

City of Bowling Green

Minutes of Meeting

October 12, 2021

Present: Commissioner Jones, Vice-Mayor Fite, Commissioner Durastanti, Commissioner Lunn, Mayor Gardner, City Manager Thompson, Police Chief Scheel, City Clerk Silva, Attorney Buhr, and members of the audience.

Absent: None

1. **Call to order** – The meeting was called to order by Mayor Gardner.
2. **Prayer** – Commissioner Durastanti
Flag Salute
3. **Old Business**

A. Approval of Minutes

1) Regular Meeting – September 14, 2021

Commissioner Jones made a motion to approve. Motion was seconded by Commissioner Lunn. Roll call vote, all in favor, motion carried.

2) Final Budget Hearing – September 20, 2021

Vice-Mayor Fite commented that the minutes needed correction. He stated that under Item #3 the motion is not complete as stated. He stated that the three items, Recreation position, Commission salary, and \$20,000 building improvements, were frozen until City Manager reviews and presents his ideas so that the Commission can agree or unfreeze those items. City Clerk Silva asked for clarification as this is somewhat mentioned under Item #4. Vice-Mayor Fite responded that it is Item #4 and not #3, and that it should include that those three items were frozen until the Commission agrees with City Manager Thompson's intent. Commissioner Durastanti commented that the problem with those items is that they were never discussed and were just told that it was put in the budget. Vice-Mayor Fite mentioned to Mr. Thompson that they wanted him to dissect the budget and understand it before those items are addressed. Commissioner Durastanti stated that no one ever talked about where the funding was coming from to pay for those items. Vice-Mayor Fite stated that there was no pre-presentation of the budget, no discussion of the budget, or how things are being spent, nothing. City Clerk Silva commented that the Commission did have a budget workshop. Vice-Mayor Fite then responded that it was only that presentation. City Manager Thompson asked if they wanted him to get something together for the next budget meeting. Vice-Mayor Fite responded that they really want him to understand the budget and explain what is in the budget to the Commission. Vice-Mayor Fite made a motion to approve the minutes as corrected/amended. Commissioner Durastanti seconded the motion. Roll call vote, all in favor, motion carried.

B. Ordinance No. 2021-12 – 2nd reading

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOWLING GREEN, FLORIDA, SPECIFICALLY AMENDING ONE (1) PARCEL OF

LAND TOTALING .42 ACRES LOCATED SOUTHEAST OF THE INTERSECTION OF CHESTER AVE AND BANANA STREET EAST (PARCEL NUMBER: 04-33-25-0010-00035-0011), FROM THE ZONING OF R-1, SINGLE FAMILY RESIDENTIAL TO R-2, SINGLE AND TWO FAMILY RESIDENTIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Buhr read Ordinance 2021-12. Motion to approve was made by Vice-Mayor Fite. Brenda Torres of the Central Florida Regional Planning Council commented that she and the applicant are both present to answer any questions. Commissioner Jones asked if the situation with the alleyway got rectified. Brenda responded that it did, that public works confirmed that it would not interfere with the construction of the homes. Commissioner Jones seconded the motion. Roll call vote, all in favor, motion carried.

4. New Business

A. Ordinance No. 2021-10 – 1st reading

AN ORDINANCE PROVIDING FOR ANNEXATION OF CERTAIN PROPERTY OWNED BY THE CITY, IDENTIFIED BY COUNTY STRAP NUMBER 05-33-25-0000-04770-0000, AND CONSISTING OF 13 ACRES; PROVIDING INTENT AND FINDINGS PURSUANT TO STATUTE; PROVIDING FOR PRE AND POST PASSAGE REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE.

Attorney Buhr read Ordinance 2021-10. Commissioner Jones made a motion to accept first reading. Vice-Mayor Fite seconded the motion. Roll call vote, all in favor, motion carried.

B. Ordinance No. 2021-11 – 1st reading

AN ORDINANCE PROVIDING FOR ANNEXATION OF CERTAIN PROPERTY OWNED BY THE CITY, IDENTIFIED BY COUNTY STRAP NUMBER 05-33-25-0000-03420-0000, AND CONSISTING OF 9.01 ACRES; PROVIDING INTENT AND FINDINGS PURSUANT TO STATUTE; PROVIDING FOR PRE AND POST PASSAGE REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE.

Attorney Buhr read Ordinance 2021-11. Commissioner Durastanti made a motion to accept. Vice-Mayor Fite seconded the motion. Roll call vote, all in favor, motion carried.

C. Ordinance No. 2021-13 – 1st reading

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOWLING GREEN, FLORIDA, SPECIFICALLY AMENDING ONE (1) PARCEL OF LAND TOTALING .54 ACRES LOCATED NORTHEAST OF THE INTERSECTION OF CENTRAL AVENUE EAST AND BANANA STREET EAST (PARCEL NUMBER: 04-33-25-0010-00030-0018), FROM THE ZONING OF C-2, SERVICE COMMERCIAL TO R-1, SINGLE FAMILY RESIDENTIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Buhr read Ordinance 2021-13. Brenda Torres of the Central Florida Regional Planning Council gave a presentation on Ordinance 2021.13. She stated that the property is located at the intersection of Central Avenue and Banana Street. It is .54 acres in size and this is a request to rezone. She stated that the Future Land Use is medium density which allows for 12 building units per acre maximum. The applicant is Daniel Cisneros. The Future Land Use is not being changed. The proposed zoning is R-1, which is low density residential and is compatible with the surrounding areas. The applicant provided a concept plan. They are proposing two single family detached homes. This will not interfere

with any utilities or alleyway. Vice-Mayor Fite made a motion to approve. Motion was seconded by Commissioner Lunn. Roll call vote, all in favor, motion carried.

D. CDBG Bid Opening

City Clerk Silva stated that they put out the advertisements for the CDBG Grant for Administrative Services and for Engineering Services. She stated it was advertised in the Lakeland Ledger. The City received only one bid for administrative services and one bid for engineering services. City Manager Thompson read the bid for administrative services out loud. Fred Fox submitted a bid for administrative services for a total of \$52,000.00. Commissioner Jones asked if the amount was in the ballpark of what is normally spent. City Manager Thompson responded that for a project of this size it is. Vice-Mayor Fite asked if the funding was CDBG and if this was coming out of the grant and not matching dollars. City Manager Thompson responded that it is not a match. Commissioner Durastanti commented that the City has been working with Fred Fox for a very long time and they have been very good to work with. Commissioner Jones made a motion to accept the bid from Fred Fox Enterprises. Vice-Mayor Fite seconded the motion. Roll call vote, all in favor, motion carried. Attorney Buhr asked if they were proposing a contract or if they were going to put something together. He asked to review their contract if they prepare one. City Manager Thompson stated that only one bid was received for engineering services from Pennoni. Attorney Buhr stated that when bidding out for engineers, you usually do it by RFQ where they state their qualifications, and you negotiate a contract after you rank them. Since they are the only ones they would be rated as number one. The City will need to get a contract from them and negotiate the amount. They are the City's continuing contract engineers. Attorney Buhr asked how much the project is expected to cost. Vice-Mayor Fite responded that it is for \$700,000.00. Attorney Buhr stated that it might be under the amount that needs to be bid out anyway. The City needs to negotiate a project amount with them. Once they are selected as a continuing contract engineer, if it's not over a certain amount then you are not required to go out for bids. He stated that he would look it up. Vice-Mayor Fite asked Attorney Buhr if this was just to rank qualifications. Attorney Buhr responded that it was but that since they only have one then the City proceeds with asking them for a contract. Vice-Mayor Fite made a motion to accept Pennoni as the bidder for the CDBG grant cycle. Commissioner Durastanti seconded the motion. Roll call vote, all in favor, motion carried.

E. EDA Board Appointment

Vice-Mayor Fite made a motion to appoint City Manager Thompson as the City's new representative for the EDA board. Commissioner Jones seconded the motion. Roll call vote, all in favor, motion carried.

F. ARPA Funds Discussion

City Manager Thompson mentioned previous conversation about purchasing a garbage truck with ARPA funds. He stated that he has not been able to get a clear answer. He stated that he found information on the Florida Government Finance Officers Association and they went through the final rules for the ARPA funds and put together an FAQ. One of the questions was if they could use the funds for the purchase of sanitation equipment, garbage trucks and/or public safety equipment, police and fire vehicles. They put in there that sanitation equipment is an eligible use under Section A. expense related to covid vaccination programs and sites, including staffing, acquisition of equipment or supplies,

facility costs or information technology or other administrative expenses. He stated that this is the most direct answer the City is going to get from anybody and that he personally believes the garbage truck is a huge thing that the City needs to focus on for safety reasons. He believes it will save the City money in the long run. He stated that it could help cut pick up times to once a week and save two people from having to ride the truck. He stated that it would be a year before the City could even get a garbage truck, so they need to think about it fairly quickly to get it in the works because supplies are in short supply. He stated that they wouldn't start working on it until around April and it would be around June or July before the City could get one delivered. Commissioner Jones commented that he had some information to give Mr. Thompson. Vice-Mayor Fite stated that they would have to bid it out. Commissioner Jones responded that with the company that he brought the information from, the City wouldn't need to bid it out since it was already done for municipalities. He stated that the equipment is new equipment. City Manager Thompson stated that if they are going to spend these funds they should buy something new. He stated that a smaller truck would be \$80,000-\$90,000 cheaper. Attorney Buhr suggested piggybacking off of another bid. City Manager Thompson agreed and stated that if they wanted to move ahead with the purchase that they needed to get the ball rolling. He stated that it is the most important piece of equipment that the City needs to purchase in terms of safety and saving money. Robert of Top Notch stated that he used to work at Caterpillar and he sold small equipment. He stated that municipalities have a Sheriff's contract that every big company bids on before the year, so the City doesn't need to bid out those purchases. Commissioner Jones responded that the Sheriff's contract is the information that he has that will be provided to Mr. Thompson. Robert stated that all the bidding is already done. Commissioner Jones mentioned the variety of things listed in the contract. Mayor Gardner asked Attorney Buhr what the FGOA said about police vehicles and the use of ARPA funds. Attorney Buhr responded that it stated that police vehicles are an eligible use. City Manager Thompson stated that he read through all 39 pages of the final rule and it stated several times that you can use it to pay public service employees, public safety equipment, it gave a very broad definition on what you can and can not buy. Attorney Buhr commented that there is a phone number to reach someone in the Treasury department regarding the ARPA funds because the City of San Antonio called and got some pretty good answers from them. City Manager Thompson stated that he has called and emailed but that he will try again. City Manager Thompson spoke about premium pay for essential workers. He stated that the City can allow a raise of up to \$13 extra above their pay. He is not suggesting \$13. He handed the Commission a spreadsheet with everyone's salary and an extra \$1 for this year and an extra \$1 next year, except for Chief Scheel and himself. He stated that minimum wage is going up a dollar next year and a dollar the year after that. He stated that this will help absorb that cost without going in to the City's General Fund. Attorney Buhr mentioned across the board bonuses which usually come up during Christmas and how Florida Law prohibits it. He stated that he can give additional money to workers based on performance as long as it's justified. Essential workers required to work would work as well. He stated that just because Federal Law allows you to do it, that it doesn't mean State Law will allow you. City Manager Thompson responded that since Covid-19 came out, money has been spent on these types of things. The final rule was very clear and gave very broad discretion for the City to pick what an essential worker is. It does dictate what an essential worker is but it also gives the City discretion. He mentioned that if the City gives all workers the \$1 raises, the money would not be coming out of the City's General fund and the City doesn't have to pay overtime with it, this would

be paid at their regular hourly rate. He also included a bonus schedule in case they wanted to pursue this a different way. He stated that this is just something for the Commission to think about. He stated that one of the most important things the City can do is help its employees. Commissioner Jones agreed. Mayor Gardner asked if the City would have to budget for the raises after the two years. City Manager Thompson responded that they would have to come up with the money in two years anyway and this will allow the City to build up the General fund to account for that. Mayor Gardner stated that he is all for bumping the employees' pay. City Manager Thompson stated that if the Commission wanted to go that route, that they did not have to give everyone the \$1 raise and could possibly do bonuses, but that this can be determined on a case-by-case basis. He stated that he thinks it is very important to take this money that the government has given the City and help the employees. He stated that it can be used for water, sewer, broadband, and infrastructure. He said there are so many little things that the City needs, such as a new system in the front office and stuff like that, and some big things as well. He stated that if they looked at the bigger picture and used the entire money to fix the City's pipes, it can be cut down a little and give back to the employees who keep the City running. Mayor Gardner commented that the City could always get a grant for the other things. Commissioner Jones stated that it is human capital value. Mayor Gardner commented that this money should be utilized to get the City ahead of the game when minimum wage rises.

