

RESOLUTION NO. 2018-09

A RESOLUTION OF THE CITY COMMISSION FOR THE CITY OF BOWLING GREEN, FLORIDA, PROVIDING FOR ADJUSTMENTS TO SOLID WASTE RATES FOR THE FISCAL YEAR 2018-2019, AS PROVIDED FOR IN ORDINANCE NO. 2009-05, SECTION 1 AND ORDINANCE NO. 2011-03, SECTION 2 AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 2009-05 established a program of annual inflationary adjustment (indexing) for setting solid waste collection rates and,

WHEREAS, Ordinance No. 2011-03, Section 2 provides for setting solid waste collection rates, fees, charges, and procedures for calculation and collecting by Resolution,

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Bowling Green, Florida, as follows:

The solid waste collection rates, fees, charges, and procedures shall be adjusted as indicated in Exhibits "A" and "B" attached hereto.

IN WITNESS WHEREOF, the Commissioners of the City of Bowling Green, Florida, have duly adopted this resolution and caused it to be executed by the officers below on the _____ day of _____, 2018 where it was voted on by members of the City Commission as follows:

Yeas _____ Nays _____ Absent _____

(SEAL)

City of Bowling Green

ATTEST:

By: _____

Maria Carmen Silva, City Clerk

By: _____

Robert S. Fite Jr., Mayor

Approved as to form:

By: _____

Gerald Buhr, City Attorney



SOLID WASTE COLLECTION
EXHIBIT A
2018-19 RATES, FEES & CHARGES

EXISTING CHARGES BEING MODIFIED ARE SHOWN IN STRIKEOUT, AND NEW CHARGES ARE SHOWN IN BOLD PRINT.

Residential and Commercial Customers

New Service Fee Information:

The twice-weekly residential household Garbage collection fee is ~~\$24.06~~ **\$24.78** per month for three (3) containers, and ~~\$9.87~~ **\$10.17** per month for each additional container.

For commercial customers who do not utilize dumpsters, the twice-weekly collection fee is ~~\$39.73~~ **\$40.92** per month; the 4 collections per week fee is ~~\$65.05~~ **\$67.00** per month.

The twice a month special item pick-up flat fee is ~~\$3.58~~ **\$3.69** a month per customer (including residential and commercial customers) for yard waste up to 5 yards and up to 1 piece of bulky furniture items a month (excluding tires and appliances). The east side of US Hwy 17 will be picked-up on the 1st and 3rd Wednesday of each month. The west side of US Hwy 17 will be picked-up on the 2nd and 4th Wednesday of each month.

Volume of Product

Yard Waste

0 to 5 yards (16-30 bags)	N/C
More than 5 yards up to 10 yards	\$42.36 \$43.63
More than 10 yards up to 15 yards	\$68.13 \$70.17
More than 15 yards up to 20 yards	\$86.27 \$88.86
Additional Yard over 20	\$5.31 per yard

Bulky Items: (per item, all customers)

Refrigerator, stove, water heater, dryer, washing machine	\$13.88 \$14.30
Sofa, mattress, bed springs, arm chair	\$11.60 \$11.95
Stereo, television set, tables	\$10.35 \$10.66
All other furniture and appliances (minimum + fee based on size)	\$9.65 \$9.94

Tires:

Residential (4 Maximum)	
per tire, w/o rims =	\$5.80 \$5.97
per tire, w/rims =	\$10.44 \$10.75

Container Placement and Product Disposal Procedures:

To better serve you, the following shall apply:

Residential type containers – all garbage must be bagged and placed in a City approved container (cart/hobo); loose garbage will not be collected; place container curbside no later than 7:00 a.m. on pickup day and no earlier than 5:00 p.m. the day before the scheduled collection time; remove immediately following collection, but in any event, no later than 10:00 a.m. the next day. When containers are not properly placed for collection or removed from the curbside location and hidden from public view following disposal, a ~~\$7.55~~ \$7.78 fee, per incident, will be levied against the customer of record, after the first such occurrence.

