                        | 4,273.73            | 16,000.00           | -11,726.27         | 26.7%        |
| 312.410 · Local Option Gas Tax                    | 24,944.05           | 92,869.00           | -67,924.95         | 26.9%        |
| 312.412 · Local Gov. 1/2 cent sales tax           | 62,120.33           | 224,937.00          | -162,816.67        | 27.6%        |
| 312.420 · 5-cent Local Option Gas Tax             | 15,335.04           | 58,849.00           | -43,513.96         | 26.1%        |
| <b>Total 312.000 · Sales, Use &amp; Gas Taxes</b> | <b>106,673.15</b>   | <b>392,655.00</b>   | <b>-285,981.85</b> | <b>27.2%</b> |
| <b>314.000 · Utility Service Taxes</b>            |                     |                     |                    |              |
| 314.100 · Electric Utility Service Tax            | 56,411.79           | 172,000.00          | -115,588.21        | 32.8%        |
| 314.150 · Water Utility Service Tax               | 10,929.79           | 50,000.00           | -39,070.21         | 21.9%        |
| 314.400 · Natural Gas Service Tax                 | 4.20                | 1,000.00            | -995.80            | 0.4%         |
| 314.800 · Propane Service Tax                     | 471.33              | 1,500.00            | -1,028.67          | 31.4%        |
| 315.000 · Local Communications Serv. Tax          | 26,446.65           | 72,000.00           | -45,553.35         | 36.7%        |
| <b>Total 314.000 · Utility Service Taxes</b>      | <b>94,263.76</b>    | <b>296,500.00</b>   | <b>-202,236.24</b> | <b>31.8%</b> |
| <b>323.000 · Franchise Fees</b>                   |                     |                     |                    |              |
| 323.100 · Electric Franchise Fees                 | 57,135.73           | 165,000.00          | -107,864.27        | 34.6%        |
| 323.400 · Natural Gas Franchise Fees              | 478.31              |                     |                    |              |
| 323.700 · Solid Waste Franchise Fee               | 5,000.00            | 23,000.00           | -18,000.00         | 21.7%        |
| <b>Total 323.000 · Franchise Fees</b>             | <b>62,614.04</b>    | <b>188,000.00</b>   | <b>-125,385.96</b> | <b>33.3%</b> |
| <b>Total 310.000 · Taxes</b>                      | <b>1,352,140.15</b> | <b>2,066,155.00</b> | <b>-714,014.85</b> | <b>65.4%</b> |
| <b>330.000 · Intergovernmental Revenue</b>        |                     |                     |                    |              |
| <b>335.000 · State Shared Revenues</b>            |                     |                     |                    |              |
| 335.120 · SRS Sales Tax                           | 26,665.39           | 90,000.00           | -63,334.61         | 29.6%        |
| 335.122 · SRS - Motor Fuel Tax                    | 10,369.88           | 30,000.00           | -19,630.12         | 34.6%        |
| 335.150 · Alcoholic Beverage Licenses             | 0.00                | 5,200.00            | -5,200.00          | 0.0%         |
| <b>Total 335.000 · State Shared Revenues</b>      | <b>37,035.27</b>    | <b>125,200.00</b>   | <b>-88,164.73</b>  | <b>29.6%</b> |
| <b>338.800 · County Shared Revenue</b>            |                     |                     |                    |              |
| 337.700 · Library Cooperative                     | 0.00                | 25,000.00           | -25,000.00         | 0.0%         |
| 337.710 · Delivery Driver System Funding          | 28,544.27           | 122,987.00          | -94,442.73         | 23.2%        |
| 338.200 · Polk County Occupational Licens         | 854.43              | 2,500.00            | -1,645.57          | 34.2%        |
| <b>Total 338.800 · County Shared Revenue</b>      | <b>29,398.70</b>    | <b>150,487.00</b>   | <b>-121,088.30</b> | <b>19.5%</b> |
| <b>Total 330.000 · Intergovernmental Revenue</b>  | <b>66,433.97</b>    | <b>275,687.00</b>   | <b>-209,253.03</b> | <b>24.1%</b> |
| <b>340.000 · Charges for Services</b>             |                     |                     |                    |              |
| 341.200 · Zoning Fees                             | 2,250.00            | 500.00              | 1,750.00           | 450.0%       |
| 341.300 · Copies/Certifications                   | 5.45                | 75.00               | -69.55             | 7.3%         |
| 342.900 · FDOT Roadway Maintenance                | 3,015.69            | 12,000.00           | -8,984.31          | 25.1%        |
| 352.000 · Library Fines and Collections           | 285.85              | 1,500.00            | -1,214.15          | 19.1%        |
| <b>Total 340.000 · Charges for Services</b>       | <b>5,556.99</b>     | <b>14,075.00</b>    | <b>-8,518.01</b>   | <b>39.5%</b> |
| <b>350.000 · Fines &amp; Forfeitures</b>          |                     |                     |                    |              |
| 341.541 · Police Fines                            | 1,667.92            | 5,000.00            | -3,332.08          | 33.4%        |
| 350.100 · Other Fines and Forfeitures             | 0.00                | 100.00              | -100.00            | 0.0%         |
| <b>Total 350.000 · Fines &amp; Forfeitures</b>    | <b>1,667.92</b>     | <b>5,100.00</b>     | <b>-3,432.08</b>   | <b>32.7%</b> |
| <b>360.000 · Other Revenue</b>                    |                     |                     |                    |              |
| 361.100 · Interest Income                         | 543.41              | 6,500.00            | -5,956.59          | 8.4%         |
| 362.100 · Facilities Rental                       | 250.00              |                     |                    |              |
| 362.200 · Sprint Tower Lease                      | 0.00                | 37,325.00           | -37,325.00         | 0.0%         |
| 362.201 · T-Mobile Tower Lease                    | 6,860.40            | 38,000.00           | -31,139.60         | 18.1%        |
| <b>366.000 · Private Donations</b>                |                     |                     |                    |              |
| 366.101 · Donations for City Events               | 1,850.00            |                     |                    |              |
| 366.000 · Private Donations - Other               | 0.00                | 4,000.00            | -4,000.00          | 0.0%         |



**CITY OF EAGLE LAKE**  
**Profit & Loss Budget vs. Actual**  
**October through December 2022**

|   | Oct - Dec 22 | Budget       | \$ Over Budget | % of Budget |
|---|--------------|--------------|----------------|-------------|
| Total 366.000 · Private Donations         | 1,850.00     | 4,000.00     | -2,150.00      | 46.3%       |
| 369.900 · Miscellaneous Income            |              |              |                |             |
| 340.901 · Reimbursements                  |              |              |                |             |
| 340.910 · Reimbursement-Sports Assoc.     | 959.50       |              |                |             |
| Total 340.901 · Reimbursements            | 959.50       |              |                |             |
| 369.310 · Misc Revenue - Engineering Fees | 47,033.73    |              |                |             |
| 369.996 · E-Rate Reimbursement            | 755.78       |              |                |             |
| 369.900 · Miscellaneous Income - Other    | 2,227.54     | 14,000.00    | -11,772.46     | 15.9%       |
| Total 369.900 · Miscellaneous Income      | 50,976.55    | 14,000.00    | 36,976.55      | 364.1%      |
| Total 360.000 · Other Revenue             | 60,480.36    | 99,825.00    | -39,344.64     | 60.6%       |
| 367.000 · Licenses and Permits            |              |              |                |             |
| 322.000 · Building Permits Other          |              |              |                |             |
| 322.050 · Subdivision Permit App.Fee      | 4,600.00     | 2,900.00     | 1,700.00       | 158.6%      |
| 322.060 · Plan Review Fee                 | 95,331.25    | 5,000.00     | 90,331.25      | 1,906.6%    |
| 322.070 · DCA BLDG Cert Charge 1%         | 300.42       | 50.00        | 250.42         | 600.8%      |
| 322.100 · DBPR Radon Surcharge-1%         | 531.37       | 50.00        | 481.37         | 1,062.7%    |
| 322.150 · Contractor's Registration       | 0.00         | 300.00       | -300.00        | 0.0%        |
| 322.200 · Polk County Imp.Fees 3%         | 5,908.63     | 100.00       | 5,808.63       | 5,908.6%    |
| 322.300 · Building Inspection Fees        | 159,220.00   | 23,000.00    | 136,220.00     | 692.3%      |
| 322.400 · Building Permits                | 195,551.00   | 50,000.00    | 145,551.00     | 391.1%      |
| 324.610 · Parks and Rec Impact Fee        | 86,898.00    |              |                |             |
| 324.611 · Public BLDG & Fac - Res         | 296,224.00   |              |                |             |
| Total 322.000 · Building Permits Other    | 844,564.67   | 81,400.00    | 763,164.67     | 1,037.5%    |
| Total 367.000 · Licenses and Permits      | 844,564.67   | 81,400.00    | 763,164.67     | 1,037.5%    |
| 369.030 · MISC INC - POLK CTY CLERKS ASSO | 950.00       |              |                |             |
| 369.200 · CASH OVER/SHORT                 | -10.00       |              |                |             |
| 382.000 · Transfers - IN                  | 26,551.02    | 256,204.00   | -229,652.98    | 10.4%       |
| 382.100 · CRA Transfer - IN               | 5,001.00     | 20,004.00    | -15,003.00     | 25.0%       |
| Total Income                              | 2,363,336.08 | 2,818,450.00 | -455,113.92    | 83.9%       |
| Gross Profit                              | 2,363,336.08 | 2,818,450.00 | -455,113.92    | 83.9%       |
| Expense                                   |              |              |                |             |
| 510.000 · General Government              |              |              |                |             |
| 511.000 · Commissioner Costs              |              |              |                |             |
| 511.100 · Employee Benefits               | 164.55       | 610.00       | -445.45        | 27.0%       |
| 511.110 · City Commission Fees/Salaries   | 21,620.85    | 8,605.00     | 13,015.85      | 251.3%      |
| 511.300 · Operating Expenditures          |              |              |                |             |
| 511.240 · Workers Compensation Insurance  | 4.17         | 160.00       | -155.83        | 2.6%        |
| 511.310 · Engineering Services            | 59,905.92    | 125,000.00   | -65,094.08     | 47.9%       |
| 511.311 · Legal Services                  | 1,320.00     | 12,000.00    | -10,680.00     | 11.0%       |
| 511.313 · Planning Services               | 0.00         | 5,000.00     | -5,000.00      | 0.0%        |
| 511.320 · Accounting & Auditing           | 6,977.50     | 12,000.00    | -5,022.50      | 58.1%       |
| 511.321 · Financial Reporting Svcs        | 7,920.66     | 15,000.00    | -7,079.34      | 52.8%       |
| 511.340 · Contractual Services            | 1,206.25     | 2,500.00     | -1,293.75      | 48.3%       |
| 511.341 · Election Fees                   | 0.00         | 3,000.00     | -3,000.00      | 0.0%        |
| 511.410 · Communication Services          | 661.98       | 3,600.00     | -2,938.02      | 18.4%       |
| 511.420 · Postage                         | 27.90        | 1,100.00     | -1,072.10      | 2.5%        |
| 511.450 · Insurance Property              | 25,229.25    | 90,000.00    | -64,770.75     | 28.0%       |
| 511.460 · Repair & Maint Svcs Comm Bldg   | 0.00         | 10,500.00    | -10,500.00     | 0.0%        |
| 511.470 · Printing and Binding/ Municipal | 0.00         | 4,500.00     | -4,500.00      | 0.0%        |
| 511.480 · Advertising / Promotions        | 0.00         | 5,000.00     | -5,000.00      | 0.0%        |
| 511.490 · Other Current Charges           | 1,497.60     | 12,000.00    | -10,502.40     | 12.5%       |
| 511.512 · Event Expenses                  | 2,817.96     | 4,000.00     | -1,182.04      | 70.4%       |
| 511.541 · Travel, Meetings, and Dues      | 633.00       | 5,000.00     | -4,367.00      | 12.7%       |
| 511.991 · Contingency Fund                | 0.00         | 5,500.00     | -5,500.00      | 0.0%        |
| 511.993 · CRA/Community Redevelopment Age | 0.00         | 20,000.00    | -20,000.00     | 0.0%        |

