

**ORDINANCE NO. 2021-05**

AN ORDINANCE OF THE CITY COMMISSION OF BOWLING GREEN, FLORIDA, PROVIDING FOR REGULATION OF SPECIAL EVENTS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR ADMINISTRATIVE AUTHORITY AND DEFINITIONS; PROVIDING FOR ENTITLEMENT TO A SPECIAL EVENT PERMIT AND GENERAL PROHIBITIONS AND RULES; PROVIDING FOR USES OF CITY PROPERTY AND APPLICATION REVIEW PROCESS; PROVIDING FOR SPECIAL EVENT PERMITS; PROVIDING FOR SUSPENSION, OR TERMINATION OF SPECIAL EVENT PERMITS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

**RECITALS OF PURPOSE AND INTENT**

A. The Commission finds that gatherings of the public on private property or City property, including parks and the rights of way, whether such gatherings are large or small, may cause adverse public health, safety and welfare conditions requiring municipal regulation to insure departmental services are available to provide adequate sanitation and sewage disposal facilities, police services, fire rescue personnel and equipment, parking, traffic control and crowd control, and other regulations in the interest of public safety and public health of the public as a whole, and such challenges are related to the relative size of that special event.

B. It is the intent of the Commission that this Ordinance be enacted to protect and promote the health, welfare, and safety of the citizens of and visitors to the City of Bowling Green, while balancing such concerns with the rights of the public to assemble, conduct fairs and festivals, and otherwise engage in expressive activities. Therefore, it is the further intent of the Council that this Ordinance be construed liberally in favor of protecting and promoting the health, welfare, and safety of the citizens of and visitors to the City of Bowling Green and protecting expressive activity.

C. The purpose of this Ordinance is to establish the framework by which special events held on private or public property in the city are approved and regulated.

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BOWLING GREEN, FLORIDA AS FOLLOWS:**

## **SECTION 1. Administrative authority.**

The provisions of this Ordinance shall be administered, interpreted, and enforced respectively through the police department and code enforcement of the City of Bowling Green.

## **SECTION 2. Definitions.**

For the purpose of this Ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Applicant* shall mean the permitted event organizer, or the person or party representing the event organizer and responsible for managing the special event on behalf of the event organizer.

*Application* shall mean a written request on forms supplied by the City Clerk's Office.

*Application* fee shall mean the nonrefundable fee paid in connection with an application made pursuant to this Ordinance. Fees may be established or modified by resolution of the city commission.

*Block party* shall mean an outside private event in a front yard or abutting a street, road or highway, involving a gathering of friends and neighbors in a number exceeding twenty (20) participants, in a residential area which requires the closing of a local street for the purpose of having a party or other social, recreational, or any other type of assemblage, or requires MOT other city services.

*City Manager* shall mean the chief executive officer of the City of Bowling Green, Florida, who is appointed by the city commission.

City property shall mean any streets, city owned real property developed or otherwise, and any city parks, the cemetery, or the city "Depot".

*City services* shall mean services provided by city departments or outside officers and consultants as requested by applicant or required by special event size or failure of applicant to comply with the permit or properly maintain the special event.

*Dangerous activities or instrumentalities* means: the activity or instrumentality: (1) is not of common usage, and (2) creates a foreseeable and significant risk of physical harm even when reasonable care is exercised by all actors, and may include, but is not limited to amusement rides, circus acts, daredevil activities, games that include firing dangerous projectiles).

*Extra personnel hours* shall mean the total number of all hours worked by all city employees in the city departments in connection with the production of the special event in question.

*Large events* shall mean events where the number of anticipated participants exceeds fifty (50), or alcohol is anticipated to be present, or dangerous activities or instrumentalities are planned.

*Maintenance of Traffic ("MOT")* shall mean the planning, development, design, implementation, operation, enforcement, or lawful and appropriate temporary traffic control on city streets, county roads and state highway SR 17. Applicants with impacts on streets, roads or SR 17 are responsible for hiring city police officers for establishment and maintenance of MOT.

*Parade* shall mean a special event with a coordinated movement of eight (8) or more pedestrians or vehicles upon the streets within the city with an intent of attracting public attention that interferes with the flow of regulation of traffic upon a public street.

*Political demonstration* shall mean a public gathering, procession or parade, the primary purpose of which is the exercise of rights of assembly and free speech guaranteed by the First Amendment to the Constitution of the United States.

*Special event* shall mean concerts, festivals, races, walks, parades, circuses, carnivals, shows, exhibitions, block parties, public amusement events by an organization, and or other events, whether operated totally outdoors, on stage, under tents or with the use of temporary buildings or structures, upon any part of public lands or public roads, or upon private lands in the city when members of the public are invited as participants or spectators and which may include entertainment, dancing, music, presentations, art exhibitions or the sale of merchandise, food or alcoholic beverages or any combination of the foregoing, an which may require for its successful execution and coordination of municipal services to be determined by city manager or his/her designee.

*Weapon* shall mean, notwithstanding any other provision of this Code, air rifle, air pistol, paintball gun, paintball rifle, explosive blasting cap(s), knife, hatchet, axe, slingshot, blackjack, metal knuckles, mace, iron buckle, ax handle, chains, crowbar, hammer, shovel or any club or bludgeon or any other instrumentality used or intended for the use as a dangerous weapon to cause harm to a person on public or private property. This definition specifically excludes firearms and ammunition as defined by section 790.001 Florida Statutes, and as preempted by section 790.33, Florida Statutes.

### **SECTION 3. Entitlement to a special event permit.**

(a) The city manager or his/her designee shall be charged with the responsibility of determining whether or not a particular applicant shall be entitled to a special event permit pursuant to this Ordinance. In determining whether to grant or deny a particular application, the city manager shall consider the effect the proposed special event will have on the city's resources and or public health and safety. The city manager shall consider the frequency with which such events are held and the convenience of the public in relation thereto. In addition, the city manager shall not issue any special events permit until the following city departments have approved the application; city manager or his/her designee, city clerk or his/her designee, police chief or his/her designee, and shall not deny an application that could potentially be considered a political demonstration without review of the city attorney. In making the decision whether to grant or deny a special event permit, the city manager shall also take the following matters into consideration:

(1) Whether the applicant for the special event permit is capable or incapable of executing planned special event in a safe and lawful manner.

(2) Whether any inconvenience which may be suffered by the general public is outweighed by the potential benefit to the community as a whole.

(3) Whether budgetary considerations at the time of the application create such a heavy burden upon the cities financial resources that it would not be practical to hold the proposed special event at the time requested.

(4) Whether the holding of the special event as planned would create an undue burden upon the staffing.

(5) Whether the public safety would be compromised.

(6) The timing of the event.

(7) Whether the applicant producing the special event is profit making or for charitable or non-profit purposes.

(8) The historical experience, if any, that the city has had with the special event, its sponsoring agent(s), affiliated person(s) or those associated with the current of any former special event in the city. The city manager shall not issue a special event permit when the police department officials in good faith believe that based upon the information provided by the applicant, historical experience with such organization or its personnel, or its professional opinions will endanger the health, safety, welfare and or lead to destruction of public or private property.

#### **SECTION 4. General Prohibitions and Rules.**

(a) It shall be unlawful for any person or organization to hold a special event using public or, in some circumstances private property, within the limits of the city without complying with the permit requirements and procedures set forth in this Ordinance.

(b) No person shall initiate, sponsor, organize, promote, conduct, or advertise a special event unless a special event permit has been obtained from the city.

(c) Special event operators and participants shall adhere to applicable city codes and will mitigate negative impacts upon resident's, including but not limited hours of operation and noise.

#### **SECTION 5. Use of City Property.** Except for political demonstrations:

(a) All special event uses of City property by private persons and organizations that are not nonprofit organizations that have a 501(c)(3) designation, shall pay for such use.

(b) All special events on city property shall be scheduled through the City Clerk's Office on a date that does not conflict with other uses.

#### **SECTION 6. Application review process.**

(a) Any person desiring to hold a special event (the applicant) shall submit an application to the city manager for a non-political special event no later than 30 days prior to the commencement of such event to the director. Applications for political demonstrations shall be made with enough advance notice for the city manager to consider law enforcement and public safety, health, and welfare concerns, but in no event less than five (5) days.

(b) In submitting an application for a special event permit, the applicant does thereby agree to adhere to those restrictions or conditions that shall be identified by the city manager as part of the review, and which shall be incorporated into the permit special conditions.

(c) **Applications.** The application shall include the following minimum information though the city may request further relevant and material facts to assist with the permit determination:

1. Name of the special event and its purpose.
2. Name(s) of all person(s) or organization(s) sponsoring the special event, with their addresses and telephone numbers. Nonprofit corporations with a 501(c)(3) designation shall provide proof of that designation.

3. Name, address and contact information of the property owner, if different than person sponsoring the event.
4. The name(s) and telephone numbers, including emergency number(s), for the responsible person(s) that shall be available at all times that the special event is being conducted and having the responsibility and ability to correct any problems identified by the city or county.
5. The proposed date(s) and time of the event, including separately identified dates and times of setup prior to the event, and cleanup after event.
6. The specific location within the city where the special event is being held.
7. The number of persons estimated to attend such event.
8. Whether street closings are requested, and if so what streets.
9. Whether or not alcoholic beverages are expected to be present. Special insurance and state approvals, if applicable, shall be attached to the application and permit.
10. Whether entertainment will be involved, giving details as to the nature. If any form of amplified sound is to be used, such use shall require special commission approval if it will violate the city noise code.
11. Whether the applicant proposes, either in whole or part to hire off duty police personnel to assist with security, traffic, or life safety matters.
12. If any tent or other structure (i.e. stages, bounce houses, slides, etc.) is to be utilized, design drawing thereof shall be attached to the application and permit, along with the county building official's approval.
13. Event insurance shall be procured by for all special events, except that political demonstrations may be excused by the city commission with proof of financial inability. An indemnification clause shall be provided as part of all permit general conditions.

(d) **Application review.** Upon receipt of the completed application from the applicant along with the application fee, the city manager shall forward the application

and its contents to the affected departments of the city for review. The persons designated in each department shall review the application, endorse their comments thereon and return the comment to the city manager within seven (7) days of receipt, or other completion deadline required by the city manager. All comments so forwarded to the city manager shall be retained in the file for such application. If insufficient time has been allowed for such comments, that shall be stated with the comments, but the department shall nonetheless comply with the deadline. After reviewing the comments of each affected department, the city manager shall approve or reject the application for the special event permit.

(e) **Application Review Criteria.** The city manager and departments shall consider the following criteria during review:

1. Entitlement to a special event permit as provided in this Ordinance.
2. The proposed use of the property is consistent with all laws, rules, and regulations, including city ordinances and regulations, and the applicant has obtained all permits required from the City or other applicable government agencies in addition to the special event permit.
3. The event will not substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its location.
4. The event will not conflict with construction or development in the public right-of-way or at a public facility.
5. The event will not unreasonably interfere with access to police or fire stations, or other public safety facilities.
6. The event will not require the diversion of police or other city employees from their normal duties so as to unreasonably reduce adequate levels of service to any other part of the city.
7. The concentration of persons, animals, or vehicles will not unreasonably interfere with the movement of police, fire, ambulance, and other public safety or emergency vehicles on the streets.
8. The event will not unreasonably interfere with a previously approved or scheduled use of city property.
9. The event will not adversely affect the city's ability to reasonably perform municipal functions or furnish city services, including

services in support of the uses and events described in the preceding paragraph.

10. The event will not have an unmitigable adverse impact upon residential or business access and traffic circulation in the same general venue area.
11. The event will not have a significant adverse environmental impact.
12. The city property proposed to be occupied or used will physically accommodate the number of participants expected to participate, along with normal casual users.
13. The event does not present an unreasonable danger to the health or safety of the applicant, spectators, city employees, members of the public, or to adjacent properties, and will not otherwise create a public nuisance.

(f) **Permits; Conditions.** The city manager shall through consultation and recommendation of staff and/or city attorney, or upon his/her own determination, apply any reasonably necessary restrictions or conditions in accordance with public safety, environmental and administrative considerations involved with the special event, including any reasonable restrictions upon the movement of the public participants which is deemed necessary for the safe and orderly disposition of the special event. If the application is approved, a written permit shall be issued, which permit shall contain general conditions as provided below unless exempted by vote of the city commission, and may contain special conditions provided below, depending on the circumstances. For large events, the applicant may be required to enter into an agreement with the city, and all references to "Permit" in this Ordinance shall apply to such a special event agreement.

1. **General Conditions.** The following are general conditions shall be included in writing in all permits unless a special exception is provided by the city commission due to unusual circumstances:
  - a. **Indemnity.** All permits shall contain substantially the same wording as attachment "A" hereto, which attachment may be amended in part or in whole by resolution of the commission.
  - b. **Insurance.** All permits shall contain the same wording as attachment "B" hereto, which attachment may be amended in part or in whole by resolution of the commission.



- c. **Government licenses and permits.** It is solely the responsibility of the applicant to obtain any other licenses or permits required by governments other than the city to hold the special event in the manner planned. Such additional licenses and permits include, but are not limited to alcohol licenses, building permits, carnival and amusement ride permits, vendor permits, etc). The permits or licenses shall be provided to the city, but the city's failure to request them shall not be a defense to a termination of a permit and closure of a special event by the city.
- d. **City special event ordinance; compliance.** The applicant is notified that the City has a special event ordinance, and you are responsible for knowing the prohibitions and provisions of such ordinance, and ensuring that all organizers, vendors, and participants comply with all city codes and this permit. You are advised to obtain a copy of the ordinance through [municode.com](https://library.municode.com/fl/bowling_green/codes/code_of_ordinances) which is available through the internet [https://library.municode.com/fl/bowling\\_green/codes/code\\_of\\_ordinances](https://library.municode.com/fl/bowling_green/codes/code_of_ordinances), or from the city clerk for the price or reproduction.
- e. **City property; No vested rights** City property is at all times under the control of the city, and the city retains the authority to enter city property at all times. No property interest or other vested right is conveyed by any permit issued or agreement entered into pursuant to this Ordinance.
- f. **City Services.** No city services are obligated under this permit that have not been described in the special conditions and paid for or deposit placed by applicant. Nevertheless, the applicant may be required to pay for city services required by the city manager due to applicant's failure to comply with this permit or maintain the special event.
- g. **Other Services.** The applicant shall notify the county fire-rescue services of the date and times of the special event and shall implement any recommendations that service has regarding public safety, health, and welfare.
- h. **Permit not transferrable.** The decision as to whether to issue the permit is made, in part, based on the individual(s) or entities requesting the special event, therefore, permits are not transferrable to other persons or entities.

2. **Special Conditions.** The city manager may determine based on the application and local circumstances that special conditions are necessary for any special event. Such special conditions may include but are not limited to payment for special city services required, road closures, other Maintenance of Traffic (“MOT”).

a. **Police services.** The chief of police shall determine whether and to what extent additional police protection is reasonably necessary for the special event, parade or public assembly for traffic control and public safety. The chief of police shall base this decision on size, location, duration, time, date of event, and the presence of alcoholic beverages. If the applicant wishes to proceed at the date or time requested and adequate police services can be provided as an additional expense, the applicant may request that the permit be issued upon agreement by the applicant to pay the cost of the additional police service. The decision of the police chief shall be final as a permit requirement, but appealable as provided in this Ordinance.

b. Non-city sponsored special events will generally be staffed at the existing detail rates including overhead in accordance with agreement a fee resolution of the city, but including recent modifications (i.e. wage and overhead increases) not yet approved by the commission but included in city records.

c. Large events may be required to provide emergency vehicles during all hours of operation.

d. **Deposit for city services.** The deposit for damages, post-event cleanup, or other city services requested or required for this special event shall be \$X,XXX.00.

(g) **Denial of permit application.** The following include but are not limited to the bases by which a permit application may be denied by the city manager.

1. The application contains incomplete, false, or misleading information.
2. The applicant is legally incompetent to contract or to sue and be sued.
3. The applicant has on prior occasions damaged city property or any city facility and has not paid in full for such damage.
4. The applicant has any other outstanding past due debts to the city.

5. The applicant fails or refuses to comply with all requirements of this Ordinance, including requirements to remit all fees and deposits and, where applicable, to provide insurance.
6. During the four years prior to application, the applicant has had a special event permit revoked due to non-compliance with the requirements of this Ordinance, or due to a willful false or misleading statement in an application.
7. During the five (5) years prior to application, the applicant was a party to an agreement with the city authorizing use or management of city property or city facilities, and the city terminated the agreement due to the applicant's default.
8. Any of the Application Review Criteria are discovered to be untrue or become untrue prior to permit issuance.
9. Other reasons for denial considered in the city managers good judgment.

(h) **Appeals of permit denial.**

1. Any applicant denied a special event permit to conduct a special event shall be notified in writing, hand delivered or delivered by certified mail, no later than fifteen (15) days prior to the proposed date of the event, and the notice shall contain the procedures and deadline for filing an appeal. Refusal to accept delivery of certified mail shall be deemed acceptance.
  - a. The *deadline for filing an appeal shall be fifteen (15) days* from the date of delivery of the
2. Any aggrieved applicant filing a timely appeal shall be granted a hearing before the city commission at the next regularly scheduled city commission meeting. Under unusual circumstances where the timing of the next regular meeting of the commission will not provide a meaningful appeal process, political demonstrations may be granted a special meeting of the commission to consider an appeal.
3. Appeal shall be held as a quasi-judicial item, unless clearly waived, with sworn testimony and evidence from city manager, applicant and approved intervenors allowed. The hearing shall be conducted in accordance with the city's *Rules for Quasi-Judicial Hearings*. The City shall have an attorney present, and attorneys representing the applicant, or any approved intervenor shall be required to file a notice of appearance at least ten (10) days prior to

the hearing. The *Rules for Quasi-Judicial Hearings* shall be provided by the City to the applicant and intervenor(s).