Waste and Bulky Items: do not mix these materials; separate and place materials in two piles; piles are to be placed curbside in an area free of poles, fences, low hanging wires, tree limbs, and other obstructions, to ensure disposal vehicle access. Leaves and small clippings must be bagged. Mixed piles will not be collected until the piles are separated and a request for return services is received from the customer. Should City personnel have a need to separate horticulture and non-horticulture materials, the customer of record will be assessed a minimum fee of ~~\$20.87~~ \$21.50 plus actual labor costs, per occurrence.

LEASE

This Lease is made and executed on October 9, 2018, by and between the **CITY OF BOWLING GREEN**, a Florida Municipal Corporation organized and existing under the laws of the State of Florida, having its principal office at 104 E. Main Street, Bowling Green, FL 33834-0608, herein referred to here "CITY", and the **BOWLING GREEN COMMUNITY REDEVELOPMENT AGENCY**, organized and existing under the laws of the State of Florida, having its principal office at 104 E. Main Street, Bowling Green, FL 33834-0608, herein referred to as "CRA."

1. DEMISE; DESCRIPTION OF PREMISES

CRA leases to CITY and CITY hires from CRA, for the purpose of use as public park. The Premises are generally known as the Main Street Park located within the City of Bowling Green, along with all the structures and appurtenances AS-IS and WHERE-IS (hereinafter "Premises"). As used in this Lease, the term "Premises" refers to the real property described as follows:

Lots 7 & 8, and the South 20 feet of Lot 6 in Block 12 of the original survey to the City of Bowling Green, Florida, as recorded in Plat Book 1, Pages 3-29, Hardee County, Florida. County Parcel ID: 04-33-25-0010-00012-0006

2. TERM

The term of this Lease shall be for a term of thirty-five (35) years, commencing on October 9, 2018.

3. RENT

The total rent for the full Lease term shall be thirty-five hundred and 00/100 dollars (\$3,500.00), payable as \$100.00 per year for each year, which CITY shall pay to CRA annually in cash or in services.

4. ENVIRONMENTAL CONCERNS

CITY shall in a timely manner, comply with all applicable Environmental Laws applicable to CITY's use of the Premises.

CRA is unaware of any unlawful discharges or contamination in violation of Environmental Laws onto the Premises, and CITY has made diligent research and inquiry as to the present condition of the Premises, and accepts the Premises and all structures for all purposes AS-IS WHERE-IS.

5. NOTICES

All notices, demands, or other writings in this Lease shall be deemed to have been fully given or made or sent when made in writing and hand delivered to that party at the address stated above, unless notified of a different address in writing.

6. UTILITIES

All utilities shall be paid for by CITY.

7. INDEMNIFICATION OF CRA

Indemnity. CITY shall defend, indemnify and hold harmless the CRA and all of the CRA's officers, agents, and employees from and against all claims, liability, loss and expense, including reasonable costs, collection expenses, attorneys' fees, and court costs, through appeals, which may arise because of the negligence of CITY, its officers, agents or employees in performance or non-performance of its obligations under the Agreement, or otherwise arising through CITY's use of the Premises. This clause shall survive the termination of this Lease as to any events occurring during CITY's tenancy of the Premises. Compliance with any insurance requirements required elsewhere within this Agreement shall not relieve CITY of its liability and obligation to defend, hold harmless and indemnify the CRA of Bowling Green as set forth in this article of the Agreement.

Nothing herein shall be construed to extend the CRA of Bowling Green's liability beyond that provided in section 768.28, Florida Statutes.

8. NOTICE OF DEFAULT

Except as otherwise provided herein, CITY shall not be deemed to be in default under this Lease unless, if such default is curable, the CRA first gives to CITY thirty (30) days' written notice of the default, and CITY fails to cure the default within a 90-day period or, if the default is of such a nature that it cannot be cured within 90 days, CITY fails to commence to cure the default within such period of 90 days or fails to proceed to the curing of the default with due diligence.

9. RADON GAS

Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of radon that exceed federal and state guidelines have been found in buildings in Florida. Additional information regarding radon and radon testing may be obtained from your county health department.

IN WITNESS WHEREOF, the City and CRA have made and executed this Agreement the day

and year first above written.

