



**CITY OF EAGLE LAKE
REGULAR CITY COMMISSION MEETING
MONDAY, JULY 21, 2014**

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 appointment of Roger Spofford to the Planning Commission
 - D. Presentation from Anna Wood – Polk County Solid Waste
- VII. PUBLIC HEARINGS**
 - A. Consideration of the second reading of Ordinance No.: O-14-03, An Ordinance of the City Commission of the City Eagle Lake, Florida, Amending the City of Eagle Lake Land Development Regulations, Division II, Requirements of Zoning Districts; Article 2: Specific Provisions; Section 2.1.2.90, Fences, Walls, Hedges, Architectural Features, and Swimming Pools; Generally to Allow 4 Foot Fences or Hedges in Required Front Yards; and to Allow 6 Foot Fences in Corner-Lots; Providing for Conflicts; Providing for Severability; and Providing an Effective Date. Effective upon reading
 - B. Consideration of the first reading of Ordinance No.: O-14-04, An Ordinance Amending the Code of Ordinances of the City of Eagle Lake, Florida to Designate Certain Land “RIO” (Residential; Institutional, Office) Zoning District (Changed from CG- Commercial General); Repealing all Ordinances in Conflict Herewith; and Providing an Effective Date. (General Location: North of Don Polston Drive; Southeast of 3rd Street North)
- VIII. OLD BUSINESS**
 - A. Consideration of Subrecipient Agreement Amendment No. 1 between Polk County and the City of Eagle Lake Contract Number C130020 for Green Acres.
- IX. NEW BUSINESS**
 - A. Consideration of Polk County and the City of Eagle Lake Amendment to Cooperation Agreement for Municipal Partnership.
 - B. Consideration of the approval of the millage rate of 7.6516 for Fiscal Year 2014/2015
 - C. Consideration of the Green Acres Well Repair.
- X. CONSENT AGENDA**

A. Approval of the Regular City Commission Minutes -----07/07/14

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 THURSDAY, JULY 17, 2014
BY CITY CLERK DAWN WRIGHT, MMC

**LIBRARY STATISTICS
JUNE 2014**

PATRONS USING LIBRARY	1344
TOTAL BOOKS CIRCULATED, RETURNED, RENEWED AND RESERVED	824
PATRONS USING COMPUTERS	441
INQUIRIES OVER PHONE OR HOUSE	273
INTERNET ACCESS APPLICATIONS	2
NEW CARDS ISSUED	10
SUMMER CAMP: TOTAL 14 CHILDREN EA. TIME	3:15 HOURS

July 17, 2014

Manager Report

To: Mayor and City Commission
From: Pete
Subject: Agenda for Commission Meeting Monday, July 21, 2014: Ordinance 0-14-03 Fence Height; Ordinance 0-14-04 Bethel Academy Rezoning; Polk County CDBG Agreement Amendment #1; Cooperation Agreement Extension for Polk CDBG; Solid Waste Presentation; Green Acres Well Repair

Ordinance 0-14-03 Second Reading

Monday there will be the second reading on Ordinance 0-14-03 on Fence Height for certain corner lots. This is the ordinance on fence height explained by Donnie at the last meeting. Your approval is requested.

Ordinance 0-14-04 First Reading

The Planning Commission met last week and approved the request by Bethel Christian Academy to rezone their property from CG (Commercial General) to RIO (Residential, Institutional, Office) to allow the property to be used as a school which is permitted under that zoning. Ordinance 0-14-04 changes the zoning to permit the property to be used as a school. Reverend O Harroll has said that no external changes will be made to the buildings, which had been used as a day care. Your approval Monday for the first reading of the Ordinance is requested.

Amendment to Green Acres Agreement with Polk County CDBG

Monday the Commission will be requested to approve amendment #1 to our agreement with Polk County CDBG for the Green Acres Project. Amendment #1 extends the time to close out the project from November 1, 2014 to February 1, 2015. Tri Sure is working on the water line now, and we expect completion of construction by August 31, so this amendment is just to ensure we have enough time to properly close out the project after construction completion.

Polk County CDBG Cooperation Agreement

I am requesting approval of the continuation agreement with Polk County CDBG for the period 2015 to 2018. We have benefited in working with Polk CDBG both in our recreation improvements and in our Green Acres Improvements. Your approval Monday is requested.