**CITY OF EAGLE LAKE**  
**Profit & Loss Budget vs. Actual**  
**October through December 2022**

|   | Oct - Dec 22 | Budget       | \$ Over Budget | % of Budget |
|---|--------------|--------------|----------------|-------------|
| 511.998 · Reserve / Contingency             | 0.00         | 413,773.00   | -413,773.00    | 0.0%        |
| Total 511.300 · Operating Expenditures      | 108,202.19   | 749,633.00   | -641,430.81    | 14.4%       |
| 511.600 · CAPITAL OUTLAY                    | 0.00         | 50,000.00    | -50,000.00     | 0.0%        |
| Total 511.000 · Commissioner Costs          | 129,987.59   | 808,848.00   | -678,860.41    | 16.1%       |
| 512.000 · CITY MANAGER                      |              |              |                |             |
| 512.100 · Employee Benefits                 | 8,143.33     | 39,000.00    | -30,856.67     | 20.9%       |
| 512.120 · Salaries and Wages                | 28,303.92    | 109,138.00   | -80,834.08     | 25.9%       |
| 512.300 · Operating Expenditures            |              |              |                |             |
| 512.240 · Workers Compensation Insurance    | 52.83        | 2,000.00     | -1,947.17      | 2.6%        |
| 512.340 · Contractual Services              | 62.50        | 500.00       | -437.50        | 12.5%       |
| 512.410 · Communication Services            | 599.64       | 2,500.00     | -1,900.36      | 24.0%       |
| 512.420 · Postage                           | 0.00         | 650.00       | -650.00        | 0.0%        |
| 512.460 · Repairs & Maintenance             | 0.00         | 500.00       | -500.00        | 0.0%        |
| 512.490 · Other Expenditures                | 0.00         | 1,500.00     | -1,500.00      | 0.0%        |
| 512.540 · Education & Training              | 479.00       | 3,500.00     | -3,021.00      | 13.7%       |
| 512.541 · Travel, Meetings, and Dues        | 970.01       | 2,500.00     | -1,529.99      | 38.8%       |
| 512.991 · Contingency Fund                  | 0.00         | 2,000.00     | -2,000.00      | 0.0%        |
| Total 512.300 · Operating Expenditures      | 2,163.98     | 15,650.00    | -13,486.02     | 13.8%       |
| Total 512.000 · CITY MANAGER                | 38,611.23    | 163,788.00   | -125,176.77    | 23.6%       |
| 513.000 · Administration                    |              |              |                |             |
| 513.030 · PCCA EXPENSE- ATHENIAN DIALOGUE   | 100.00       |              |                |             |
| 513.100 · Employee Benefits                 | 18,966.99    | 93,600.00    | -74,633.01     | 20.3%       |
| 513.121 · Salaries and Wages                | 48,897.98    | 188,275.00   | -139,377.02    | 26.0%       |
| 513.140 · Overtime                          | 877.38       | 300.00       | 577.38         | 292.5%      |
| 513.300 · Operating Expenditures            |              |              |                |             |
| 513.240 · Workers Compensation Insurance    | 90.98        | 4,600.00     | -4,509.02      | 2.0%        |
| 513.340 · Contractual Svcs (Copier/Lease)   | 1,699.18     | 12,000.00    | -10,300.82     | 14.2%       |
| 513.410 · Communication Services            | 1,029.12     | 15,000.00    | -13,970.88     | 6.9%        |
| 513.420 · Postage                           | 0.00         | 6,500.00     | -6,500.00      | 0.0%        |
| 513.430 · Utility Services                  | 431.29       | 3,500.00     | -3,068.71      | 12.3%       |
| 513.460 · Repair & Maintenance              | 0.00         | 5,000.00     | -5,000.00      | 0.0%        |
| 513.490 · Other Expenditures                | 229.30       | 9,500.00     | -9,270.70      | 2.4%        |
| 513.510 · Office Supplies                   | 1,978.78     | 5,000.00     | -3,021.22      | 39.6%       |
| 513.540 · Education and Training            | -560.00      | 8,000.00     | -8,560.00      | -7.0%       |
| 513.541 · Travel, Meetings, & Dues          | 2,271.63     | 6,000.00     | -3,728.37      | 37.9%       |
| 513.991 · Contingency Fund                  | 0.00         | 1,500.00     | -1,500.00      | 0.0%        |
| Total 513.300 · Operating Expenditures      | 7,170.28     | 76,600.00    | -69,429.72     | 9.4%        |
| Total 513.000 · Administration              | 76,012.63    | 358,775.00   | -282,762.37    | 21.2%       |
| Total 510.000 · General Government          | 244,611.45   | 1,331,411.00 | -1,086,799.55  | 18.4%       |
| 521.000 · Police Department                 |              |              |                |             |
| 521.300 · Operating Expenditures - PD       |              |              |                |             |
| 521.340 · Contractual Services - Sheriff    | 284,580.50   | 570,000.00   | -285,419.50    | 49.9%       |
| 521.410 · Communication Services            | 444.48       | 2,000.00     | -1,555.52      | 22.2%       |
| 521.430 · Utility Services                  | 431.29       | 3,100.00     | -2,668.71      | 13.9%       |
| Total 521.300 · Operating Expenditures - PD | 285,456.27   | 575,100.00   | -289,643.73    | 49.6%       |
| 521.600 · Capital Outlay - PD               | 0.00         | 10,000.00    | -10,000.00     | 0.0%        |
| Total 521.000 · Police Department           | 285,456.27   | 585,100.00   | -299,643.73    | 48.8%       |
| 541.000 · Streets                           |              |              |                |             |
| 541.100 · Employee Benefits                 | 4,407.65     | 24,000.00    | -19,592.35     | 18.4%       |
| 541.120 · Salaries and Wages                | 7,302.75     | 28,392.00    | -21,089.25     | 25.7%       |