ATTEST:

CITY OF BOWLING GREEN

Carmen Silva, City Clerk

Sam Fite, Mayor, City of Bowling Green

APPROVED AS TO FORM AND CONTENT

Gerald T. Buhr, City Attorney

**BOWLING GREEN COMMUNITY
DEVELOPMENT AGENCY**

Sam Fite, Chair of the CRA

RESOLUTION NO. 2018-10

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR STATE OF FLORIDA FISCAL YEAR 2019-2020.

WHEREAS, the City of Bowling Green desires to submit an application to the Florida Department of Environmental Protection for a Florida Recreation Development Assistance Program Grant to benefit the local residents.

WHEREAS, there is a present and growing need for outdoor recreation opportunities among persons of all ages within the City of Bowling Green, Florida corporate limits and among those visiting the area, and

WHEREAS, the City recognizes this need for additional recreational opportunities; and

WHEREAS, meeting the increasing demand for, recreation opportunities can best be met with the development of Main Street Park Phase I as detailed in the application for funding in which the City is submitting an application in the October 15, 2018 application cycle requesting \$50,000.00 in grant funds.

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of Bowling Green as follows:

1. That the City of Bowling Green hereby authorizes the filing of an application for a Florida Recreation Development Assistance Program Grant, and
2. That the Mayor of the City of Bowling Green is hereby authorized to execute all documents required in connection with the filing of said application to be submitted on October 15, 2018.

ADOPTED by the City Commission of the City of Bowling Green, Florida on this ___ day of October, 2018.

Robert S. Fite, Jr., Mayor

Date

ATTESTED:

Date

RESOLUTION NO. 2018-11

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR STATE OF FLORIDA FISCAL YEAR 2019-2020.

WHEREAS, the City of Bowling Green desires to submit an application to the Florida Department of Environmental Protection for a Florida Recreation Development Assistance Program Grant to benefit the local residents.

WHEREAS, there is a present and growing need for outdoor recreation opportunities among persons of all ages within the City of Bowling Green, Florida corporate limits and among those visiting the area, and

WHEREAS, the City recognizes this need for additional recreational opportunities; and

WHEREAS, meeting the increasing demand for, recreation opportunities can best be met with the development of Main Street Park Phase II as detailed in the application for funding in which the City is submitting an application in the October 15, 2018 application cycle requesting \$50,000.00 in grant funds.

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of Bowling Green as follows:

1. That the City of Bowling Green hereby authorizes the filing of an application for a Florida Recreation Development Assistance Program Grant, and
2. That the Mayor of the City of Bowling Green is hereby authorized to execute all documents required in connection with the filing of said application to be submitted on October 15, 2018.

ADOPTED by the City Commission of the City of Bowling Green, Florida on this ____ day of October, 2018.

Robert S. Fite, Jr., Mayor

Date

ATTESTED:

Date

RESOLUTION 2018-12

**A RESOLUTION OF THE CITY COMMISSION OF BOWLING GREEN
FLORIDA ADOPTING THE PROCEDURES FOR "PUBLIC PARTICIPATION IN
CITY COMMISSION MEETINGS"; PROVIDING AN EFFECTIVE DATE.**

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BOWLING GREEN FLORIDA in a public meeting assembled this ___ day of _____, 2018:

1. The City Commission hereby adopts the Procedures for Public Participation In City Commission Meetings as attached hereto as Exhibit "A".
2. The Resolution shall become effective immediately upon passage.

The vote was: _____ Yeas _____ Nays _____ Absent

IN WITNESS WHEREOF, the City of Bowling, Florida, has duly adopted this Resolution and caused it to be executed by the officers below on this _____ day of _____, 2018.

(Seal)

ATTEST:

CITY OF BOWLING GREEN, FLORIDA

Maria Carmen Silva, City Clerk

By: _____
Robert S. Fite, Mayor

(Seal)

APPROVED AS TO FORM:

Gerald T. Buhr, City Attorney

a. People may speak on appropriate agenda topic, so long as such proposed discussion is germane to that proposition. A person may speak on the agenda item one time for a reasonable period of three (3) minutes, and up to five (5) minutes for all speakers if the Mayor deems circumstances warrant or allow the additional time. Such public participation shall be provided prior to a decision being made by the commission on that agenda item. If there are many speakers or several controversial topics on the agenda such that allowing five minutes could unduly delay the meeting, then the mayor may reduce discussion to three minutes per speaker, and/or request one person to represent a group or faction. Nevertheless, discussion directed at agenda items and public hearings may never be dispensed with (except for emergencies as provided below) by any city government board, commission, committee or group required to follow these rules. If agenda topics encompass one common proposition, the Mayor or chair may combine the topics for the purposes of public participation.