Solid Waste Presentation

Monday Ms. Ana Wood, Polk County Solid Waste and Mr. Bill Beasley, Assistant County Manager, will be with us about the change our customers will experience in paying for the charges at the Polk County Landfill.

I met with our Florida Refuse representative, Debbie Mullen, on Friday about this proposed change in billing. As I have learned from Ms. Wood, Polk County is to begin charging Florida Refuse for the tonnage of garbage and yard waste from residential customers in Eagle Lake. It appears that Polk County has not discussed with Florida Refuse how the tonnage from Eagle Lake will be determined. Ms. Wood and Mr. Beasley apparently are relying on Florida Refuse to determine tonnage from Eagle Lake. I had a conference call Debbie Mullen and other Florida Refuse representatives Tuesday and we discussed how Florida Refuse will determine landfill charges for Eagle Lake. My opinion, as expressed to the Florida Refuse representatives, and discussed briefly in correspondence with the Commission, is that the City needs to work with Florida Refuse to determine this ourselves, and we should know our sanitation cost structure. I think the method we (Florida Refuse and the City) will use to determine what is to be charged for landfill fees is similar to the process I used years ago to determine part of the cost of running a sanitation department. If the County charges the City of Eagle Lake for the landfill charges after October 1, then we would need to increase the bill to our residential customers by \$3.50 per month. As I learned on Tuesday, the Florida Refuse people think the County will bill Florida Refuse for the landfill charges rather than the City. It was discussed on Tuesday that Florida Refuse will 'absorb' the landfill charge if the Commission will extend the contract. I said I have been approached about bidding out the contract in 2016 by other sanitation collection services, so I would have to check with City Attorney Christman before I could say that the contract with Florida Refuse could be extended without bidding. I would like to save our people money but I think if we are asked about bidding a service we cannot just ignore that request.

At this point I think we are at a point where we need to hear what Ms. Wood and Mr. Beasley have to say, and then we can determine a response.

Green Acres Well Repair

I have received communication from Mr. Courson of Dunham Well Drilling, who is leading the effort to repair our Green Acres well. Dunham has televised the well, and has determined that the casing is totally deteriorated. It appears that the well was initially installed in 1966. Years later the Health Department required that part of the casing near ground level be replaced to eliminate ground water penetration to the well, so the top few feet of the well casing looks good, but further down the casing is like Swiss cheese. This is a 50 year old well and has outlived its useful life.

Mr. Courson said that the well needs to be replaced, and that normally there needs to be 200 feet distance between wells. We own the land inside the fence at Green Acres, and the largest distance between the wells we can achieve is about 140 feet. The Health Department has been brought in on our situation, and they are working with us. Drilling a new well on our property may have the effect of producing cloudy water during the well drilling process. I hope to have a recommendation on how to proceed, with a proposed cost, later Wednesday or Thursday so that action can be taken at the meeting Monday. I anticipate that this will be an extremely costly process for us, so I have investigated how we can pay the new well costs. I have looked over our Utility Fund balance sheet and I propose borrowing the cost of the well work from our Deposit Fund, and then budget to repay the borrowing over time. Because of the anticipated cost of the well work I am going to revise my recommendation on the utility increase, which I will discuss at our budget meeting at 6pm Monday.

Lift Station Improvement Project

I expect to get approval from USDA at any time for the Lift Station Project. You should be aware that the contractor, TLC Diversified, will request more time to complete the project. I am not really opposed to granting more time, but I think Envisors is getting ready to ask for more funds because of the increased inspection time; that request has not happened yet, but it may be coming.



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 BOARD

NAME: ROGER M. SPOFFORD PHONE: (863) 299-1017

HOME ADDRESS: 75 LK. McLEOD DR.