**CITY OF EAGLE LAKE**  
**Profit & Loss Budget vs. Actual**  
**October through December 2022**

|   | Oct - Dec 22 | Budget     | \$ Over Budget | % of Budget |
|---|--------------|------------|----------------|-------------|
| 541.140 · Overtime                            | 0.00         | 2,000.00   | -2,000.00      | 0.0%        |
| 541.300 · Operating Expenditures - ST         |              |            |                |             |
| 541.240 · Workers Compensation Insurance      | 833.74       | 750.00     | 83.74          | 111.2%      |
| 541.310 · Engineering                         | 0.00         | 2,000.00   | -2,000.00      | 0.0%        |
| 541.340 · Contractual Services                | 0.00         | 2,000.00   | -2,000.00      | 0.0%        |
| 541.400 · Petroleum Products                  | 0.00         | 1,000.00   | -1,000.00      | 0.0%        |
| 541.410 · Communication Services              | 271.34       | 1,000.00   | -728.66        | 27.1%       |
| 541.430 · Utility Services                    | 10,830.51    | 40,000.00  | -29,169.49     | 27.1%       |
| 541.460 · Repair and Maintenance              | 3,003.70     | 12,000.00  | -8,996.30      | 25.0%       |
| 541.490 · Other Expenditures                  | 0.00         | 1,000.00   | -1,000.00      | 0.0%        |
| 541.521 · Supplies & Materials                | 142.39       | 2,000.00   | -1,857.61      | 7.1%        |
| 541.522 · Uniforms                            | 112.46       | 375.00     | -262.54        | 30.0%       |
| 541.530 · Road Materials/Street Repair        | 1,650.00     | 2,500.00   | -850.00        | 66.0%       |
| 541.630 · Street Signs                        | 0.00         | 15,000.00  | -15,000.00     | 0.0%        |
| Total 541.300 · Operating Expenditures - ST   | 16,844.14    | 79,625.00  | -62,780.86     | 21.2%       |
| 541.600 · Capital Outlay - ST                 | 0.00         | 79,000.00  | -79,000.00     | 0.0%        |
| Total 541.000 · Streets                       | 28,554.54    | 213,017.00 | -184,462.46    | 13.4%       |
| 550.000 · Building and Code Enforcement       |              |            |                |             |
| 550.100 · Employee Benefits                   | 5,169.26     | 24,000.00  | -18,830.74     | 21.5%       |
| 550.120 · Salaries and Wages                  | 10,838.36    | 41,101.00  | -30,262.64     | 26.4%       |
| 550.300 · Operating Expenditures              |              |            |                |             |
| 550.240 · Workers Compensation Insurance      | 517.38       | 750.00     | -232.62        | 69.0%       |
| 550.311 · Legal Services & Magistrate         | 1,748.47     | 5,000.00   | -3,251.53      | 35.0%       |
| 550.340 · Contractual Services (Code Enf)     | 0.00         | 23,000.00  | -23,000.00     | 0.0%        |
| 550.345 · POLK COUNTY PLAN REV & INSPECT      | 32,282.43    |            |                |             |
| 550.400 · Petroleum Products                  | 274.92       | 1,500.00   | -1,225.08      | 18.3%       |
| 550.410 · Communication Services              | 170.25       | 2,100.00   | -1,929.75      | 8.1%        |
| 550.420 · Postage                             | 154.14       | 1,000.00   | -845.86        | 15.4%       |
| 550.460 · Repairs and Maintenance             | 194.45       | 200.00     | -5.55          | 97.2%       |
| 550.490 · Other Expenditures                  | 62.50        | 550.00     | -487.50        | 11.4%       |
| 550.491 · Code Enforcement Other              | 0.00         | 50,000.00  | -50,000.00     | 0.0%        |
| 550.522 · Uniforms                            | 54.90        | 300.00     | -245.10        | 18.3%       |
| 550.540 · Education & Training                | 0.00         | 1,500.00   | -1,500.00      | 0.0%        |
| 550.541 · Travel, Meetings & Dues             | 1,471.52     | 2,000.00   | -528.48        | 73.6%       |
| Total 550.300 · Operating Expenditures        | 36,930.96    | 87,900.00  | -50,969.04     | 42.0%       |
| 550.600 · CAPITAL OUTLAY - CE                 | 0.00         | 2,000.00   | -2,000.00      | 0.0%        |
| Total 550.000 · Building and Code Enforcement | 52,938.58    | 155,001.00 | -102,062.42    | 34.2%       |
| 571.000 · Library                             |              |            |                |             |
| 571.100 · Employee Benefits                   | 10,314.88    | 52,000.00  | -41,685.12     | 19.8%       |
| 571.120 · Salaries and Wages                  | 7,052.30     | 28,912.00  | -21,859.70     | 24.4%       |
| 571.128 · Delivery Van Drivers                | 21,284.54    | 75,479.00  | -54,194.46     | 28.2%       |
| 571.300 · Operating Expenditures              |              |            |                |             |
| 571.240 · Workers Compensation Insurance      | 1,132.83     | 2,200.00   | -1,067.17      | 51.5%       |
| 571.410 · Communication Services              | 654.42       | 3,300.00   | -2,645.58      | 19.8%       |
| 571.420 · Postage                             | 0.00         | 500.00     | -500.00        | 0.0%        |
| 571.430 · Utility Services                    | 431.29       | 3,300.00   | -2,868.71      | 13.1%       |
| 571.460 · Repair and Maintenance              | 0.00         | 500.00     | -500.00        | 0.0%        |
| 571.490 · Other Expenditures                  | 62.50        | 500.00     | -437.50        | 12.5%       |
| 571.510 · Office Supplies                     | 1,299.65     | 2,400.00   | -1,100.35      | 54.2%       |
| 571.521 · Operating Expenses---LB Van Dri     | 0.00         | 1,800.00   | -1,800.00      | 0.0%        |
| 571.660 · Books & Materials                   | 2,872.21     | 20,000.00  | -17,127.79     | 14.4%       |
| Total 571.300 · Operating Expenditures        | 6,452.90     | 34,500.00  | -28,047.10     | 18.7%       |
| Total 571.000 · Library                       | 45,104.62    | 190,891.00 | -145,786.38    | 23.6%       |
| 572.000 · Parks & Rec                         |              |            |                |             |

**CITY OF EAGLE LAKE**  
**Profit & Loss Budget vs. Actual**  
**October through December 2022**

|   | Oct - Dec 22        | Budget           | \$ Over Budget      | % of Budget       |
|---|---------------------|------------------|---------------------|-------------------|
| 572.100 · Employee Benefits               | 4,420.59            | 20,400.00        | -15,979.41          | 21.7%             |
| 572.120 · Salaries and Wages              | 8,315.63            | 31,380.00        | -23,064.37          | 26.5%             |
| 572.300 · Operating Expenditures          |                     |                  |                     |                   |
| 572.240 · Workers Compensation Insurance  | 348.26              | 750.00           | -401.74             | 46.4%             |
| 572.310 · Engineering Services - PR       | 16,511.30           |                  |                     |                   |
| 572.340 · Contractual Services            | 405.00              | 10,000.00        | -9,595.00           | 4.1%              |
| 572.400 · Petroleum Products              | 1,980.85            | 6,000.00         | -4,019.15           | 33.0%             |
| 572.410 · Communication Services          | 120.93              | 2,000.00         | -1,879.07           | 6.0%              |
| 572.430 · Utility Services                | 13,820.34           | 49,000.00        | -35,179.66          | 28.2%             |
| 572.460 · Repair & Maintenance            | 1,301.51            | 30,000.00        | -28,698.49          | 4.3%              |
| 572.461 · Grounds-Bldg/Clean/Maint/Veh    | 5,298.27            | 24,000.00        | -18,701.73          | 22.1%             |
| 572.490 · Other Expenditures              | 0.00                | 500.00           | -500.00             | 0.0%              |
| 572.512 · Event Expenses                  | 0.00                | 5,000.00         | -5,000.00           | 0.0%              |
| 572.513 · Hometown Festival (Fireworks)   | 16.32               | 9,000.00         | -8,983.68           | 0.2%              |
| 572.521 · Supplies & Materials            | 1,128.58            | 7,000.00         | -5,871.42           | 16.1%             |
| 572.654 · Mistletoe Marketplace           | 1,699.34            | 3,000.00         | -1,300.66           | 56.6%             |
| 572.888 · Facilities Deposit Refunds - PR | 200.00              |                  |                     |                   |
| Total 572.300 · Operating Expenditures    | 42,830.70           | 146,250.00       | -103,419.30         | 29.3%             |
| 572.600 · Capital Outlay - PR             | 0.00                | 150,000.00       | -150,000.00         | 0.0%              |
| Total 572.000 · Parks & Rec               | 55,566.92           | 348,030.00       | -292,463.08         | 16.0%             |
| 6560 · Payroll Expenses                   | -421.37             |                  |                     |                   |
| Total Expense                             | 711,811.01          | 2,823,450.00     | -2,111,638.99       | 25.2%             |
| Net Ordinary Income                       | 1,651,525.07        | -5,000.00        | 1,656,525.07        | -33,030.5%        |
| Net Income                                | <u>1,651,525.07</u> | <u>-5,000.00</u> | <u>1,656,525.07</u> | <u>-33,030.5%</u> |



**CITY OF EAGLE LAKE**  
**Balance Sheet**  
As of December 31, 2022

|   | Dec 31, 22          |
|---|---------------------|
| <b>ASSETS</b>   |                     |
| <b>Current Assets</b>                                 |                     |
| <b>Checking/Savings</b>                               |                     |
| 100.000 · Cash & Cash Equivalents                     |                     |
| 101.103 · CS - GENERAL FUND                           | 4,286,793.47        |
| 102.000 · Reclass to restricted cash                  | -71,116.79          |
| 102.216 · Petty Cash                                  | 200.00              |
| 102.217 · Petty Cash Library                          | 15.00               |
| <b>Total 100.000 · Cash &amp; Cash Equivalents</b>    | <b>4,215,891.68</b> |
| 101.256 · CS - BUILDING/CODE ENFORCEMENT              | 837.44              |
| 101.257 · CS - PARKS & REC FUND                       | 430,158.73          |
| 101.258 · CS - PUBLIC BUILDING FUND                   | 1,530,445.48        |
| 101.259 · CS- TRANSPORTATION FUND                     | 52,916.22           |
| 115.100 · Reclass FROM unrestricted cash              | 0.28                |
| <b>Total Checking/Savings</b>                         | <b>6,230,249.83</b> |
| <b>Accounts Receivable</b>                            |                     |
| 115.101 · *Accounts Receivable                        | 102,083.95          |
| <b>Total Accounts Receivable</b>                      | <b>102,083.95</b>   |
| <b>Other Current Assets</b>                           |                     |
| 115.000 · Due From Other Governments                  | 71,116.79           |
| 115.200 · A/R Due from Others                         | 36,518.43           |
| 115.300 · A/R - Due from Governments                  | 27,635.87           |
| 116.110 · Return Checks Receivable                    | 80.00               |
| 130.000 · Due From (To) Utility/CRA Fund              |                     |
| 131.100 · Due From Utility Fund-Payroll               | 36,303.39           |
| 131.200 · Due From Utility-Sani/Storm                 | -15,772.00          |
| 131.250 · Due From/To Utility Daily Dep.              | 1,058.98            |
| 131.350 · Due To/From Utility Fund -OTHER             | -7,509.44           |
| 131.382 · DUE FROM CRA FUND-ADMIN FEES                | 11,934.94           |
| 131.390 · DUE FROM CRA                                | 16,000.00           |
| <b>Total 130.000 · Due From (To) Utility/CRA Fund</b> | <b>42,015.87</b>    |
| 149.900 · Undeposited Funds                           | 445,697.04          |
| 2120 · Payroll Asset                                  | 0.01                |
| <b>Total Other Current Assets</b>                     | <b>623,064.01</b>   |
| <b>Total Current Assets</b>                           | <b>6,955,397.79</b> |
| <b>TOTAL ASSETS</b>                                   | <b>6,955,397.79</b> |
| <b>LIABILITIES &amp; EQUITY</b>                       |                     |
| <b>Liabilities</b>                                    |                     |
| <b>Current Liabilities</b>                            |                     |
| <b>Accounts Payable</b>                               |                     |
| 202.100 · Accounts Payable                            | 259,020.04          |
| <b>Total Accounts Payable</b>                         | <b>259,020.04</b>   |
| <b>Other Current Liabilities</b>                      |                     |
| 202.200 · Accounts Pay.Yr.End.                        | 9,294.82            |
| 203.100 · Sales Tax Payable                           | 286.28              |
| 205.000 · Polk County Impact Fees Payable             | 404,447.74          |
| 205.101 · POLK COUNTY SHERIFF EDUCATION               | 3,332.63            |
| 205.102 · POLK COUNTY FIRE REVIEW                     | 1,708.52            |
| 205.200 · DBPR Fee Payable                            | 660.99              |
| 205.201 · DCA PAYABLE                                 | -5,751.19           |
| 208.101 · DUE TO STATE UNCLAIMED PROPERTY             | -75.00              |
| 210.000 · Accrd Exp & Other Liabilities               |                     |
| 218.110 · Withholding Payable                         | -52.96              |
| 218.190 · Cobra Insurance Payable                     | 156.94              |