4. **Standards for Decision.** The hearing on such appeals shall be de novo or as if by original jurisdiction. The city commission shall hear evidence based on competent substantial evidence. The Florida Rules of Evidence shall provide a guide, but shall not be strictly adhered to, and hearsay evidence may be admissible, but shall not be the sole support for the proposition placed in evidence. The city commission shall sustain or reverse the decision of the city manager in accordance with the city commission's judgment as to whether the application meets the standards set out in this Ordinance. The city commission shall make a final decision in the matter and the city manager shall give written notices thereof to the applicant by mailing a certified letter within five (5) days containing the city council's decision.
5. If the hearing denies the relief requested by the applicant, the applicant may file an appeal in Hardee County Court system in a manner provided by state law and court rules, *no later than thirty (30) days from the date of the commission hearing* at which the decision appealed was rendered.

(i) **Exemption from special event permit fees.**

Any special event for which the city, its departments, agents, CRA, or any other government body is the principal sponsor shall be exempt from special events application fees.

**SECTION 7. Suspension, or termination of special event permits.** The city manager or police chief may declare a special event suspended or terminated for cause.

(a) **Termination of permit.** The following include but are not limited to the bases by which a permit may be terminated by the city manager or police chief.

1. Any reason provided above for denial of an application for permit.
2. The conduct of the special event creates a substantial nuisance, and the condition is unmitigable, or circumstances indicate that even if mitigable, the applicant cannot be trusted to not allow the nuisance conditions to reoccur if the special event is allowed to continue.
3. The conduct of the special event creates a danger to the public safety or health, and the condition is unmitigable, or circumstances indicate that even if mitigable, the applicant cannot be trusted to maintain safe conditions if the special event is allowed to continue.

4. Multiple violations of any city code(s).

(b) **Suspension of permit.** The following include but are not limited to the bases by which a permit may be suspended by the city manager or police chief.

1. Any reason provided above for termination of a permit.
2. Violation of city code(s).
3. Violation of city special event permit.
4. The conduct of the special event creates a minor danger to the public safety or health that can be corrected.
5. The conduct of the special event creates a minor nuisance that can be corrected.

#### **SECTION 8. Enforcement.**

(a) No provision of this Chapter shall be deemed to bar the right of the City to seek or obtain judicial relief from a violation of any provisions of this Chapter, whether administratively, judicially or both. Neither the existence of other remedies nor the exercise thereof shall be deemed to bar or otherwise limit the right of the City to recover fines, penalties or monetary damages for such violation. The remedies available to the City shall be cumulative and in addition to any other remedies provided by law or equity. The laws of the State of Florida shall govern with respect to any proceeding in law or equity pertaining to the enforcement of this Chapter or any cause of action arising out of or in connection herewith.

(b) An applicant, property owner or organizer's failure to comply with provisions of this Chapter shall constitute a City Code violation and shall subject the to the code enforcement provisions and procedures as provided in City Code, and may also be punishable as provided in §162.22, Florida Statutes, as it may be amended.

1. For the purposes of the City's code enforcement by citations, all violations of this Chapter shall be Class IV offenses, and fines shall have the following classification by number of offenses:

1st	2nd	3rd +
\$200.00	\$400.00	Mandatory Court

(c) Failure of the City to enforce any requirements of this Chapter shall not constitute a waiver of the City's right to enforce that violation or subsequent violations of the same type or to seek appropriate enforcement remedies.

**SECTION 9. Conflicts.**

If the event of a conflict with any other City ordinances or part of ordinances, the provisions of this Ordinance shall control.

**SECTION 10. Severability.**

It is declared to be the intent of the City Commission that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 11. Inclusion in the Code.**

It is the intention of the City Commission that the provisions of this Ordinance shall become and be made part of the City Code; and that the sections of the Ordinance may be renumbered or relettered and the word “ordinance” may be changed to “section”, “article” or such other phrase in order to accomplish such intentions.

**SECTION 12. Effective Date.**

This Ordinance shall be effective upon passage.

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This Ordinance was read for the first time at the Regular Meeting of the City Commission held on the 13<sup>th</sup> day of July, 2021. The vote was as follows:

		Yes	No	Abstain	Absent
Commissioner/Mayor Gardner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Fite	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Lunn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Durastanti	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The final reading was held on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at a regular  special  session of the City Commission, and this Ordinance was adopted  rejected .

The vote was as follows:

	Yes	No	Abstain	Absent
Commissioner/Mayor Gardner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Fite	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Lunn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Durastanti	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

CITY OF BOWLING GREEN, FLORIDA

\_\_\_\_\_  
Maria Carmen Silva, City Clerk

\_\_\_\_\_  
Duane Gardner, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Gerald T. Buhr, City Attorney



**CITY OF BOWLING GREEN**  
**PROPOSED FUTURE LAND USE MAP AMENDMENT & REZONING**  
**OVERVIEW REPORT**  
August 10, 2021

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**TO:** Bowling Green City Commission

**FROM:** Central Florida Regional Planning Council

**SUBJECT:** **ORDINANCE NO. 2021-06**  
AN ORDINANCE OF THE CITY OF BOWLING GREEN, FLORIDA, AMENDING THE CITY OF BOWLING GREEN COMPREHENSIVE PLAN FUTURE LAND USE MAP, SPECIFICALLY AMENDING TWO (2) PARCELS OF LAND TOTALING 10.13 ACRES LOCATED AT 4315 CHESTER AVE AND SOUTHWEST OF THE INTERSECTION OF CHESTER AVE AND BANANA STREET EAST (PARCEL NUMBERS: 05-33-25-0000-09670-0000, 04-33-25-0010-00034-0001), FROM THE FUTURE LAND USE OF LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL.

AND

**ORDINANCE NO. 2021-09**  
AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOWLING GREEN, FLORIDA, SPECIFICALLY AMENDING TWO (2) PARCELS OF LAND TOTALING 10.13 ACRES LOCATED AT 4315 CHESTER AVE AND SOUTHWEST OF THE INTERSECTION OF CHESTER AVE AND BANANA STREET EAST (PARCEL NUMBERS: 05-33-25-0000-09670-0000, 04-33-25-0010-00034-0001), FROM THE ZONING OF R-1, SINGLE FAMILY RESIDENTIAL TO PLANNED UNIT DEVELOPMENT TO ALLOW FOR 31 SINGLE FAMILY HOMES AND TO RECOGNIZE AN EXISTING CHURCH.

**AGENDA DATES:**

Monday, July 19, 2021, 6:30 PM: City Commission Meeting– First Reading (Ordinance 2021-06)

**Tuesday, August 10, 2021, 6:30 PM: City Commission Meeting**  
**Ordinance 2021-06 – Second Reading**  
**Ordinance 2021-09 – First Reading**



**CITY COMMISSION ACTIONS:**

- On July 19, 2021, at first reading, the City Commission approved the Future Land Use Amendment (Ordinance 2021-06) and denied the rezoning (Ordinance 2021-09). The City Commission directed the applicant that they would like to see single family homes instead of duplexes A rezoning to Planned Unit Development was determined to be the best option.

**CITY COMMISSION MOTION OPTIONS:**

**Future Land Use**

1. Move to **approve** Ordinance 2021-06 on Second Reading.
2. Move to **approve with changes** Ordinance 2021-06 on Second Reading.
3. Move to **deny** Ordinance 2021-06 on Second Reading.

**Zoning**

1. Move to **approve** Ordinance 2021-09 on First Reading.
2. Move to **approve with changes** Ordinance 2021-09 on First Reading.
3. Move to **deny** Ordinance 2021-09 on First Reading.

**ATTACHMENTS:**

- Aerial Photo Map
- Concept Plan
- Current Future Land Use Map
- Proposed Future Land Use Map
- Current Zoning Map
- Proposed Zoning Map
- Applications

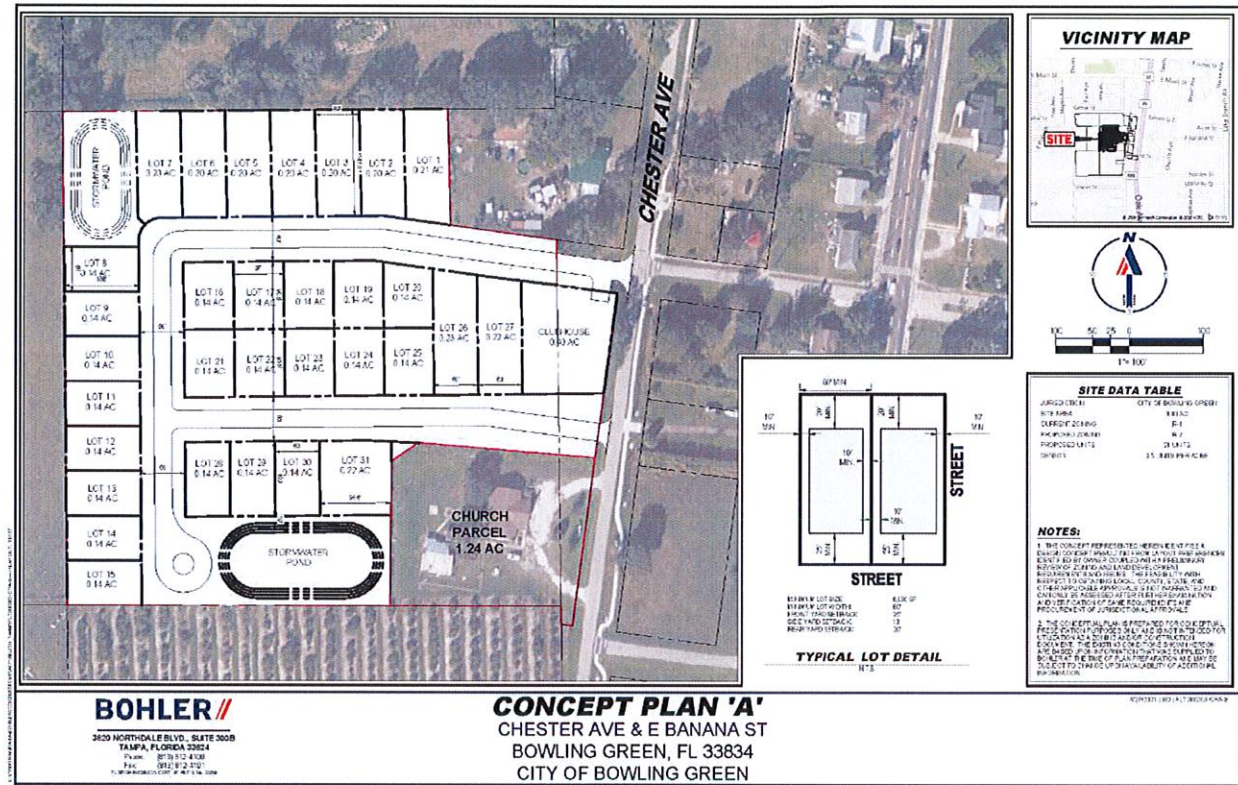
**OVERVIEW:**

<b>Applicant</b>	John Raymond
<b>Property Owner</b>	Bishop of Diocese
<b>Parcel IDs</b>	05-33-25-0000-09670-0000, 04-33-25-0010-00034-0001
<b>Subject Area</b>	10.13 acres
<b>Existing Future Land Use</b>	Low Density Residential
<b>Proposed Future Land Use</b>	Medium Density Residential
<b>Existing Zoning</b>	R-1, Single Family Residential
<b>Proposed Zoning</b>	Planned Unit Development
<b>Previous Hearings</b>	None

**REASON FOR REQUEST:**

John Raymond ('applicant') is requesting a Future Land Use Map amendment and rezoning to change two (2) parcels of land totaling approximately 10.13 acres from the Future Land Use of Low Density Residential to Medium Density Residential and zoning of R-1 Single Family Residential to PUD – Planned Unit Development. The subject parcels are located at 4315 Chester Ave and Southwest of the intersection of Chester Ave and Banana Street East.

The purpose of the request is to establish Future Land Use and zoning assignments to support the subdivision of the property to maintain the existing church use and allows for the future residential development of 31 single family homes. See concept plan below for reference.



**CONSISTENCY WITH THE COMPREHENSIVE PLAN:**

Descriptions for both the Future Land Use and zoning designations are provided as follows. *The proposed Future Land Use and proposed Zoning are consistent with the City's Comprehensive Plan and Land Development Code.*

**EXISTING – FUTURE LAND USE**

**Bowling Green Comprehensive Plan, Future Land Use Element, Policy 1.2:**  
The **Low Density Residential** designation shall meet Bowling Green's housing demands for this range of density, promote efficient use of infrastructure, and protect existing single family neighborhoods. Single and two family housing units are permissible to a maximum density of 6 units per gross acre. Compatible public land uses are permissible to a maximum intensity of 0.5 FAR.

## ***PROPOSED – FUTURE LAND USE***

### **Bowling Green Comprehensive Plan, Future Land Use Element, Policy 1.2:**

The **Medium Density Residential** designation shall meet Bowling Green's housing demand for this range of density and promote efficient use of existing infrastructure. Maximum density for Medium Density Residential is 12 units per gross acre. Compatible public land uses are permissible to a maximum intensity of 0.5 FAR.

## ***EXISTING – ZONING***

### **Bowling Green Land Development Code: Section 2.04.02.02 – R-1 Single Family Residential**

The purpose of the district is to establish areas which are uniquely appropriate for low-density residential neighborhoods with ample open space and outdoor living areas; to designate appropriate uses and services within the district; and to establish development standards appropriate to ensure proper development and a low-density residential environment.

## ***PROPOSED – ZONING***

### **Bowling Green Land Development Code: Section 2.04.02.11 PUD Planned Unit Development**

Planned Unit Development (PUD) districts are intended for specialized purposes, where a proposed project warrants greater flexibility than a standard district provides; when the Comprehensive Plan requires a Planned Unit Development review process; or when the ability to attach conditions to a site plan is warranted.

## **LAND USE ANALYSIS:**

The subject properties are located at 4315 Chester Ave and southwest of the intersection of Chester Ave and Banana Street East in Bowling Green. The properties are primarily vacant with the exception of an existing church use on the southeastern portion of the property. Single family residential uses surround the subject property on the north, west and east sides, with agricultural crop lands to the south. There are also a few properties with Commercial Future land Use and zoning located to the east and the southwest of the subject property which support opportunities for future nonresidential development.

The *Land Use Matrix* below outlines the Future Land Use and zoning of the subject property, the Future Land Use and zoning of adjacent properties, and the existing land use of the subject and adjacent properties.

**Land Use Matrix**

<b>Northwest</b>	<b>North</b>	<b>Northeast</b>
<p><b>Future Land Use:</b> Low Density Residential</p> <p><b>Zoning:</b> R-1 – Single Family Residential</p> <p><b>Existing Land Use:</b> Vacant Land</p>	<p><b>Future Land Use:</b> Low Density Residential</p> <p><b>Zoning:</b> R-1 – Single Family Residential</p> <p><b>Existing Land Use:</b> Single Family Residential</p>	<p><b>Future Land Use:</b> Low Density Residential</p> <p><b>Zoning:</b> R-1 – Single Family Residential</p> <p><b>Existing Land Use:</b> Single Family Residential</p>
<b>West</b>	<b>Subject Parcel</b>	<b>East</b>
<p><b>Future Land Use:</b> Low Density Residential</p> <p><b>Zoning:</b> R-1 – Single Family Residential</p> <p><b>Existing Land Use:</b> Vacant and Single Family Residential</p>	<p><b>Future Land Use:</b> <u>Current: Low Density Residential</u></p> <p><b>Proposed: Medium Density Residential</b></p> <p><b>Zoning:</b> <u>Current: R-1 – Single Family Residential</u></p> <p><b>Proposed: Planned Unit Development</b></p> <p><b>Existing Land Use:</b> Vacant land and Church</p>	<p><b>Future Land Use:</b> Low Density Residential and Commercial</p> <p><b>Zoning:</b> R-1 – Single Family Residential and C-2 – Service Commercial</p> <p><b>Existing Land Use:</b> Vacant and Single Family Residential</p>
<b>Southwest</b>	<b>South</b>	<b>Southeast</b>
<p><b>Future Land Use:</b> Commercial</p> <p><b>Zoning:</b> R-1 – Single Family Residential</p> <p><b>Existing Land Use:</b> Vacant and Single Family Residential</p>	<p><b>Future Land Use:</b> Low Density Residential</p> <p><b>Zoning:</b> R-1 – Single Family Residential</p> <p><b>Existing Land Use:</b> Single-family residential and Agriculture/ Crop</p>	<p><b>Future Land Use:</b> Commercial</p> <p><b>Zoning:</b> R-1 – Single Family Residential and C-2 – Service Commercial</p> <p><b>Existing Land Use:</b> Vacant property and utility tower</p>

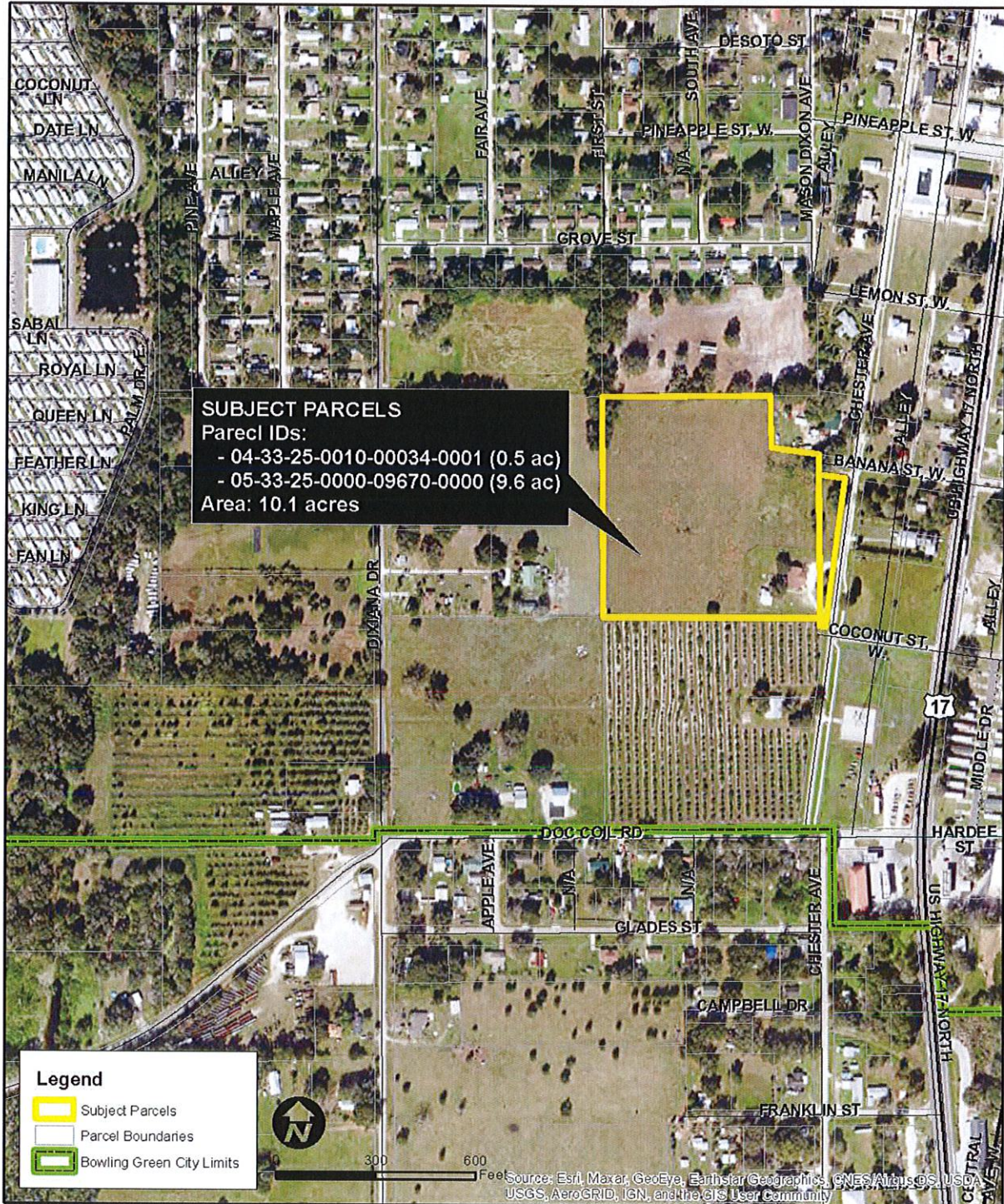
**PUBLIC FACILITIES AND SERVICES ANALYSIS:**

The proposed Medium Density Residential Future Land Use, PUD zoning and proposed development intent of the property are not anticipated to have any negative impacts on the City’s public facilities and services.