BUSINESS ADDRESS: _____ BUSINESS PHONE: _____

CITY RESIDENT OWN PROPERTY IN CITY CITY BUSINESS LICENSE REGISTERED VOTER
 YES NO YES NO YES NO YES NO

OCCUPATION/TYPE OF BUSINESS: RETIRED NYS TEACHER

SPECIAL KNOWLEDGE OR EXPERIENCE APPLICABLE TO FUNCTION OF BOARD/COMMISSION: _____

OTHER INFORMATION (CIVIC ACTIVITIES, ETC.): VOLUNTEER WORK

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: Roger M. Spofford

DATE: 7-9-14

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 O-14-03

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EAGLE LAKE, FLORIDA, AMENDING THE CITY OF EAGLE LAKE LAND DEVELOPMENT REGULATIONS, DIVISION II, REQUIREMENTS OF ZONING DISTRICTS; ARTICLE 2: SPECIFIC PROVISIONS; SECTION 2.1.2.90, FENCES, WALLS, HEDGES, ARCHITECTURAL FEATURES, AND SWIMMING POOLS; GENERALLY TO ALLOW 4 FOOT FENCES OR HEDGES IN REQUIRED FRONT YARDS; AND TO ALLOW 6 FOOT FENCES IN CORNER-LOTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Eagle Lake Planning Commission recommended approval to amend the City of Eagle Lake Land Development Regulations, to amend Section 2.1.2.90 at a public hearing on May 14, 2013; and

WHEREAS, the City Commission has determined it is in the best interest of the City to amend the Land Development Regulations to amend the Land Development Regulations to allow fences or hedges up to 4 feet in height in required front yards, and fences or hedges up to 6 feet in height on corner-lots, as more specifically set forth in Exhibit "A" hereto; and

WHEREAS, the City of Eagle Lake City Commission finds that this Ordinance is in the best interest of the health, safety and welfare of the citizens of Eagle Lake.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF EAGLE LAKE, FLORIDA, AS FOLLOWS:

1. The City of Eagle Lake Land Development Regulations Section 2.1.2.90, Fences, Walls, Hedges, Architectural Features, and Swimming Pools, is amended as shown on Exhibit "A" attached hereto and made a part hereof (~~striketrough~~ language deleted, underline language added).

2. It is the intent of the City Commission that the provisions of this Ordinance shall become codified and made a part of the Land Development Regulations of the City of Eagle Lake, Florida, and the sections of this ordinance may be renumbered, reformatted or re-lettered to accomplish such intention.

3. All ordinances in conflict herewith are hereby repealed.

4. 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.

5. This Ordinance shall take effect _____, 2014.

INTRODUCED on first reading this 7th day of July, 2014.

PASSED on second reading this _____ day of _____, 2014.

CITY OF EAGLE LAKE, FLORIDA

ATTEST

J.R. SULLIVAN, MAYOR

CITY CLERK DAWN WRIGHT

Approved as to form:

CITY ATTORNEY HEATHER R. CHRISTMAN

ORDINANCE NO.: O-14-03

Exhibit "A"

(~~strikethrough~~ language deleted, underline language added)

Sec. 2.1.2.90. Fences, walls, hedges, architectural features, and swimming pools.

~~1. Except as required for maintenance of visibility at street intersections or at intersections of driveways with streets, fences, walls, and hedges shall be permitted in any required yard; provided however, that no solid fence or solid wall shall be permitted to exceed eight feet in height and provided further, no solid fence, solid wall, or hedge along the side or front edge of any required front yard shall be over 2 ½ feet in height, and any portion above this height shall not materially impede visibility.~~

1. No fence or solid wall on any property shall exceed ~~eight (8)-six (6)~~ feet in height in any zoning district. No fence or other obstruction including signs (having less than eight feet of ground clearance), walls, hedges, or other structures shall exceed four feet in height within 25 feet of a street intersection. In all zoning districts, fences, walls, or hedges shall be limited to four feet in height within required front or side street setback areas. However, ~~except~~ on corner lots a six (6) foot fence, wall or hedge is permitted in said setback if (a) it runs parallel to the front street from the primary residential unit directly to the side street right of way line and thence directly to the nearest point on the rear lot line, (b) the rear lot line of the subject lot are the same as (match) the lot to its rear, and (c) the side yard facing sides of the two back to back house are the same distance from the side street right-of-way.— This exception does not alter the four foot height limitation within 25 feet of a street intersection, and is also subject to a determination by the building official that the fence, wall or hedge does not materially impede visibility.

2. Architectural features, eaves, chimneys, fireplaces, balconies, and the like may project in to required front, side, or rear yards not more than three feet where the required yard is eight feet or more in width. Ordinary projections of window sills, belt courses, cornices, and other ornamental features may project into these required yards to the extent of not more than seven inches.