G. Addendum – Tethered Balloon Rides – Gerald Knight

Gerald Knight commented that the City has the opportunity to host a hot air balloon ride on Saturday, November 13th. He said it came about because Magnolia Park in Wauchula had reserved the balloon date six to eight months ago and didn't do anything with it. He stated that a Saturday balloon event is really hard to find. He stated that he then contacted Vice-Mayor Fite and asked him if the City would like a Saturday balloon event. He stated that Vice-Mayor Fite responded that they had a meeting that night and that he would ask. He stated that Magnolia Park planned this as just an event and not a fundraiser just to bring kids to the park. He stated that this basically includes the balloon, pilots, and handlers starting at 10:00 A.M. for 4 hours, potentially 2. The charge would be \$10 a person to ride. He mentioned that Hardee Lakes held something like this for a little over 2 hours and paid for the balloon. He stated that it doesn't have to be paid up-front and that you don't have to pay if it's called off. He stated that if the event stops because of the wind then you would be charged up to that point. He stated that the City would not lose any money if they could get 75 people to ride in a hot air balloon. Vice-Mayor Fite mentioned getting sponsors to cover some of the costs. Mr. Knight responded that the only problem there is that the City is not a 501c3 and the donations are not tax deductible. Vice-Mayor Fite mentioned that this is not a money maker and that the City would only charge the \$10 per rider to offset the cost. Mr. Knight mentioned the need for restrooms during the event. He also mentioned soccer games that could be happening that day and parking. He also commented that he doesn't think the City would lose any money on this event. He made the Commission aware that they are guaranteeing \$750.00. He commented that if the City had 100 riders at \$10 that it would be \$1,000, which would go to the owner of the balloon to pay gas, crew members, insurance, etc. Commissioner Jones commented that Hardee Lakes advertised for quite a while and we are now looking at less than 30 days. Mr. Knight responded that he didn't think anyone was going to come from Ft. Lauderdale to ride a hot air balloon and that it would mostly be local. He stated that the City could get the word

out through the school system and the Dollar store. Commissioner Jones stated that when it was initially brought up, he thought that the City Parks & Recreation Committee was aware, since the Mayor mentioned it. He said they basically made a decision and overlooked. He stated that personally, he believes the risk outweighs the reward with such little time to get that many people and charge them the \$10/\$15 in this area where they might not even have it. Commissioner Lunn commented that twice he has tried to send his wife and the weather was bad. He said he was willing to pay for it and would pay the \$10/\$15 for her to ride. Vice-Mayor Fite stated that they agreed that they had the money in the donation funds as well as in the Recreation Committee to commit to this. Chiquita Robinson, Chair of the Recreation Committee, stated that this is the first she hears of this. Vice-Mayor Fite responded that Mayor Gardner was supposed to talk to her about it. She stated that it sounds good but is concerned about the money being paid and insurance. Commissioner Jones commented that it was stated that if the balloon went up in the air, the City had to pay \$750.00. City Clerk Silva asked Vice-Mayor Fite about the funds it would be paid out of. Vice-Mayor Fite responded that it would be paid out of the carry-over from last year. City Clerk Silva clarified that money is not carried over for budgeting purposes. Mr. Knight stated that he would set-up a booth at the park to collect payment for the ride and provide riders with a ticket to ride in the basket. Commissioner Jones asked what if they didn't make the \$750.00. Mr. Knight responded that then the City would have to pay the difference. Commissioner Jones commented that what he is trying to say is that the risk outweighs the reward. Commissioner Lunn asked how high the balloon goes when it's tethered. Mr. Knight responded that it goes up 75ft. to 80ft. Chiquita Robinson asked if the City Commission voted on this. The Commission responded that they did not. City Clerk Silva commented that she was confused because the flyer that Vice-Mayor Fite had the Clerical Assistant work on had \$20 per person and it stated that the City of Bowling Green Parks & Recreation Committee was hosting it. She stated that if this money is coming out of the Recreation Committee, these are funds that are designated for the Recreation department's events for the upcoming year. She stated that if this was the case, that some money would have to then be shifted over for this use. Vice-Mayor Fite stated that they were given a balance. City Clerk Silva responded to Vice-Mayor Fite that money is not carried over in fiscal years. Vice-Mayor Fite then mentioned donated funds. City Clerk Silva commented that the funds that are being donated now are for the Trunk-or-Treat event. Commissioner Durastanti asked if it was new because they have always carried over. City Clerk Silva responded that it is just the way that budgeting works in governmental accounting. She stated that you close out the fiscal year and you either come out on top or in the hole. Chiquita Robinson commented that she brings checks in to the office. She stated that she has signs made and street banners which are not cheap. She stated that she went over her budget until the ladies in the office explained to her how the budget works. She stated that she has the calendar already set for the upcoming year and she has to go out and get donations for her events. She stated that she is concentrating on the important events to help bring people from the outside and the community. She stated that she had many things donated for Trunk-or-Treat so that she doesn't really have to go in to her budget. She stated that she usually gets with City Clerk Silva on things she needs purchased for her events. She commented that she will be using things that she found at the Depot from 4 years ago so she won't have to buy any toys. She stated that she doesn't deal with the money, she leaves it to City Hall. She stated that she knows what she is starting out with this year and she does not even get gas money. She stated that she goes out in to the community because she likes for people to see her face for whenever she goes

back out to the businesses in a few months. She stated that she cannot speak for the rest of her committee but that as the Chairperson she believes that they shouldn't do the balloon ride this year. She stated that it is a great idea and that she can put it on the calendar for next year and get with Mr. Knight. Mr. Knight responded that getting with him is not the problem, but rather the balloon availability. City Manager Thompson commented that the Recreation Department is an important thing. He stated that money has to be spent to bring people here and that Ms. Robinson's role is an important role. He stated that the Commission wants to know where part of the \$13,000 is coming from and he will get that answer. He stated that it was explained to him that the City was going to hire Ms. Robinson on a part-time basis because she does use her own money for gas and things like that. He stated that it is what the City needs, whether it's a balloon ride or Trunk-or-Treat. He stated that they can't keep letting her do it for free, that she is using her own gas and using her own time and she needs to be compensated in some shape or form. He stated that they don't have to vote on that today, but that when he goes over the budget, they need to find some kind of way to compensate her. Mayor Gardner asked when the event was. Vice-Mayor Fite responded that it is on November 13th. Mayor Gardner commented that unless they could get someone to commit for the expense, he wouldn't see any other way. Commissioner Jones responded that it would have to be someone willing to donate without being able to write it off. Commissioner Lunn commented that it would be if the City couldn't cover it. Vice-Mayor Fite asked Mr. Knight how many riders could ride in the basket. Mr. Knight responded that only 4 riders could ride at one time. Michelle Jones of 4829 Sally Blvd. stated that the balloon ride sounds wonderful, however, as a citizen she plans. She stated that she, wanting to go on a balloon ride, would not be able to go because it was something thrown out there at the last minute. She agreed with Ms. Robinson and stated that it might be better to have it next year. She stated that they want to draw people to the City, but in the right way. She stated that this would include giving them time since people plan. She stated that she would love to go on a balloon ride but that November 13th just happened to be her birthday and she can't go. Vice-Mayor Fite responded that she could do the ride for her birthday. Ms. Jones responded that she had already made plans for her birthday, so for someone to just come and shove this in the resident's lap at the last moment is kind of unfair. Vice-Mayor Fite stated that it sounds like no one wants to do it now. Commissioner Jones commented that whether they do it this time or do it next time, in the future, if it is an opportunity that someone else just missed out on, the City Commission doesn't just need to jump on it and make themselves responsible for it just because someone else lost out on something. He stated that it has been happening too much over the years. Mr. Knight responded that he could release the balloon and the owner can use it at another event in Orlando. Commissioner Jones clarified that he was not speaking of Mr. Knight per say, that he was speaking about the City. Vice-Mayor Fite stated that regretfully they are just going to let it go this time. Mayor Gardner stated that he is kind of regretful too because he agrees that we need to draw people to the City but number one, it has to be planned for and the City has to have the funds for it. He stated that money cannot be taken from another line item because that is not being a good steward. Vice-Mayor Fite commented that they were assured the money was there. Mayor Gardner responded that money was budgeted but it doesn't mean the money is there. Vice-Mayor Fite responded that Interim City Manager Day had mentioned that there was money left over that could be used. City Manager Thompson stated that in governmental accounting, like City Clerk Silva mentioned, it is a use it or lose it type of thing. He stated that nothing rolls over. He stated that if he budgeted \$18,000 in salaries and has \$4,000 left

at the end of the fiscal year, it doesn't mean that next year he then has \$22,000. He stated that it all starts back at zero, so he is not sure where Mr. Day got his figures from. Mayor Gardner commented that this was done not knowing what was already allocated for Ms. Robinson's events. Commissioner Jones commented that this just popped up without the communication and discussion with the person who is over the Recreation Department. Mayor Gardner agreed. Commissioner Jones asked Mayor Gardner to continue the meeting. Commissioner Durastanti asked Mr. Knight if he would commit to heading this event up this time for Bowling Green. Commissioner Jones asked how right it would be for someone outside to overstep someone who is over a committee. Commissioner Durastanti responded that he would just be assisting. Commissioner Jones responded that he had asked him to head the event, not assist it. He said he was allocating for someone to take over something that someone on the inside has. Mayor Gardner stated that the Commission has already decided not to do it. Attorney Buhr stated that they would need a motion one way or the other. Vice-Mayor Fite made a motion regretfully passing on the event. Commissioner Jones seconded the motion. Roll call vote, all in favor, motion passes. Chiquita Robinson told Vice-Mayor Fite that he had her number and that he could have given it to Mr. Knight. She stated that she feels like she has been bashed in to the floor, that he has no idea how bad she feels. She stated that she is done getting bashed and walked on. Vice-Mayor Fite apologized and told Ms. Robinson that it was brought up just as they were coming in to the meeting and that Mayor Gardner was given the information, that he is the liaison. Commissioner Lunn commented that he knew nothing about it. Ms. Robinson responded that Vice-Mayor Fite had flyers made and he could have told her. She stated that she is tired of people walking over her and that she is trying to do something in the community to make it better. She stated that she has feelings and that she knows Mr. Knight is hurt and that she is hurting inside too.

5. Mayor Gardner

Mayor Gardner thanked the City on behalf of the Department of Children and Families for allowing them to utilize the Commission chambers and police department to assist in getting some kids to safety. He thanked all the office staff and the police department for their hospitality. He thanked everyone, including City Clerk Silva, Recreation Chair Robinson, and Attorney Buhr for everything they do.

6. Recreation Committee

Chiquita Robinson, Chair of the Recreation Committee, apologized if she happened to get out of character earlier. She stated that she loves Bowling Green, that it is home. She thanked DCF for helping during Feeding Tampa Bay last month. They fed 263 families. She mentioned that October 31st is the 2nd Annual Trunk-or-Treat at Pyatt Park. It will be from 5-8pm. She stated that she has been working with Clerical Assistant Torres on the sign-ups. She stated that as of yesterday there was 35+ participants and over 10 vendors. She asked the Commissioners to come out. She stated that she went to the school to get volunteers and she is looking forward to a good turnout. She stated that she takes flyers to the school that are in both English and Spanish. Mr. Thompson mentioned that she is receiving a \$250 donation from Wauchula State Bank. Commissioner Jones asked her to give some flyers to Commissioner Lunn to take to the school. ROTC is helping with the parking for the event.

7. Commissioners

Commissioner Jones welcomed City Manager Thompson and told him that he appreciates his diligence and the fact that he shares his heart and that his actions match what comes

out of his mouth, and for understanding that it is a City Manager/Commission collaboration. He stated that he was doing some research and wanted to point out something that has bothered him. He stated that decisions are made that are not thoroughly thought out and the City ends up losing out on momentary things. He mentioned Inframark and the cost to the City. He stated that if the City would have trained their own people for the same money they are spending, the City could have saved \$34,130 a month. This can be used for the City's budget by preparing and training City staff instead of letting people walk. He stated that over \$1.3 million have walked away in seven officers the City has invested in. He mentioned that these are things that need to be identified and that they need to be more diligent about things, ask questions, search it out, because continuing to outsource is not the best answer. He stated that some things just don't make sense. He stated that it is not good leadership and it can not be blamed on a City Manager or employees, it's on everyone because the decisions are made together according to the charter. He stated that this is the reason why they are sitting here tonight discussing what they can and cannot do because they are letting \$3 million go that don't have to be. Commissioner Durastanti stated that they are happy to have their new City Manager on board. He stated that he will stop by and visit him. Vice-Mayor Fite told City Manager Thompson that he has his hands full but that he likes what he has to say about the future of Bowling Green and his ideas. He mentioned that the Commission needs to authorize adding him to the bank accounts. Vice-Mayor Fite then made the motion to update the bank information and add City Manager Thompson. Commissioner Lunn seconded the motion. Roll call vote, all in favor, motion carried. Commissioner Lunn welcomed Mr. Thompson and stated that he was glad to have him.

8. City Attorney

Attorney Buhr welcomed City Manager Thompson. He touched on what Commissioner Jones said and stated that he was a utility manager for years and that he was pretty much left out of the decision making in the issue with selecting Inframark. He stated that he is not saying it was a good decision or bad decision, simply that he could have contributed something to it. He mentioned that if at some time they want him to evaluate it, he would be happy to help.

9. City Manager

City Manager Thompson thanked the Commission for their confidence in him. He stated that he hopes he does a good job and that he will do his very best. He spent the last week and this week catching up on the City's projects. He attended the feasibility study this week. He stated that it will take some legwork from the City and that they will be coming to review the financials among other things. He asked if the City was still on board for this. He asked the Commission to think about it as the end result will be sometime in February. Vice-Mayor Fite asked City Manager Thompson to confer with Attorney Buhr. He mentioned that the parks are coming along. He stated that part of growing the City is pulling in different parts of the area. He stated that he is currently working on that and has an agreement over the phone with Pioneer Creek RV to annex in. He stated that he is also looking in to annex north of County Line Rd. He mentioned the issue with the car and stated that the motor is bad and needs to be replaced which is around \$8,900. He stated that City Clerk Silva came up with a possible solution of taking the old police vehicle and turning it in to the City Manager vehicle being that a new police vehicle is being purchased. Vice-Mayor Fite asked City Manager Thompson to come back with some options.

10. Police Chief

Chief Scheel stated that he is trying to order a police car and that with Covid-19 they'll be lucky to get anything soon. He stated that the bids are outrageous. He mentioned that the

larger agencies have fleets and just order the car and have their own people install the equipment. He mentioned the Commission wanting to save an extra police car but that he only has seven radios and that they would need to purchase another in-car radio which is a big cost to the City. Vice-Mayor Fite mentioned an individual wiring harness and just moving radios when needed. Chief Scheel responded that he did not recommend that. Speaking on what Commissioner Jones said earlier, Chief Scheel stated that the seven officers that left, left to go work for other agencies. He stated that he can not keep officers here because the retirement plan is not high risk and the pay is not that great. He stated that all seven that left had mentioned that this was a great place to work but that they can not stay because of the retirement. Vice-Mayor Fite stated that it may be time to look at that and give some options. City Manager Thompson stated that he has been talking to Chief and that he is currently working to update the processes/handbooks. He stated that he was shocked when he found out the police department has the same retirement as other City employees. He stated that moving forward, this is something that the City can look at and alleviate in small increments to make it more pleasurable for people to stay. He stated that he has been here a week and he loves it. He would hate to lose people because of a 3% retirement. He stated that it's hard to say the City can't afford it, looking at what they are paying Inframark. Commissioner Jones mentioned an employee of the City who went to work for Inframark, who is paying her more than she was making at the City and paying for her training. He asked why the City couldn't do the same. City Manager Thompson agreed. He stated that the problem was paying to train them, and they leave because they can get paid more somewhere else. Commissioner Jones also mentioned a pay scale to have something to work towards. Chief Scheel mentioned that 15 years ago you would get 6-8 applications, and that nowadays you have to go out and hunt for people, find people in the academy. Vice-Mayor Fite mentioned that Highland's County is giving sign-on bonuses, which is something the City now has to compete against. Chief Scheel commented that they are competing against that and take-home cars. Commissioner Jones stated that the main thing is the high-risk plan. Vice-Mayor Fite asked Chief Scheel to work on it and bring something back to the Commission to see if they can make it work. Chiquita Robinson, Chair of the Recreation Committee, brought up Pyatt Park and asked if they are looking to have an electrician install some outlets for vendors to use in the future. City Manager Thompson responded that he will look in to it but that Main Street Park will have a light pole placed there. She stated that she has her vendors bringing their own generators.