## **PROPOSED PUD CONDITIONS OF APPROVAL**

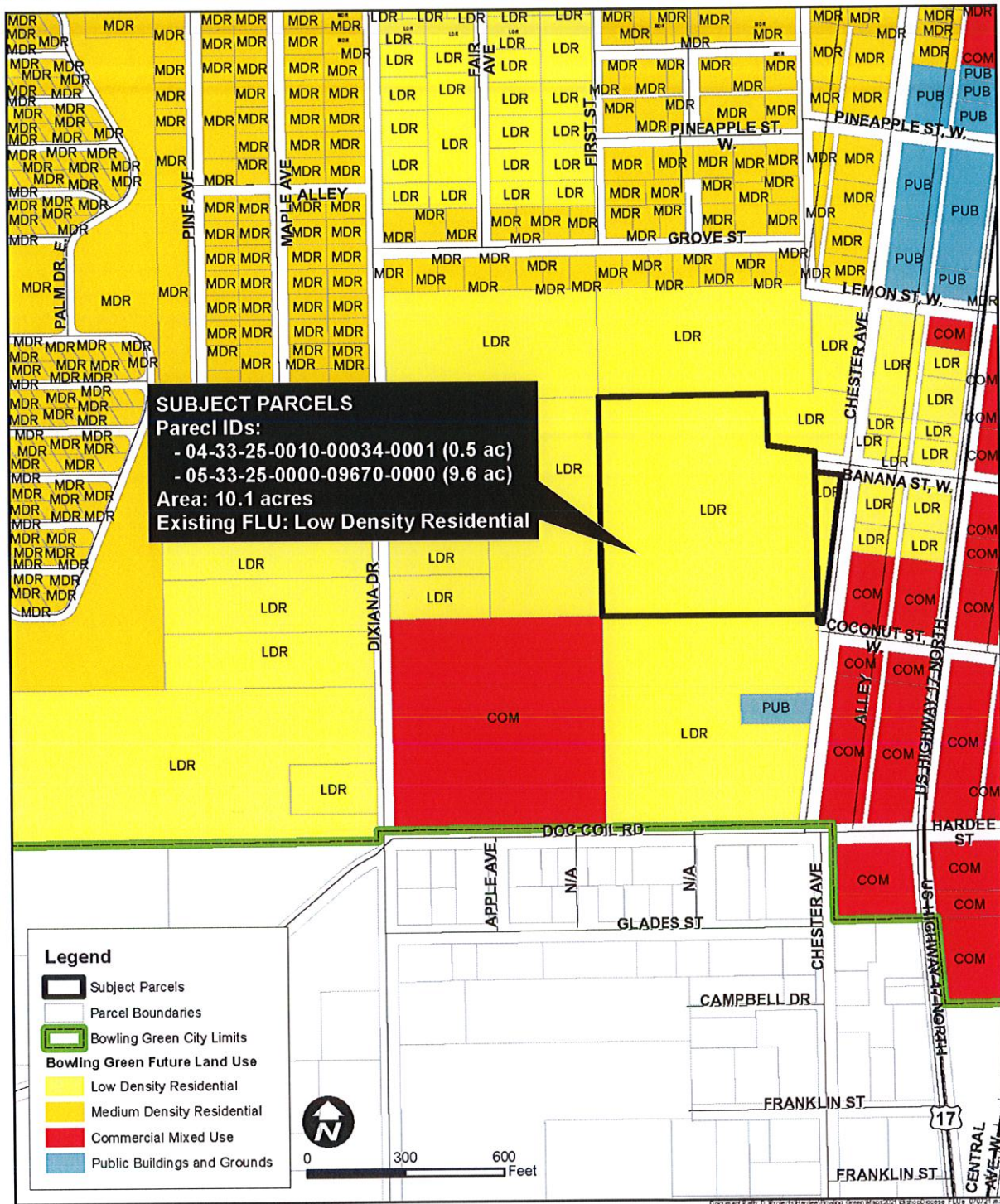
- 1) The private road shall be a minimum of 24' wide and paved to City standards. The private road shall be constructed within a minimum of 60' of right of way. The road shall be installed and maintained by the developer.
- 2) The minimum lot size shall be 6,000 square feet and a minimum of 60-ft wide for each Single-Family Home.
- 3) No more than thirty-one (31) single family homes may be constructed.
- 4) The building setbacks are as follows:
  - a. Front Yard: 20'
  - b. Side Yard: 10'
  - c. Rear Yard: 20'
- 5) All stormwater improvements must be approved by the Southwest Florida Water Management District.
- 6) The property must connect to City central water and wastewater.
- 7) The cul-de-sac must be constructed consistent with engineering standards and must be approved by the City engineer and the County Fire Department.
- 8) The existing church is recognized as part of the Planned Unit Development. Any future modifications or expansions of the church shall be consistent with all applicable requirements of the Bowling Green Land Development Code.

# CITY OF BOWLING GREEN AERIAL PHOTO MAP



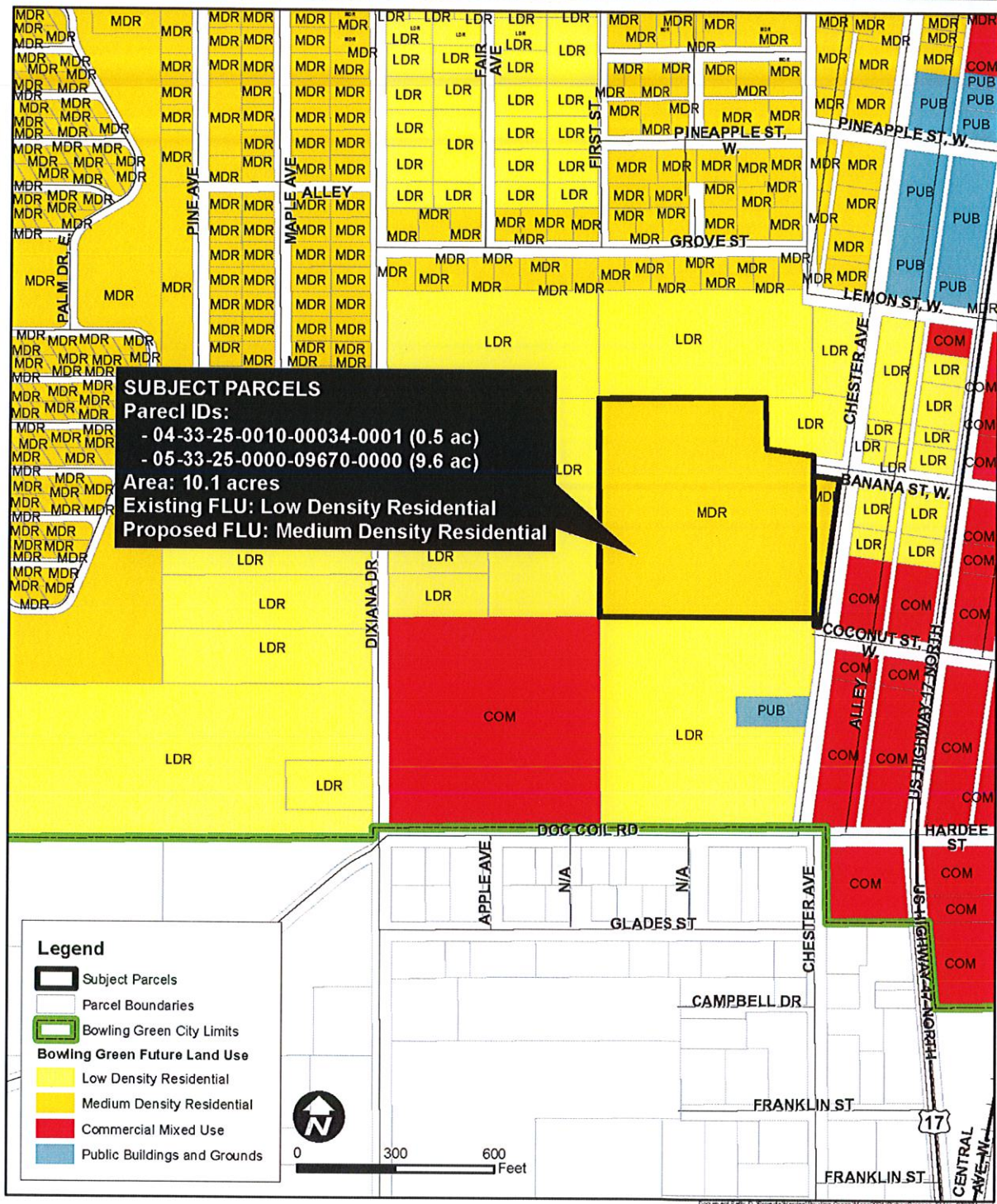


# CITY OF BOWLING GREEN FUTURE LAND USE MAP - EXISTING

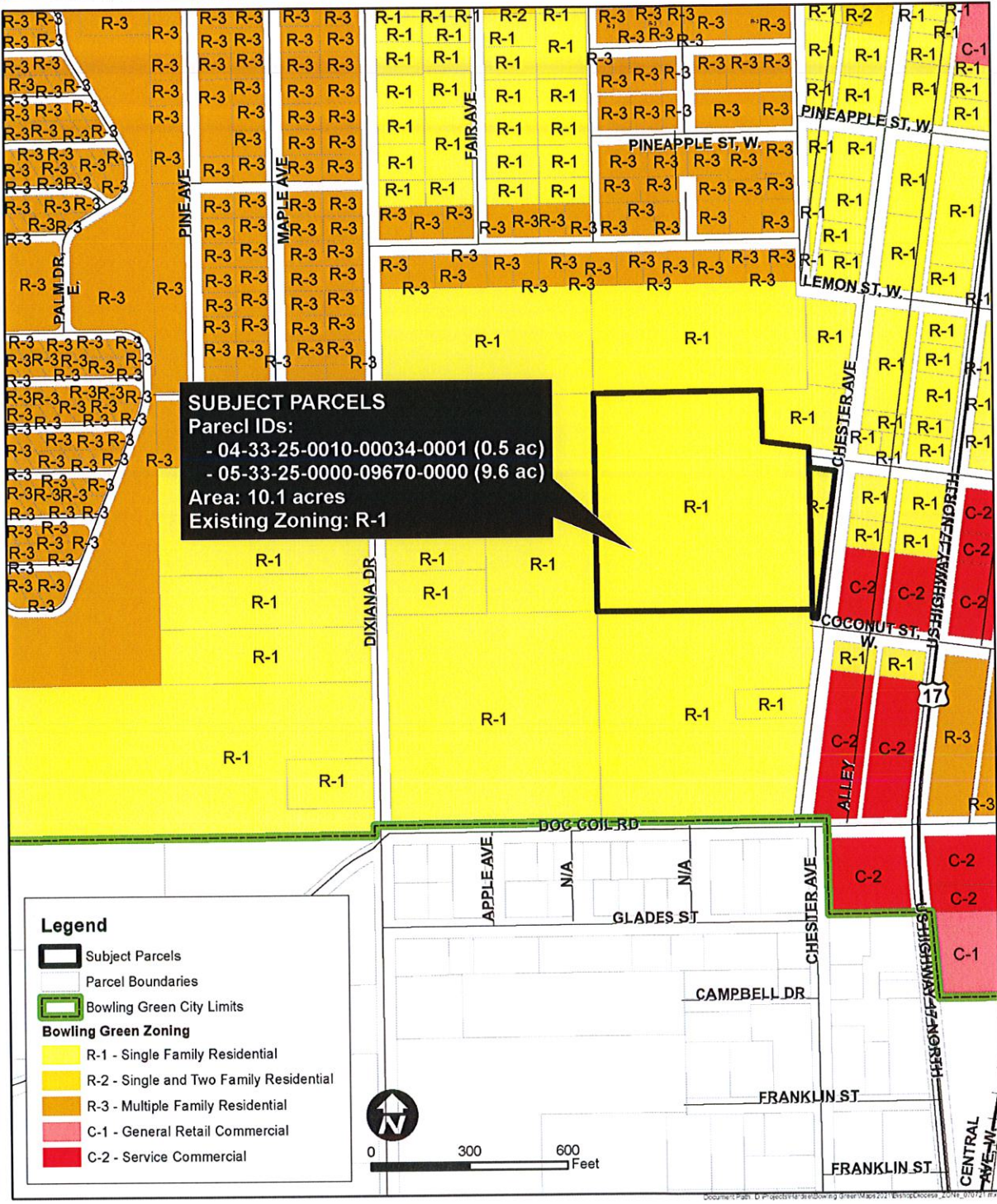




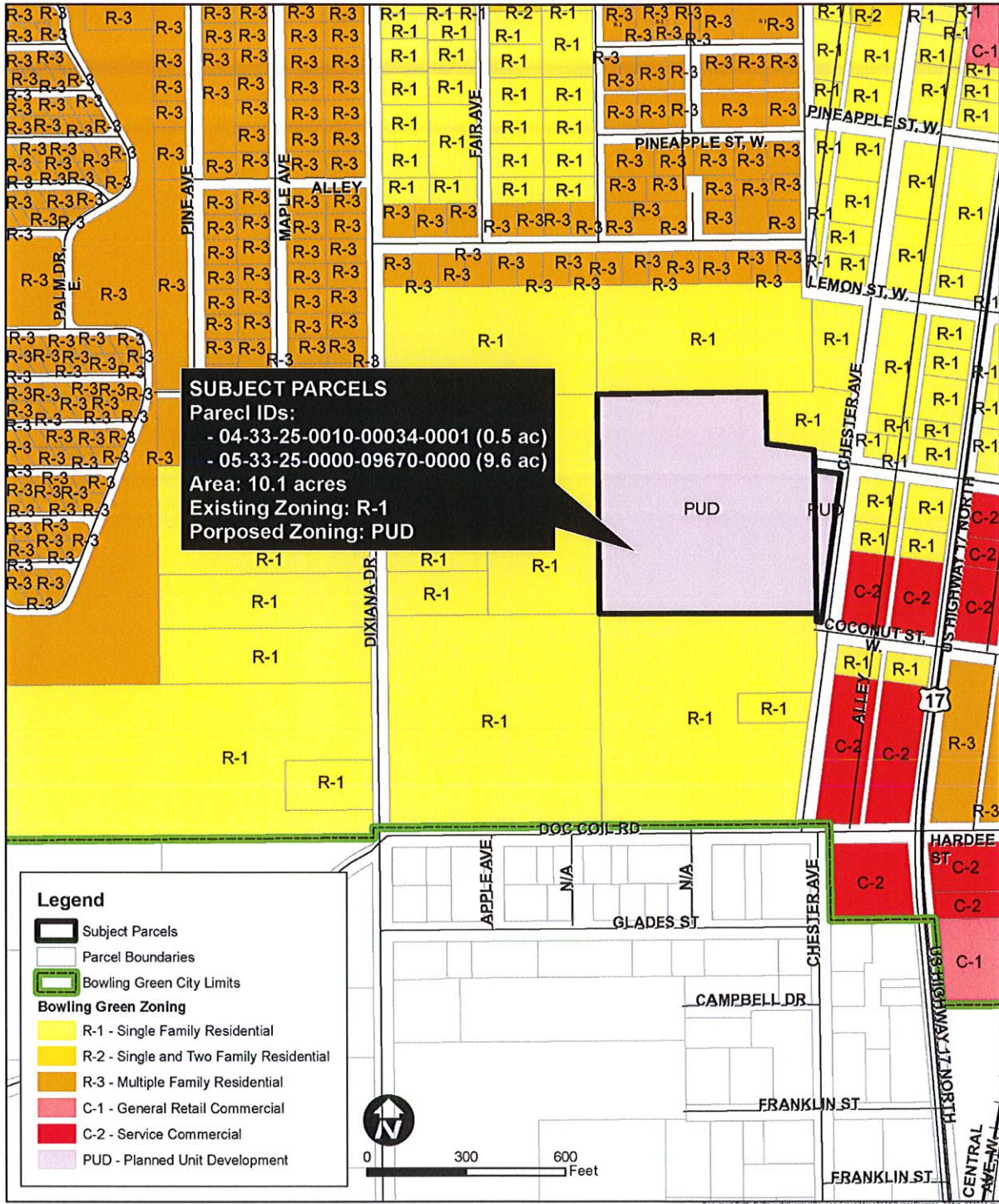
# CITY OF BOWLING GREEN FUTURE LAND USE MAP - PROPOSED



# CITY OF BOWLING GREEN ZONING MAP - EXISTING



# CITY OF BOWLING GREEN ZONING MAP - PROPOSED



CITY OF BOWLING GREEN APPLICATION FOR  
FUTURE LAND USE MAP CHANGE

Application No.  
Deposit Required with  
Application: ~~\$500.00~~  
This is a City Initiated  
Request and fees are  
waived. \_\_\_\_\_

DATE: 6/25/2021

APPLICANT NAME(S): John Raymond / National Development of  
America, Inc.