3. Swimming pools shall be fenced as required by law.

ORDINANCE NO.: O-14-04

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EAGLE LAKE, FLORIDA TO DESIGNATE CERTAIN LAND “RIO” (RESIDENTIAL, INSTITUTIONAL, OFFICE) ZONING DISTRICT (CHANGED FROM CG-COMMERCIAL GENERAL); REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

(General Location: north of Don Polston Drive; southeast of 3rd Street north)

WHEREAS, there has been a request to designate the zoning of the property described below, and;

WHEREAS, the designation will further the general health, safety and welfare and be of benefit to the City as a whole, and;

WHEREAS, the requested zoning is consistent with the Land Use Element of the Eagle Lake Comprehensive Plan.

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

1. The Code of Ordinances is hereby amended to designate the zoning on the following described lands as RIO, from Commercial General.

Legal Description

Begin at a point 568.7 feet west of the SW Corner of the SE ¼ of Section 6, Township 29 South, Range 26 East, Polk County, Florida, thence run North 301.25 feet, more or less to railroad, thence Southwest along railroad 422.85 feet, more or less to Section line between Sections 6 and 7; thence East along section line 301.2 feet, more or less to the point of beginning.

2. This ordinance shall not be codified, but the City Clerk shall retain this ordinance as a permanent record of action taken by the City Council of the City of Eagle Lake.

3. All ordinances in conflict herewith are hereby repealed.
4. This ordinance shall take effect immediately upon the approval of the application for rezoning at the second reading of this ordinance.

INTRODUCED on first reading this ____ day of June, 2014.

PASSED on second reading this ___ day of _____, 2014.

CITY OF EAGLE LAKE, FLORIDA

MAYOR J.R. SULLIVAN

ATTEST:

CITY CLERK, DAWN WRIGHT

Approved as to form:

CITY ATTORNEY HEATHER CHRISTMAN

Pete Gardner

From: Joel Ivey <joeli@iveypg.com>
Sent: Friday, May 02, 2014 11:50 AM
To: 'Pete Gardner'
Subject: Bethel Christian School

As requested, I have evaluated a site within Eagle Lake for a potential private school. It is my understanding that the site is located south and west of Eagle Lake Hardware and west of U.S. 17. It looks like the site is zoned CG and abuts a Industrial/light manufacturing district. CG zoning expressly prohibits private schools. Therefore, a rezoning is required. The City's use table notes that private schools are allowed in RS-1, RS-2, RG, RIO, and PD-H. A private school is allowed as special exception in OUA, SE, and ST districts. Of all of these options, I favor RIO- Residential, Institutional, and Office- in that this school is an institutional use and this district is intended to accommodate a mix of uses. I checked to see if there were any obnoxious uses allowed within RIO that could be detrimental to the U.S. 17 corridor. In my opinion, there were none. Finally, I checked the City's Growth Management Plan to determine if an amendment would be needed. Unfortunately, the Growth Management Plan does not provide clear direction on this particular issue. It looks like the land use for the site is Neighborhood Activity Center. According to the City's plan this land use is intended to accommodate shopping, business and service needs of the population. It would be reasonable to assume that a private school is helping to meet the service needs of the population. Next, the plan states, "Permitted uses include supermarkets, office, convenience store, service station, post office, and related commercial services." There is no doubt that a private school is a commercial endeavor under an institutional use that delivers a community service. I acknowledge this could be argued either way, but if the elected officials determine that the rezoning application is consistent with the comprehensive plan their position would not be unreasonable. In summary, I would recommend they rezone to RIO and leave the comp plan alone. You may want to get legal to review and you may want to make sure no one with the CRA has any issues with the intended use. Hope this helps. Joel.

CITY OF EAGLE LAKE
PLANNING BOARD

\$750.00

(I)(We) Rev. Frank O'Hara of 2901 East Lake Hedtrider Drive
(Name) (Mailing Address)

WINTER Haven, Fl 33881, request that a determination be made by the Planning Board of the City of Eagle Lake on the following appeal, which was denied by the Building Inspector for the reason that it was a matter in which the Building Inspector could not exercise discretion and which, in his opinion, might properly come before the Board.