**CITY OF EAGLE LAKE**  
**Balance Sheet**  
As of December 31, 2022

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|   | Dec 31, 22          |
|---|---------------------|
| Total 210.000 · Accrd Exp & Other Liabilities | 103.98              |
| 2100 · Payroll Liabilities                    |                     |
| 2100.06 · UNITED WAY QB                       | 30.00               |
| 2100.07 · EMPLOYEE FUND QB                    | 75.00               |
| 2100.10 · LIBERTY LIFE QB                     | -0.07               |
| 2100.11 · COLONIAL ACCIDENT CANCER QB         | 0.03                |
| 2100.26 · PAYROLL TAXES                       | 1.00                |
| Total 2100 · Payroll Liabilities              | 105.96              |
| 215.000 · Accrued Payroll and Benefits        | 25,087.98           |
| Total Other Current Liabilities               | 439,202.71          |
| Total Current Liabilities                     | 698,222.75          |
| Total Liabilities                             | 698,222.75          |
| Equity  |                     |
| 271.100 · Fund Balance                        | 4,605,649.97        |
| Net Income                                    | 1,651,525.07        |
| Total Equity                                  | 6,257,175.04        |
| <b>TOTAL LIABILITIES &amp; EQUITY</b>         | <b>6,955,397.79</b> |

## CITY OF EAGLE LAKE - UTILITY FUND

## ACCOUNT BALANCE

DEC 2022

|   |                     |
|---|---------------------|
| <b>ACCOUNT BALANCE AS OF NOV 30, 2022</b> | 3,032,664.22        |
| DEPOSITS                                  | 454,163.17          |
| CLEARED CHECKS                            | (182,261.72)        |
| WITHDRAWALS/ACH                           | 0.00                |
| RETURNED CHECKS                           | 0.00                |
| <b>ACCOUNT BALANCE AS OF DEC 31, 2022</b> | <b>3,304,565.67</b> |

**OUTSTANDING CHECKS:**

|        |  |          |
|--------|--|----------|
| 19692  | LUIS SANCHEZ - REF                       | (49.53)  |
| 19719  | ANH NGUYEI MOHAMMED ALAM - REF           | (200.00) |
| 20121  | MICHELLE RICHARDSON - REF                | (45.26)  |
| 20283  | AROMA CHRISTIAN CHURCH - REF             | (58.76)  |
| 20561  | SHEILA PAGE - REF                        | (120.13) |
| 21507  | JESUS CANALES - REF                      | (31.23)  |
| 21682  | WALTER O'BYRNE - REF                     | (50.88)  |
| 21667  | HEATHER MCKENZIE - REF                   | (19.42)  |
| 21713  | SHELBY DIAZ - REF                        | (55.65)  |
| 21740  | ALFONSO ARCADIO ESTRADA - REF            | (166.24) |
| 21769  | RESHEENA HARDY - REF                     | (29.33)  |
| 21793  | PAULA TIERNEY - REF                      | (37.70)  |
| 21892  | TOM PERRY ST - REF                       | (30.81)  |
| 21972  | BRANDON GIBSON - REF                     | (31.01)  |
| 22400  | LORIN OVERSMITH JR - REF                 | (122.65) |
| 22468  | TONY HAMM - REF                          | (2.59)   |
| 22523  | FIDENCIO COSTILLA - REF                  | (15.62)  |
| 22568  | VSP TAMPA LLC - REF                      | (124.38) |
| 22554  | KEREN ALEXIS - REF                       | (95.26)  |
| 22550  | JEANNIE SHANKS - REF                     | (27.47)  |
| 22571  | ARIEL SANTOS - REF                       | (120.30) |
| 22616  | STEIN MEIR & RONA 2015 REVOCABLE TRUST - | (7.00)   |
| 22671  | RYAN RAMOS - REF                         | (76.87)  |
| 22678  | BLUE HILL CONTRACTORS INC - REF          | (3.11)   |
| 22740  | CHRISTOPHE MATT LANKFORD - REF           | (285.24) |
| 22746  | EAGLE LAKE ROBERT WHITCHARD              | (206.52) |
| 22801  | KATHERINE MONTANA DE JESUS - REF         | (149.70) |
| 22805  | RAJU GANDHI - REF                        | (69.91)  |
| 22868  | D R HORTON - REF                         | (200.00) |
| JE #20 |  | (10.00)  |
| 22946  | ADRE POLEON - REF                        | (69.33)  |
| 22976  | REBECCA WISE - REF                       | (6.90)   |
| 23051  | TACO STOP -REF                           | (96.85)  |

CITY OF EAGLE LAKE - UTILITY FUND  
ACCOUNT BALANCE

|        |                                       |             |
|--------|---------------------------------------|-------------|
| 23034  | KIMBERLY LOPES - REF                  | (38.54)     |
| 23081  | JOHN SHELTON - REF                    | (120.85)    |
| 23134  | JULIAN HILLS LLC - REF                | (14.23)     |
| 23232  | GEOFFERY LOVERIDGE - REF              | (103.14)    |
| 23319  | MARY CARR - REF                       | (28.60)     |
| JE #20 |                                       | (434.83)    |
| 23380  | JAMIE RIVERA - REF                    | (33.54)     |
| JE #20 |                                       | (369.06)    |
| 23461  | DEBORAH VASSER - REF                  | (85.69)     |
| 23472  | ZILLOW HOMES PROPERTY TRUST - REF     | (79.15)     |
| 23488  | JOSE RIOS-MENDEZ - REF                | (91.80)     |
| JE #20 |                                       | (788.11)    |
| 23550  | ROCIO LOPEZ - REF                     | (26.65)     |
| 23547  | RENU PROPERTY MGT FLORIDA LLC - REF   | (25.88)     |
| 23549  | RICHARD BAILEY - REF                  | (25.19)     |
| JE #20 |                                       | (759.76)    |
| 23599  | VICTORIA HE MATILDE VELAZQUEZ - REF   | (122.48)    |
| 23591  | JONTAE HAZ JAMES PITTS                | (60.47)     |
| 23589  | HRG MANAG BETTY MILLER                | (25.88)     |
| 23574  | ANGEL VELE ANDREW SANBOWER            | (25.58)     |
| 23609  | BOCC - FUEL HAROLD REESE - REF        | (2,326.59)  |
| 23627  | VERIZON WIRELESS - CELL               | (157.00)    |
| 23625  | SPECTRUM ENTERPRISE - 166588901       | (106.30)    |
| 23624  | SPECTRUM ENTERPRISE-168089401         | (102.78)    |
| 23611  | D R HORTON - REF                      | (10.53)     |
| 23630  | CITY OF BARTOW - SEWER IMPACT         | (1,670.22)  |
| 23644  | REPUBLIC SERVICES                     | (20,640.42) |
| 23641  | ORANGE INDUSTRIAL SERVICES, LLC       | (2,689.85)  |
| 23637  | FERGUSON ENTERPRISES, INC. WATERWORKS | (851.40)    |
| 23639  | HUGHES CORPORATE PRINTING LLC         | (599.52)    |
| 23636  | CITY OF BARTOW - SEWER IMPACT         | (556.74)    |
| 23643  | RAQUEL RUIZ - REF                     | (77.42)     |
| 23642  | PAMELA OR MICHAEL FOSTER - REF        | (75.16)     |
| 23638  | G W OR SHIRLEY K LOSEY - REF          | (67.94)     |
| 23640  | LK&T CONSTRUCTION LLC - REF           | (48.92)     |
| 23647  | Tampa Electric Company                | (27.17)     |
| 23645  | SOUTHERN HOMES OF POLK COUNTY- REF    | (26.63)     |
| 23646  | STANLEY MARTIN HOMES - REF            | (24.41)     |
| JE #20 |                                       | (278.75)    |

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(36,212.83)

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|                 |            |        |
|-----------------|------------|--------|
| General Journal | 08/31/2022 | 434.83 |
| General Journal | 09/30/2022 | 369.06 |
| General Journal | 10/31/2022 | 788.11 |
| Deposit         | 11/08/2022 | 64.20  |



CITY OF EAGLE LAKE - UTILITY FUND  
ACCOUNT BALANCE

|                 |            |          |
|-----------------|------------|----------|
| General Journal | 11/30/2022 | 759.76   |
| Deposit         | 12/29/2022 | 290.00   |
| General Journal | 12/29/2022 | 4,105.52 |
| General Journal | 12/30/2022 | 2,489.71 |
| General Journal | 12/31/2022 | 278.75   |
| General Journal | 12/31/2022 | 675.12   |

|                             |                  |
|-----------------------------|------------------|
| TOTAL OUTSTANDING DEPOSITS: | <u>10,255.06</u> |
|-----------------------------|------------------|

|                            |                            |
|----------------------------|----------------------------|
| REMAINING ACCOUNT BALANCE: | <u><u>3,278,607.90</u></u> |
|----------------------------|----------------------------|