OWNER NAME(S) Bishop of Diocese

OWNER'S ADDRESS: 1000 Pinebrook Road, Venice, FL 34825

PHONES: 864.903.3471

PROPERTY APPRAISER'S PARCEL ID NUMBER: 05-33-25-0000-09670-0000 & 04-33-25-  
0010-00034-0001

PHYSICAL LOCATION (Plat Map must be attached with lot identified):

Chester Ave, SW of the intersection Chester Ave and E Banana St. Bowling Green

BOWLING GREEN CURRENT FUTURE LAND USE CLASSIFICATION: Low Density  
Residential

BOWLING GREEN PROPOSED FUTURE LAND USE CLASSIFICATION: Medium Density  
Residential

BOWLING GREEN CURRENT ZONING CLASSIFICATION: R-1 Single Family Residential

CURRENT USE OF PROPERTY: Church and Vacant Land

PROPOSED USE OF PROPERTY: Subdivision consisting of all Duplexes available for rent.

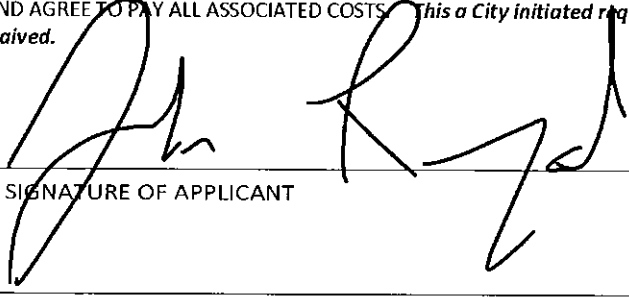
The existing church parcel will be subdivided and remain in use. The development will  
also feature a clubhouse.

USES SURROUNDING PROPERTY ON ALL FOUR SIDES:

North: Single Family and Vacant Land East: Single Family and Vacant Land  
South: Citrus Grove West: Vacant Land

ANY OTHER INFORMATION ABOUT THE PROPERTY THAT IS PERTINENT: Property consists of 10.13 acres and is home to the Holy Child Catholic Mission. The church will remain as part of the development and the Diocese of Venice will own the subdivision. The project will be funded utilizing financing available through the Florida Housing Finance Corporation. The property will be professionally managed by a third-party property management company.

I HEREBY APPLY FOR A FUTURE LAND USE MAP CHANGE OF THE REFERENCED PROPERTY AS INDICATED AND AGREE TO PAY ALL ASSOCIATED COSTS. *This a City initiated request and all associated fees are waived.*



SIGNATURE OF APPLICANT

SIGNATURE OF APPLICANT

STAFF RECOMMENDATION ( ) YES ( ) NO

STAFF COMMENTS AND RECOMMENDED CONDITIONS:

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STAFF REVIEWER:

SIGNATURE

DATE

ADDENDUM "A"

NE 1/4 of SE 1/4 of SE 1/4 of Section 5, Township 33 South, Range 25 East, less and except the following:

Begin at the NE corner of the NE 1/4 of SE 1/4 of SE 1/4 of Section 5, Township 33 South, Range 25 East; thence run South along the East line of said NE 1/4 of SE 1/4 of SE 1/4 of Section 5, for a distance of 170.08 feet; thence run North 89°37'40" West for a distance of 145.08 feet; thence run North for a distance of 170.08 feet; thence run South 89°37'40" East for a distance of 145.08 feet to Point of Beginning, Hardee County, Florida, AND All that part of Block 34, original town survey of Bowling Green, Florida, less and except the following:

Begin at the SW corner of said Block 34, original survey of Bowling Green for Point of Beginning; thence run North for a distance of 25.39 feet; thence run South 89°37'40" East, for a distance of 15.96 feet to a point on the Easterly line of said Block 34; thence run South 8°31'15" West along the Easterly line of said Block 34 for a distance of 27.38 feet to the SE corner of Block 34; thence run North 81°27'40" West for a distance of 12.04 feet to the Point of Beginning, Hardee County, Florida.

Rezoning  
Application City of  
Bowling Green

**CITY OF BOWLING  
GREEN APPLICATION  
FOR REZONING**

Application No.  
Deposit Required with  
Application: \$500.00

DATE: 5/26/2021

APPLICANT NAME(S): John Raymond / National Development of America, Inc.

OWNER NAME(S) Bishop of Diocese

OWNER'S ADDRESS: 1000 Pinebrook Road, Venice, FL 34825

PHONES: 864.903.3471

PROPERTY APPRAISER'S PARCEL ID NUMBER: 05-33-25-0000-09670-0000 & 04-33-25-0010-00034-0001

PHYSICAL LOCATION (Plat Map must be attached with lot identified):

Chester Ave, SW of the intersection Chester Ave and E Banana St. Bowling Green

BOWLING GREEN CURRENT FUTURE LAND USE CLASSIFICATION: Single Family Residential

BOWLING GREEN CURRENT ZONING CLASSIFICATION: R-1 Single Family Residential

BOWLING GREEN PROPOSED ZONING CLASSIFICATION: R-2 Single Family and Duplex

CURRENT USE OF PROPERTY: Church and Vacant Land

PROPOSED USE OF PROPERTY: Subdivision consisting of all Duplexes available for rent. The existing church parcel will be subdivided and remain in use. The development will also feature a clubhouse.

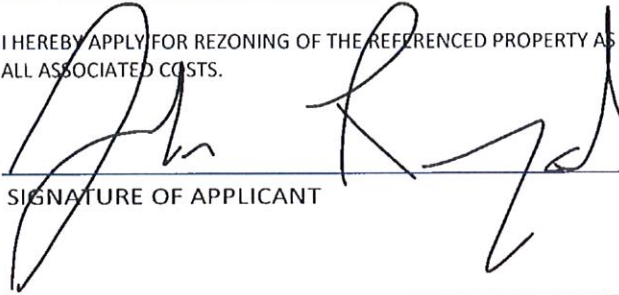
Rezoning  
Application City of  
Bowling Green

USES SURROUNDING PROPERTY ON ALL FOUR SIDES:

North: Single Family and Vacant Land East: Single Family and Vacant Land  
South: Citrus Grove West: Vacant Land

ANY OTHER INFORMATION ABOUT THE PROPERTY THAT IS PERTINENT: Property consists of 10.13 acres and is home to the Holy Child Catholic Mission. The church will remain as part of the development and the Diocese of Venice will own the subdivision. The project will be funded utilizing financing available through the Florida Housing Finance Corporation. The property will be professionally managed by a third-party property management company.

I HEREBY APPLY FOR REZONING OF THE REFERENCED PROPERTY AS INDICATED AND AGREE TO PAY ALL ASSOCIATED COSTS.



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SIGNATURE OF APPLICANT

SIGNATURE OF APPLICANT

STAFF RECOMMENDATION ( ) YES ( ) NO

STAFF COMMENTS AND RECOMMENDED CONDITIONS:

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STAFF REVIEWER:

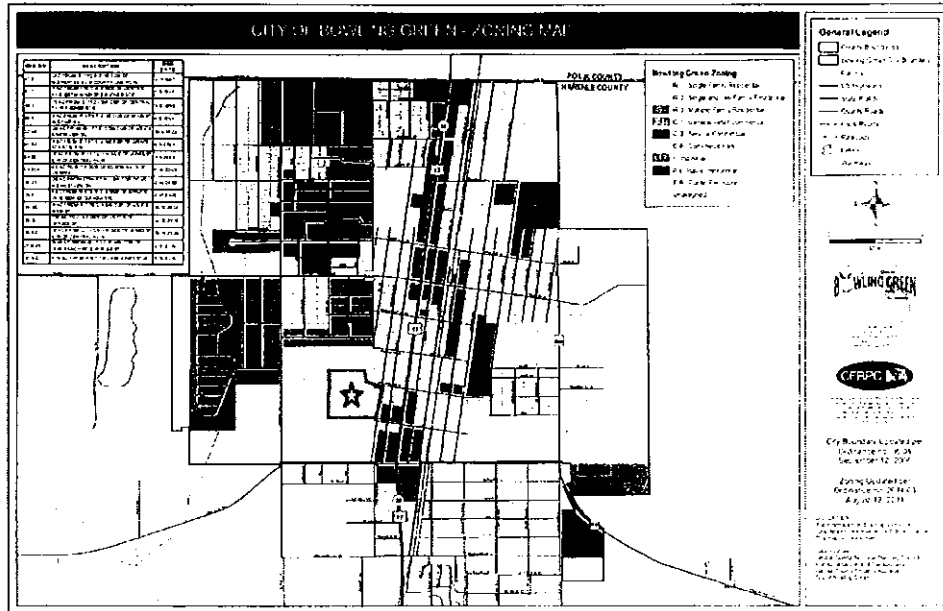
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SIGNATURE DATE



Rezoning  
 Application City of  
 Bowling Green

1. A legal description of the property, including the size of the area in acres.
  - a. See addendum. To be updated.
2. A description of the proposed rezoning, specifying the goals, objectives and policies of the Comprehensive Plan that it supports and advances.
  - a. National Development of America, Inc. is proposing a rezone on behalf of the Bishop of the Diocese of Venice to rezone the subject property from R-1 Single Family Residential to R-2 Single Family and Duplex Residential to develop affordable housing. The proposed development will feature single-story duplexes. The proposed density will provide a distinct balance between the surrounding Single Family and the Future Land use across Chester Avenue which is mixed-use commercial.
3. A detailed map showing the location of the property in the City, existing land use, existing surrounding land uses; existing zoning and boundaries of the zoning district, and the proposed boundaries of the rezoned district.



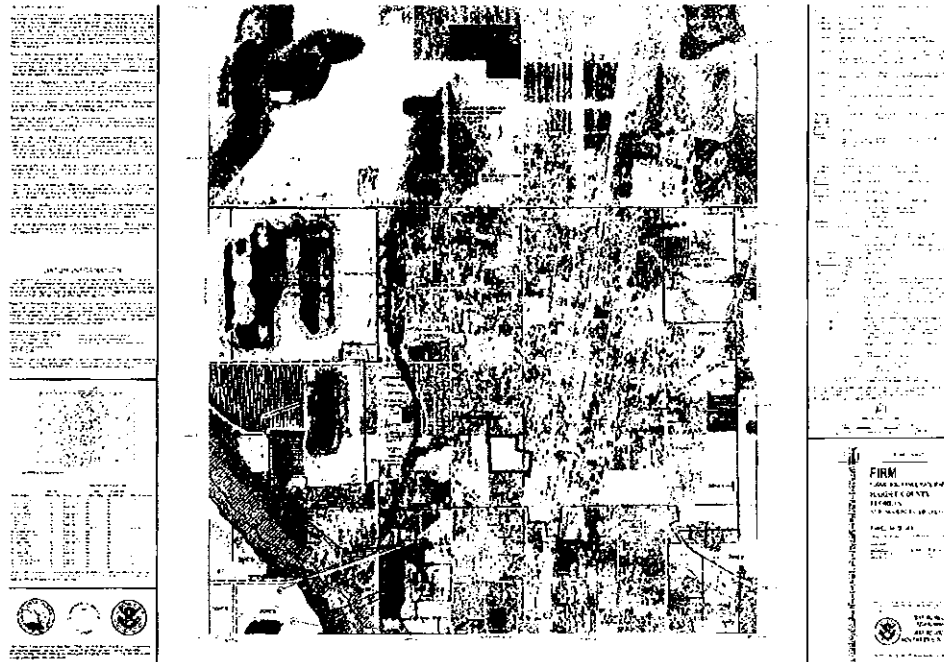
4. A description and generalized site plan of any proposed development, including the number of units proposed and resulting net density; number of required parking spaces and location; footprint of all proposed buildings and structures on the site, including setbacks; required landscape and buffer yards; and sign locations.

See attached.

Rezoning  
Application City of  
Bowling Green

5. The location of existing sewer service and potable water facilities to the development site and whether or not the existing facilities will serve the new development.
  - a. Water and sewer are available as they are provided to the existing church property. Exact locations will be confirmed as part of our due diligence.
6. The functional classification of all roadways that will be impacted by development permitted by the proposed zoning district, with current and estimated future daily traffic volumes.
  - a. Doc Coil Road: AADT 600 (2019).
  - b. US Highway 17: AADT 15,100 (2019)
  - c. The proposed development will feature no more than 60 units spread across two phases. Minimal impacts on traffic are anticipated.
7. The location of all public and private streets, driveways and utility easements within and adjacent to the site.
  - a. See survey
8. A description of the terrain and the vegetation on the site, including a topographic map, when available.
  - a. Flood Zone X: Area of Minimal Flood Hazard
    - i. Map #: 12049C0064D effective 11/6/2013

Rezoning  
Application City of  
Bowling Green



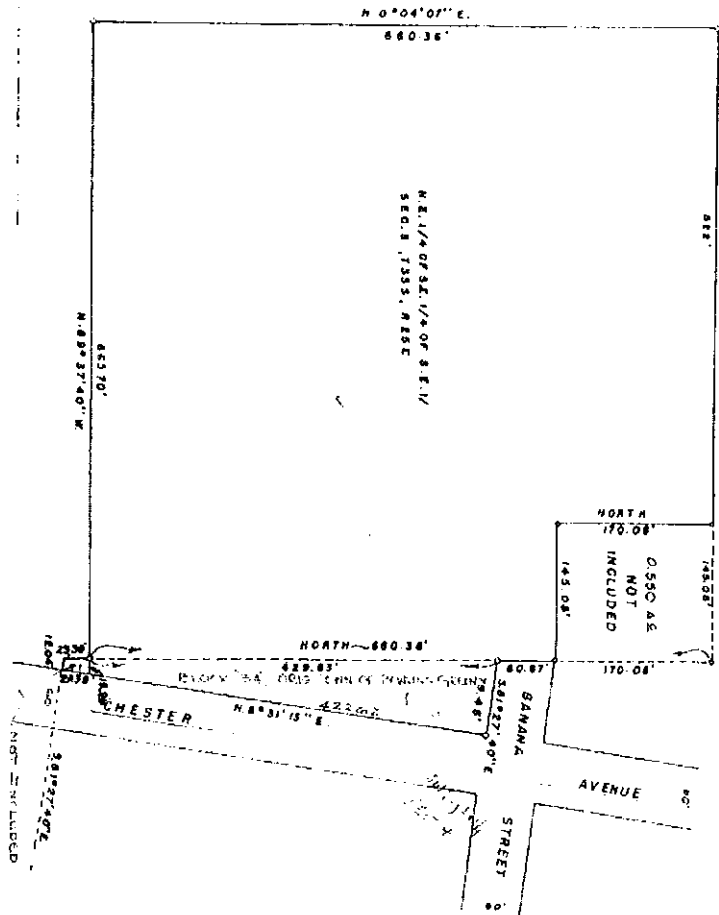
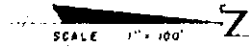
- b. The property consists primarily of open grass land with several native trees
  - c. Wetlands: there are no wetlands on site.
  - d. Topographic map is not available currently
9. An inventory and description of surface water and wetlands; and any floodplains on the site.
- a. The site is in Flood Zone X and there are no wetlands on site.
10. A general inventory of plant and animal species common to the area, any endangered plant and animal species, and habitats present on the site.
- a. The site is primarily grassland with several palm trees and oak trees. There are no known habitats on site.
11. A inventory of trees with an estimate of canopy that they provide, and an inventory of stands of mature trees and understory vegetation that may provide wildlife habitats or other environmentally unique areas.
- a. Less than 5% of the site has canopy cover or understory vegetation.

ADDENDUM "A"

NE 1/4 of SE 1/4 of SE 1/4 of Section 5, Township 33 South, Range 25 East, less and except the following:

Begin at the NE corner of the NE 1/4 of SE 1/4 of SE 1/4 of Section 5, Township 33 South, Range 25 East; thence run South along the East line of said NE 1/4 of SE 1/4 of SE 1/4 of Section 5, for a distance of 170.08 feet; thence run North 89°37'40" West for a distance of 145.08 feet; thence run North for a distance of 170.08 feet; thence run South 89°37'40" East for a distance of 145.08 feet to Point of Beginning, Hardee County, Florida, AND All that part of Block 34, original town survey of Bowling Green, Florida, less and except the following:

Begin at the SW corner of said Block 34, original survey of Bowling Green for Point of Beginning; thence run North for a distance of 25.39 feet; thence run South 89°37'40" East, for a distance of 15.96 feet to a point on the Easterly line of said Block 34; thence run South 8°31'15" West along the Easterly line of said Block 34 for a distance of 27.38 feet to the SE corner of Block 34; thence run North 81°27'40" West for a distance of 12.04 feet to the Point of Beginning, Hardee County, Florida.