11. City Clerk

City Clerk Silva asked if the Commission would rather have a special meeting to go over the budget once Mr. Thompson reviews it instead of discussing it with next month's regular meeting since it will probably take a while. City Manager Thompson asked if they wanted him to go over the entire budget or just those items mentioned. Vice-Mayor Fite commented that they should probably go over the whole budget. Commissioner Durastanti stated that they never saw the whole budget. Mayor Gardner mentioned that they didn't even get a book this year. Commissioner Durastanti stated that Interim Manager Day just told them that he put certain things in. City Manager Thompson stated that he wouldn't have time to put a book together. Mayor Gardner responded that he could send the budget in an email to save paper. Mayor Gardner asked to have a special meeting set for it.

12. Public

Michelle Jones of 4829 Sally Blvd. stated that in all her years here, this is the first City meeting that she sat in where she felt like something was really getting ready to happen for Bowling Green, for the residents of Bowling Green, and it's a good feeling to be a part of it. She told Mr. Thompson that she likes his aura and that he brings life to the City. She

stated that she is glad to have him here at the City to work with the board, the attorney, the Chief, and everyone. Commissioner Jones asked that they do not schedule the special meeting for October 25th because his daughter is getting inducted into the honor society. Vice-Mayor Fite asked to push the meeting into November. Daniel Cisneros of 202 Hidden Creek in Wauchula thanked the Commission for allowing him to build in the City. He stated that he was glad to have sat in the meeting because it sounds like everyone has a good heart for the City and want to grow it. He stated that adding residential homes is going to help grow it by attracting people. He stated that he is looking forward to working with everyone.

Mayor Gardner adjourned the meeting.

Duane Gardner, Mayor

Maria Carmen Silva, City Clerk



**CITY OF BOWLING GREEN
COMPREHENSIVE PLAN AMENDMENT
OVERVIEW REPORT
November 9, 2021**

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: November 9, 2021 (Second Reading, Transmittal Public Hearing)

CITY COMMISSION ACTIONS:

- On August 10, 2021, at first reading, the City Commission approved Ordinance 2021-08 at First Reading.

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).

CITY COMMISSION MOTION OPTIONS:

1. I move the City Commission approve Ordinance 21-08 on Second Reading.
2. I move the City Commission approve with changes Ordinance 21-08 on Second Reading.
3. I move the City Commission deny Ordinance 21-08 on Second 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. 2021-10

AN ORDINANCE PROVIDING FOR ANNEXATION OF CERTAIN PROPERTY OWNED BY THE CITY, IDENTIFIED BY COUNTY STRAP NUMBER 05-33-25-0000-04770-0000, AND CONSISTING OF 13 ACRES; PROVIDING INTENT AND FINDINGS PURSUANT TO STATUTE; PROVIDING FOR PRE AND POST PASSAGE REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. Intent. The City seeks to voluntarily annex its own property into the city limits. The City hereby intends to annex that property as a voluntary annexation pursuant to section 171.044 of the Florida Statutes.

SECTION 2. Findings

- A. The City Commission finds that it is in the best interest of the citizens of Bowling Green to annex the parcel described as Parcel No. 05-33-25-0000-04770-0000, hereinafter "Property". Map and notice are shown in Exhibit "A" and full metes and bounds description is shown on Exhibit "B".
- B. The City Commission finds that the Property is contiguous to the existing City Limits as required by section 171.044 F.S.
- C. The City Commission finds that the Property is reasonably compact as required by section 171.044 F.S.
- D. The City Commission finds that the annexation of the Property will not create enclaves, as prohibited by section 171.044 F.S.
- E. As the owner of the Property, the City is voluntarily annexing its own property.

SECTION 4. Compliance with Prerequisites.

- A. The City Clerk certifies that at least 10 days prior to the posting and advertisement of the notice attached as Exhibit "A", the Notice (advertisement and maps), has been sent by certified mail to the Hardee County Board of County Commissioners, and that the returned receipt showing delivery to the notice to the County is attached as Exhibit "C".
- B. The Notice in Exhibit "A" has been properly published in the newspaper at least once a week for two consecutive weeks prior to passage at the first reading of this Ordinance.

SECTION 5. Annexation.

Pursuant to section 171.044 of the Florida Statutes, the City of Bowling Green hereby annexes the Property described herein and shown on Exhibit "A" into the Town Limits and redefines the City Limits to include the property described in Exhibit "B".

SECTION 6. Post-Passage Notice Requirements. Within seven (7) days of adoption of this Ordinance, the City Clerk shall properly:

- A. File the Ordinance with the Clerk of the Hardee County Circuit Court; and,
- B. File the Ordinance with the Hardee County Manager.
- C. File the Ordinance with the Florida Department of State.

SECTION 7. Effective Date.

This Ordinance shall become effective upon passage by the City Commission.

=====

This Ordinance was read for the first time at the Regular Meeting of the City Commission held on the _____ day of _____, 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 Meeting of the City Commission, and this Ordinance was adopted , OR 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

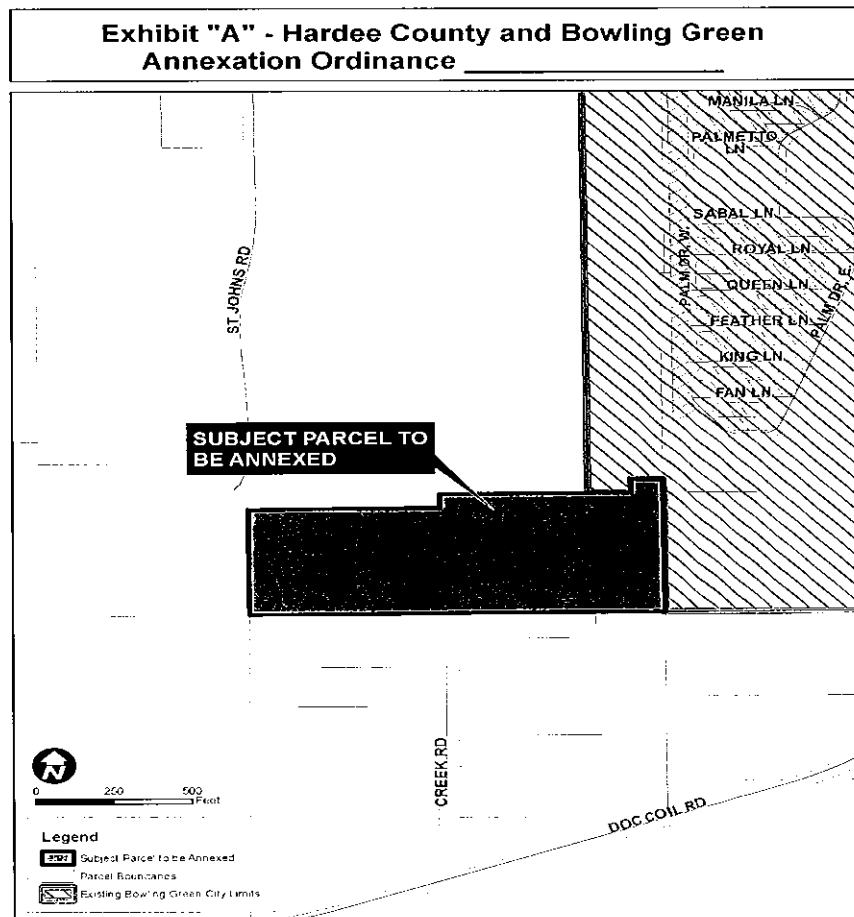
EXHIBIT "A"

NOTICE OF ANNEXATION CITY OF BOWLING GREEN, FLORIDA

Notice is given that the City of Bowling Green, Florida, will consider approval of an annexation of properties pursuant to Ordinance No. 2021-10 and Ordinance No. 2021-11 at the regular City Commission meeting scheduled for October 12, 2021 at the Bowling Green City Hall Commission Chambers, 104 East Main Street, Bowling Green, Florida, starting at 6:30 PM. The annexations include two properties, one (1) being 13 acres and one (1) being 9.01 acres. Both properties are owned by the City of Bowling Green and are located on the northwest side of the City. The complete metes and bounds descriptions and ordinances are available from the office of the city clerk. Ordinances and maps are shown below.

ORDINANCE No. 2021-10

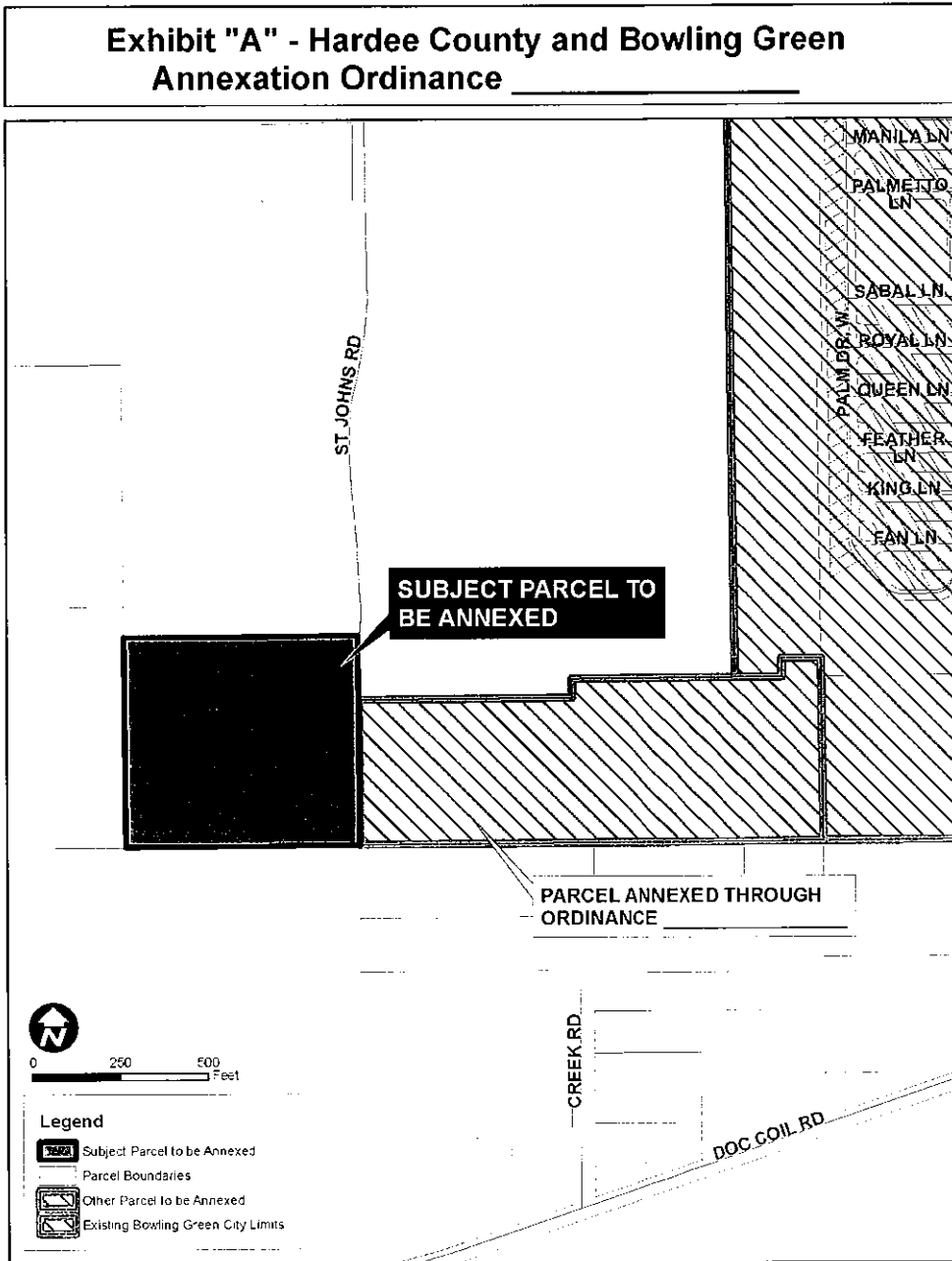
AN ORDINANCE PROVIDING FOR ANNEXATION OF CERTAIN PROPERTY OWNED BY THE CITY, IDENTIFIED BY COUNTY STRAP NUMBER 05-33-25-0000-04770-0000, AND CONSISTING OF 13 ACRES; PROVIDING INTENT AND FINDINGS PURSUANT TO STATUTE; PROVIDING FOR PRE AND POST PASSAGE REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE.



AND

ORDINANCE NO. 2021-11

AN ORDINANCE PROVIDING FOR ANNEXATION OF CERTAIN PROPERTY OWNED BY THE CITY, IDENTIFIED BY COUNTY STRAP NUMBER 05-33-25-0000-03420-0000, AND CONSISTING OF 9.01 ACRES; PROVIDING INTENT AND FINDINGS PURSUANT TO STATUTE; PROVIDING FOR PRE AND POST PASSAGE REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE.



Interested persons can appear and be heard on this Ordinance at the Commission Meeting by attending the meeting and signing the request form. Copies of background materials, the complete proposed ordinance, and a description of the property by metes and bounds may be reviewed or obtained at the office of the City Clerk, M-F, 8:00 AM to 5:00 PM.