**City of Eagle Lake-Utility Fund**  
**Profit & Loss Budget vs. Actual**  
**October through December 2022**

|   | Oct - Dec 22        | Budget              | \$ Over Budget       | % of Budget  |
|---|---------------------|---------------------|----------------------|--------------|
| <b>Ordinary Income/Expense</b>              |                     |                     |                      |              |
| <b>Income</b>                               |                     |                     |                      |              |
| 324.210 · Impact Fees-Water-residential     | 891,000.00          |                     |                      |              |
| 324.211 · Impact Fees-Sewer-residential     | 874,500.00          |                     |                      |              |
| <b>343.000 · Charges for Services</b>       |                     |                     |                      |              |
| 343.300 · Water Charges / User Fee          | 183,977.48          | 670,000.00          | -486,022.52          | 27.5%        |
| 343.310 · Water Taps                        | 49,000.00           | 3,000.00            | 46,000.00            | 1,633.3%     |
| 343.311 · New Water Meters                  | 186,595.00          | 5,000.00            | 181,595.00           | 3,731.9%     |
| 343.312 · Water Reconnect Fee               | 0.00                | 8,000.00            | -8,000.00            | 0.0%         |
| 343.330 · Service Charge - 1/2              | 10,200.00           | 16,000.00           | -5,800.00            | 63.8%        |
| 343.360 · Customer Billing Fee - 1/3        | 17,214.00           | 55,000.00           | -37,786.00           | 31.3%        |
| <b>343.400 · Garbage Collection</b>         |                     |                     |                      |              |
| 343.410 · GARBAGE TOTE SALES                | 256.80              |                     |                      |              |
| 343.400 · Garbage Collection - Other        | 161,140.54          | 535,000.00          | -373,859.46          | 30.1%        |
| <b>Total 343.400 · Garbage Collection</b>   | <b>161,397.34</b>   | <b>535,000.00</b>   | <b>-373,602.66</b>   | <b>30.2%</b> |
| 343.500 · Sewer Charges / User Fee          | 260,111.96          | 800,000.00          | -539,888.04          | 32.5%        |
| 343.510 · Tap Fees - Sewer                  | 79,600.00           | 3,000.00            | 76,600.00            | 2,653.3%     |
| 343.520 · Polk County Utility Tax-CITY SH   | 53.39               | 100.00              | -46.61               | 53.4%        |
| 343.900 · Stormwater Fees                   | 17,708.00           | 65,000.00           | -47,292.00           | 27.2%        |
| 349.000 · Late Fees - 1/2                   | 11,650.00           | 30,000.00           | -18,350.00           | 38.8%        |
| <b>Total 343.000 · Charges for Services</b> | <b>977,507.17</b>   | <b>2,190,100.00</b> | <b>-1,212,592.83</b> | <b>44.6%</b> |
| 361.000 · Interest Income                   | 1,347.33            | 4,500.00            | -3,152.67            | 29.9%        |
| 369.901 · Miscellaneous Income - 1/2        | 2,167.26            | 2,000.00            | 167.26               | 108.4%       |
| <b>369.992 · AMERICAN RESCUE PLAN GRANT</b> | <b>0.00</b>         | <b>727,239.00</b>   | <b>-727,239.00</b>   | <b>0.0%</b>  |
| <b>Total Income</b>                         | <b>2,746,521.76</b> | <b>2,923,839.00</b> | <b>-177,317.24</b>   | <b>93.9%</b> |
| <b>Gross Profit</b>                         | <b>2,746,521.76</b> | <b>2,923,839.00</b> | <b>-177,317.24</b>   | <b>93.9%</b> |
| <b>Expense</b>                              |                     |                     |                      |              |
| <b>533.000 · Water</b>                      |                     |                     |                      |              |
| 533.100 · Employee Benefits                 | 14,512.42           | 66,000.00           | -51,487.58           | 22.0%        |
| <b>533.120 · Salaries and Wages</b>         | <b>35,141.84</b>    | <b>131,249.00</b>   | <b>-96,107.16</b>    | <b>26.8%</b> |
| 533.125 · On Call Pay                       | 2,864.44            | 9,500.00            | -6,635.56            | 30.2%        |
| 533.140 · Overtime                          | 716.39              | 3,500.00            | -2,783.61            | 20.5%        |
| <b>533.300 · Operating Expenses</b>         |                     |                     |                      |              |
| 533.240 · Insurance                         | 522.54              | 3,000.00            | -2,477.46            | 17.4%        |
| 533.310 · Engineering Services              | 501.52              | 10,000.00           | -9,498.48            | 5.0%         |
| 533.311 · Legal Services                    | 0.00                | 6,000.00            | -6,000.00            | 0.0%         |
| 533.320 · Accounting & Auditing - WD        | 0.00                | 6,500.00            | -6,500.00            | 0.0%         |
| 533.340 · Contractual Services              | 1,323.06            | 8,000.00            | -6,676.94            | 16.5%        |
| 533.400 · Petroleum Products                | 3,632.50            | 10,000.00           | -6,367.50            | 36.3%        |
| 533.410 · Communications Services           | 862.77              | 7,000.00            | -6,137.23            | 12.3%        |
| 533.420 · Postage Supplies & Billing 1/3    | 2,593.90            | 10,000.00           | -7,406.10            | 25.9%        |
| 533.430 · Utilities                         | 1,719.97            | 57,000.00           | -55,280.03           | 3.0%         |
| 533.450 · Insurance Auto & Equipment        | 0.00                | 15,000.00           | -15,000.00           | 0.0%         |
| 533.460 · Repairs & Maint Svc (Equip/Veh)   | 6,743.14            | 25,000.00           | -18,256.86           | 27.0%        |
| 533.480 · ADVERTISING                       | 0.00                | 2,500.00            | -2,500.00            | 0.0%         |
| 533.490 · Other Expenditures                | 901.99              | 2,000.00            | -1,098.01            | 45.1%        |
| 533.521 · Supplies & Materials (Tools)      | 1,692.43            | 10,000.00           | -8,307.57            | 16.9%        |
| 533.522 · Uniforms                          | 382.40              | 1,000.00            | -617.60              | 38.2%        |
| 533.540 · Education and Training            | 0.00                | 250.00              | -250.00              | 0.0%         |
| 533.541 · Travel, Meetings, & Dues          | 0.00                | 600.00              | -600.00              | 0.0%         |
| 533.555 · Chemicals                         | 3,562.60            | 14,500.00           | -10,937.40           | 24.6%        |
| 533.560 · POLK REGIONAL WATER COOPERATI...  | 30,639.11           | 3,000.00            | 27,639.11            | 1,021.3%     |
| 533.581 · Transfer to General Fund/Adm      | 10,625.01           | 60,900.00           | -50,274.99           | 17.4%        |
| 533.602 · Repairs & Maint Svc (Plants)      | 51,446.89           | 40,000.00           | 11,446.89            | 128.6%       |
| 533.996 · Debt Service Rus Water            | 11,287.02           | 31,510.00           | -20,222.98           | 35.8%        |
| 533.998 · Reserve/Contingency               | 0.00                | 152,493.00          | -152,493.00          | 0.0%         |
| <b>Total 533.300 · Operating Expenses</b>   | <b>128,436.85</b>   | <b>476,253.00</b>   | <b>-347,816.15</b>   | <b>27.0%</b> |

**City of Eagle Lake-Utility Fund**  
**Profit & Loss Budget vs. Actual**  
**October through December 2022**

|   | Oct - Dec 22        | Budget              | \$ Over Budget       | % of Budget   |
|---|---------------------|---------------------|----------------------|---------------|
| 533.600 · Capital Outlay - WD                     | 0.00                | 40,000.00           | -40,000.00           | 0.0%          |
| 533.900 · Bad Debt Expense - WD                   | 3,336.81            |                     |                      |               |
| <b>Total 533.000 · Water</b>                      | <b>185,008.75</b>   | <b>726,502.00</b>   | <b>-541,493.25</b>   | <b>25.5%</b>  |
| 533.999 · AMERICAN RESCUE PLAN EXPENSE WD         | 73,409.18           | 780,000.00          | -706,590.82          | 9.4%          |
| 534.000 · Solid Waste                             |                     |                     |                      |               |
| 534.300 · Operating Expenses                      |                     |                     |                      |               |
| 534.340 · Contract for Solid Waste                | 80,478.39           | 342,000.00          | -261,521.61          | 23.5%         |
| 534.913 · Due to Gen Fund Admin S Waste           | 5,301.00            | 21,204.00           | -15,903.00           | 25.0%         |
| <b>Total 534.300 · Operating Expenses</b>         | <b>85,779.39</b>    | <b>363,204.00</b>   | <b>-277,424.61</b>   | <b>23.6%</b>  |
| <b>Total 534.000 · Solid Waste</b>                | <b>85,779.39</b>    | <b>363,204.00</b>   | <b>-277,424.61</b>   | <b>23.6%</b>  |
| 535.000 · Sewer/Waste Water Services              |                     |                     |                      |               |
| 535.100 · Employee Benefits                       | 22,358.26           | 70,000.00           | -47,641.74           | 31.9%         |
| 535.120 · Salaries and Wages                      | 47,023.74           | 172,419.00          | -125,395.26          | 27.3%         |
| 535.125 · On Call Pay                             | 3,065.06            | 9,500.00            | -6,434.94            | 32.3%         |
| 535.140 · Overtime                                | 3,316.81            | 4,500.00            | -1,183.19            | 73.7%         |
| 535.300 · Operating Expenses                      |                     |                     |                      |               |
| 535.240 · Insurance                               | 274.40              | 3,000.00            | -2,725.60            | 9.1%          |
| 535.310 · Engineering                             | 4,943.23            | 15,000.00           | -10,056.77           | 33.0%         |
| 535.311 · Legal Services                          | 0.00                | 600.00              | -600.00              | 0.0%          |
| 535.312 · NPDES Charges                           | 124.00              | 1,000.00            | -876.00              | 12.4%         |
| 535.320 · Accounting & Auditing - SW              | 0.00                | 11,000.00           | -11,000.00           | 0.0%          |
| 535.340 · Contractual Services                    | 1,354.28            | 8,500.00            | -7,145.72            | 15.9%         |
| 535.400 · Petroleum Products                      | 3,761.62            | 10,000.00           | -6,238.38            | 37.6%         |
| 535.410 · Communications Services                 | 1,380.67            | 4,500.00            | -3,119.33            | 30.7%         |
| 535.420 · Postage Supplies & Billing 1/3          | 2,581.27            | 9,500.00            | -6,918.73            | 27.2%         |
| 535.430 · Utilities                               | 13,186.63           | 30,000.00           | -16,813.37           | 44.0%         |
| 535.431 · Wastewater Treatment - SW               | 64,094.66           | 160,000.00          | -95,905.34           | 40.1%         |
| 535.450 · Insurance Auto & Equip                  | 0.00                | 29,500.00           | -29,500.00           | 0.0%          |
| 535.460 · Repairs & Maint Svc (Equip/Veh)         | 926.06              | 5,000.00            | -4,073.94            | 18.5%         |
| 535.490 · Other Expenditures                      | 395.17              | 500.00              | -104.83              | 79.0%         |
| 535.521 · Supplies & Materials (Tools)            | 0.00                | 2,000.00            | -2,000.00            | 0.0%          |
| 535.522 · Uniforms                                | 476.16              | 1,000.00            | -523.84              | 47.6%         |
| 535.541 · Travel, Meetings & Dues                 | 0.00                | 1,500.00            | -1,500.00            | 0.0%          |
| 535.581 · Transfer Out - Other Funds              | 10,625.01           | 60,900.00           | -50,274.99           | 17.4%         |
| 535.602 · Repairs & Maint-Syst (Lift Sta)         | 3,287.63            | 15,000.00           | -11,712.37           | 21.9%         |
| 535.994 · Debt Service SRF 201 Planning           | 0.00                | 115,000.00          | -115,000.00          | 0.0%          |
| 535.995 · Lift Station Debt Svc-Bond Pmt          | 17,085.63           | 21,721.00           | -4,635.37            | 78.7%         |
| 535.998 · Reserve / Contingency                   | 0.00                | 152,493.00          | -152,493.00          | 0.0%          |
| <b>Total 535.300 · Operating Expenses</b>         | <b>124,496.42</b>   | <b>657,714.00</b>   | <b>-533,217.58</b>   | <b>18.9%</b>  |
| <b>Total 535.000 · Sewer/Waste Water Services</b> | <b>200,260.29</b>   | <b>914,133.00</b>   | <b>-713,872.71</b>   | <b>21.9%</b>  |
| 535.600 · Capital Outlay                          | 10,590.00           | 50,000.00           | -39,410.00           | 21.2%         |
| 535.999 · AMERICAN RESCUE PLAN EXPENSE SD         | 73,409.17           |                     |                      |               |
| 538.000 · Stormwater                              |                     |                     |                      |               |
| 538.910 · Stormwater Expenses - Operating         | 1,735.00            | 40,000.00           | -38,265.00           | 4.3%          |
| <b>Total 538.000 · Stormwater</b>                 | <b>1,735.00</b>     | <b>40,000.00</b>    | <b>-38,265.00</b>    | <b>4.3%</b>   |
| 538.581 · Trnsfer of Stormwater Fees              | 0.00                | 50,000.00           | -50,000.00           | 0.0%          |
| <b>Total Expense</b>                              | <b>630,191.78</b>   | <b>2,923,839.00</b> | <b>-2,293,647.22</b> | <b>21.6%</b>  |
| <b>Net Ordinary Income</b>                        | <b>2,116,329.98</b> | <b>0.00</b>         | <b>2,116,329.98</b>  | <b>100.0%</b> |
| <b>Net Income</b>                                 | <b>2,116,329.98</b> | <b>0.00</b>         | <b>2,116,329.98</b>  | <b>100.0%</b> |