*Corrected Survey  
 on Smith Property,  
 Bowling Green, Fla.*

**ORDINANCE NO. 2021-06**

**AN ORDINANCE OF THE CITY OF BOWLING GREEN, FLORIDA, AMENDING THE CITY OF BOWLING GREEN COMPREHENSIVE PLAN FUTURE LAND USE MAP, SPECIFICALLY AMENDING TWO (2) PARCELS OF LAND TOTALING 10.13 ACRES LOCATED AT 4315 CHESTER AVE AND SOUTHWEST OF THE INTERSECTION OF CHESTER AVE AND BANANA STREET EAST (PARCEL NUMBERS: 05-33-25-0000-09670-0000, 04-33-25-0010-00034-0001), FROM THE FUTURE LAND USE OF LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL, TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR NOTIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 163, Part II, *Florida Statutes*, establishes the Community Planning Act (“Act”), which empowers and mandates the City of Bowling Green, Florida (“City”), to plan for future development and growth and to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the City; and

**WHEREAS**, pursuant to the Act, the City has adopted a comprehensive plan (“Comprehensive Plan”); and

**WHEREAS**, the Act authorizes a local government desiring to revise its comprehensive plan to prepare and adopt comprehensive plan amendments; and

**WHEREAS**, the City has prepared an amendment to the Future Land Use Map of the Comprehensive Plan to change certain property within the City with a Future Land Use classification of “Low Density Residential” to “Medium Density Residential;” and

**WHEREAS**, pursuant to Section 163.3187, *Florida Statutes*, the City Commission held a meeting and hearing on this Future Land Use Map Amendment (Ordinance 2021-06), with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including support documents; and

**WHEREAS**, in exercise of its authority, the City Commission has determined it necessary to adopt the proposed amendment to the Future Land Use Map contained herein and as shown as Exhibit “A” to encourage the most appropriate use of land, water and resources consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within the City; and to ensure that the Comprehensive Plan is in full compliance with State law; and

**WHEREAS**, the City Commission finds that the proposed amendment to the Future Land Use Map contained herein furthers the purposes of, and is consistent with, the City’s Comprehensive Plan, and is consistent with and compliant with State law, including, but not limited to, Chapter 163, Part II, *Florida Statutes*.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BOWLING GREEN, FLORIDA, THAT:**

**Section 1.** The Future Land Use Map of the City’s Comprehensive Plan is hereby amended to include the map amendment set forth in Exhibit “A,” attached hereto and incorporated herein by reference, which applies the “Medium Density Residential” Future Land Use designation to the property as designated on such Exhibit.

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

**Section 3.** All existing ordinances or parts of existing ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4.** An official, true, and correct copy of this Ordinance and the City’s Comprehensive Plan, as adopted and amended from time to time, shall be maintained by the City Clerk. The City Clerk shall make copies available to the public for a reasonable publication charge.

**Section 5.** A copy shall be provided to the Florida Department of Economic Opportunity (hereinafter the “DEO”), as required by Section 163.3187, Florida Statutes.

**Section 6.** This small scale amendment shall not become effective until thirty-one (31) days after adoption. If challenged within thirty (30) days after adoption, the amendment shall not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a final order determining the adopted amendment is in compliance.

**INTRODUCED AND PASSED** on First Reading the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**PASSED AND DULY ADOPTED** on Second Reading with a quorum present and voting by the City Commission of the City of Bowling Green, Florida meeting in Regular Session this \_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF BOWLING GREEN**

\_\_\_\_\_  
Duane Gardner, Mayor

**ATTEST:**

\_\_\_\_\_  
Maria Carmen Silva, City Clerk

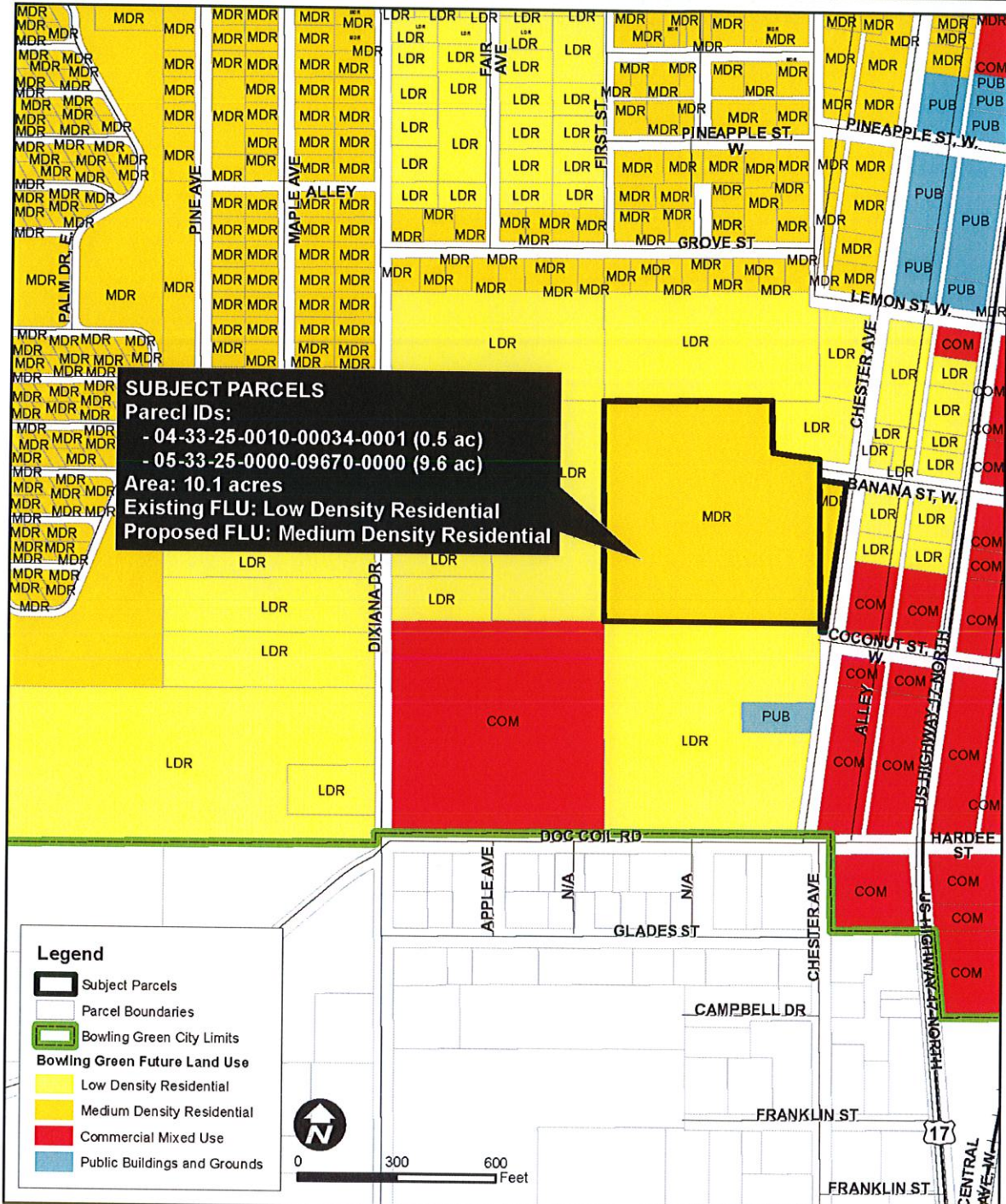
**Approved as to Form:**

\_\_\_\_\_  
Gerald Buhr, City Attorney

ORDINANCE NO. 2021-06

EXHIBIT "A"

CITY OF BOWLING GREEN  
FUTURE LAND USE MAP - PROPOSED





**INTERLOCAL AGREEMENT re:**  
**HARDEE COUNTY COMMUNITY RECREATION COMPLEX OPERATIONS**

This is an Interlocal Agreement entered into by the School Board of Hardee County, the Board of County Commissioners of Hardee County, the City Council of the City of Wauchula, the Town Council of the Town of Zolfo Springs, and the City Council of the City of Bowling Green.

**WHEREAS**, sec. 163.01, Fla. Stat. provides that local government units may cooperate by Interlocal agreement to provide services necessary to their citizens;

**WHEREAS**, the School Board of Hardee County, the Board of County Commissioners of Hardee County, the City Council of the City of Wauchula, the Town Council of the Town of Zolfo Springs, the City Council of the City of Bowling Green (the Parties) desire, collectively, through an Interlocal agreement to provide for the operation of a Hardee County Community Recreation Complex;

**NOW THEREFORE**, in consideration of the foregoing premises, and in consideration of the mutual covenants contained herein and pursuant to the provisions of sec. 163.01, Fla. Stat., the undersigned Parties, agree as follows:

1. **Fiscal Agent:** The School Board agrees to remain the fiscal agent, contingent upon all the Parties fulfilling their fiscal responsibilities. The School Board, assuming the role of Fiscal Agent, will be responsible for administering the operations, accounting, the programing utilizing the Community Education Concept.
2. **Budget:** The budget for the Hardee County Recreational Center operations will be set on an annual basis and will be approved by each of the Parties, and recommended by the Recreation Complex Committee. The Recreational Center shall operate on a July 1<sup>st</sup> fiscal year basis. Each of the Parties will budget its contributions for operation for the July 1<sup>st</sup> fiscal year.
3. **Operational Contributions:** The individual contributions of the Parties for operation of the Recreational Center will be as follows:
  - a) The School Board will be responsible for contributing 50% of the total general budget and providing repairs and maintenance as they relate to carpentry and plumbing.
  - b) The County of Hardee will be responsible for contributing 28% of the total general budget, the insurance on the property, and repairs and maintenance as they relate to paving, road repairs/excavation (such as grading, hauling clay, fill dirt, etc.)
  - c) The City of Wauchula along with the town of Zolfo Springs and the City of Bowling Green will be responsible for 22% of the total General Budget with the City of Wauchula contributing 70% of the total 22%, the City of Bowling Green 19% of the

total 22%, the Town of Zolfo Springs 11% of the total 22%. The City of Wauchula will be responsible for providing all repairs and maintenance dealing with outside electrical works at the Recreational Complex.

4. **Capital Outlay Contributions:** The School Board and the County of Hardee shall each place \$4,000 and the City of Wauchula shall place \$2,000 at the beginning of each fiscal years into a Capital Outlay Fund to be used for major repairs, renovation, or to be used for new construction.
5. **Committee:** There shall be a Recreation Complex Committee to provide advice. The Recreation Complex Committee will remain in existence throughout the life of the Hardee County Recreation Complex and shall serve in an advisory capacity. The Chairman of the committee shall be the Hardee County School Board Recreational Director.
6. **Committee Representation:** All decisions will be made by a majority of the committee members. Representation on the committee shall be as follows:

Commissioners	2 Votes
City of Wauchula	2 Votes
Zolfo Springs	1 Vote
Bowling Green	1 Vote
School Board	2 Votes + 1 with Chairman voting
7. **Effective date:** This agreement will go into effect after it is fully executed by the Parties, and filed with the Clerk of the Circuit Court of Hardee County. In recognition of the joint and cooperative efforts and investments of the Parties, this Interlocal Agreement shall be retroactive to July 1, 2021.
8. **Term of Agreement:** The term of this Interlocal Agreement shall be for five (5) years.
9. **Termination of Agreement:** This Interlocal Agreement shall be terminated only by the affirmative action of the Parties. If the Parties decide to terminate this Interlocal Agreement, then the Committee shall make recommendations to the Parties for the disposition, diversion, or distribution of all property and funds used, held, or owing under this Interlocal Agreement. The Parties shall review the recommendations of the Committee, and take such action as in the public interest.
10. **Filing with the Clerk:** When the Parties have fully executed this Interlocal Agreement, it shall be filed with the Clerk of the Circuit Court.
11. **Counterparts:** This Interlocal Agreement shall be made and executed in six (6) counterparts. An original shall be maintained by each Party and an original filed with the Clerk of the Circuit Court.

**IN WITNESS WHEREOF**, the undersigned Parties have caused this Interlocal Agreement to be executed on the dates set forth below:

**Attest:**

\_\_\_\_\_

**Superintendent of Schools**

**Date:** \_\_\_\_\_

**School Board of Hardee County**

**By:** \_\_\_\_\_

**Chairman**

**Date:** \_\_\_\_\_

**Attest:**

\_\_\_\_\_

**Clerk of Court**

**Date:** \_\_\_\_\_

**Board of County Commissioners of Hardee County**

**By:** \_\_\_\_\_

**Chairman**

**Date:** \_\_\_\_\_

**Attest:**

\_\_\_\_\_

**City Clerk**

**Date:** \_\_\_\_\_

**City Council of the City of Wauchula**

**By:** \_\_\_\_\_

**Chairman**

**Date:** \_\_\_\_\_

**Attest:**

\_\_\_\_\_

**Town Clerk**

**Date:** \_\_\_\_\_

**Town Council of the Town of Zolfo Springs**

**By:** \_\_\_\_\_

**Chairman**

**Date:** \_\_\_\_\_

**Attest:**

\_\_\_\_\_

**City Clerk**

**Date:** \_\_\_\_\_

**City Council of the City of Bowling Green**

**By:** \_\_\_\_\_

**Chairman**

**Date:** \_\_\_\_\_

HARDEE COUNTY RECREATIONAL COMPLEX

\*\*\*DRAFT- Pending Recreation Complex Committee Approval\*\*\*

	changes in 21-22	DRAFT budget 21-22	budget 20-21
<b>Operations</b>			
<u>Operation funding per formula:</u>			
School Board contribution	(\$1,500)	100,000	101,500
Hardee County contribution	\$5,250	56,000	50,750
Hardee County contribution for Zolfo Springs	(\$3,500)		3,500
Wauchula contribution		30,450	30,450
Zolfo Springs contribution	\$50	4,550	4,500
Bowling Green contribution		8,000	8,000
		193,000	198,700
<u>Other revenues and sources:</u>			
Swim lesson/ child drowning prevention donations			
P-card rebate		400	663
<b>Total funding formula and other revenues and sources</b>		<b>193,400</b>	<b>199,363</b>
<u>Expenditures- personal services</u>			
Complex facilitator		58,148	58,148
Maintenance worker		31,000	30,658
Part time lifeguards, clerk and swim instructors		20,000	20,000
Pool supervisor		2,500	2,500
		111,648	111,306
Other- extra duty		2,500	2,500
FICA/ Medicare	7.65% for employee/ 1.45% f	8,000	8,000
Retirement	use 10%	9,500	\$9,800
Drop Sick Leave Pay		8,574	
Life/ health insurance		18,600	18,600
Worker's compensation		6,200	8,400
		165,022	157,606
<u>Expenditures- other</u>			
Professional services- audit fees		550	550
Communications- cell phone for complex facilitator		420	420
Water and sewer		9,500	9,213.28
Electricity		18,000	17,976
Repair/ maintenance services		2,500	2,088
Supplies		10,000	12,399
Remolding (Saline equipment)			
Travel		1,500	1,500
<b>Total expenditures</b>		<b>207,492</b>	<b>201,751</b>
Funding and revenues greater than (less than) expenditures		-8,092	-2,387
Operating reserves at start of fiscal year		40000	40,000
Reclassify operating reserves to capital reserves during 17-18		0	-
Operating reserves at end of fiscal year	working toward a 20% reserve	31,908	37,613
<b>Capital:</b>			
Annual contributions		10,000	10,000
		10,000	10,000
<u>Expenditures:</u>			
New Mower		10,112.41	
Saline moderization for pool- quoted price			
Other capital outlay as needed			10,000
5HP Motor			
<b>Total expenditures</b>		<b>10,112.41</b>	<b>10,000</b>
Capital contributions greater than (less than) expenditures		0.00	0
Capital reserves at start of fiscal year		13,574.01	14,000
Capital reserves at end of fiscal year		13,451.60	14,000

### Changes to Interlocal Agreement 2021

Page 1. #3 b. Hardee County contribution increase from 25% to 28%.

After discussing the Interlocal Agreement at the February County Commission Board Meeting, it was recommended to review the population to determine the contributions of the parties.

Hardee County School Board has agreed to contribute 50% of the total general budget. That leaves a remaining 50% of the general budget to be contributed by Hardee County, the cities of Bowling Green, Wauchula, and the town of Zolfo Springs.

By increasing the contribution from 25% to 28% of the total general budget, Hardee County's contribution would be 56% of the remaining 50%.

Page 1. #3 c. City of Wauchula contribution 70% of the total 22%. The City of Wauchula will be paying the same amount as the previous Interlocal Agreement when they were 60% of the total 25%.

City of Bowling Green contribution of 19% of the total 22%. The City of Bowling Green will be paying the same amount as the previous Interlocal Agreement when they were 20% of the total 25%.

Town of Zolfo Spring contribution of 11% of the total 22%. The Town of Zolfo Springs will be paying less than the previous Interlocal agreement when they were 20% of the total 25%.

Page 2. #5 was deleted

Page 2. #6 Added the Chairman of the committee shall be the Hardee County School Board Recreational Director. Hardee County School Board is the fiscal agent of the Hardee County Recreational Complex.

Page 2. # 8 Changed the effective date to July 1, 2021

Page 2. #9 Changed the term of the agreement from twenty-five years to five years



**CITY OF BOWLING GREEN  
COMPREHENSIVE PLAN AMENDMENT  
OVERVIEW REPORT  
August 10, 2021**

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**TO:** Bowling Green City Commission

**FROM:** Central Florida Regional Planning Council

**SUBJECT:** **Ordinance 21-08:** Proposed comprehensive plan amendment to add a Property Rights Element to the Comprehensive Plan to ensure that private property rights are considered in local decision making consistent with Florida Statutes 163.3177(6). The amendments include the creation of a Property Rights Element in the Comprehensive Plan.

**AGENDA & HEARING DATES:**

**City Commission: August 10, 2021, 6:30 PM (First Reading)**

City Commission Transmittal Public Hearing: September 7, 2021 (Second Reading,  
Transmittal Public Hearing)

**ATTACHMENTS:**

- Draft Ordinance including Proposed Property Rights Element to be added to the Comprehensive Plan consistent with recently enacted state law.

**BACKGROUND:**

House Bill 59, which became law on June 29, 2021 adds Section 163.3177(6)(i) to the Florida Statutes. This new law, which became effective July 1, 2021, requires all jurisdictions to adopt a property rights element into their comprehensive plan. Inclusion of the property rights element is intended to protect provide property rights and to ensure they are considered in local decision-making.

Per DEO, the new element must be adopted before any other Comprehensive Plan amendment, including Future Land Use Map amendments. Amendments may be transmitted with the proposed Property Rights Element amendment.

The **proposed text amendments** add a Property Rights Element to the City of Bowling Green Comprehensive Plan. The proposed text is based on the language included in Florida Statutes 163.3177(6)(i).