If a person decides to appeal any decision made by the Board with respect to any matter discussed at any meeting or hearing, he will need a record of the proceedings for such purposes, he may need to ensure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is based, per Florida Statute 286.0105. Verbatim transcripts are not furnished by the City. Any person with a disability requiring reasonable special accommodations to participate in this meeting should contact the City Clerk with the request at (863) 375-2255.

EXHIBIT "B"

PROPERTY DESCRIPTION:

SOUTHERN 2/5 OF THE SE1/4 OF SW1/4 OF SECTION 5, TOWNSHIP 33 SOUTH, RANGE 25 EAST, LESS THE FOLLOWING: BEGIN AT THE SW CORNER OF SE1/4 OF SW1/4 OF THE SAID SECTION 5 AND RUN NORTH 330.29 FEET ALONG THE WESTERLY BOUNDARY OF THE SAID SE1/4 OF SW1/4, THEN RUN EAST 500.32 FEET ALONG A LINE PARALLEL TO THE SOUTHERLY BOUNDARY OF THE SAID SE1/4 OF SW1/4, THENCE RUN NORTH 92.20 FEET ALONG A LINE PARALLEL TO THE WESTERLY BOUNDARY OF THE SAID SE1/4 OF SW1/4, THENCE RUN EAST 110.00 FEET ALONG A LINE PARALLEL TO THE SOUTHERLY BOUNDARY OF THE SAID SE1/4 OF SW1/4, THENCE RUN NORTH 53.87 FEET ALONG A LINE PARALLEL TO THE WESTERLY BOUNDARY OF THE SAID SE1/4 OF SW1/4, THENCE RUN EAST 609.87 FEET ALONG A LINE PARALLEL TO THE SOUTHERLY BOUNDARY OF THE SAID SE1/4 OF SW1/4; THENCE RUN NORTH 52.00 FEET ALONG A LINE PARALLEL TO THE WESTERLY BOUNDARY OF THE SAID SE1/4 OF SW1/4, THENCE RUN EAST 114.00 FEET ALONG A LINE PARALLEL TO THE SOUTHERLY BOUNDARY OF THE SAID SE1/4 OF SW1/4 TO THE EASTERLY BOUNDARY OF THE SAID SE1/4 OF SW1/4, THENCE RUN SOUTH 527.40 FEET ALONG THE EASTERLY BOUNDARY OF THE SAID SE1/4 OF SW1/4 TO THE SE CORNER OF SE1/4 OF SW1/4, THENCE RUN WEST ALONG THE SOUTHERLY BOUNDARY OF THE SE1/4 OF THE SW1/4 TO THE POINT OF BEGINNING.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

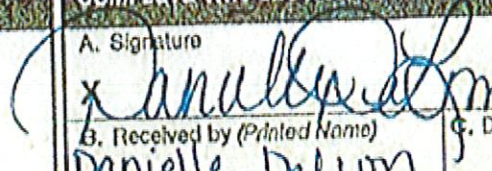
For delivery information, visit our website at www.usps.com®.

Wauchula, FL 33873

Certified Mail Fee	\$3.75	0906 05 Postmark Here 09/10/2021
Extra Services & Fees (check box, add fee as appropriate)	\$3.05	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$1.56	
Total Postage and Fees	\$3.36	

Sent To
Lawrence McNaul, Hardee County BOCC
(Street and Apt. No., or PO Box No.)
412 W. Orange St., Room 103
(City, State, ZIP+4®)
Wauchula, FL 33873

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<p> <input checked="" type="checkbox"/> Complete items 1, 2, and 3. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits. </p> <p>1. Article Addressed to: Lawrence McNaul, County Manager Hardee County BOCC 412 W. Orange Street, Rm. 103 Wauchula, FL 33873</p>	<p> A. Signature <input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee B. Received by (Printed Name) <input type="checkbox"/> Date of Delivery Danielle Delvon C. Date of Delivery </p> <p> D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No </p>																
<p>2. Article Number (Transfer from service label) 9590 9402 6086 0125 9130 70 7019 0160 0001 1038 6818</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
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ORDINANCE NO. 2021-11

AN ORDINANCE PROVIDING FOR ANNEXATION OF CERTAIN PROPERTY OWNED BY THE CITY, IDENTIFIED BY COUNTY STRAP NUMBER 05-33-25-0000-03420-0000, AND CONSISTING OF 9.01 ACRES; PROVIDING INTENT AND FINDINGS PURSUANT TO STATUTE; PROVIDING FOR PRE AND POST PASSAGE REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. Intent. The City seeks to voluntarily annex its own property into the city limits. The City hereby intends to annex that property as a voluntary annexation pursuant to section 171.044 of the Florida Statutes.

SECTION 2. Findings

- A. The City Commission finds that it is in the best interest of the citizens of Bowling Green to annex the parcel described as Parcel No. 05-33-25-0000-03420-0000, hereinafter "Property". Map and notice are shown in Exhibit "A" and full metes and bounds description is shown on Exhibit "B".
- B. The City Commission finds that the Property is contiguous to the existing City Limits as required by section 171.044 F.S.
- C. The City Commission finds that the Property is reasonably compact as required by section 171.044 F.S.
- D. The City Commission finds that the annexation of the Property will not create enclaves, as prohibited by section 171.044 F.S.
- E. As the owner of the Property, the City is voluntarily annexing its own property.

SECTION 4. Compliance with Prerequisites.

- A. The City Clerk certifies that at least 10 days prior to the posting and advertisement of the notice attached as Exhibit "A", the Notice (advertisement and maps), has been sent by certified mail to the Hardee County Board of County Commissioners, and that the returned receipt showing delivery to the notice to the County is attached as Exhibit "C".
- B. The Notice in Exhibit "A" has been properly published in the newspaper at least once a week for two consecutive weeks prior to passage at the first reading of this Ordinance.

SECTION 5. Annexation.

Pursuant to section 171.044 of the Florida Statutes, the City of Bowling Green hereby annexes the Property described herein and shown on Exhibit "A" into the Town Limits and redefines the City Limits to include the property described in Exhibit "B".

SECTION 6. Post-Passage Notice Requirements. Within seven (7) days of adoption of this Ordinance, the City Clerk shall properly:

- A. File the Ordinance with the Clerk of the Hardee County Circuit Court; and,
- B. File the Ordinance with the Hardee County Manager.
- C. File the Ordinance with the Florida Department of State.

SECTION 7. Effective Date.

This Ordinance shall become effective upon passage by the City Commission.

=====

This Ordinance was read for the first time at the Regular Meeting of the City Commission held on the _____ day of _____, 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 Meeting of the City Commission, and this Ordinance was adopted , OR 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

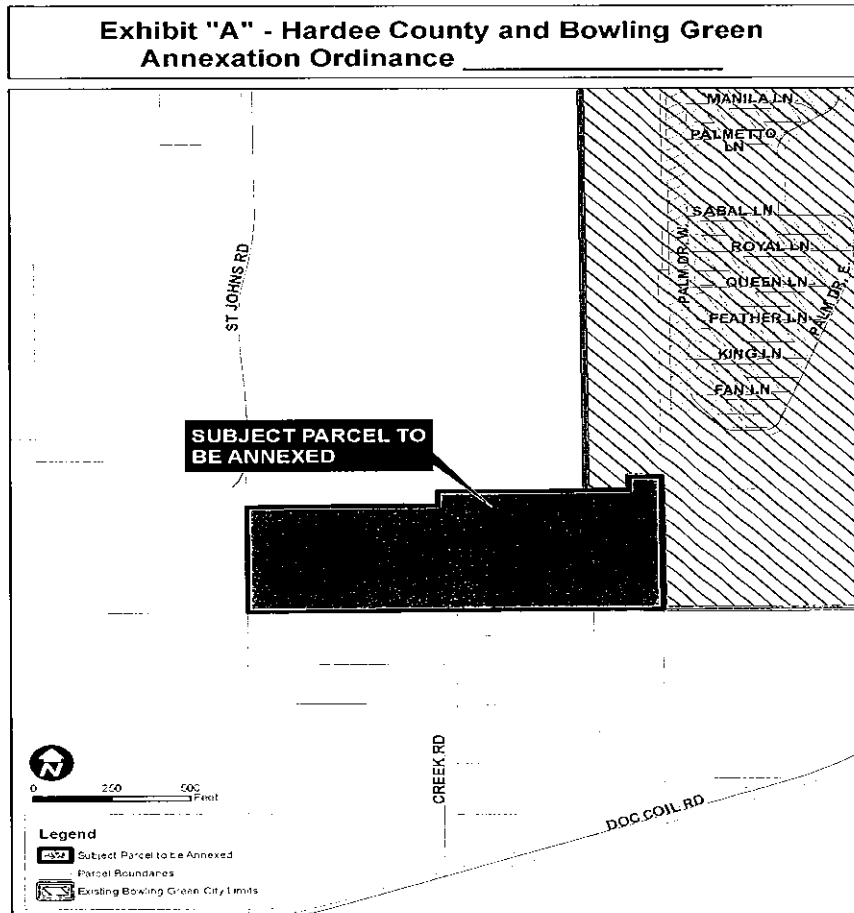
EXHIBIT "A"

NOTICE OF ANNEXATION CITY OF BOWLING GREEN, FLORIDA

Notice is given that the City of Bowling Green, Florida, will consider approval of an annexation of properties pursuant to Ordinance No. 2021-10 and Ordinance No. 2021-11 at the regular City Commission meeting scheduled for October 12, 2021 at the Bowling Green City Hall Commission Chambers, 104 East Main Street, Bowling Green, Florida, starting at 6:30 PM. The annexations include two properties, one (1) being 13 acres and one (1) being 9.01 acres. Both properties are owned by the City of Bowling Green and are located on the northwest side of the City. The complete metes and bounds descriptions and ordinances are available from the office of the city clerk. Ordinances and maps are shown below.

ORDINANCE No. 2021-10

AN ORDINANCE PROVIDING FOR ANNEXATION OF CERTAIN PROPERTY OWNED BY THE CITY, IDENTIFIED BY COUNTY STRAP NUMBER 05-33-25-0000-04770-0000, AND CONSISTING OF 13 ACRES; PROVIDING INTENT AND FINDINGS PURSUANT TO STATUTE; PROVIDING FOR PRE AND POST PASSAGE REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE.

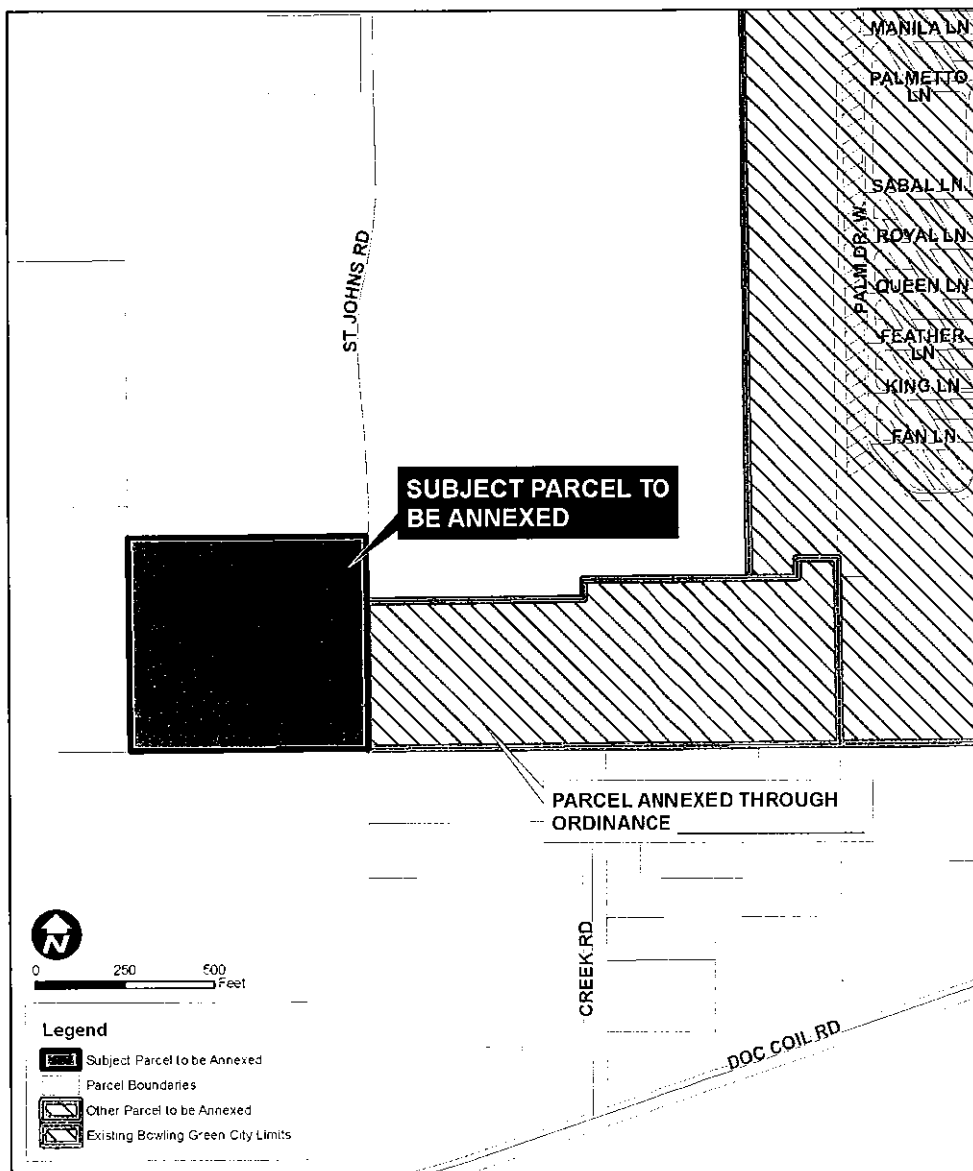


AND

ORDINANCE NO. 2021-11

AN ORDINANCE PROVIDING FOR ANNEXATION OF CERTAIN PROPERTY OWNED BY THE CITY, IDENTIFIED BY COUNTY STRAP NUMBER 05-33-25-0000-03420-0000, AND CONSISTING OF 9.01 ACRES; PROVIDING INTENT AND FINDINGS PURSUANT TO STATUTE; PROVIDING FOR PRE AND POST PASSAGE REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE.