## City of Eagle Lake-Utility Fund

## Balance Sheet

As of December 31, 2022

|   | Dec 31, 22           |
|---|----------------------|
| <b>ASSETS</b>                                   |                      |
| <b>Current Assets</b>                           |                      |
| <b>Checking/Savings</b>                         |                      |
| 101.108 · UNRESTRICTED CASH - ALL               |                      |
| 101.109 · CS- UTILITY FUND                      | 3,278,607.90         |
| 151.990 · RECLASS TO RESTRICTED                 | 826,917.16           |
| 101.108 · UNRESTRICTED CASH - ALL - Other       | 200.00               |
| <b>Total 101.108 · UNRESTRICTED CASH - ALL</b>  | <b>4,105,725.06</b>  |
| 102.216 · PETTY CASH-DRAWER SET UP              | 50.00                |
| 150.001 · RESTRICTED CASH - ALL                 |                      |
| 101.104 · CS STORMWATER UTILITY FUND            | 346,356.25           |
| 101.110 · CS- DEPOSIT FUND                      | 313,602.87           |
| 101.111 · CS - WATER IMPACT FUND                | 10,468.55            |
| 101.112 · CS- SEWER IMPACT FUND                 | 9,255.54             |
| 101.121 · CS- WATER IMPACT SAVINGS              | 3,095,731.69         |
| 101.122 · CS- SEWER IMPACT SAVINGS              | 2,652,869.91         |
| 151.113 · CS- RUS FUND                          | 40,628.14            |
| 151.116 · CS- LIFT STATION FUND                 | 17,511.18            |
| 151.999 · RESTRICTED CASH RECLASSIFICATIO       | -826,917.16          |
| <b>Total 150.001 · RESTRICTED CASH - ALL</b>    | <b>5,659,506.97</b>  |
| <b>Total Checking/Savings</b>                   | <b>9,765,282.03</b>  |
| <b>Accounts Receivable</b>                      |                      |
| 1200 · *Accounts Receivable                     | 8,608.63             |
| <b>Total Accounts Receivable</b>                | <b>8,608.63</b>      |
| <b>Other Current Assets</b>                     |                      |
| 110.000 · Accounts Receivable, Net              |                      |
| 115.100 · Accounts Receivable                   | 145,145.84           |
| 116.100 · Unbilled Accounts Receivable          | 54,953.48            |
| 116.110 · Utility Returned Checks Rec.          | 27,579.52            |
| 117.100 · Allowance for Bad Debts               | -5,695.49            |
| 110.000 · Accounts Receivable, Net - Other      | -5,418.32            |
| <b>Total 110.000 · Accounts Receivable, Net</b> | <b>216,565.03</b>    |
| 131.000 · Due From Other Funds                  |                      |
| 131.250 · Due to/from General Fund              | 314,196.04           |
| 131.350 · Due From/To Gen.Fund - Other          | 7,509.44             |
| 207.100 · Due to General Fund-Payroll           | -36,303.39           |
| 207.200 · Due to General Fund-Sani/Storm        | 15,772.00            |
| <b>Total 131.000 · Due From Other Funds</b>     | <b>301,174.09</b>    |
| 141.100 · Inventory of Supplies                 | 10,749.32            |
| 1499 · Undeposited Funds                        | 1,591.66             |
| <b>Total Other Current Assets</b>               | <b>530,080.10</b>    |
| <b>Total Current Assets</b>                     | <b>10,303,970.76</b> |
| <b>Fixed Assets</b>                             |                      |
| 160.900 · Fixed Assets, Net                     |                      |
| 161.900 · Land-Water                            | 28,526.62            |
| 164.900 · Water Plant                           | 2,553,762.84         |
| 164.901 · Sewer Plant                           | 5,487,382.51         |
| 164.902 · Stormwater Plant                      | 1,913,068.76         |
| 166.900 · Furniture & Equipment - Water         | 489,315.21           |
| 166.901 · Furniture & Equipment - Sewer         | 145,818.82           |
| 167.900 · Accumulated Depreciation-Water        | -1,800,890.09        |
| 167.901 · Accumulated Depr - Sewer              | -3,266,158.13        |
| 167.902 · Accumulated Depr. - Stormwater        | -524,123.66          |



**City of Eagle Lake-Utility Fund**  
**Balance Sheet**  
As of December 31, 2022

|  | Dec 31, 22           |
|--|----------------------|
| Total 160.900 · Fixed Assets, Net            | 5,026,702.88         |
| Total Fixed Assets                           | 5,026,702.88         |
| <b>TOTAL ASSETS</b>                          | <b>15,330,673.64</b> |
| <b>LIABILITIES &amp; EQUITY</b>              |                      |
| Liabilities                                  |                      |
| Current Liabilities                          |                      |
| Accounts Payable                             |                      |
| 202.100 · Accounts Payable                   | 123,304.15           |
| Total Accounts Payable                       | 123,304.15           |
| Other Current Liabilities                    |                      |
| 202.500 · Polk County Utility Tax            | 12,360.12            |
| 202.501 · Bartow Sewer Impact Fee Payable    | 75,717.18            |
| 208.100 · DUE TO STATE-UNCLAIMED PROPERTY    | -1,220.02            |
| 215.000 · Accrued Payroll and Benefits       | 13,972.06            |
| 217.000 · Accrued Compensated Absences       |                      |
| 217.100 · Accrued Sick Pay                   | 57,385.00            |
| 217.200 · Accrued Vacation Pay               | 22,664.81            |
| 217.300 · Accrued Compensatory Time          | 2,738.21             |
| Total 217.000 · Accrued Compensated Absences | 82,788.02            |
| 220.100 · Customer Deposits                  | 304,944.59           |
| 223.100 · UNEARNED REVENUE - ARPA GRANT      | 674,459.64           |
| 232.950 · Accrued Interest Payable           | 11,799.59            |
| 239.100 · OPEB LIABILITY                     | 35,932.86            |
| Total Other Current Liabilities              | 1,210,754.04         |
| Total Current Liabilities                    | 1,334,058.19         |
| Long Term Liabilities                        |                      |
| 203.100 · State Revolving Loan - SW          | 383,460.36           |
| 203.120 · RUS Water Revenue Bonds - 2007     | 229,935.00           |
| 203.130 · USDA - Water Meter Loan            | 85,719.00            |
| 203.140 · USDA LOAN - LIFT STATIONS          | 388,066.00           |
| 203.150 · CURRENT PORTION OF LONG TERM D     | 155,318.74           |
| 203.155 · LESS CURRENT PORTION OF LTD        | -155,318.74          |
| 203.902 · PLATINUM BANK - HARRISON           | 0.01                 |
| Total Long Term Liabilities                  | 1,087,180.37         |
| Total Liabilities                            | 2,421,238.56         |
| Equity                                       |                      |
| 281.500 · Retained Earnings                  | 10,793,105.10        |
| Net Income                                   | 2,116,329.98         |
| Total Equity                                 | 12,909,435.08        |
| <b>TOTAL LIABILITIES &amp; EQUITY</b>        | <b>15,330,673.64</b> |

## CITY OF EAGLE LAKE - CRA

## ACCOUNT BALANCE

DEC 2022

|   |            |
|---|------------|
| <b>ACCOUNT BALANCE AS OF NOV 30, 2022</b> | 222,756.13 |
| DEPOSITS                                  | 50,927.60  |
| CLEARED CHECKS                            | (2,170.34) |
| WITHDRAWALS/ACH                           | 0.00       |
| RETURNED CHECKS                           | 0.00       |

|   |                   |
|---|-------------------|
| <b>ACCOUNT BALANCE AS OF DEC 31, 2022</b> | <b>271,513.39</b> |
|---|-------------------|

**OUTSTANDING CHECKS:**

|                                 |             |
|---------------------------------|-------------|
| <b>TOTAL OUTSTANDING CHECKS</b> | <b>0.00</b> |
|---------------------------------|-------------|

|                                  |                   |
|----------------------------------|-------------------|
| <b>REMAINING ACCOUNT BALANCE</b> | <b>271,513.39</b> |
|----------------------------------|-------------------|