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**CITY COMMISSION MOTION OPTIONS:**

1. I move the City Commission approve Ordinance 21-08 on First Reading.
2. I move the City Commission approve with changes Ordinance 21-08 on First Reading.
3. I move the City Commission deny Ordinance 21-08 on First Reading.

ORDINANCE NO. 2021-08

AN ORDINANCE OF THE CITY OF BOWLING GREEN, FLORIDA, AMENDING THE BOWLING GREEN COMPREHENSIVE PLAN, ADDING A PROPERTY RIGHTS ELEMENT TO ENSURE THAT PRIVATE PROPERTY RIGHTS ARE CONSIDERED IN LOCAL DECISION MAKING CONSISTENT WITH FLORIDA STATUTES 163.3177(6); PROVIDING FOR TRANSMISSION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR REVIEW AND COMPLIANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**SECTION 1. FINDINGS AND INTENT.** In adopting this Ordinance and amending the City's Comprehensive Plan, the City Commission of the City of Bowling Green, Florida hereby makes the following findings:

(1) Chapter 163, Part II, Florida Statutes, establishes the Community Planning Act ("Act"), which empowers and mandates the City of Bowling Green, Florida (the "City") to plan for future development and growth and to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the City.

(2) Pursuant to the Act, the City has adopted a comprehensive plan ("Comprehensive Plan").

(3) The Act authorizes a local government desiring to revise its comprehensive plan to prepare and adopt comprehensive plan amendments.

(4) Effective July 1, 2021, statutory provisions in Chapter 163, Florida Statutes, related to comprehensive plans, were amended to require each local government to adopt a property rights element into their comprehensive plan.

(5) Inclusion of the property rights element is intended to protect provide property rights and to ensure they are considered in local decision-making.

(6) The City has prepared a text amendment to add a new Property Rights Element of the Comprehensive Plan consistent Florida Statutes 163.3177(6).

(7) In exercise of its authority the Commission has determined it necessary to adopt this amendment to the Plan, which is attached hereto as **Exhibit "A"** and by this reference made a part hereof, to insure that the Plan is in full compliance with the laws of the State of Florida.



(8) Pursuant to Section 163.3184, Florida Statutes, the City Commission held a meeting and hearing on Ordinance 2021-16, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including support documents.

(9) In the exercise of its authority, the City Commission has determined that it is necessary to adopt the proposed text amendment to the Comprehensive Plan contained herein to encourage the most appropriate use of land, water, and resources consistent with the public interest; to deal effectively with future problems that may result from the use and development of land within the City; and to ensure that the Comprehensive Plan is in full compliance with State law.

(10) The City Commission finds that the proposed text amendment to the Comprehensive Plan contained herein is in the best interests of the health, safety, and welfare of the general public and the City's residents, furthers the purposes of, and is consistent with, the City's Comprehensive Plan, and is consistent with and compliant with State law, including, but not limited to, Chapter 163, Part II, Florida Statutes.

**SECTION 2. PROPERTY RIGHTS ELEMENT TEXT AMENDMENTS.** The Property Rights Element of the City's Comprehensive Plan is hereby added consistent with Florida Statutes 163.3177(6).

**SECTION 3. SEVERABILITY.** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**SECTION 4. CONFLICTS.** All existing ordinances or parts of existing ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 5. CODIFICATION.** An official, true and correct copy of this Ordinance and the City's Comprehensive Plan, as adopted and amended from time to time, shall be maintained by the City Clerk. The City Clerk will make copies available to the public for a reasonable publication charge.

**SECTION 6. TRANSMITTAL.** Within ten (10) days of final passage and adoption of this Ordinance, the City shall forward a copy hereof, and all supporting data and analysis, to the Florida Department of Economic Opportunity and any other agency or local government that provided timely comments to the City, as required by Section 163.3184(3)(c)2, Florida Statutes.

**SECTION 7. EFFECTIVE DATE.** The effective date of this Plan amendment, if the amendment is not timely challenged, shall be 45 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the State Land

Planning Agency, or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Council, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

**PASSED ON FIRST READING** this \_\_\_\_ day of \_\_\_\_\_, 2021.

**PASSED ON SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF BOWLING GREEN**

\_\_\_\_\_  
Duane Gardner, Mayor

**Attest:**

\_\_\_\_\_  
Maria Carmen Silva, City Clerk

**Approved as to Form:**

\_\_\_\_\_  
Gerald Buhr, City Attorney

**BOWLING GREEN ORDINANCE 2021-08  
EXHIBIT "A"**

**NEW PROPERTY RIGHTS ELEMENT**

**PROPERTY RIGHTS ELEMENT**

**Policy 1:**

**Consistent with Section 163.3177(6), Florida Statutes, the City of Bowling Green shall consider the following private property rights in local decision making:**

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

**ORDINANCE NO. 2021-09**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOWLING GREEN, FLORIDA, SPECIFICALLY AMENDING TWO (2) PARCELS OF LAND TOTALING 10.13 ACRES LOCATED AT 4315 CHESTER AVE AND SOUTHWEST OF THE INTERSECTION OF CHESTER AVE AND BANANA STREET EAST (PARCEL NUMBERS: 05-33-25-0000-09670-0000, 04-33-25-0010-00034-0001), FROM THE ZONING OF R-1, SINGLE FAMILY RESIDENTIAL TO PLANNED UNIT DEVELOPMENT TO ALLOW FOR 31 SINGLE FAMILY HOMES) AND TO RECOGNIZE AN EXISTING CHURCH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, there has been an applicant-initiated request to amend zoning for the property described below; and

**WHEREAS**, the requested zoning is consistent with the Future Land Use Element of the Bowling Green Comprehensive Plan; and

**WHEREAS**, the City Commission of the City of Bowling Green held meetings and hearings regarding the parcels show on Exhibit "A", the conditions of approval on Exhibit "B", and the binding master plan on Exhibit "C" with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents; and

**WHEREAS**, in exercise of its authority, the City Commission of the City of Bowling Green has determined it necessary to amend the Official Zoning Map to change the City zoning classification assigned to this property.

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BOWLING GREEN, FLORIDA (HEREINAFTER REFERRED TO AS THE "CITY"), AS FOLLOWS:**

1. The parcels are described as located at 4315 Chester Ave and Southwest of the intersection of Chester Ave and Banana Street East (Parcel Numbers 05-33-25-0000-09670-0000, 04-33-25-0010-00034-0001) as shown in Exhibit "A" attached hereto.
2. The parcels, as platted and described above, constitute less than five percent (5%) of the municipally-zoned area of the City; and
3. That any section, paragraph, or portion which may be deemed illegal or unconstitutional shall not affect any other section of this ordinance.
4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

5. An official, true, and correct copy of this Ordinance and the City's Land Development Code, as adopted and amended from time to time, shall be maintained by the City Clerk. The City Clerk shall make copies available to the public for a reasonable publication charge.

**INTRODUCED AND PASSED** on First Reading this \_\_\_\_ day of \_\_\_\_\_, 2021.

**PASSED AND DULY ADOPTED**, on Second Reading with a quorum present and voting, by the City Commission of Bowling Green, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF BOWLING GREEN**

\_\_\_\_\_  
Duane Gardner, Mayor

**Attest:**

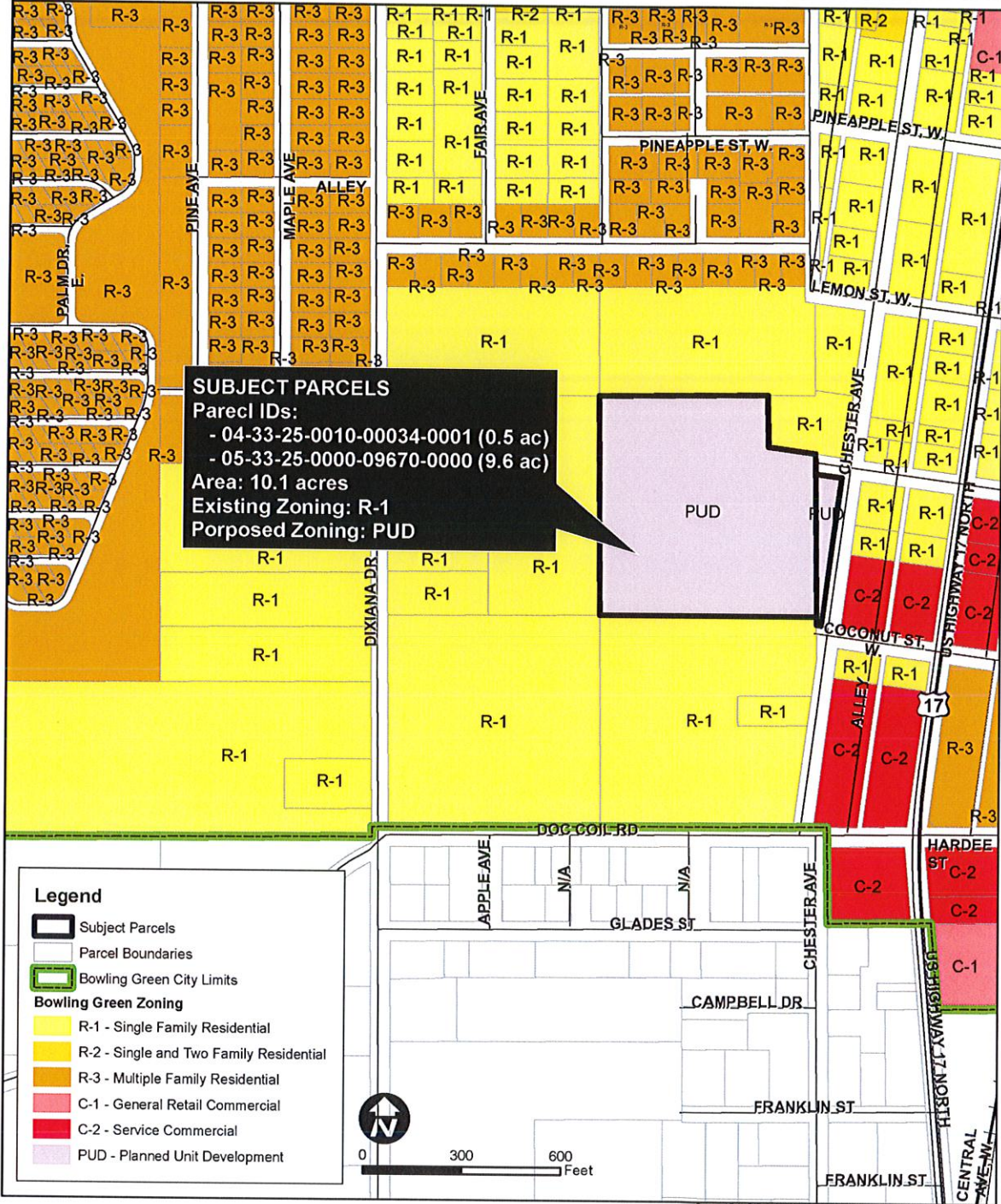
\_\_\_\_\_  
Maria Carmen Silva, City Clerk

**Approved as to Form:**

\_\_\_\_\_  
Gerald Buhr, City Attorney

ORDINANCE NO. 2021-09  
EXHIBIT "A"

CITY OF BOWLING GREEN  
ZONING MAP - PROPOSED

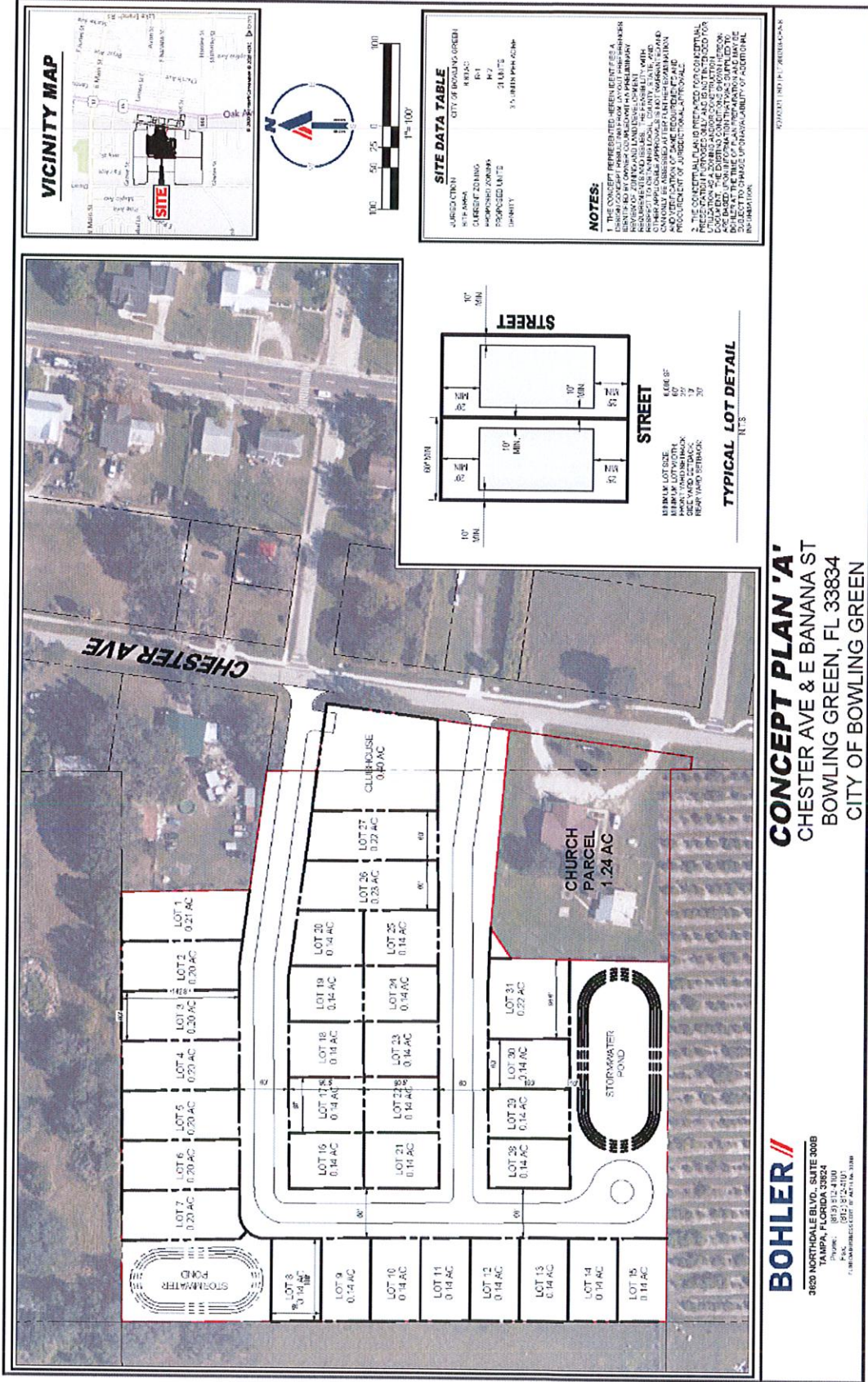


**ORDINANCE NO. 2021-09**  
**EXHIBIT "B"**

Conditions of Approval

- 1) The private road shall be a minimum of 24' wide and paved to City standards. The private road shall be constructed within a minimum of 60' of right of way. The road shall be installed and maintained by the developer.
- 2) The minimum lot size shall be 6,000 square feet and a minimum of 60-ft wide for each Single-Family Home.
- 3) No more than thirty-one (31) single family homes may be constructed.
- 4) The building setbacks are as follows:
  - a. Front Yard: 20'
  - b. Side Yard: 10'
  - c. Rear Yard: 20'
- 5) All stormwater improvements must be approved by the Southwest Florida Water Management District.
- 6) The property must connect to City central water and wastewater.
- 7) The cul-de-sac must be constructed consistent with engineering standards and must be approved by the City engineer and the County Fire Department.
- 8) The existing church is recognized as part of the Planned Unit Development. Any future modifications or expansions of the church shall be consistent with all applicable requirements of the Bowling Green Land Development Code.

**ORDINANCE NO. 2021-02**  
**EXHIBIT "C"**  
 Binding Master Plan



**CONCEPT PLAN 'A'**  
 CHESTER AVE & E BANANA ST  
 BOWLING GREEN, FL 33834  
 CITY OF BOWLING GREEN

**BOHLER**  
 3820 NORTHALE BLVD., SUITE 300B  
 TAMPA, FLORIDA 33624  
 PHONE: (813) 812-4300  
 FAX: (813) 812-4301  
 WWW.BOHLER.COM



## EDA Grant Applications Received - Grant Cycle 17

Company Name	Project Title	Type of Application	Amount Requested	Notes
Hardee Youth Center Inc	Serving Our Children	Job Creation	\$215,072.00	Rental of secondary location, office furniture, IT equipment, sports equipment, employee seasonal workers.
Hardee County Economic Development Council	Administrative Funding	EDA	\$150,000.00	Administrative funding costs

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Ranking (List #1 choice first by Company Name):

\_\_\_\_\_  
 \_\_\_\_\_

## HARDEE COUNTY EDA JOB CREATION GRANT APPLICATION


**IMPORTANT NOTE:**


This application must be filed prior to making the decision to locate a new business unit in Hardee County or to expand an existing Florida business unit.