Exhibit "A" - Hardee County and Bowling Green Annexation Ordinance



Interested persons can appear and be heard on this Ordinance at the Commission Meeting by attending the meeting and signing the request form. Copies of background materials, the complete proposed ordinance, and a description of the property by metes and bounds may be reviewed or obtained at the office of the City Clerk, M-F, 8:00 AM to 5:00 PM.

If a person decides to appeal any decision made by the Board with respect to any matter discussed at any meeting or hearing, he will need a record of the proceedings for such purposes, he may need to ensure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is based, per Florida Statute 286.0105. Verbatim transcripts are not furnished by the City. Any person with a disability requiring reasonable special accommodations to participate in this meeting should contact the City Clerk with the request at (863) 375-2255.

EXHIBIT "B"

PROPERTY DESCRIPTION:

THE EAST ½ OF THE FOLLOWING:

THE EAST 500.00 FEET OF THE EAST ½ OF THE SW ¼ OF SECTION 5, TOWNSHIP 33 SOUTH, RANGE 25 EAST, HARDEE COUNTY, FLORIDA; LESS BEGIN AT THE SE CORNER OF THE SW ¼ OF SAID SECTION 5 AND RUN WEST AND ALONG SOUTH LINE OF SAID SW ¼, 500.00 FEET; THENCE NORTH AND PARALLEL TO THE EAST LINE OF SAID SW ¼, 476.32 FEET; THENCE EAST 386.04 FEET; THENCE NORTH 52.00 FEET; THENCE EAST 114.00 FEET TO A POINT ON THE EAST LINE OF SAID SW ¼; THENCE SOUTH AND ALONG SAID EAST LINE, 527.48 FEET TO THE P.O.B. AND LESS ROAD RIGHT OF WAY.

ALSO

THE WEST 15 FEET OF THE NW ¼ OF THE SE ¼ OF SECTION 5, TOWNSHIP 33 SOUTH, RANGE 25 EAST, HARDEE COUNTY, FLORIDA, LESS ROAD RIGHT OF WAY.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

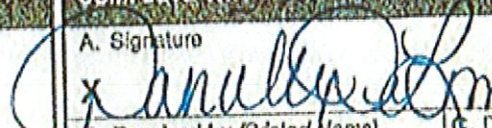
For delivery information, visit our website at www.usps.com®.

Wauchula, FL 33873

<p>Certified Mail Fee \$3.75</p> <p>Extra Services & Fees (check box, add fee as appropriate)</p> <p><input type="checkbox"/> Return Receipt (hardcopy) \$0.00</p> <p><input type="checkbox"/> Return Receipt (electronic) \$0.00</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery \$0.00</p> <p><input type="checkbox"/> Adult Signature Required \$0.00</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery \$0.00</p> <p>Postage \$1.56</p> <p>Total Postage and Fees \$8.36</p>	<p>0906 05</p> <p>Postmark Here</p> <p>09/10/2021</p>
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Sent To
 Lawrence McNaul, Hardee County BOCC
 (Street and Apt. No., or PO Box No.)
 412 W. Orange St., Room 103
 (City, State, ZIP+4®)
 Wauchula, FL 33873

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p><input checked="" type="checkbox"/> Complete items 1, 2, and 3.</p> <p><input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.</p> <p><input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to: Lawrence McNaul, County Manager Hardee County BOCC 412 W. Orange Street, Rm. 103 Wauchula, FL 33873</p>	<p>A. Signature </p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) Danielle Delum</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>
<p>2. Article Number (transfer from service label) 9590 9402 6086 0125 9130 70</p> <p>7019 0160 0001 1038 6818</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p> <p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>



**CITY OF BOWLING GREEN
REZONING
OVERVIEW REPORT
November 9, 2021**

TO: Bowling Green City Commission

SUBJECT: **Ordinance 2021-13 - Rezoning:**
AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOWLING GREEN, FLORIDA, SPECIFICALLY AMENDING ONE (1) PARCEL OF LAND TOTALING .54 ACRES LOCATED NORTHEAST OF THE INTERSECTION OF CENTRAL AVENUE EAST AND BANANA STREET EAST (PARCEL NUMBER: 04-33-25-0010-00030-0018), FROM THE ZONING OF C-2, SERVICE COMMERCIAL TO R-1, SINGLE FAMILY RESIDENTIAL.

AGENDA DATES:

Tuesday, October 12, 2021, 6:30 PM: City Commission Meeting – First Reading

Tuesday, November 9, 2021, 6:30 PM: City Commission Meeting – Second Reading

CITY COMMISSION ACTIONS:

- On October 12, 2021, at first reading, the City Commission approved the rezoning (Ordinance 2021-13).

CITY COMMISSION MOTION OPTIONS:

1. Move to **approve** Ordinance 2021-13 on First Reading.
2. Move to **approve with changes** Ordinance 2021-13 on First Reading.
3. Move to **deny** Ordinance 2021-13 on First Reading.

ATTACHMENTS:

- Overview
- Aerial Photo Map
- Future Land Use Map
- Current Zoning Map
- Proposed Zoning Map
- Proposed Development
- Application

OVERVIEW:

Applicant	Daniel Cisneros
Property Owner	Timeless Horizon Investment Properties
Parcel ID	04-33-25-0010-00030-0018
Subject Area	0.54 acres
Existing Future Land Use	MDR, Medium Density Residential
Existing Zoning	C-2, Service Commercial
Proposed Zoning	R-1 Single Family Residential
Previous Hearings	None

REASON FOR REQUEST:

Daniel Cisneros (‘applicant’) is requesting a rezoning to change one (1) parcel of land totaling approximately 0.54 acres from zoning of C-2, Service Commercial to R-1 Single Family Residential. The subject parcel is located northeast of the intersection of Central Ave and Banana Street East. The property is currently vacant. The applicant is requesting the rezoning to be able to build two single family home and be able to meet the lot width and other development standards for R-1 zoning.

Table 2.04.01(A) from the City of Bowling Green Land Development Code is provided below. The R-1 zoning district is highlighted indicating permitted uses.

P = Permitted Use – Use is permitted by right subject to all other applicable standards

S = Special Exception - Use is permitted if it meets the conditions in Section 3.09.00, subject to all other applicable standards, and only after review and approval by the Planning Board and the City Commission.

D = Site Development Plan – Use is permitted if it meets standards in Section 3.08.00, and all other applicable standards.

Table 2.04.01(A), Table of Land Uses										
Category/Use	AG	R-1	R-2	R-3	C-1	C-2	I	PI	PR	C-P
Agriculture Use										
Agricultural Use and farm animals	P									
Field, row, and tree crops	P									
Nurseries & Greenhouses, wholesale & noncommercial	P									
Roadside stands for sale of ag products	P									
Forest and pasture land	P									
Farmworker Housing										
Farmworker Housing, Group Quarters	D									
Farmworker Housing, Resident	D									
Farmworker Housing, Migrant/H-2A	P			D		D				
Single Family Detached										
Mobile home park				D						
Existing Mobile Home Subdivision				D						
RV park				D						
Single family, std. construction and modular	P	P	P	P				SE	SE	
Manufactured home (mobile home) Only in MH Subd.										
Manufactured Home Subdivision (Ord. 2012-03)				D						

Multiple Family Residential									
Apartment Building				P	P	P			
Duplex			P	P					
Garage apartment	P	P	P	P					
Family Care Facility									
Adult Family Care Home	P	P	P	P					
Community Residential Home (up to 6 residents)	P	P	P	P					
Community Residential Home (7 to 14 residents)			S	S					
Family Day Care Home/Family Child Care Home	P	P	P	P	S	S			
Family Foster Home	P	P	P	P	S	S			

Consistency with the Comprehensive Plan:

Descriptions for both the Future Land Use and zoning designations are provided as follows. *The 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 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 – C-2 Service Commercial

The purpose of the district is to locate and establish areas within the City of Bowling Green which are deemed to be uniquely appropriate, by reason of location and vehicular accessibility, for the development and operation of general commercial service uses; to designate such uses as are appropriate for development within a service commercial area; and to set forth such development standards and provisions as are appropriate to ensure the proper development and functioning of uses within the district

PROPOSED – 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. (6 du/ac) for duplexes.

LAND USE ANALYSIS

The subject parcel is located northeast of the intersection of Central Ave and Banana Street East in Bowling Green. To the north and east of the subject property there are single family homes, to the west there is a vacant property and to the south there are single family homes.

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

Land Use Matrix

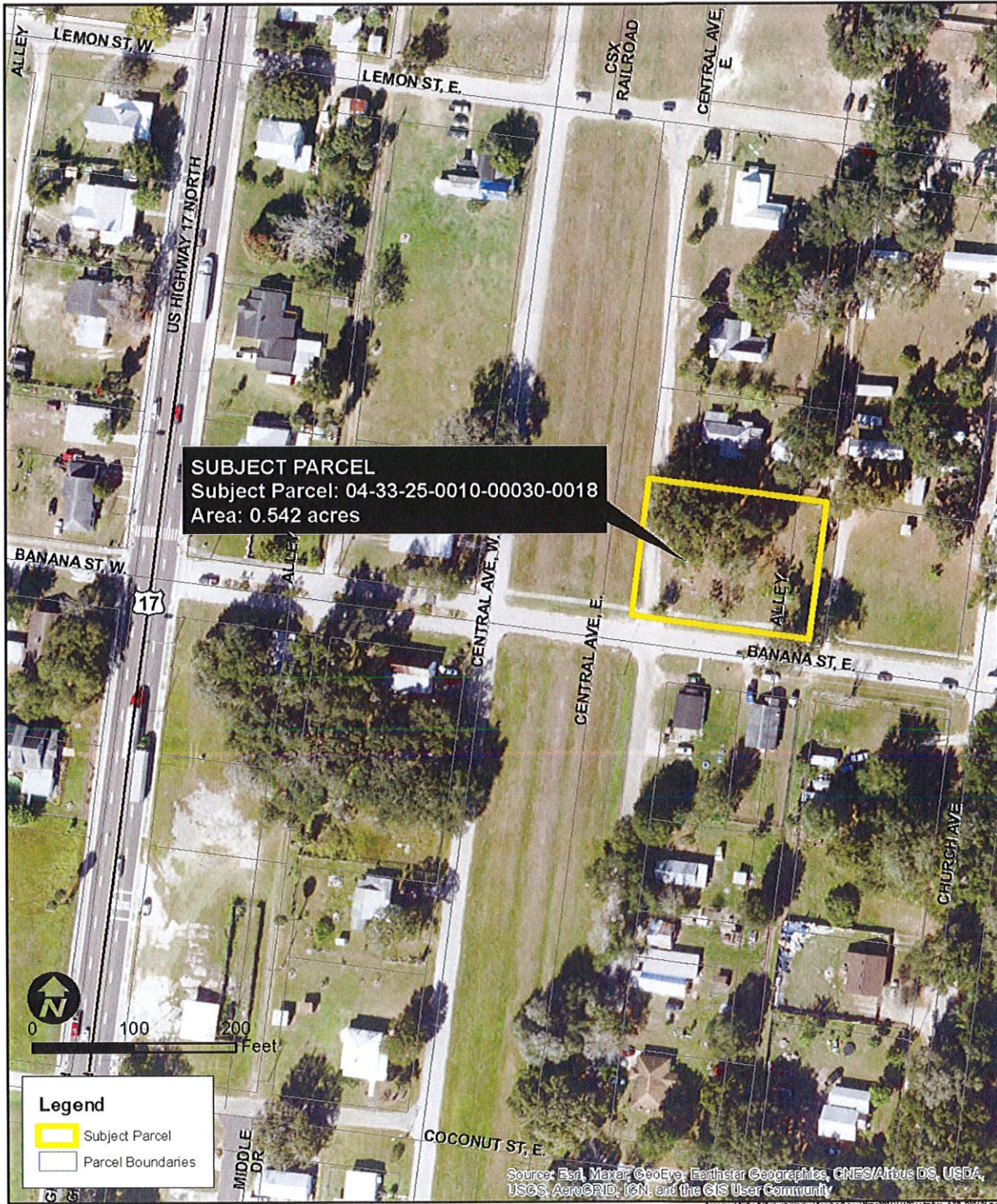
Northwest	North	Northeast
Future Land Use: Public Buildings and Grounds Zoning: R-1 – Single Family Residential Existing Land Use: Vacant land	Future Land Use: Medium Density Residential Zoning: R-1 – Single Family Residential Existing Land Use: Single-family residential	Future Land Use: Medium Density Residential Zoning: R-1 – Single Family Residential Existing Land Use: Single-family residential
West	Subject Parcel	East
Future Land Use: Public Buildings and Grounds Zoning: R-1 – Single Family Residential Existing Land Use: Vacant land	Future Land Use: Medium Density Residential Zoning: <u>Current: C-2 -Service Commercial</u> <u>Proposed: R-1 – Single Family Residential</u> Existing Land Use: <u>Vacant land</u>	Future Land Use: Medium Density Residential Zoning: C-2 -Service Commercial Existing Land Use: Vacant land
Southwest	South	Southeast
Future Land Use: Public Buildings and Grounds Zoning: R-1 – Single Family Residential Existing Land Use: Vacant land	Future Land Use: Medium Density Residential Zoning: R-1 – Single Family Residential Existing Land Use: Single-family residential	Future Land Use: Medium Density Residential Zoning: R-1 – Single Family Residential Existing Land Use: Single-family residential

PUBLIC FACILITIES AND SERVICES ANALYSIS:

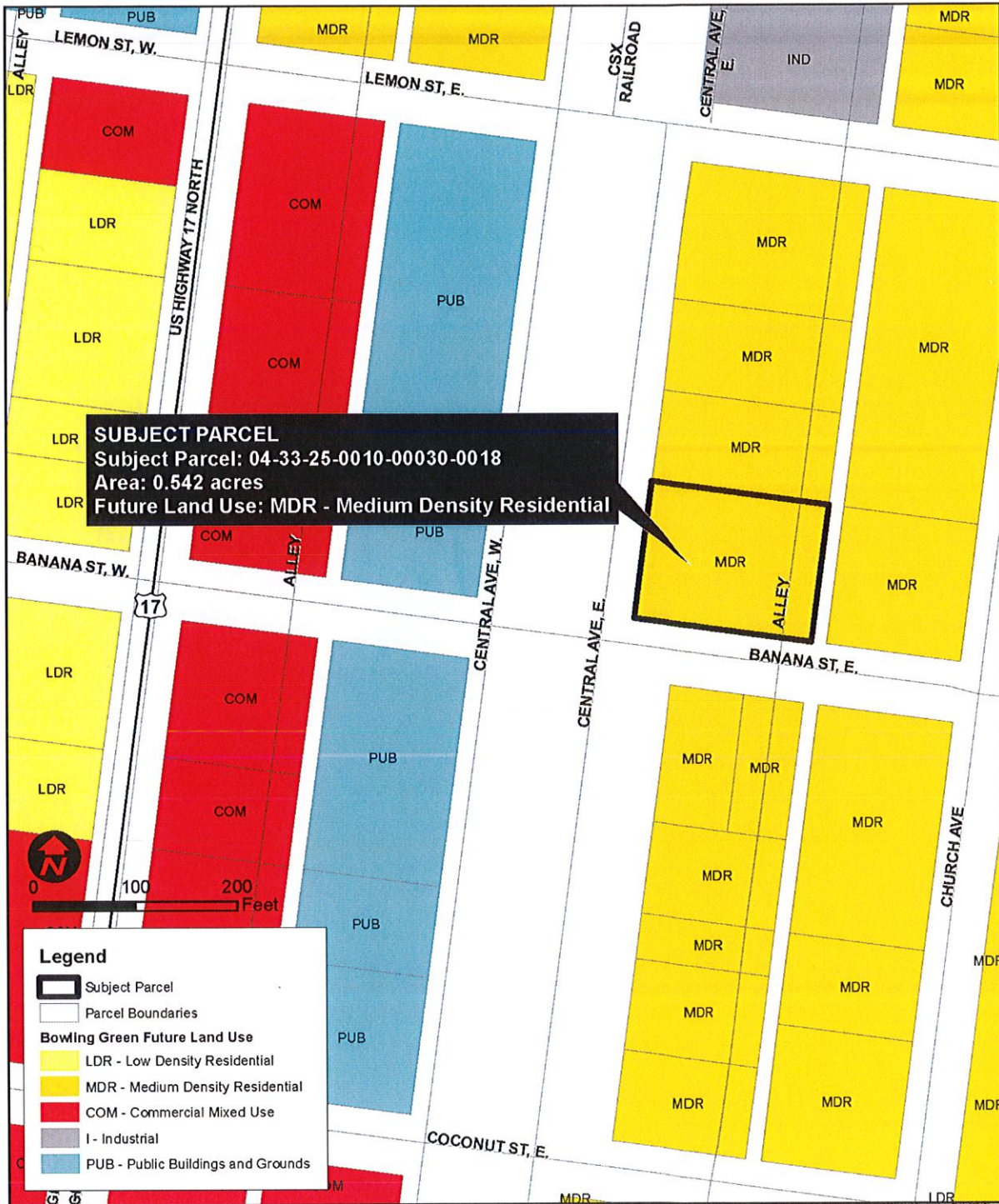
The proposed R-1 – Single Family Residential zoning and proposed development intent of the property are not anticipated to have any negative impacts on the City’s public facilities and services.

Public works has reviewed and confirmed that there are not any issues with the alley or other utilities and no part of the structure will be in the alley.

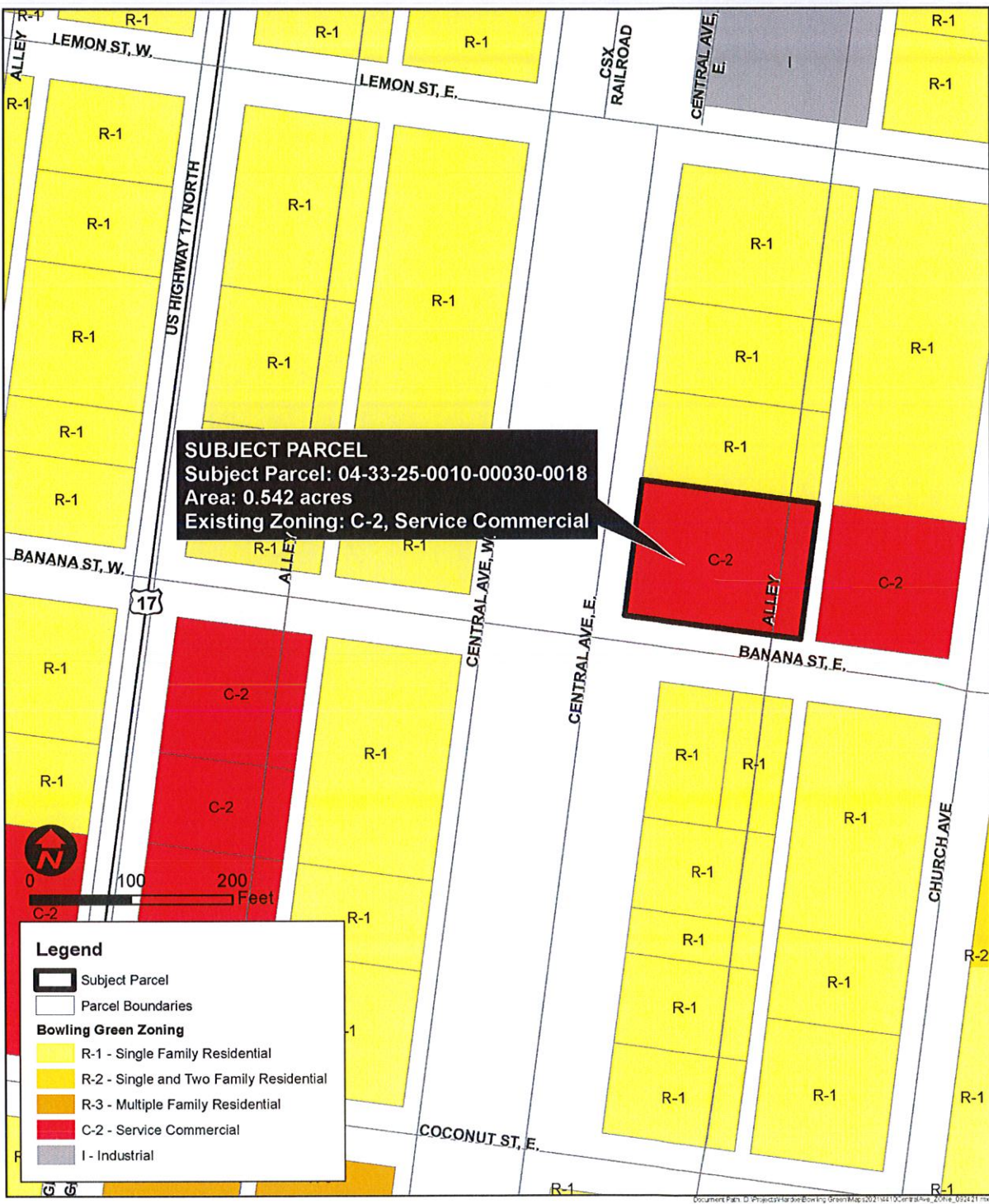
CITY OF BOWLING GREEN AERIAL PHOTO MAP



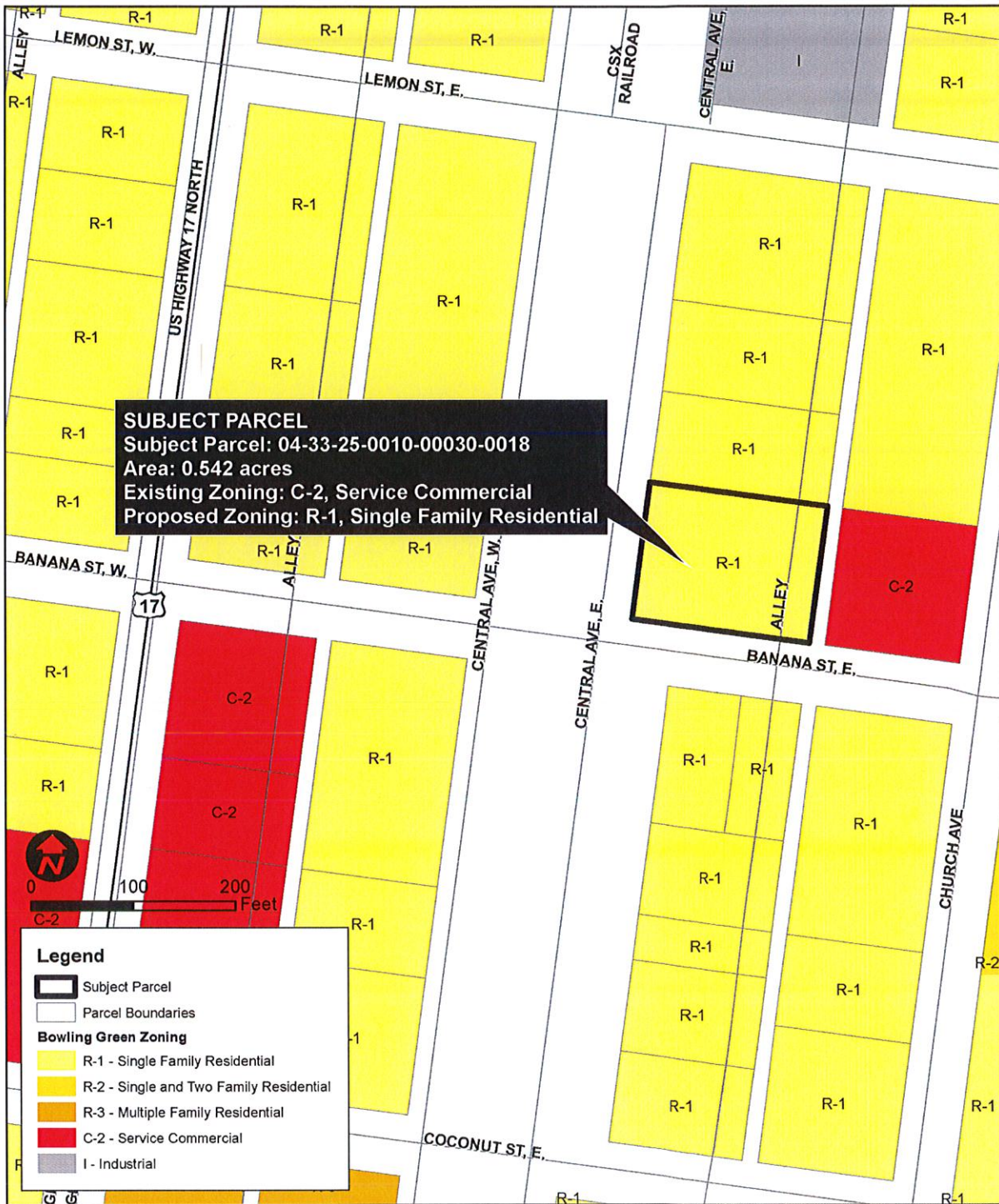
CITY OF BOWLING GREEN FUTURE LAND USE MAP

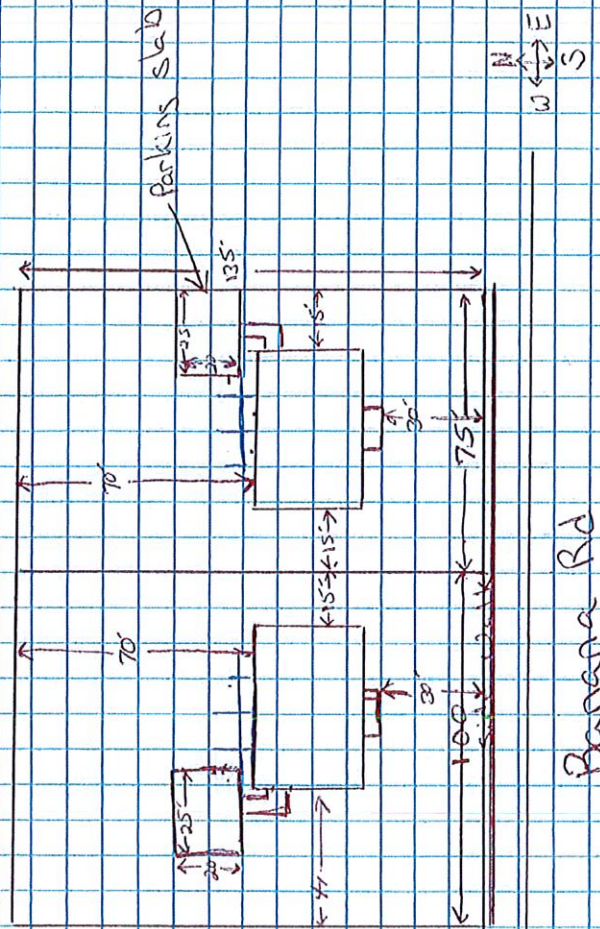


CITY OF BOWLING GREEN EXISTING ZONING MAP



CITY OF BOWLING GREEN PROPOSED ZONING MAP





Banana Rd

8/17/2021
 [Signature]

CITY OF BOWLING GREEN
APPLICATION FOR
REZONING

Application No. _____
Deposit Required with
Application: \$500.00

DATE: 9/8/2021

APPLICANT NAME(S): Daniel Cisneros

OWNER NAME(S) Timeless Horizon Investment Properties

OWNER'S ADDRESS: 105 West Summit St. Waukegan FL 33873

PHONES: 863-781-7378

PROPERTY APPRAISER'S PARCEL ID NUMBER: 04-33-25-0010-00030-0018

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

4410 Central Ave, Bowling Green FL 33873

BOWLING GREEN CURRENT FUTURE LAND USE CLASSIFICATION: Commercial mixed used.