**City of Eagle Lake CRA**  
**Profit & Loss Budget vs. Actual**  
**October through December 2022**

|   | <u>Oct - Dec 22</u> | <u>Budget</u> | <u>\$ Over Bu...</u> | <u>% of Budget</u> |
|---|---------------------|---------------|----------------------|--------------------|
| <b>Income</b>                             |                     |               |                      |                    |
| <b>310.000 · Taxes-Other</b>              |                     |               |                      |                    |
| 311.100 · CRA Ad Valorem taxes - E.L.     | 0.00                | 20,000.00     | -20,000.00           | 0.0%               |
| 311.101 · Polk Cty.-tax increment EL...   | 50,917.78           | 45,000.00     | 5,917.78             | 113.2%             |
| <b>Total 310.000 · Taxes-Other</b>        | 50,917.78           | 65,000.00     | -14,082.22           | 78.3%              |
| <b>361.100 · Interest Income</b>          | 20.96               | 400.00        | -379.04              | 5.2%               |
| <b>Total Income</b>                       | 50,938.74           | 65,400.00     | -14,461.26           | 77.9%              |
| <b>Gross Profit</b>                       | 50,938.74           | 65,400.00     | -14,461.26           | 77.9%              |
| <b>Expense</b>                            |                     |               |                      |                    |
| <b>510.000 · Operating Expenses</b>       |                     |               |                      |                    |
| 510.311 · Legal Services                  | 105.00              | 2,000.00      | -1,895.00            | 5.3%               |
| 510.313 · Planning Services               | 0.00                | 2,000.00      | -2,000.00            | 0.0%               |
| 510.420 · Postage, Supplies & Materi...   | 0.00                | 100.00        | -100.00              | 0.0%               |
| 510.430 · Utilities                       | 586.61              | 2,000.00      | -1,413.39            | 29.3%              |
| 510.460 · Repair & Maint Service          | 175.00              | 1,000.00      | -825.00              | 17.5%              |
| 510.470 · Printing and Binding-CRA        | 0.00                | 500.00        | -500.00              | 0.0%               |
| 510.480 · Advertising                     | 0.00                | 500.00        | -500.00              | 0.0%               |
| 510.510 · Office Supplies - CRA           | 0.00                | 500.00        | -500.00              | 0.0%               |
| 510.520 · OPERATING SUPPLIES              | 0.00                | 500.00        | -500.00              | 0.0%               |
| 510.541 · Travel, Meetings and Dues       | 0.00                | 100.00        | -100.00              | 0.0%               |
| 510.832 · Facade Grant                    | 0.00                | 4,000.00      | -4,000.00            | 0.0%               |
| 510.991 · CRA CONTIGENCY                  | 0.00                | 29,196.00     | -29,196.00           | 0.0%               |
| <b>Total 510.000 · Operating Expenses</b> | 866.61              | 42,396.00     | -41,529.39           | 2.0%               |
| 510.320 · Accounting & Auditing           | 0.00                | 3,000.00      | -3,000.00            | 0.0%               |
| 510.581 · Transfer Out - Other Funds      | 5,001.00            | 20,004.00     | -15,003.00           | 25.0%              |
| <b>Total Expense</b>                      | 5,867.61            | 65,400.00     | -59,532.39           | 9.0%               |
| <b>Net Income</b>                         | <b>45,071.13</b>    | <b>0.00</b>   | <b>45,071.13</b>     | <b>100.0%</b>      |

City of Eagle Lake CRA  
**Balance Sheet**  
As of December 31, 2022

|   | <u>Dec 31, 22</u>        |
|---|--------------------------|
| <b>ASSETS</b>                             |                          |
| Current Assets                            |                          |
| Checking/Savings                          |                          |
| 101.408 · PB- CRA COMMUNITY REDEVELOPMENT | 271,513.39               |
| Total Checking/Savings                    | 271,513.39               |
| Other Current Assets                      |                          |
| 131.382 · DUE TO GENERAL FUND-ADMIN FEES  | -11,934.94               |
| Total Other Current Assets                | -11,934.94               |
| Total Current Assets                      | 259,578.45               |
| <b>TOTAL ASSETS</b>                       | <b><u>259,578.45</u></b> |
| <b>LIABILITIES &amp; EQUITY</b>           |                          |
| Liabilities                               |                          |
| Current Liabilities                       |                          |
| Other Current Liabilities                 |                          |
| 131.390 · DUE TO GENERAL FUND --LOAN PAY  | 16,000.00                |
| Total Other Current Liabilities           | 16,000.00                |
| Total Current Liabilities                 | 16,000.00                |
| Total Liabilities                         | 16,000.00                |
| Equity                                    |                          |
| 1110 · Retained Earnings                  | 198,507.32               |
| Net Income                                | 45,071.13                |
| Total Equity                              | 243,578.45               |
| <b>TOTAL LIABILITIES &amp; EQUITY</b>     | <b><u>259,578.45</u></b> |



|   | <u>Make</u> | <u>Model</u>            | <u>Serial</u>                    | <u>Total</u> |
|---|-------------|-------------------------|----------------------------------|--------------|
|   |             |                         |                                  |              |
| 1 | Ford        | 555D                    | A438213                          | 1            |
| 2 | Caterpillar | Model - N/A (Generator) | 66023988                         | 1            |
| 3 | Gravely     | Model - N/A (Mower)     | 70301                            | 1            |
| 4 | Gravely     | Model - N/A (Mower)     | 70302                            | 1            |
| 5 | John Deere  | 5320                    | LV3205232280                     | 1            |
|   |             |                         |                                  |              |
|   |             |                         | Total Items set for Destruction: | 5            |

## Bad Debt List: November 2, 2022 - December 30, 2022

| <u>Account</u> | <u>Status</u> | <u>Name</u>          | <u>Location</u>      | <u>Total Due</u>       |
|----------------|---------------|----------------------|----------------------|------------------------|
| 4464           | Inactive      | SMITH, CRISTIE       | 665 E BROOKINS       | <b>52.86</b>           |
| 5705           | Inactive      | MARCANO, KEYLA       | 2270 CLOVER RIDGE CT | <b>46.9</b>            |
| 5938           | Inactive      | WESTBERRY, STEPHANIE | 324 KENNEDY ST       | <b>347.23</b>          |
| 6099           | Inactive      | SAUVEUL, KATERICA    | 87-2 S BINGHAM ST    | <b>144.64</b>          |
| 6161           | Inactive      | WRIGHT, CHRISTOPHER  | 738 S TERRACE DR     | <b>276.18</b>          |
| 6268           | Inactive      | LAFFIN, MACKENZIE    | 2134 CABERNET CT     | <b>46.27</b>           |
| 6424           | Inactive      | GARCIA, EVA          | 406 RICHBURG RD      | <b>145.73</b>          |
| 6509           | Inactive      | BURNETT, RASHAD      | 909 FIRST DR         | <b>279.82</b>          |
|                |               |                      |                      | <b>Total: 1,339.63</b> |

## **CITY OF EAGLE LAKE MUNICIPAL ELECTION ADMINISTRATION AGREEMENT**

This agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by and between LORI EDWARDS, SUPERVISOR OF ELECTIONS OF POLK COUNTY, FLORIDA, a constitutional officer of the State of Florida, (hereafter "Elections Supervisor"), and the CITY OF EAGLE LAKE, FLORIDA, a Florida municipal corporation, (hereafter "City").

### **ARTICLE I. PURPOSE**

The purpose of this Agreement is to provide for the administration of the City's Election to be held on the 4<sup>th</sup> day of April, 2023, for the purpose of electing two (2) City Commission Members. The parties have determined it to be in their best interest and that of the public that the duties and responsibilities of each party concerning this election are agreed upon and set forth in a formal agreement.

### **ARTICLE II. DATE OF ELECTION**

The Election shall be held and conducted on Tuesday, April 4, 2023.

### **ARTICLE III. ELECTIONS SUPERVISOR'S RESPONSIBILITIES**

1. The Elections Supervisor shall prepare a file for ballot printing and audio ballots, based on information received from the City Clerk, and the Elections Supervisor shall arrange for the printing, preparation, receipt and testing of the ballots to be used in the City's election.
2. The Elections Supervisor shall provide the City Clerk with a list of election workers who may be available for hire.
3. The Elections Supervisor shall schedule the training and arrange the placement of election workers and alternates for each polling location.
4. The Elections Supervisor shall train election workers in accordance with Section 102.014, Florida Statutes.
5. The Elections Supervisor shall prepare poll lists, electronic poll books, automatic tabulating equipment and other polling place supplies and issue them to the precinct clerk.
6. The Elections Supervisor shall prepare audio ballots to accommodate voters with disabilities.
7. The Elections Supervisor shall prepare and cause to be timely published the notice required by Section 101.5612(2), Florida Statutes, of the time and place of the test of the automatic tabulating equipment used by the Elections Supervisor to ascertain that the equipment will correctly count the votes cast in the election.
8. The Elections Supervisor shall conduct the testing of the automatic tabulating equipment as required by Section 101.5612(1), Florida Statutes, at the Election Operations Center in Winter Haven, in the presence of the City Canvassing Board, candidate(s) and other parties.



## **CITY OF EAGLE LAKE MUNICIPAL ELECTION ADMINISTRATION AGREEMENT**

9. The Elections Supervisor shall mail and receive mail ballots for the City's election.
10. The Elections Supervisor shall notify voters with information regarding the opportunity to "cure" their vote-by-mail envelopes or provisional ballots, as determined by the City.
11. The Elections Supervisor shall tally mail ballots as directed by the Canvassing Board and supply the Canvassing Board with results, as well as any ballots rejected by the tabulation unit.
12. The Elections Supervisor shall provide walk-in voting at Election Headquarters, 250 S. Broadway Ave., Bartow, Florida and the Election Operations Center, 70 Florida Citrus Blvd., Winter Haven, Florida beginning Monday, March 20, 2023 and ending Monday, April 3, 2023. Hours of operation will be from 8:30 AM to 4:30 PM weekdays.
13. The Elections Supervisor shall provide staff support (on site or by phone) to assist election workers at the polling locations on Election Day.
14. The Elections Supervisor shall provide staff assistance to support the City Canvass Board meeting on Tuesday, April 4, 2023, at the Election Operations Center in Winter Haven.
15. The Elections Supervisor shall provide a cellular phone to the precinct clerk.
16. The Elections Supervisor shall not charge the City for any services, staff time, equipment rental or supply usage.