**APPLICATION PROCESS:**

1. Please review the attached guidelines before preparing the application.
2. After thoroughly reviewing the guidelines and the application, you may wish to call the County Manager's Office listed below to discuss your project and application before submitting a formal proposal.
3. Any information and documentation that cannot be supplied in the space provided on the application form should be attached to the application and referenced to the relevant question.
4. Copies of maps or other descriptive materials that you believe will assist in evaluating your application may be submitted with your proposal. If you do include such material, please itemize all such documents in your cover letter.
5. Any application received after COB on June 3, 2021, will not be accepted and will be returned to the applicant.
6. Only hard copy applications will be accepted, no faxed or e-mailed applications will be accepted or considered.
7. The completed and signed original application and nine copies must be filed with:  
County Manager's Office  
412 W. Orange St., Room 103  
Wauchula, FL 33873  
Voice 863-773-9430  
Fax 863-773-0958

**FOR ADMINISTRATIVE USE ONLY:**

Date and time application received: 6/3/21 @ 5:53p Initials 

Date application deemed complete: 6/30/21 @ 3:20p Initials 

**Employer Identification**

**BUSINESS INFORMATION:**

- 1. a) Name of Business Unit: Hardee Youth Center, Inc.
- b) Mailing Address: P.O. Box 1883, Wauchula, FL 33873
- c) Name of Parent Company (if applicable):
- d) Primary business unit contact:  
Name: Thomas Treviño Title: Director  
Company: Hardee Youth Center, Inc.  
Address: P.O. Box 1883, Wauchula, FL 33873  
Phone: 407-698-6950 Fax: none  
Email: ttrevino74@gmail.com Website: www.hardeeyouthcenter.com
- e) Describe the business unit's primary business activities/function within the county: Youth services and sports

**Project Identification/Information**

- 2. a) Is the business unit a (please check all that apply):
  - Planning multiple locations in the State of Florida
  - An expansion of an existing Hardee County business unit
  - A new business unit to Hardee County
- b) If an expansion, how many Hardee County employees are currently in the expanding business unit? 4
- c) How many individuals are employed in ALL Florida/Hardee County locations? 4
- d) Project's current location address: 132 10th Ave S, Wauchula  
FL 33873
- e) Project's proposed location address: TBD
- f) Please check the box(es) that best defines your project.

<input type="checkbox"/> Multistate business enterprise	<input type="checkbox"/> Multicounty business enterprise
<input type="checkbox"/> Multinational business enterprise	<input type="checkbox"/> Regional Headquarters
<input type="checkbox"/> Manufacturer	<input checked="" type="checkbox"/> Support Centers
<input type="checkbox"/> Logistics/Distribution	<input type="checkbox"/> Research & Development
<input type="checkbox"/> QTI eligible businesses (List attached)	

- g) Please estimate percentage of gross receipts or final sales resulting from this project that will be made outside of Hardee County: 0 %

- h) List the positions you will employ: (i.e. customer service, equipment operator, bookkeeper, production manager)

Position (See Attached Proposal, page 3 & 4) Annual Salary \_\_\_\_\_  
 Number of employees \_\_\_\_\_ Total Annual Salaries \_\_\_\_\_

List benefits associated with each new job created:

- a. Sick Pay ☐  
 b. Vacation ☐  
 c. Medical: Health ☐ Vision ☐ Dental ☐  
 d. Retirement Plan ☐  
 e. Holidays ☐

- i) 1) Describe the capital investment in real and personal property (examples: construction of new facility; remodeling of facility; upgrading, replacing or buying new equipment. Do not include the value of land purchased for construction of a new building):

Rental of secondary location, office furniture, IT equip, sports equipment

- 2) List the anticipated amount (within three (3) years) and type (purchase of machinery/equipment, construction of buildings, etc.) of major capital investment to be made by the applicant in connection with this Hardee County project:

Amount \$	<u>☐</u>	Construction/Renovations
Amount \$	<u>☐</u>	Manufacturing Equipment
Amount \$	<u>~ 28,000</u>	Other Equipment
Total	<u>\$ ~ 28,000</u>	

- 3) Estimated square feet of new or newly expanded facility: ~ 500

- j) Anticipated date of beginning of construction for this project: (mm/dd/yyyy) ☐

- k) Anticipated date project will be in operation: A portion will begin immediately and another portion in Spring of 2022.

- l) Please provide projected operating budget for a minimum of three years: (See Attachment)

**Project Impact Information**

- a. What role will the incentive play in the decision of the applicant to locate or expand in Hardee County? (If there are other states/communities competing for this project, please list which states/communities and what incentives are being offered by these states/communities.) Providing services not currently offered in Hardee County.

- b. A brief review of the applicant's past activities in Florida and in other states, particularly as they relate to environmental and growth management impacts and how these have been handled. (Basically, what kind of corporate citizen has the applicant been?) Active and engaged in various activities

- c. Any criminal or civil fines or penalties and any awards. (If yes, please explain) None

Hardee Youth Center, Inc.

Name of Business

Serving Our Children

Project Title (1-5 word description)

The award claim form will be due by January 31<sup>st</sup> each year for the number of jobs on December 31<sup>st</sup> of the previous calendar year.

The award may not exceed 50 percent of the total award associated with the phase(s) scheduled. The total award will be \$8,000 times the number of jobs reported, plus \$2,000 per job if the average annual wage exceeds the County's average by 150% or \$3,000 per job if the average annual wage is in excess of 200%.

If the business also receives a Qualified Target Industry award from the State, the local 20% match will be deducted from any award made under this program.

It is suggested that you contact \_\_\_\_\_ at the below address to discuss your project and application **before** submitting a formal proposal

The completed and signed application must be filed with:

County Manager's Office  
412 West Orange Street, Room 103  
Wauchula, Florida 33873  
Voice: 863/773-9430  
Fax: 863/773-0958

- d. If jobs are to be phased in, provide the date when each phase of employment will be fully implemented: **(Please limit the phases to no more than three consecutive years.)**

Phase	Number of net new full-time equivalent Hardee County jobs created in <u>business</u> unit	Date by which those jobs will be created
I	8	<i>Upon approval of grant Spring 2022</i>
II	6	
III	0	
<b>TOTAL</b>	<i>14</i>	

- e. For purposes of certification, agreement, and claim review indicate the wage and corresponding threshold (percentage) to which you commit by **circling** below (circle just one that reflects your overall average for your whole Hardee County unit):

a) \$18.01 which is 115% of the 2017 average wage of \$15.66 in Hardee County.

**(b)** \$23.50 which is 150% of the 2017 average wage of \$15.66 in Hardee County.

c) \$31.33 which is 200% of the 2017 average wage of \$15.66 in Hardee County.

**Source of information: Enterprise Florida, Average Annual County Wage Data (Effective January 01, 2019)**

#### CONFLICT OF INTEREST

All applicants must disclose with their application the name of any elected official, officer, director, or agent who is also an employee of Hardee County, or Hardee County Economic Development Authority. Further, all applicants must disclose the name of any Hardee County or Hardee County Economic Development Authority staff or board member who owns, directly or indirectly, an interest of five percent or more in the company creating the employment opportunities that benefits from the proposed project or the name of any Hardee County or Hardee County Development Authority.

\_\_\_\_\_ Related documentation attached

Application completed by:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print or Type Name & Title)

\_\_\_\_\_  
(Company)

\_\_\_\_\_  
(Phone Number)

\_\_\_\_\_  
(Fax Number)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(E-mail Address)

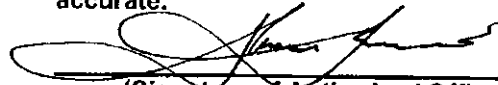
\_\_\_\_\_  
(Contact Person, if different)

\_\_\_\_\_  
(E-mail Address if different)

\_\_\_\_\_  
(Address if different)

\_\_\_\_\_  
(Phone if different)

To the best of my knowledge, the information included in this application is accurate.

  
\_\_\_\_\_  
(Signature of Authorized Officer)

Thomas Treviño  
\_\_\_\_\_  
(Print or Type Name of Authorized Officer)

Director  
\_\_\_\_\_  
(Print or Type Title of Authorized Officer)

Hardee Youth Center, Inc.  
\_\_\_\_\_  
(Company)

407-698-6950  
\_\_\_\_\_  
(Phone Number)

none  
\_\_\_\_\_  
(Fax Number)

6.3.2021  
\_\_\_\_\_  
(Date)

ttreviño74@gmail.com  
\_\_\_\_\_  
(E-mail Address)

# Hardee Youth Center Grant Proposal

---

## Hardee County Grant

### I. Proposal Summary (Executive Summary)

Hardee Youth Center would like to expend its services to include a multidisciplinary behavioral health youth care practice that offers mental health and substance abuse services to the communities of the Hardee County. In addition, Hardee Youth Center would like to expand our Hardee Youth Center Sports Divisions. With these two areas, our focus is to provide cost-effective, quality treatment as well as an outlet and resource center for the youth of Hardee County. Our mission is to create, promote, and maintain a positive customer relationship with our youth, payors, associates and staff, and our community.

The growing market for behavioral health services in with the youth population has increased over the years, it has shown by the growth of more youth being Baker Act process existing center has experienced a higher enrolling during the past two and a half years. Florida has recently passed a mental health parity bill that will become effective in month one. The bill requires insurance companies to develop benefits for biologically based behavioral health disorders similar to those provided for health disorders. This should help sustain the anticipated projected growth. Currently, the Peace River Outpatient Psychiatric Center is referring approximately fifteen (15) phone calls a day to other providers.

The key to success for this turnkey project includes:

1. An ability to work with the school of Hardee County and or the community partners to identify students have behavioral health needs.
2. Credentialing clinicians in a timely manner.
3. Obtaining initial working capital.
4. Contracting with clinicians using reasonable rates.
5. Listening to all customers and attempting to meet their needs.



## 1.1 Objectives

**Goal 1: To continuously develop, strengthen, and improve services offered by the Center.**

1. Strengthen the current payor mix by developing and maintaining strategic alliances with behavioral health clinicians.
2. Identify and develop strategic alliances with three community human service and addiction agencies.
3. Identify and foster strategic alliances and networks with two community medical group practices.
4. Transfer and/or hire 80% of staff two months before starting date.
5. Increase all services offered through the Center by 80% over the previous year.
6. Arrange working capital for the initial phase of the turnkey venture.

**Goal 2: To strengthen the Center's commitment to excellence.**

1. Enhance customer service by offering three in-service trainings related to youth satisfaction with treatment, accessibility, and staff-client interactions.
2. Continuously assess referral base satisfaction through the use of a referral base satisfaction survey.
3. Continuously assess client satisfaction from three perspectives: accessibility, environmental factors, and treatment-related factors.

## 1.2 Mission

To promote the well-being of the individuals and families in the Hardee County community by providing accessible, quality mental health and substance abuse/addiction care for children, adolescents, and their families, utilizing a service system that emphasizes trust, respect, confidentiality, and compassion. We are committed to quality mental health care that is provided in a collaborative effort with consumers' overall health strategies and an array of medical services. We are further committed to the philosophy that we exist for the customer/client.

The Hardee Youth Center Sports Divisions was created to give the youth of the county an outlet for recreational sports. The youth sports help the youth improve their technical skills while promoting healthy attitudes and sportsmanship. Our youth sports programs also offer environment that are sure to nurture friendships in a fun and stress-reducing atmosphere!

**Cheerleading** helps develop flexibility and overall strength. Memorizing routines is also a great mental workout.

**Futsal** focuses on dribbling, passing, shooting, and ball control. Playing can also improve communication and creativity.

**Soccer** offers benefits like reducing stress, building muscle tone and strength, and increasing self-confidence.

Tennis provides a good workout and helps improve muscle tone, strength, and flexibility. It also promotes teamwork and individual work ethic.

Golf can teach sportsmanship, improve hand-eye coordination, and strengthen the respiratory system.

Youth Skeet Shooting team-based shooting tournaments they provide student athletes with a supportive environment where shooting sports serve as catalysts for teaching life lessons and skills that emphasize positive.

We are looking to add six (6) parttime student sports counselors for these sporting events. We will look to pay \$10.05 per hour at twenty (20) a week.

$\$10.05 \times 20\text{hr} = \$201.00$	$\$201.00 \times 52 = \$10,452$
$\$10,452 \times 6 = \$62,712$	

Hardee Youth center would like to add six (6) seasonal sports counselors for summer sports day camp. We will look to pay \$12.00 per hour at twenty (40) a week. Our curriculum's goal is simple: to create a relaxing environment where your child can gain confidence, learn new sports, and make friends. Your camper will discover the importance of honesty, humility, and teamwork while participating in a wide variety of activities. This sports camp will be a summer only weekly camp starting the end of May-August.

$\$12.00 \times 40\text{hr} = \$480.00$	$\$480.00 \times 12 = \$5,760$
$\$5,760 \times 6 = \$34,560$	

### 1.3 Keys to Success

- Secure working capital by start of project.
- Being affiliated with a well-respected community acute-care hospital.
- Managed Care friendliness through cooperation, accessibility, and clinical focus.
- Community awareness of services provided by the Center.
- Ascertain a Medicaid provider number and developing an interim plan to function during the application phase.
- Staff commitment to excellence as evidenced by the Center's growth and customer satisfaction.
- Accessibility and responsiveness to the needs of the Center's customers.
- Functioning as an organization that is fluid, responsive, and willing to change in order to meet the frequent shifts of the behavioral health industry.

## II. Organization Description and History

Hardee youth Center is a non-profit youth center that is opening a youth behavioral health department. This will be in Wauchula, Florida. The Hardee Youth center was founded by the privatization of an existing youth center (YMCA) that was a part of the Sarasota YMCA program.

## III. Background

The outpatient center that we are looking to add to our youth center will began as a psychopharmacology center at the Hardee Youth Center. The Hardee youth Center projected date of providing services spring of 2022. The psychotherapy component will consist of individual, couple, family therapies, and specialized youth groups. The composition of staff will be a multidisciplinary and included independently licensed/certified mental health centurions and certified addiction treatment specialists. During this time, the Center will be licensed by the Department of Public Health to offer specialized addiction services that included a Second Offenders Program, an Addiction Counseling program, and an Intensive Outpatient Program. The licensing enables the Center to collaborate with other state and community agencies working with substance abuse/addiction populations, resulting in further growth for this program. The psychotherapy and an assistant counselor will be a per diem worker. The pay scale will be based on an hourly rate of \$45.00 for twenty hours a week. Twice a month in office visit for counseling.

psychotherapy \$45.00 x 20= \$900.00	\$900.00 x 26= \$23,400
Counselor \$25.00 x 20= \$500.00	\$500.00 x 26= \$13,000

To oversee these program Hardee Youth center will hire a program director. The Responsibilities. In addition to overseeing the daily operations of the program, mental health program and the youth sport program. Program directors will hire and train new staff, coordinate staff schedules.

Program Director \$27.50 x 40= \$1,100.00	\$1,100.00 x 52= \$57,200
-------------------------------------------	---------------------------

In 2023 the Hardee Youth Center would like to launch a free dental youth clinic for children under the age of 17.

We understand your mouth is a window to your overall health. Sometimes the first sign of a disease shows up in your mouth. In other cases, infections in your mouth, such as gum disease or tooth decay, can cause problems in other areas of your body. Many children lack access to dental care, however, which is a critical component in achieving good oral health. Hardee Youth Center will work to improve the oral health of the region's children by engaging in multiple, interconnected efforts to improve children's access to oral health care services. Hardee Youth Center Director, Dr. Earnest Graham, will work to help enroll eligible children into the Medicaid and the Children's Health Insurance Program when their families bring them in for free dental cleaning services. Once they are covered, children can get the dental care they need, when they need.

That is why it's so important that children see a dentist – so the dentist can provide parents with information on children's oral hygiene and conditions such as cavities, gum disease and tooth decay and receive treatment.

### 2.1 Company Ownership

The Center is a privately-owned sub-chapter S corporation formed to privatize, manage, and offer mental health and substance abuse services to the community of the Hardee County. It is solely owned by its principal operator, Thomas T. It has been chartered and the name has been reserved with the Secretary of State's office.

### VI. Budget

Expenditure Category	Fund Request
Salaries	\$190,872
Equipment	\$10,000
Rent/Mortgage	\$8,000
Utilities	\$4,200
Transportation	\$2,000
<b>Totals</b>	<b>\$215,072</b>



**HARDEE COUNTY**  
ECONOMIC DEVELOPMENT COUNCIL

## HARDEE COUNTY EDA ECONOMIC DEVELOPMENT GRANT APPLICATION

### IMPORTANT NOTE:

This application must be filed prior to making the decision to locate a new business unit in Hardee County or to expand an existing Florida business unit.

### APPLICATION PROCESS:

1. Please review the attached guidelines before preparing the application.
2. After thoroughly reviewing the guidelines and the application, you may wish to call the County Manager's Office listed below to discuss your project and application before submitting a formal proposal.
3. Any information and documentation that cannot be supplied in the space provided on the application form should be attached to the application and referenced to the relevant question.
4. Copies of maps or other descriptive materials that you believe will assist in evaluating your application may be submitted with your proposal. If you do include such material, please itemize all such documents in your cover letter.
5. Any application received after COB on November 02, 2015, will not be accepted and will be returned to the applicant.
6. Only hard copy applications will be accepted, no faxed or e-mailed applications will be accepted or considered.
7. The completed and signed original application and nine copies must be filed with:

County Manager's Office  
412 W. Orange St., Room 103  
Wauchula, FL 33873  
Voice 863-773-9430  
Fax 863-773-0958

### FOR ADMINISTRATIVE USE ONLY:

Date and time application received: 4/30/21 @ 8:35a Initials [Signature]  
Date application deemed complete: 4/30/21 @ 3:24p Initials [Signature]

It is suggested that you contact \_\_\_\_\_ at the below address to discuss your project and application before submitting a formal proposal

The completed and signed application must be filed with:

County Manager's Office  
412 West Orange Street, Room 103  
Wauchula, Florida 33873  
Voice: 863/773-9430  
Fax: 863/773-0958



**EMPLOYER IDENTIFICATION**

**BUSINESS INFORMATION:**

- 1. a) Name of Business Unit: Hardee County Economic Development Office
- b) Mailing Address: 107 East Main Street Wauchula, FL 33873
- c) Name of Parent Company (if applicable): \_\_\_\_\_
- d) Primary business unit contact:  
Name: Sarah Pelham Title: EDC Coordinator  
Company: Hardee County EDC  
Address: 107 East Main Street Wauchula, FL 33873  
Phone: (863)773-3030 Fax: (863)773-4915  
Email: sarah.pelham@hardeemail.com Website: www.hardeebusiness.com
- e) Describe the business unit's primary business activities/function within the county: Fostering Economic Development within the County. Seeking out and recruitment of new business and new industry into the County; which provide higher wage jobs for the community.