BOWLING GREEN CURRENT ZONING CLASSIFICATION: C2

BOWLING GREEN PROPOSED ZONING CLASSIFICATION: R1

CURRENT USE OF PROPERTY: Vacant

PROPOSED USE OF PROPERTY: Single Family

USES SURROUNDING PROPERTY ON ALL FOUR SIDES:

North: Single Family

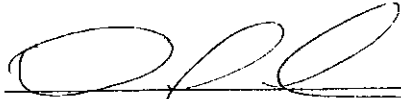
East: Vacant Car.

South: Single Family

West: Multi Family

ANY OTHER INFORMATION ABOUT THE PROPERTY THAT IS PERTINENT:

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



SIGNATURE OF APPLICANT

SIGNATURE OF APPLICANT

STAFF RECOMMENDATION () YES () NO

STAFF COMMENTS AND RECOMMENDED CONDITIONS:

STAFF REVIEWER:

SIGNATURE

DATE

ORDINANCE NO. 2021-13

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOWLING GREEN, FLORIDA, SPECIFICALLY AMENDING ONE (1) PARCEL OF LAND TOTALING .54 ACRES LOCATED NORTHEAST OF THE INTERSECTION OF CENTRAL AVENUE EAST AND BANANA STREET EAST (PARCEL NUMBER: 04-33-25-0010-00030-0018), FROM THE ZONING OF C-2, SERVICE COMMERCIAL TO R-1, SINGLE FAMILY RESIDENTIAL; 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 from the zoning of C-2, Service Commercial to R-1 Single Family Residential; 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", 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 parcel is described as located northeast of the intersection of Central Ave and Banana Street East (Parcel Number 04-33-25-0010-00030-0018) as shown in Exhibit "A" attached hereto.
2. The parcel, 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

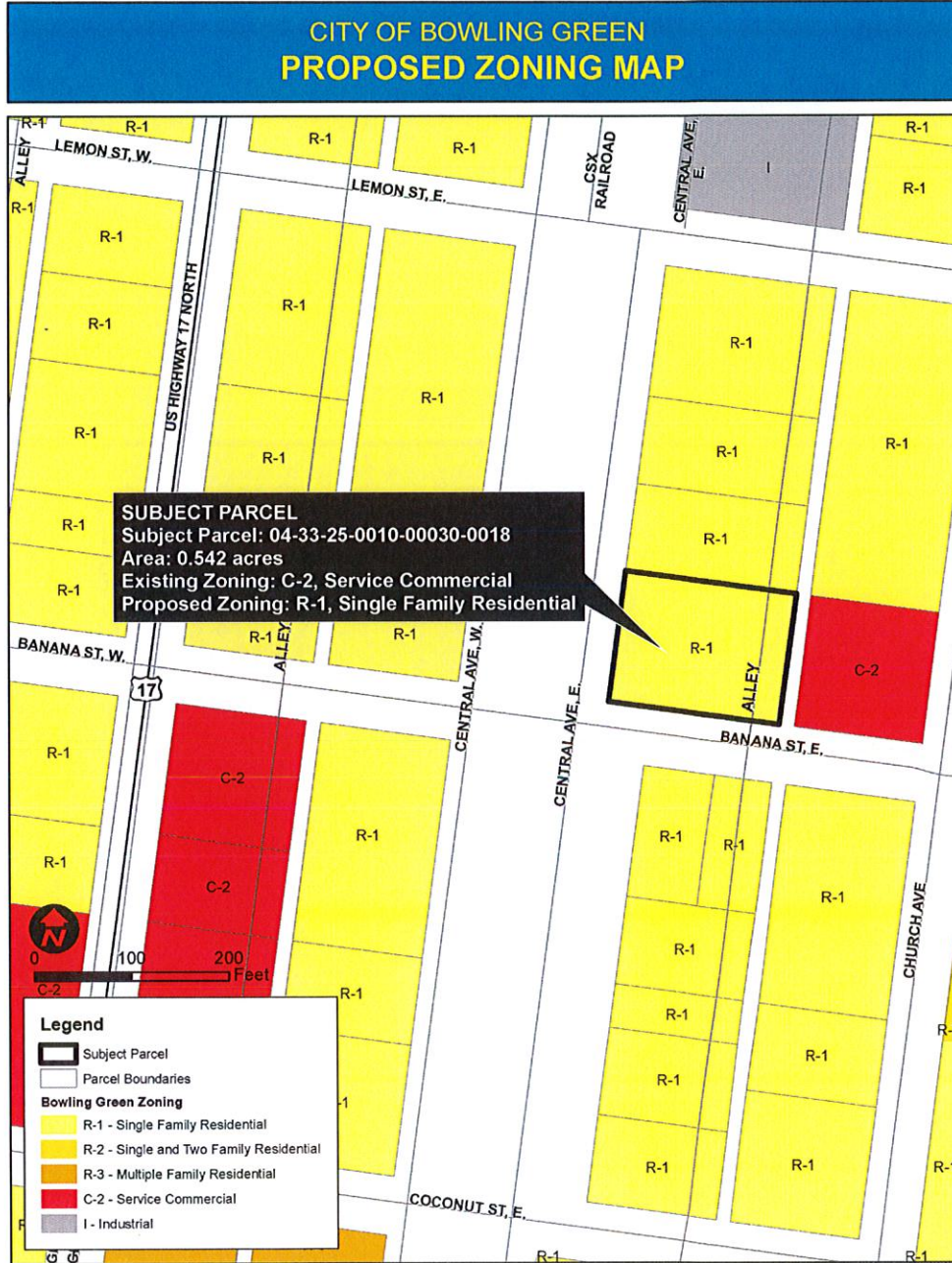
Attest:

Maria Carmen Silva, City Clerk

Approved as to Form:

Gerald Buhr, City Attorney

ORDINANCE NO. 2021-13
EXHIBIT "A"



CITY OFFICIALS

Adam Thompson, City Manager
Maria Carmen Silva, City Clerk
John Scheel, Police Chief
Gerald Buhr, City Attorney



COMMISSIONERS

Duane Gardner, Mayor
Sam Fite, Vice Mayor
David Durastanti
Cliff Lunn
N'Kosi Jones

P.O. Box 608, 104 E. Main Street
Bowling Green, FL 33834-0608
(863) 375-2255 / (863) 375-3362 Fax

RE: Appropriations request for City of Bowling Green

Dear Appropriations Committee,

First, I would like to thank you for the continued support to the City of Bowling Green, but today I come to you as the voice of the citizens, employees, and as a stakeholder of the City of Bowling Green to ask that you consider two very important appropriations that is needed for the city. First, I come to humbly ask that this committee consider a recurring \$1,000,000.00 to allow us to update Water and sewer lines throughout the city. These upgrades will begin with the oldest lines through the city. Some of these lines are more than 40 years old. The city has been able to secure grants that allowed us to update our water and wastewater plants, with those upgrades and our economic situation in the city we are in need of this committee to grant us these funds to ensure that our citizens are getting the best use out of our new plants.

Our city's next request is for a one-time amount of \$357,000.00 for a new Garbage truck and refuse cans, currently we are operating a 2007 (14yrs old) truck that requires three employees to operate and currently requires two of those employees to ride on the back. The truck also costs us thousands of dollars a year to keep it functional and safe. A new truck will only require one employee to operate and eliminate the need for two employees to ride on the back. It will also eliminate the safety issues that come with an old, outdated truck. A little over a year ago, while picking up a dumpster during our regular sanitation run and an arm broke off the truck and dropped the dumpster on one of our employees crushing him. Thankfully he lived, but we stopped our dumpster service due to this which caused the city to lose more than \$15,000.00 a year in revenue that we are outsourcing to Hardee County.

These appropriations will do a lot to increase the betterment of the city, our employees, and the citizens that we serve. As the voice of the city, I want to convey the extreme need for these funds. Without help from the appropriation committee these are items that the city currently cannot fund. Again, I we appreciate the continued support from this committee and the state of Florida for all you do for the County of Hardee and the City of Bowling Green.

Thank you,

Adam Thompson
City Manager, City of Bowling Green.