_____ An Interpretation _____ A Special Exception _____ A Variance * Re-Zoning to R10

Is requested of the zoning ordinance of the City of Eagle Lake for the reason that:

_____ It is an appeal for an interpretation of the ordinance, schedule of district regulations, or official zoning map.

_____ It is a special exception to the ordinance on which the Planning Board is required to pass.

_____ It is a request for a variance relating to the _____ area, _____ frontage, _____ yard or open space, _____ height or _____
(State, if request for purpose other than those listed)

The legal description of the subject property is as follows: SEE ATTACHED

It is located at _____, lot #'s _____

Block _____, subdivision or plat _____ or if otherwise legally described _____

Lot size _____ Present zoning classification CN Present Use _____

Present structures (type) and improvements upon the land EXISTING BUILDING
That have already been used as a Daycare.

The proposed use will be Daycare and Private School
PREK-12

If this petition is granted, the effect will be to Utilized existing Building
(Give a brief description ---example reduce side yard from 7 1/2 feet to 5 feet)

(I)(We) believe that the Planning Board should grant this petition because: (include the grounds for appeal or reasons with respect to law and fact for granting the appeal or special exception or variance. Showing of unnecessary hardship must be made before a variance can be granted; the grounds must be stated. Attach all supporting data, such as site plans. Attach any additional sheets, if necessary).

I believe this protection should be granted
because in the past this property has been
used for a daycare and with the existing
building already there a school would be a
easy fix.

Has a previous application or appeal been filed within the last year in connection with these premises?

(Yes) (No). If so, briefly state the nature of the appeal N/A

What is the applicant's interest in the premises affected? agent

(Owner, agent, etc.)

What is the approximate cost of the work involved? \$ N/A

(I)(We) understand that this petition becomes a part of the permanent records of the Planning Board. (I)(We) hereby certify that the above statements and the statements or showings made in any paper or plans submitted herewith are true to the best of (My)(Our) knowledge.

[Signature]

Signature of Owner

The owner has hereby designated the above person to act as his/her agent.

The contents of this petition are sworn to and subscribed before me this 23 day of May, 2014.

Joanne S. McLeod
Notary Public

JOANNE S. MCLEOD
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION # EE167925
EXPIRES 4/8/2016
BONDED THRU 1-888-NOTARY1

Mailing address you wish information to be sent to and telephone number.

Reverend Frank O'Hara Phone Number: 863-280-2080

2901 East Lake Nant Ridge Drive

W. Haven, FL 33801 33801
338

Do Not write in this space. For office use only.

Petition # _____ Date _____ Fee Paid _____

Date hearing advertised _____ Date set for public hearing _____

The owner or his agent _____ has _____ has not submitted a petition regarding the subject property within the last year.

Property Description (full)

75 DON POLSTON DR
EAGLE LAKE FL 33839

BEG AT PT 568.7 FT W OF SW COR OF SE1/4 OF SEC RUN N 301.25 FT M/L TO RAILROAD RUN SW ALONG

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. The property

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.

Polk County Property Appraiser

Internet Mapping

Select Language

Powered by Google



DISCLAIMER: All maps are worksheets used for illustrative purposes only. They are not surveys. The information is provided "as is."

Inc.

corner of the SE 1/4 of Section 6, Township 29 South,
feet, more or less, to railroad, thence southwest along railroad
and 7; thence East along Section line 301.2 feet, more or less, to

orporation

MENTS.