**PROJECT IDENTIFICATION/INFORMATION**

- 2. a) Is the business unit a (please check all that apply):
  - Planning multiple locations in the State of Florida
  - An expansion of an existing Hardee County business unit
  - A new business unit to Hardee County
- b) If an expansion, how many Hardee County employees are currently in the expanding business unit? NA
- c) How many individuals are employed in ALL Florida/Hardee County locations? 4
- d) Project's current location address: 107 East Main Street Wauchula, FL 33873
- e) Project's proposed location address: NA
- f) Please check the box(es) that best defines your project.

<input type="checkbox"/> Multistate business enterprise	<input type="checkbox"/> Multicounty business enterprise
<input type="checkbox"/> Multinational business enterprise	<input type="checkbox"/> Regional Headquarters
<input type="checkbox"/> Manufacturer	<input type="checkbox"/> Support Centers
<input type="checkbox"/> Logistics/Distribution	<input type="checkbox"/> Research & Development
<input type="checkbox"/> QTI eligible businesses (List attached)	

- g) Please estimate percentage of gross receipts or final sales resulting from this

project that will be made outside of Hardee County: NA %

- h) List the positions you will employ: (i.e. customer service, equipment operator, bookkeeper, production manager). Attach extra sheets as needed.

Position Director, EDC Coordinator, Office manager, AG Manager Annual Salary \_\_\_\_\_  
Number of employees 4 Total Annual Salaries \$220,885.08

List benefits associated with each new job created:

- a. Sick Pay X
- a. Vacation X
- b. Medical: Health X Vision \_\_\_\_\_ Dental \_\_\_\_\_
- c. Retirement Plan \_\_\_\_\_
- d. Holidays X

- i) 1) Describe the capital investment in real and personal property (examples: construction of new facility; remodeling of facility; upgrading, replacing or buying new equipment. Do not include the value of land purchased for construction of a new building): NA

2) List the anticipated amount (within three (3) years) and type (purchase of machinery/equipment, construction of buildings, etc.) of major capital investment to be made by the applicant in connection with this Hardee County project:

Amount \$ _____	Construction/Renovations
Amount \$ _____	Manufacturing Equipment
Amount \$ _____	Other Equipment
Total \$ <u>150,000.00</u>	

3) Estimated square feet of new or newly expanded facility: NA

j) Anticipated date of beginning of construction for this project: (mm/dd/yyyy) NA

k) Anticipated date project will be in operation: FY 2021-2022 Operating Expenses

### **PROJECT IMPACT INFORMATION**

a) What role will the incentive play in the decision of the applicant to locate or expand in Hardee County? (If there are other states/communities competing for this project, please list which states/communities and what incentives are being offered by these states/communities.) N/A

b) A brief review of the applicant's past activities in Florida and in other states, particularly as they relate to environmental and growth management impacts and how these have been handled. (Basically, what kind of corporate citizen has the applicant been?) NA

c) Any criminal or civil fines or penalties and any awards. (If yes, please explain) None



- d) If jobs are to be phased in, provide the date when each phase of employment will be fully implemented: **(Please limit the phases to no more than three consecutive years.)**

Phase	Number of net new full-time equivalent Hardee County jobs created in <u>business unit</u>	Date by which those jobs will be created
I		
II		
III		
<b>TOTAL</b>		

- e) For purposes of certification, agreement, and claim review indicate the wage and corresponding threshold (percentage) to which you commit by **circling** below (circle just one that reflects your overall average for your whole Hardee County unit):

- a) \$15.24 which is 115% of the average wage of \$13.25 in Hardee County.  
 b) \$19.88 which is 150% of the average wage of \$13.25 in Hardee County.  
 c) \$26.50 which is 200% of the average wage of \$13.25 in Hardee County.  
**Source of information: Enterprise Florida, 2015.**

**PROJECT APPLICANT INFORMATION**

- a) Is the project located in a Community Redevelopment Area?        No   X
- b) Is the County or any other entity providing matching funds for this project?  
       X        Yes        No  
 If yes, please provide supporting documentation. Tab #   2
- c) Please include whatever information you think will be helpful in the evaluation of the anticipated impact of the proposed project including a copy of any overall strategic or specific project/development plans and/or executive summary for the project. Tab #   1
- d) This is a reimbursement grant. Please provide the financing plan for this project indicating which funds will be reimbursed by these grant dollars should the application be funded.  
 Tab #   2
- e) Please provide evidence of the public use or other public good resulting from this project.  
 Tab #        1
- f) Please describe, in sufficient detail to evaluate the feasibility of the project, the anticipated schedule for the applicant's decision to proceed with the project; e.g., acquisition of property; obtaining permits and similar approvals, ground-breaking and other major phases of construction and initiation or operation; or other appropriate benchmarks for the project.  
 Tab #
- g) Include a list of all major permits, comprehensive plan amendments, zoning changes, and similar approvals required and the associated time frames for each. Tab #

h) Please provide projected operating budget for a minimum of three years. Tab # 2

**CONFLICT OF INTEREST**

All applicants must disclose with their application the name of any elected official, officer, director, or agent who is also an employee of Hardee County, or Hardee County Economic Development Authority. Further, all applicants must disclose the name of any Hardee County or Hardee County Economic Development Authority staff or board member who owns, directly or indirectly, an interest of five percent or more in the company creating the employment opportunities that benefits from the proposed project or the name of any Hardee County or Hardee County Development Authority.

\_\_\_\_\_ Related documentation attached

Application completed by:

Sarah Pelham  
(Signature)

Sarah Pelham  
(Print or Type Name & Title)

Hardee County EDC  
(Company)

(863)773-3030  
(Phone Number)

(863)773-4915  
(Fax Number)

5/1/21  
(Date)

Sarah.pelham@hardeemail.com  
(E-mail Address)

\_\_\_\_\_  
(Contact Person, if different)

\_\_\_\_\_  
(E-mail Address if different)

\_\_\_\_\_  
(Address if different)

\_\_\_\_\_  
(Phone if different)

To the best of my knowledge, the information included in this application is accurate.

[Signature]  
(Signature of Authorized Officer)

William Lambert  
(Print or Type Name of Authorized Officer)

Director  
(Print or Type Title of Authorized Officer)

Hardee County EDC  
(Company)

(863)773-3030  
(Phone Number)

(863)773-4915  
(Fax Number)

5/1/21  
(Date)

Bill.lambert@hardeemail.com  
(E-mail Address)

## TAB 1

### Project Description

Hardee County has seen a change in its' economic profile over the last several years. The County can no longer rely 100% upon our agricultural roots, to maintain a viable living. While agriculture is still strong, and very much a presence within our community, it is evident through visioning processes and political debate, of an interest and desire to diversify. With this change has come the need for additional industry, jobs, and better, higher wage, higher skill employment.

Economic Development has become a major focus in the community. Community Visioning Plans, EDA Grants, Mosaic Development Grants, all have the objective of bringing new business and new opportunity into the community. The Economic Development Office has played the role of host and negotiator to outside business since 1996. Over the past 17 years, the Economic Development Office has evolved into the leading role, promoting economic development for the county.

The EDC has received a portion of its' funding for the operating expenses of the organization, through the Economic Development Grant, provided by the Economic Development Authority. The EDA has utilized the EDC staff to help in the management of grants that require significant upfront cashflow. The EDC staff can provide the management oversight and financial oversight of these grants on behalf of the EDA. For that reason, and for the continued partnership of the organizations, we are asking the EDA to continue to financially support those efforts of the EDC. These funds will be used to supplement the operations and objectives of the organization.

The EDC would like to seek \$150,000.00 in funding from the EDA, for operational purposes to ensure the stability of the organization, its' participating roles on behalf of the County; including Florida's Heartland Economic Region of Opportunity, Florida Chamber of Commerce Initiatives, Hardee County Chamber of Commerce Initiatives, roles and duties as the lead representative of the County with Enterprise Florida, the Central Florida Regional Planning Council, Florida Economic Development Council and Heartland Workforce. Its' primary mission will always be to create jobs for the citizens of Hardee County, and accomplishment of this task will continue to be pursued by the EDC and the Industrial Development Authority.

**Hardee County Economic Development Council, Inc.**  
**Draft budget for the year ended September 30, 2021**

	TOTAL
	Oct '20 - Sep 21
Est FB Carry Forward - 10/1/2020	\$ 15,000
Revenues	
EDA FYE 2020 - Grant Appropriation	100,000
Transfer in from IDA - General Fund	300,000
Transfer in from IDA - Special Revenue	13,000
Rent	12,000
Total Fund Balance CF & Estimated Revenues	<u>440,000</u>
Expenditures	
Payroll Expenses	300,000
Life/Health Insurance	55,000
Professional Services	8,000
Travel	2,000
Utilities	7,500
Rentals/Leases	30,000
Insurance	3,000
Repairs & Maintenance	1,000
Office Supplies	3,500
Books, Dues, & Subscriptions	10,000
Total Expenditures	<u>420,000</u>
Est FB Carry Forward to FY 2022	<u>\$ 20,000</u>



SAXON | GILMORE

SAXON, GILMORE & CARRAWAY, P.A.  
Attorneys and Counselors at Law

**GERALD T. BUHR, P.A.**, *Of Counsel*  
1015 Wyndham Lakes Drive, Odessa, Florida 33556  
*Certified City, County and Local Government Attorney*

Direct Dial: 863.508.7055  
Facsimile: 863.508.7066  
Email: [Gerald@geraldtbuhr.com](mailto:Gerald@geraldtbuhr.com)  
[www.saxongilmore.com](http://www.saxongilmore.com)



Gerald Thomas Buhr



*City Attorney for:*  
Town of Zolfo Springs  
City of Bowling Green  
City of San Antonio

July 28, 2021

City Commissioners  
City of Bowling Green, FL  
104 E. Main Street  
P.O. Box 608  
Bowling Green, FL 33834-0608

Re: Legal Fees For Next Budget.

Dear Commissioners:

As you may be aware, it has been my pleasure to serve Bowling Green for the past 20 years (21 in December), and I have held my current legal rates since May in 2011, as my costs for legal research tools, information technology (IT), insurance, accounting etc., have all risen. I am, therefore, raising my hourly rates for all clients. As before, my hourly rate for work as City Attorney remains *substantially* lower than my rates for all other clients, as it is the core of my work. My hourly rate for work as a City Attorney will be raised from \$175 to \$200 per hour. I will also keep my current rate and all other previous terms the same for a minimum "retainer" rate of \$1,800 per month. There is no roll-over of unused hours.

In addition to my direct city attorney work, you agree to continue to allow me (and my firm when appropriate) to represent you in other city legal matters or allow other attorneys at my firm to represent you as provided above. You understand that I am "of counsel" to the firm of Saxon Gilmore & Carraway, P.A., and agree that I can refer some of your legal matters to that firm or work on such matters myself as I see appropriate. Litigation matters will be billed by my firm at its preferred, government litigation rate, and I will work with you to select the proper attorney to handle the litigation. If the firm quotes a rate you believe is too high, or if your matter requires expertise in an area of law our firm does not handle such as labor law or bond counsel, I will help you choose another outside attorney.

Paralegals will be billed at \$135 per hour. The City additionally agrees to pay a portion of my Medicare and Medigap or supplement, allocated first between city work and my private client work, then among the cities I represent based on population. The City agrees to also pay my expenses for attending not more than two (2) annual conferences to keep up my local government certification and expertise in municipal law, for example: the annual Florida Bar City, County and Local Government ("CCLG") Law Seminar (in May) and the Florida League of Cities' Municipal Attorney's Association Educational Conference (July), both of which are

generally very helpful for me to meet my Florida Bar and CCLG specialist continuing education requirements, and be current on municipal law. If I skip one of those conferences because the topics are not sufficiently appropriate for my work, then I might replace that seminar with the Florida League of Cities Annual Conference; the Florida City Manager's Association Conference (FCMA); or, the International Municipal Lawyer's Association (IMLA). I will choose which of those or similar events I will attend based on the importance of the topics of the conference and the number of CLEs I am able to achieve to meet the number required by the Florida Bar and my CCLG Certification. Of course, I do not charge for my time while attending these seminars, but I do charge the expenses and I will allocate the costs and expenses of these seminars among those cities I represent according to population.

Therefore, a summary of my charges are as follows:

A. General municipal work: I will charge \$200 per hour plus expenses. Except for litigation, other work by attorneys at my firm will be at my \$200 per hour rate plus expenses, or we will inform you of the amount prior to commencing work.

B. Reimbursable land development/zoning, developer utility matters, etc.: I will charge \$300 per hour plus expenses. This rate is to be billed in my regular billing cycle and paid to me by the City (I cannot bill those entities directly) and is to be reimbursed to the City by the developers as often as the City wishes to bill them, and as provided by contracts and ordinances I have provided to you.

In addition to my hourly rates, expenses incurred, including but not limited to telephone, travel, copying, delivery, filing fees, research resources such as Westlaw, meals on the road, mail charges, and the like, will be billed to you without any "markups" for profit or overhead.

You may terminate my services at any time. Likewise, I shall have the right to withdraw from the engagement as your counsel if you do not pay my charges; if you have failed to disclose material facts to me; if you unreasonably disregard my legal advice; or, if in my sole professional judgment, I conclude that I should discontinue providing legal services. In any of these events, you agree to pay all outstanding invoices and execute such necessary documents as will permit me to withdraw, and I will do the same for you.

I encourage you to call if you have questions about any aspect of my bills. I believe you will find my services satisfactory and billing reasonable, but in the event you object to my fees or any expenses I have paid on your behalf, or if there are other disputes concerning my legal services provided, or fees or expenses, then in any of these events please contact me. If we cannot resolve the issue informally, you agree that such claim or dispute shall be resolved pursuant to the Fee Arbitration Rule, Chapter 14, Rules Regulating the Florida Bar, adopted by the Florida Supreme Court. A copy of the Fee Arbitration Rule is available at your request. I am advised that this is the least costly and most expeditious manner of dealing with those unhappy circumstances, in the unlikely event they should occur. In that regard, you hereby agree with the Bar's standard agreement to arbitrate as follows:

The undersigned parties do hereby agree to submit to arbitration of any controversy arising concerning legal fees charged by Gerald T. Buhr, P.A. and Saxon, Gilmore, & Carraway, P.A. The parties have expressly authorized a duly appointed arbitration panel of the Florida Bar Circuit Arbitration Committee to act as arbitrator(s) and to proceed to hear this matter pursuant to the Supreme Court rule regulating the Florida Bar - - Chapter 14, (Fee Arbitration Rule), Rules of Procedure For A Fee Arbitration Proceeding and Chapter 682, Florida Statutes. The members of the Arbitration Panel shall be vested with all the powers and shall assume all the duties granted and imposed upon arbitrators by Florida Law.

The undersigned parties do hereby agree to submit to arbitration of any controversy arising concerning legal fees charged by Gerald T. Buhr, P.A. and Saxon Gilmore & Carraway, P.A. The parties have expressly authorized a duly appointed arbitration panel of the Florida Bar Circuit Arbitration Committee to act as arbitrator(s) and to proceed to hear this matter pursuant to the Supreme Court rule regulating the Florida Bar - - Chapter 14, (Fee Arbitration Rule), Rules of Procedure For A Fee Arbitration Proceeding and Chapter 682, Florida Statutes. The members of the Arbitration Panel shall be vested with all the powers and shall assume all the duties granted and imposed upon arbitrators by Florida Law.

**PUBLIC RECORDS ACCESS:** The City is required by Florida Statutes to include the following in my contract.

A. I shall comply with Florida Public Records law under Chapter 119, F.S. Records made or received in conjunction with this Agreement may be public records under Florida law, as defined in Section 119.011(12), F.S., and I shall keep and maintain public records required to perform the services under this Agreement.

B. This Agreement may be unilaterally canceled by the City for failure by me to either provide public records to the City upon request, or to allow inspection and copying of all public records made or received by me in conjunction with this Agreement and subject to disclosure under Chapter 119, F.S., and Section 24(a), Article I, Florida Constitution.

C. The following requirements apply:

i. Pursuant to Section 119.0701, F.S., a request to inspect or copy public records relating to this Agreement for services must be made directly to the City. If the City does not possess the requested records, the City shall immediately notify me of the request, and I must provide the records to the City or allow the records to be inspected or copied within a reasonable time. If I fail to provide the public records to the City within a reasonable time, I may be subject to penalties under s. 119.10, F.S.

ii. Upon request from the City's custodian of public records, I shall provide the City with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes,



or as otherwise provided by law.

iii. I will identify and ensure that all public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement term and following completion of the Agreement if I do not transfer the records to the City.

iv. Upon completion of the Agreement, I will transfer, at no cost to the City, all public records in my possession, or keep and maintain public records required by the City to perform the services under this Agreement. If I transfer all public records to the City upon completion of the Agreement, I shall destroy any duplicate public records that are exempt or confidential and exempt from public disclosure requirements. If I keep and maintain public records upon completion of the Agreement, I will meet all applicable requirements for retaining public records. All records that are stored electronically must be provided to the City, upon request from the City's custodian of public records, in a format that is accessible by and compatible with the information technology systems of the City.

C. IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CITY'S CUSTODIAN OF PUBLIC RECORDS by telephone at Phone: (863)375-2255, by email at [csilva@bowlinggreenfl.org](mailto:csilva@bowlinggreenfl.org), or at the mailing address below:

City Clerk  
City of Bowling Green, Florida  
104 East Main Street  
P.O. Box 608  
Bowling Green, FL 33834-0608

I apologize for the formal manner of this Letter Agreement; however, I am sure you agree that our working relationship should be established up front to avoid any uncomfortable disagreements later. I look forward to assisting you once again. Please feel free to call me if you have any questions or comments. Please sign as indicated below and return one signed copy to me.

If you agree to retain my services under these circumstances, the new rate will take place on October 1, 2021. I hope will let me know your decision at your August meeting.

Sincerely,

**GERALD T. BUHR, P.A.**

By: \_\_\_\_\_

Gerald T. Buhr, City Attorney

City Commissioners  
City of Bowling Green, FL  
July 28, 2021  
Page 5 of 5

*Agreed to and accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by:*

**CITY OF BOWLING GREEN, FLORIDA**

**ATTEST:**

By: \_\_\_\_\_  
Duane Gardner, Mayor

\_\_\_\_\_  
Carmen Silva, City Clerk

C: Timothy Day, Interim City Manager