### **ARTICLE IV. CITY RESPONSIBILITIES**

1. The City Clerk is responsible for the conduct of this election and shall act as the sole qualifying official. Upon completion of qualifying of the candidates, the City Clerk will, no later than 5:00 PM on Friday, February 10, 2023, provide to the Elections Supervisor the list of qualified candidates for the City offices to be voted upon in the election, as well as official title and language for referendums (if applicable) and the official election title. Title and full text of referendums must also be supplied in Spanish.
2. Within 24 hours of receipt, the City shall review, sign and return the ballot proof sheet, signifying correctness, before printing will commence.
3. The City shall determine how many ballots will be ordered and will provide payment for printing costs directly to the ballot printer.
4. The City shall provide pronunciation guidelines of the qualified candidates to be used with the audio ballot for the visually impaired.
5. The City shall publish a Sample Ballot in a newspaper of general circulation and mail a Sample Ballot to all registered voters or households containing a registered voter.
6. The City shall mail a notice of change of polling place to each registered voter or household containing a registered voter as required by Section 101.71, Florida Statutes.



## CITY OF EAGLE LAKE MUNICIPAL ELECTION ADMINISTRATION AGREEMENT

7. The City shall reimburse the Elections Supervisor for the cost of postage, envelopes, secrecy sleeves and inserts for the City election vote-by-mail ballots at a rate of \$2.10 for each ballot mailed and \$0.63 for each ballot returned.
8. The City Clerk or Canvassing Board shall be responsible for reviewing all returned mail ballot envelopes and verifying voters' signatures. The City Clerk or Canvassing Board shall determine which mail ballot envelopes have not been signed, and which have signatures that may not match, requiring a cure opportunity letter to be sent to said voters.
9. The City shall cause to be timely published all public notices required by Florida Statutes, with the exception of the Notice of Testing of Automatic Tabulating Equipment.
10. The City shall notify candidates of the time and place of Logic and Accuracy testing as per Florida Statutes 101.5612(2).
11. The City shall arrange for the use of polling location(s) on Election Day and is responsible for site agreements, if necessary.
12. The City shall inform the Elections Supervisor of polling locations no later than Tuesday, January 31, 2023.
13. The City shall deliver to the Elections Supervisor, no later than 5:00 PM on Friday, February 10, 2023, a final list of addresses that are included inside the city limits, which have been certified as correct by the City Clerk or governing board of the City.
14. The City shall have all election workers and alternates hired for the City's election no later than Wednesday, March 15, 2023 in accordance with Section 102.012, Florida Statutes.
15. The City shall be responsible for collecting employee paperwork and creating copies of all necessary documentation with regard to election workers' employment.
16. The City shall compensate election workers for training and working on Election Day, based on a rate agreed between the City and the election workers.
17. The City shall pick up voting booths and other large supply items from the Election Operations Center; 70 Florida Citrus Blvd. Winter Haven, on Monday, April 3, 2023, and return them on Wednesday, April 5, 2023. The City shall assume financial responsibility for the repair or replacement of any voting booths, voting equipment or other electronics lost or damaged either in transit or while in the City's custody.
18. The City Charter shall designate the Canvassing Board for the City's election, which shall convene in publicly noticed meetings open to the public in accordance with Section 286.011, Florida Statutes and Section 102.141 (2), Florida Statutes.
19. The City Canvassing Board shall meet on Tuesday, April 4, 2023, at the Election Operations Center, 70 Florida Citrus Blvd. Winter Haven to canvass mail ballot envelopes and precinct returns. The Canvassing Board will remain until unofficial results are documented.



## CITY OF EAGLE LAKE MUNICIPAL ELECTION ADMINISTRATION AGREEMENT

20. The City Canvassing Board shall meet on April 6, 2023 at Eagle Lake City Hall to canvass the results of the Election, executing or causing the execution of the Certification of the Election.
21. Following Certification of the Election, the City will conduct a manual audit of the voting system as specified in Section 101.591, Florida Statutes.

### ARTICLE V.

1. In accordance with Florida Statutes, in its capacity as the Canvassing Board for the City's election, the governing body of the City shall receive and dispose of any protest, challenge or contest and shall be responsible for any responses to any legal actions brought before a court or administrative agency of any level of government challenging the results of the election and defend the results of the election.
2. The City shall hold harmless and defend the Elections Supervisor against all claims upon the City's or its employees' negligent, unconstitutional, or criminal conduct or conduct of the City or its employees that violate elections laws that may be brought or filed against the Elections Supervisor's participation or assistance with the City's election.
3. Any duty or responsibility of the Elections Supervisor as provided for in this Agreement, or as may be required by the Florida Election Code may, to the extent not prohibited by this Agreement or Florida Law, be carried out by any duly authorized employee, agent, or designee of the Elections Supervisor.

WHEREFORE, the parties hereto have agreed and set their hands as of the date set forth above.

APPROVED:

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
TITLE

DATED: \_\_\_\_\_

WITNESSED:

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
TITLE

DATED: \_\_\_\_\_

APPROVED:

\_\_\_\_\_  
LORI EDWARDS

SUPERVISOR OF ELECTIONS  
POLK COUNTY, FLORIDA

DATED: \_\_\_\_\_

WITNESSED:

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
TITLE

DATED: \_\_\_\_\_

| Certificate | Last_Name    | First_Name | Worker_Alias | Party | Precinct | BirthDate  | Mailing_Address             | Mailing_City_State | Mailing_Zip_Country | Languages | Assign1            | WorkPrc1 | WorkPosn1           | Assign2            | WorkPrc2 | WorkPosn2          | Assign3            | WorkPrc3 | WorkPosn3      |
|-------------|--------------|------------|--------------|-------|----------|------------|-----------------------------|--------------------|---------------------|-----------|--------------------|----------|---------------------|--------------------|----------|--------------------|--------------------|----------|----------------|
| 113575515   | Brookins     | Kaytrina   |              | DEM   | 338      | 3/4/1976   | 1120 Spruce Rd              | Eagle Lake FL      | 33839               |           | (199) 2022 Primary |          | 310 Asst Clerk      | (200) 2022 General |          | 310 Asst Clerk     |                    |          |                |
| 113500237   | Thornhill    | William    | Bill         | REP   | 334.1    | 1/17/1939  | 183 N 3rd St                | Eagle Lake FL      | 33839               |           | (199) 2022 Primary |          | 333 Asst Clerk      | (200) 2022 General |          | 333 Asst Clerk     |                    |          |                |
| 119462579   | Nowling      | Leyla      |              | REP   | 518      | 2/9/1975   | 2079 Lake Buffum Rd W       | Fort Meade FL      | 33841               |           | (199) 2022 Primary |          | 338 Asst Clerk      | (200) 2022 General |          | 338 Asst Clerk     |                    |          |                |
| 113562479   | Bowden       | Rhonda     |              | REP   | 219      | 6/1/1965   | 2415 Exchange Ave           | Lakeland FL        | 33801               |           | (198) 2022 April   |          | 507 Deputy          | (199) 2022 Primary |          | 338 Precinct Clerk | (200) 2022 General | 338      | Precinct Clerk |
| 119249951   | Willcut      | Homer      |              | REP   | 338.1    | 10/28/1948 | 1402 E Eagle Ave            | Eagle Lake FL      | 33839               |           | (200) 2022 General |          | 518 EVID Inspector  |                    |          |                    |                    |          |                |
| 125483785   | Stevens      | Leroy      |              | DEM   | 327      | 8/29/1957  | 810 Cinnamon Dr E           | Winter Haven FL    | 33880               | Spanish   | (195) 2021 April   |          | 507 Deputy          | (199) 2022 Primary |          | 327 Deputy         | (200) 2022 General |          | 327 Deputy     |
| 113406221   | Kuehne       | Lisa       |              | REP   | 327      | 5/5/1966   | 113 7th Jpv St              | Winter Haven FL    | 33880               |           | (199) 2022 Primary |          | 253 Asst Clerk      | (200) 2022 General |          | 249 Deputy         |                    |          |                |
| 113725002   | Mehle        | Barry      |              | REP   | 333      | 7/8/1935   | 618 Shaman Ct               | Winter Haven FL    | 33880               |           | (199) 2022 Primary |          | 321 Deputy          | (200) 2022 General |          | 321 Deputy         |                    |          |                |
| 122230379   | Kirila       | Michael    | Mike         | REP   | 333      | 3/25/1946  | 4077 Rolling Oaks Dr        | Winter Haven FL    | 33880               |           | (199) 2022 Primary |          | 325 EVID Inspector  | (200) 2022 General |          | 325 EVID Inspector |                    |          |                |
| 113464273   | Rounds       | David      | Dave         | DEM   | 333      | 7/3/1955   | 16 Crystal Waters Dr        | Winter Haven FL    | 33880-0000          |           | (199) 2022 Primary |          | 331 Voting Equip Op | (200) 2022 General |          | 327 EVID Inspector |                    |          |                |
| 113848643   | Kelly-Kaiser | Carol      |              | REP   | 333      | 8/26/1946  | 5228 Crepe Myrtle Ln        | Winter Haven FL    | 33880               |           | (199) 2022 Primary |          | 514 EVID Inspector  | (200) 2022 General |          | 514 EVID Inspector |                    |          |                |
| 113494340   | Hopkins      | Carol      |              | REP   | 327      | 1/14/1958  | 23 Tera Ln                  | Winter Haven FL    | 33880-1710          |           | (199) 2022 Primary |          | 309 Precinct Clerk  | (200) 2022 General |          | 309 Precinct Clerk |                    |          |                |
| 113596343   | Wright       | Aisha      |              | DEM   | 333      | 5/25/1977  | 5132 Magnolia Preserve Blvd | Winter Haven FL    | 33880               |           | (199) 2022 Primary |          | 310 Precinct Clerk  | (200) 2022 General |          | 310 Precinct Clerk |                    |          |                |
| 113840155   | Hawley       | John       | Frank        | REP   | 333      | 1/27/1957  | 2013 Misty Morning Dr       | Winter Haven FL    | 33880               |           | (199) 2022 Primary |          | 333 Precinct Clerk  | (200) 2022 General |          | 333 Precinct Clerk |                    |          |                |
| 103163814   | Peters       | Sherry     |              | DEM   | 327      | 8/11/1964  | 108 Lake Sears Dr           | Winter Haven FL    | 33880               |           | (200) 2022 General |          | 505 Deputy          |                    |          |                    |                    |          |                |
| 119933911   | Saintil      | Ketsia     |              | NPA   | 333      | 6/2/1973   | 824 Sun Ridge Village Dr    | Winter Haven FL    | 33880               |           | (200) 2022 General |          | 333 EVID Inspector  |                    |          |                    |                    |          |                |
| 103163575   | Peters       | William    |              | DEM   | 327      | 3/7/1963   | 108 Lake Sears Dr           | Winter Haven FL    | 33880               |           | (200) 2022 General |          | 325 Voting Equip Op |                    |          |                    |                    |          |                |