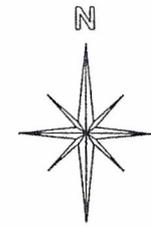
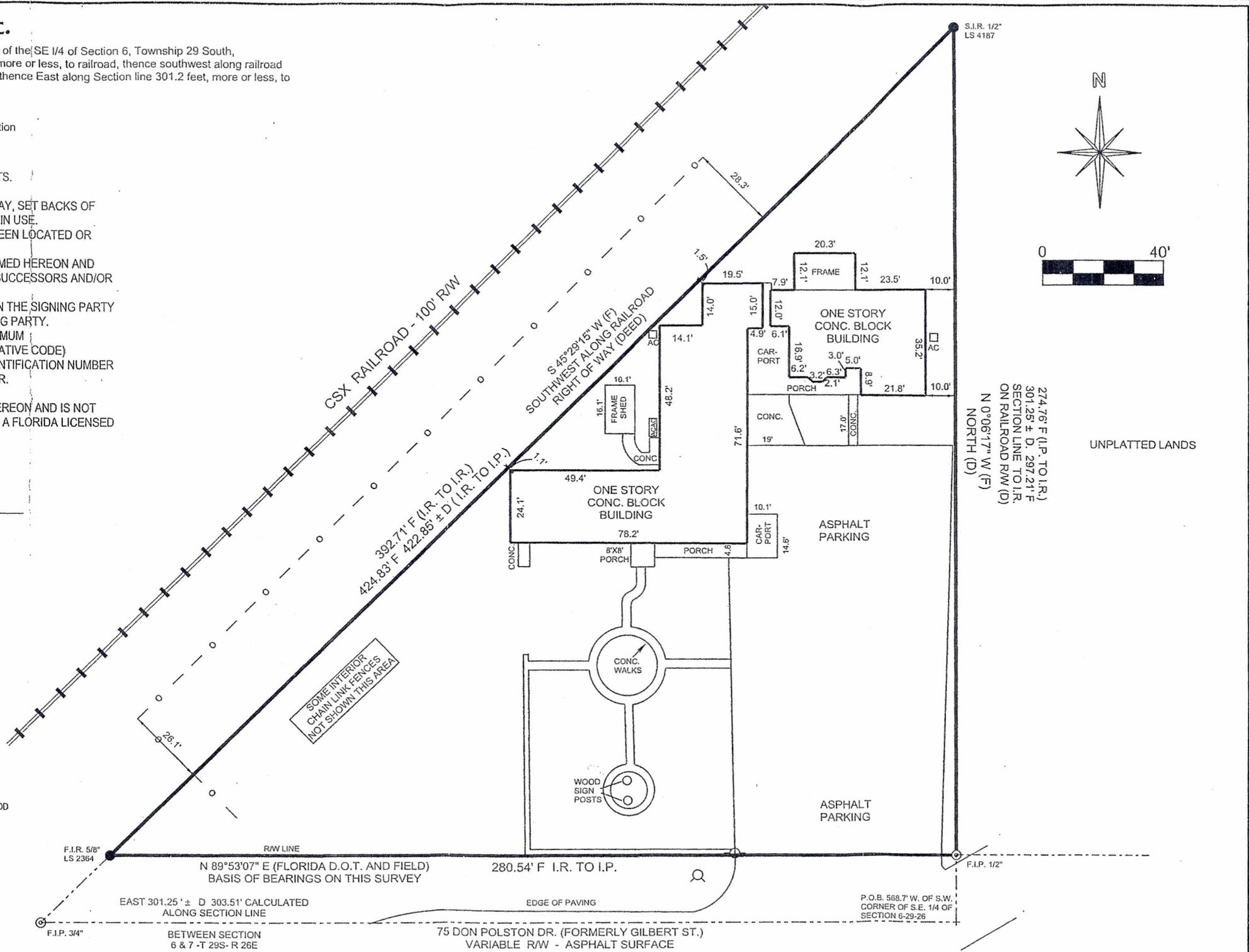
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IN ROD



UNPLATTED LANDS

S.I.R. 1/2"
LS 4187

274.76' F (I.P. TO I.R.)
301.25' ± D. 297.21' F.
SECTION LINE TO I.R.
ON RAILROAD R/W (D)
N 0°06'17" W (F)
NORTH (D)

F.I.R. 5/8"
LS 2364

F.I.P. 1/2"

N 89°53'07" E (FLORIDA D.O.T. AND FIELD)
BASIS OF BEARINGS ON THIS SURVEY

280.54' F I.R. TO I.P.

EAST 301.25' ± D 303.51' CALCULATED
ALONG SECTION LINE

EDGE OF PAVING

P.O.B. 568.7' W. OF S.W.
CORNER OF S.E. 1/4 OF
SECTION 6-29-26

F.I.P. 3/4"

BETWEEN SECTION
6 & 7 - T 29S - R 26E

75 DON POLSTON DR. (FORMERLY GILBERT ST.)
VARIABLE R/W - ASPHALT SURFACE