b. **Prior public participation.** To conduct regular meetings in an orderly and timely fashion, the board or commission may, by majority vote, move a proposition anticipated to engender substantial public participation and/or commission discussion to a special meeting or workshop, and vote on the proposition at a subsequent meeting without additional public input. Such subsequent meeting when the vote is taken must be in reasonable proximity in time after the meeting at which the public participation was heard. This shall not be construed to prevent additional discussion by the board or commissioners on the proposition.

(2) **Emergency meetings.** In emergency meetings involving concerns of public safety, health and welfare, the mayor or chair may substantially limit or forbid public discussion if the time for such discussion would unreasonably delay the commission's ability to act on the emergency.

(3) **Exceptions to the right to speak on agenda items.** There shall be no right for the public to speak on ministerial agenda items during that agenda item, including, without limitation, the following:

- a. Approval of the minutes.
- b. Ceremonial proclamations.

However, any person wishing to speak on these issues is free to discuss them during the time allotted on the agenda for open discussion.

(4) **Exception for quasi-judicial hearings.** Quasi-judicial hearings need not follow this policy, however, public participation shall be allowed as provided under the rules attendant to that quasi-judicial hearing.

(d) **Speaking on subjects not on the agenda.**

(1) **Open discussion.** At a stated time on the regular meeting agenda of the city commission, people may be heard to speak on any topic germane to city business and issues of concern to the citizens of the city. A person may speak one time for a period of up to three minutes. At any meeting, the commission may dispense with open discussion if in their discretion, there is insufficient time for such additional topics (not agenda item discussion) by passage of a motion

to do so at each meeting where it is sought to be dispensed with. In the interest of time, members of the commission should refrain from debate or answering questions of the speaker, however, it is not forbidden. Generally, such questions or proposals shall be directed to the City Manager for review and presentation to the commission in the future, if necessary.

- a. Open discussion shall be an opportunity to speak on propositions *not already discussed* at that meeting. It shall not be an additional opportunity for the previous speakers to further emphasize or add to their previous discussion. Those speaking on an agenda item waive a right to discuss it again during the agenda item discussion.

(2) **Procedures for propositions not on the agenda.** Although it is the intent of the city commission to place all substantial propositions being considered on the agenda, it is not legally required. However, if a non-exempt proposition is raised during a meeting requiring a vote of that city commission, board, committee or group, and the proposition is not on the agenda, the public shall, nevertheless, be allowed to speak on that proposition prior to passage as provided herein, as if that proposition had been placed on the agenda.

(e) **Procedure and decorum.**

(1) **Procedures.**

Recognition procedure. Unless a sign-up sheet procedure is implemented, the person seeking to speak may raise their hand at any time, or when inquired to by the Mayor or Chair.

a. **Speaking procedures.** When a person is called on to speak, they shall promptly proceed to the podium and announce their name and address and commence to speak. The clerk shall record their information and time their discussion. They may speak until their allotted time (discussed above) is expired, and then must *cease speaking*. They may briefly ask for an opportunity for additional time to speak. Such additional time should only be granted when meeting time allows, allowing the same amount of time for all public speakers regardless of position on the proposition, and should be allowed to both opinions of a measure if necessary to provide fair discussion of each side of opinions on a proposition. Members of the staff and the commission should avoid debate, discussion or questioning the speaker, however, when a member at the dais or staff speaks without the speaker's invitation during the speaker's speaking time, the clerk shall attempt to ascertain how much of the speaker's time has been used by that staff member or commissioner's speaking, and add that time to the public speaker's time. Nevertheless, members of the staff or the commission are not required to interact with the speakers, unless agreed by the commission or commissioner.

(2) **General decorum.** The following rules must be adhered to by a speaker, or they may waive their right of discussion, may be told to immediately cease their discussion and leave the podium. Adequate warnings may be given depending on the severity, circumstances and nature of the offense. The city attorney should advise the mayor prior to removal or, if the attending law enforcement officer determines that the actions legally warrant it pursuant to F.S. § 871.01 F.S. § 877.03, or any other law, arrest of a transgressor. Nevertheless, except as provided below, no speaker shall be denied the right speak or continue speaking based the content of their speech,

except that speech on agenda items and commission propositions may be restricted to discussion that is germane to that proposition.

- a. Speakers shall not use profanity, ethnic or racial slurs, or that breach the peace or are disorderly conduct as prohibited by section 877.03, Florida Statutes.
- b. Speakers shall keep their tone and temper reasonably moderate and suitable for proper decorum at a meeting.
- c. Rhetorical or open questions may be asked; however, an immediate response by commissioners should not be demanded. However, this does not prevent commissioners from responding to or answering a speaker's questions if they wish, and if appropriate under the commission's rules of order.
- d. Speakers shall address their discussion to the Commission only, and shall not engage or try to engage in personal arguments with the staff other members of the audience.

ORDINANCE 2018-07

AN ORDINANCE OF THE CITY OF BOWLING GREEN, FLORIDA PROVIDING FOR INDEXED INCREASES IN WATER AND SEWER RATES, FEES AND CHARGES FOR FISCAL YEAR 2018- 2019; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Ordinance 2009-04, established a program of annual inflationary adjustment (indexing) of the City's water and sewer rates; and,

WHEREAS, the City has determined that the price index increase for fiscal year 2018-2019, should be 3%; and,

WHEREAS, the annual debt service resulting from the improvements to the City's Water Treatment Plant and Wastewater Treatment Plant will require rate increases above the annual indexed increases,

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF BOWLING GREEN, FLORIDA:

Section 1. Inflationary and Debt Service Increases for 2018-2019.

The water and sewer utility rates shall be increased as provided in Exhibit "A" attached hereto.

Section 2. Severability. It is the declared intent of the City Commission that, should any section or provision of this Ordinance or any portion thereof; the deletion of which would not adversely affect (in the general sense) the remainder, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder, as a whole or any part thereof; other than the part declared to be invalid, and in doing so, the court shall attempt to adhere to the legislative intent.

Section 3. Effective Date. This Ordinance shall take effect immediately upon passage.

This Ordinance was read for the first time at the Regular Meeting of the City Commission on the 9th day of October, 2018, where it was voted on by members of the City Commission as follows:

Yeas _____ Nays _____ Absent _____

This ordinance was authorized to be read for a second and final time at the Regular Meeting of the City Commission on the _____ day of _____ 2018, where it was voted on by members of the City Commission as follows:

Yeas _____

Nays _____

Absent _____

(SEAL)

City of Bowling Green

ATTEST:

By: _____
Maria Carmen Silva, City Clerk

By: _____
Robert S. Fite Jr., Mayor

Approved as to form:

By: _____
Gerald Buhr, City Attorney

**ATTACHMENT A
2018-19 UTILITY RATES**

RESIDENTIAL WATER CHARGE

Category	Rates
Metered Charges	
Base Charge includes 4,000 gallons	\$20.38
4,001 – 8,000	\$3.88 per thousand
8,001 – 12,000	\$4.24 per thousand
12,001 – and UP	\$4.83 per thousand

COMMERCIAL WATER CHARGE

Category	Rates
Metered Charges	
Base Charge includes 4,000 gallons	\$22.44
4,001 – 8,000	\$4.24 per thousand
8,000 - UP	\$4.66 per thousand

RESIDENTIAL WASTEWATER CHARGE

Category	Rates
Base Charge includes 8,000 gallons	\$34.92
8,001 – Up	\$3.39 per thousand

COMMERCIAL WASTEWATER CHARGE

Category	Rates
Base Charge includes 7,000 gallons	\$41.21
7,001 – UP	\$4.79 per thousand

OUT OF CITY RATES

Res Water Rates + 25%
Res Sewer Rates + 25%

Com Water Rates + 25%
Com Sewer Rates + 25%

TAP FEES

WATER

3/4"	\$300.00
1"	\$350.00
1 1/2"	\$450.00
2"	\$600.00
3"	\$800.00

SEWER

4"	\$500.00
6"	\$700.00