HARDEE COUNTY LEGISLATIVE DELEGATION

PARTICIPATION REQUEST FORM

2022 LEGISLATIVE SESSION

Wednesday, November 10, 2021

Hardee County Commission Board Room, Room 102

412 West Orange Street, Wauchula, Florida 33873

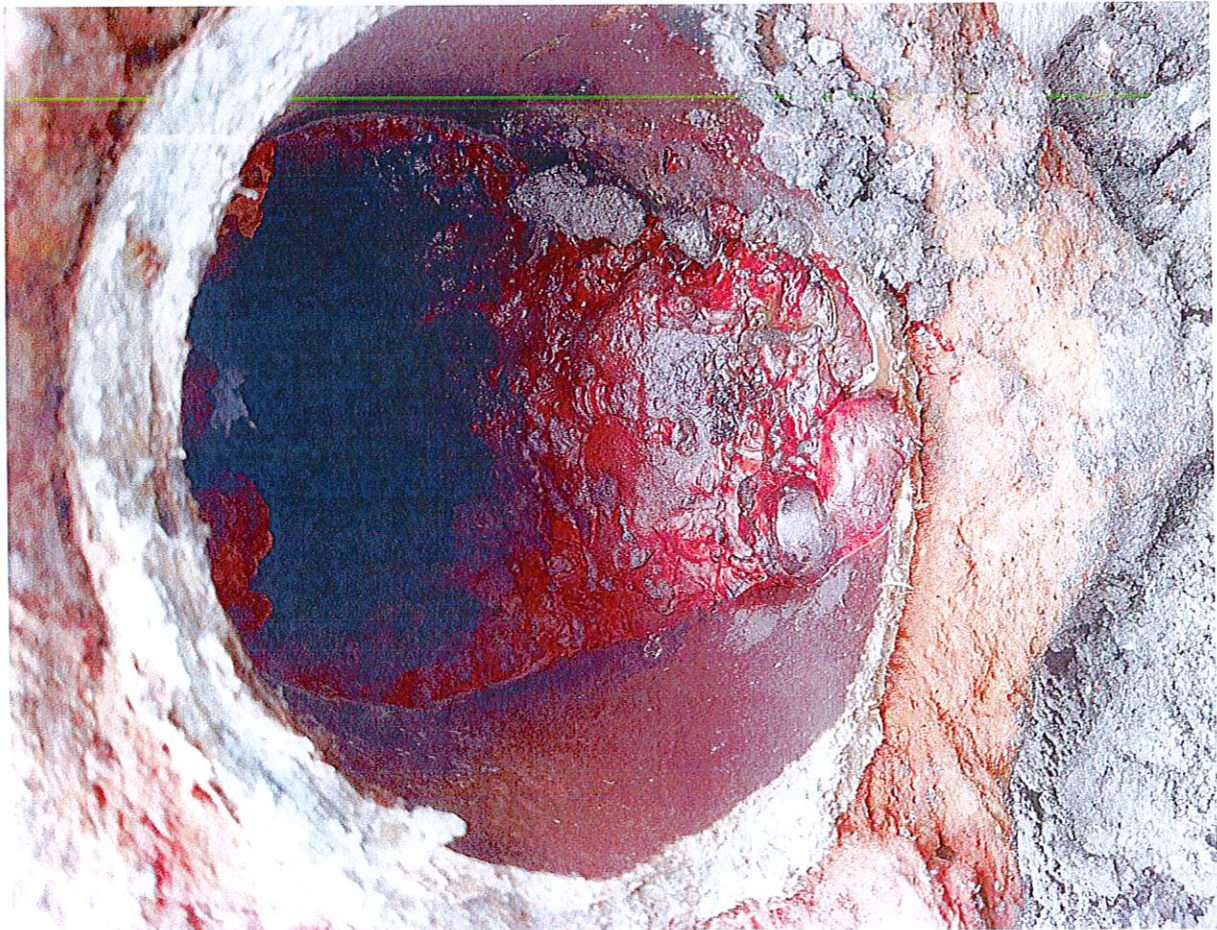
****MUST BE TYPED OR PRINTED****

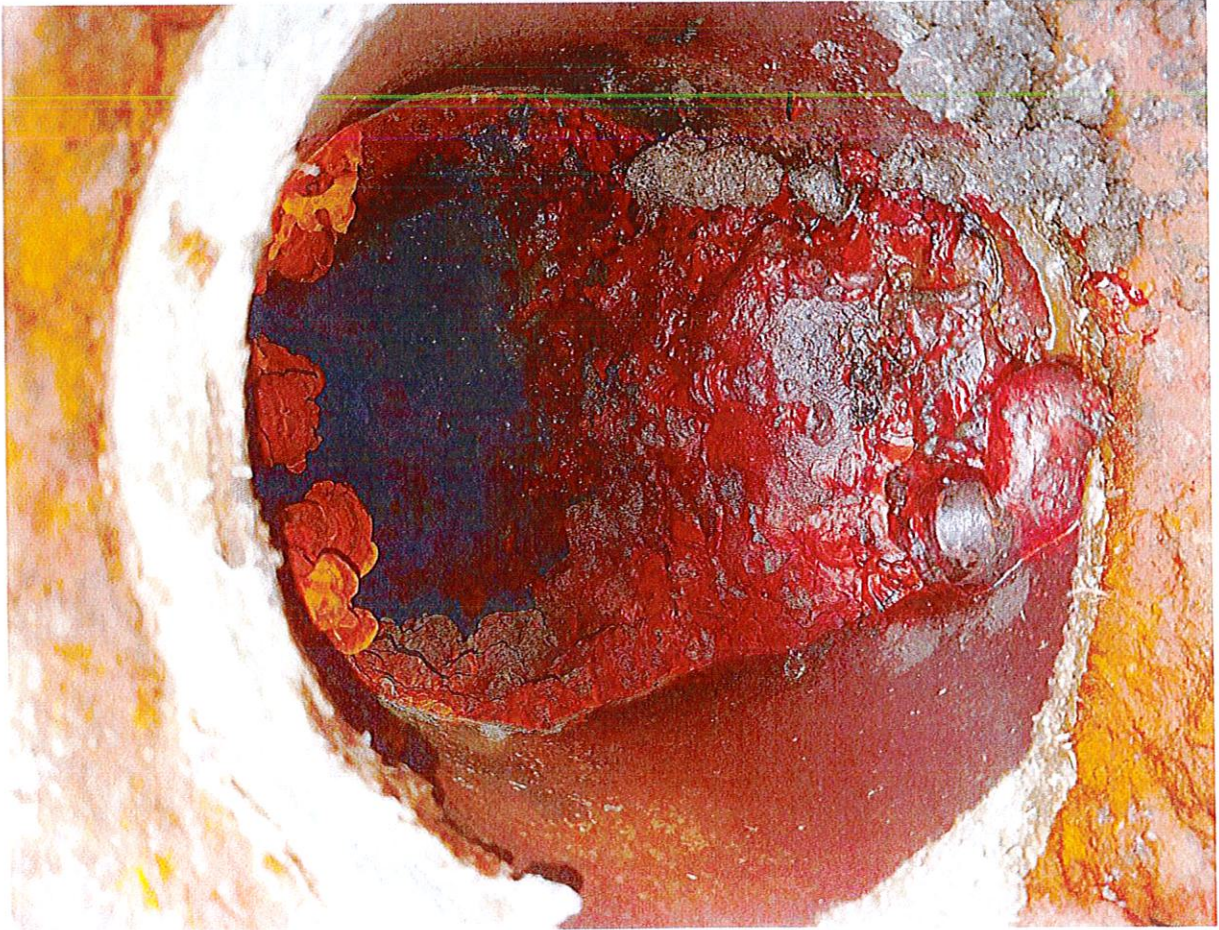
Name of Organization: City of Bowling Green		
Contact Person: Adam Thompson		
Name of person speaking: Adam Thompson		
Address: 104 East Main Street		
City: Bowling Green	State: Florida	Zip: 33834
Phone: 863-375-2255	Cell: 813-703-0150	
Email: athompson@bowlinggreenfl.org		
Is this a funding request? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, cost of proposal <u>\$1,357,000</u>		
Is this a legislative proposal? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Plan /Objective: The City of Bowling Green is requesting a recurring \$1,000,000.00 dollars to upgrade the city's water and sewer lines starting in areas that are in desperate need of upgrades. Some of these pipes are more than 40 years old. We are also requesting \$375,000.00 for a new single arm side loader garbage truck and refuse cans to replace a 2007 (14years old) truck that is costing the city thousands a year in maintenance cost to keep running.		
Will you be distributing materials at the hearing? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		

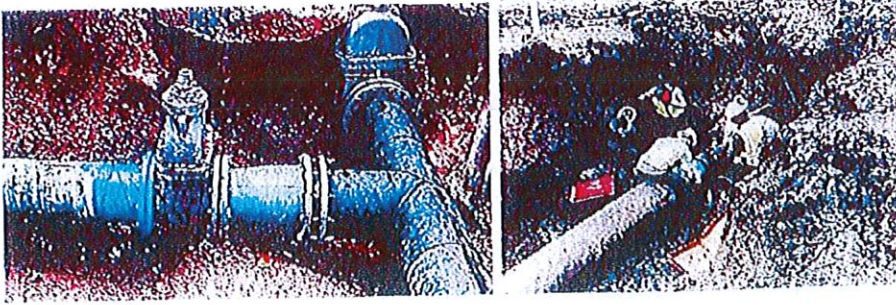
This form and all supporting documentation should be completed and returned electronically to melony.bell@myfloridahouse.gov or by mail to:

Representative Melony Bell
107 West Broadway Street, Suite B
Fort Meade, FL 33841

All forms must be received by noon November 5th, 2021 to be placed on the meeting agenda.



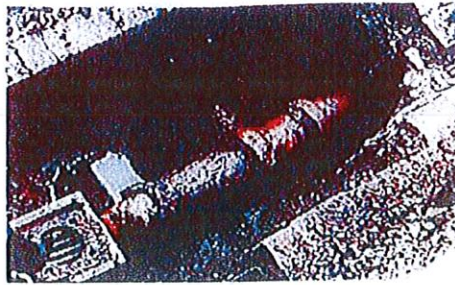




City of Bowling Green Florida Water line upgrades:

Water Lines Replace with C-900

- ① Water-tower to side walk, 12" iron pipe - 100 ft.
- ② Jones to Doc Coil RD., 12" iron pipe - 3123 ft. Dixiana DR.
- ③ Jones to County Line, 12" iron pipe - 2295 ft. Dixiana DR.
- ④ county line west, 12" iron pipe - 2251 ft.
- ⑤ Bryan Ave, 6" Transite Front of school - 1500 ft
- ⑥ All of main st. 6" Transite - 4000 ft
- ⑦ Lake Branch, 6" Transite - 2254 ft
- ⑧ Edison from Lake Branch to plant, 6" Transite - 887 ft.
- ⑨ East county line, 6" Transite, 900 ft.
- ⑩ Poplar Ave, 6" Transite, 1100 ft.
- ⑪ East Grape, 6" Transite, 939 ft.
- ⑫ North East side of 17, 6" Transite, 2147 ft.
- ⑬ South West side of 17, 6" Transite, 1985 ft.
- ⑭ main to Hardee St; Alley, 6" iron pipe, 2532 ft.
- ⑮ Banana from Lake Branch to Bryan, 956.3 ft.
- ⑯ East Jones 12" iron pipe, 1480 ft.
- ⑰ Mason Dixon Ave, 6" Transite, 7793 ft.
- ⑱ west Grape, 6" Transite - 1300 ft.

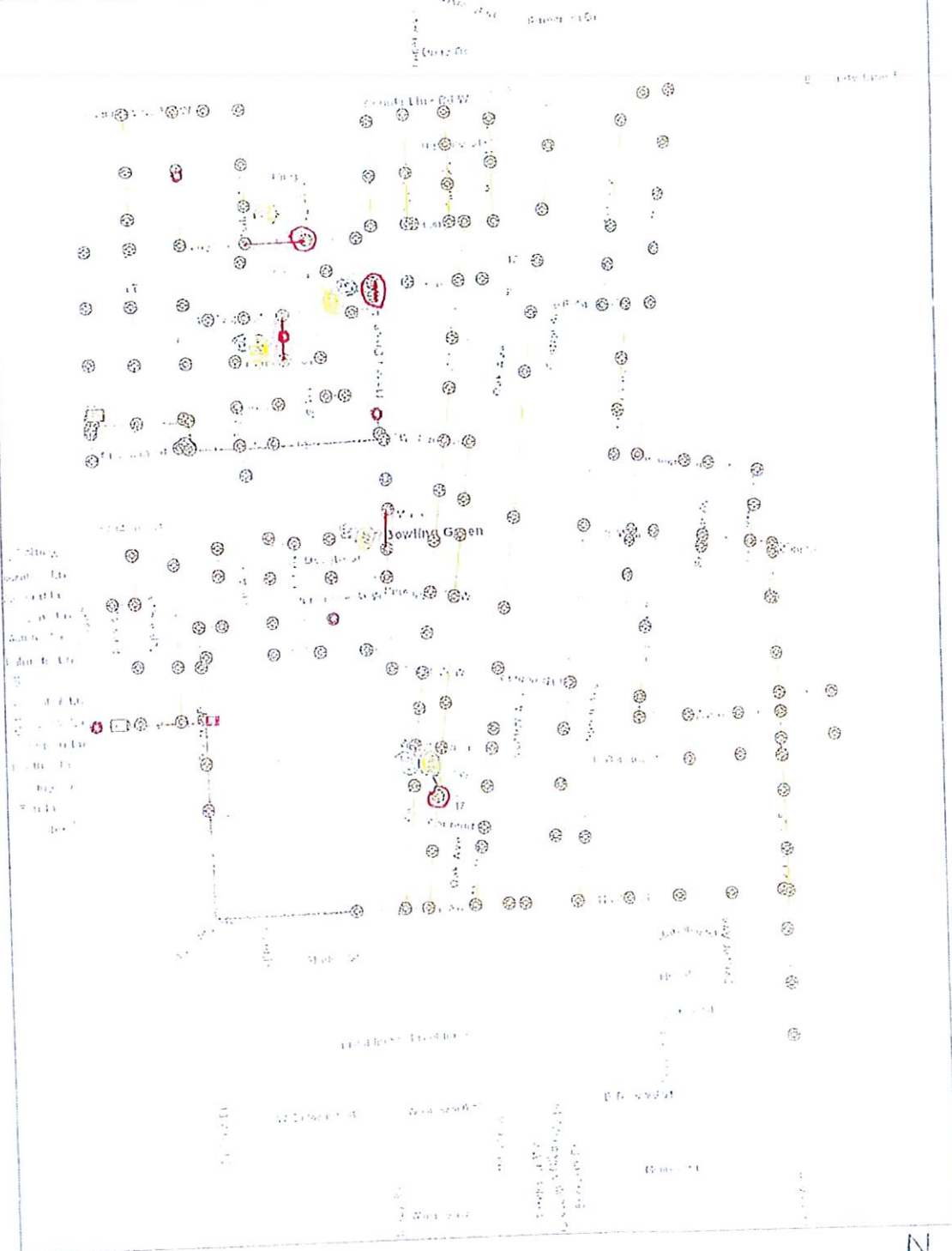


City of Bowling Green Florida Sewer line upgrades:

Location	Notes
	since
①	Spelling to Tangerine on B.F. manhole at Tangerine + B.F. fills with sand.
②	alley between Palmetto + W. Grape, manhole in middle needs replaced. plus lines.
③	Doyle Parker or Mason Dixon manhole on south side of sellers needs replaced.
④	Doyle Parker manhole and pipe under main to next man hole south.
⑤	manhole needs work

DRAFT

City of Bowling Green Wastewater Map



Legend

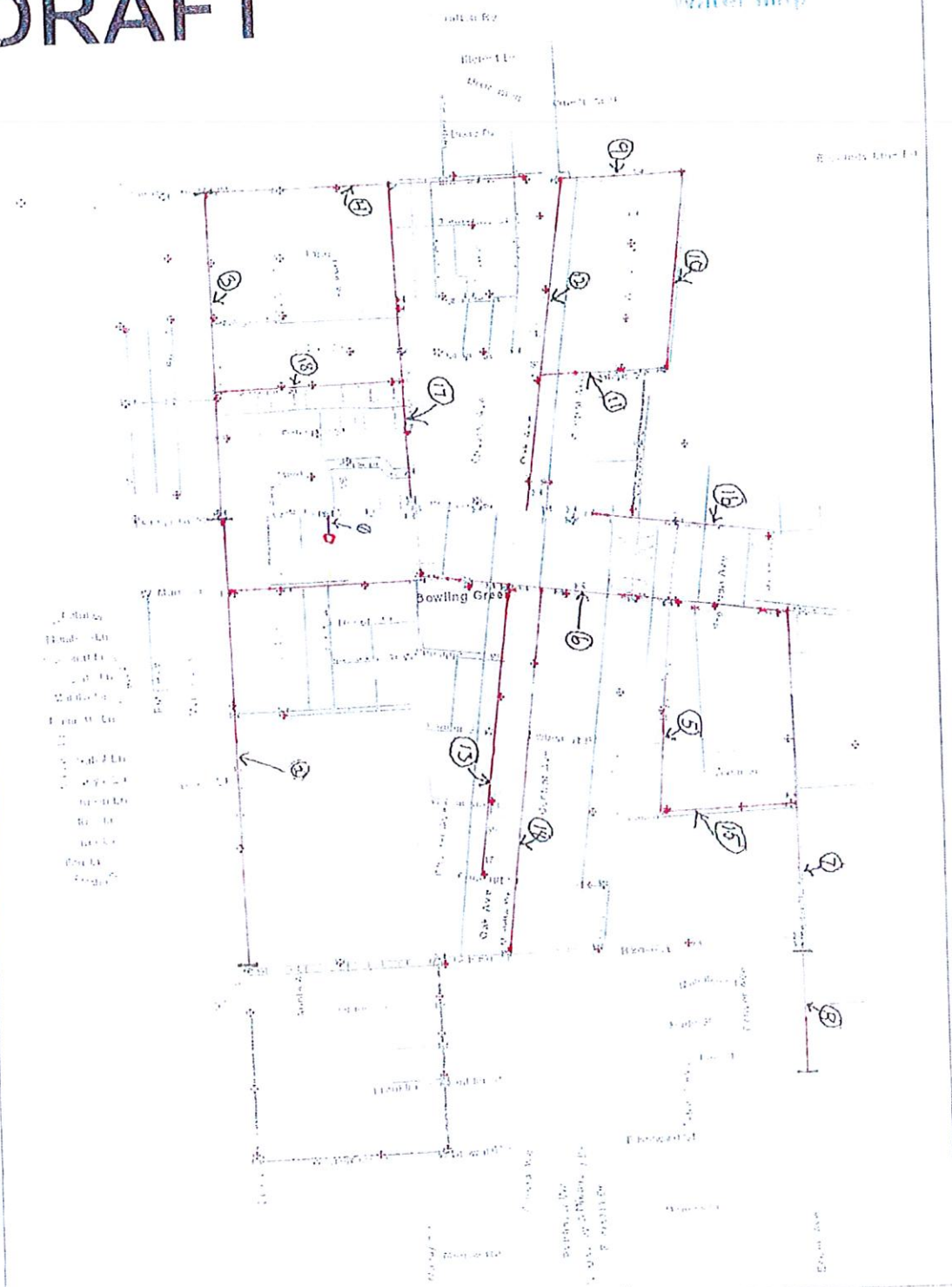
Lift Stations	Manholes	Wastewater Lines	Notes
□ GPSd	⊙ GPSd	— (all other values)	----- Force Main
Notes	Notes		----- Gravity Main
51 Not GPSd	⊕ Not GPSd		

1 inch = 591 feet



DRAFT

City of Bowling Green Water Map



Legend					
Flushstands	Valves	Notes	Hydrant	Drinking Water Lines	
GPSd	GPSd	can't locate	GPSd	Unknown Diameter	1 10
Notes		Not GPSd	Notes	Diameter	2 12
Not GPSd		Not GPSd Future Valve	Not GPSd	3 8	4 14
			Hydrant_Valve	5 8	

1 inch = 622 feet



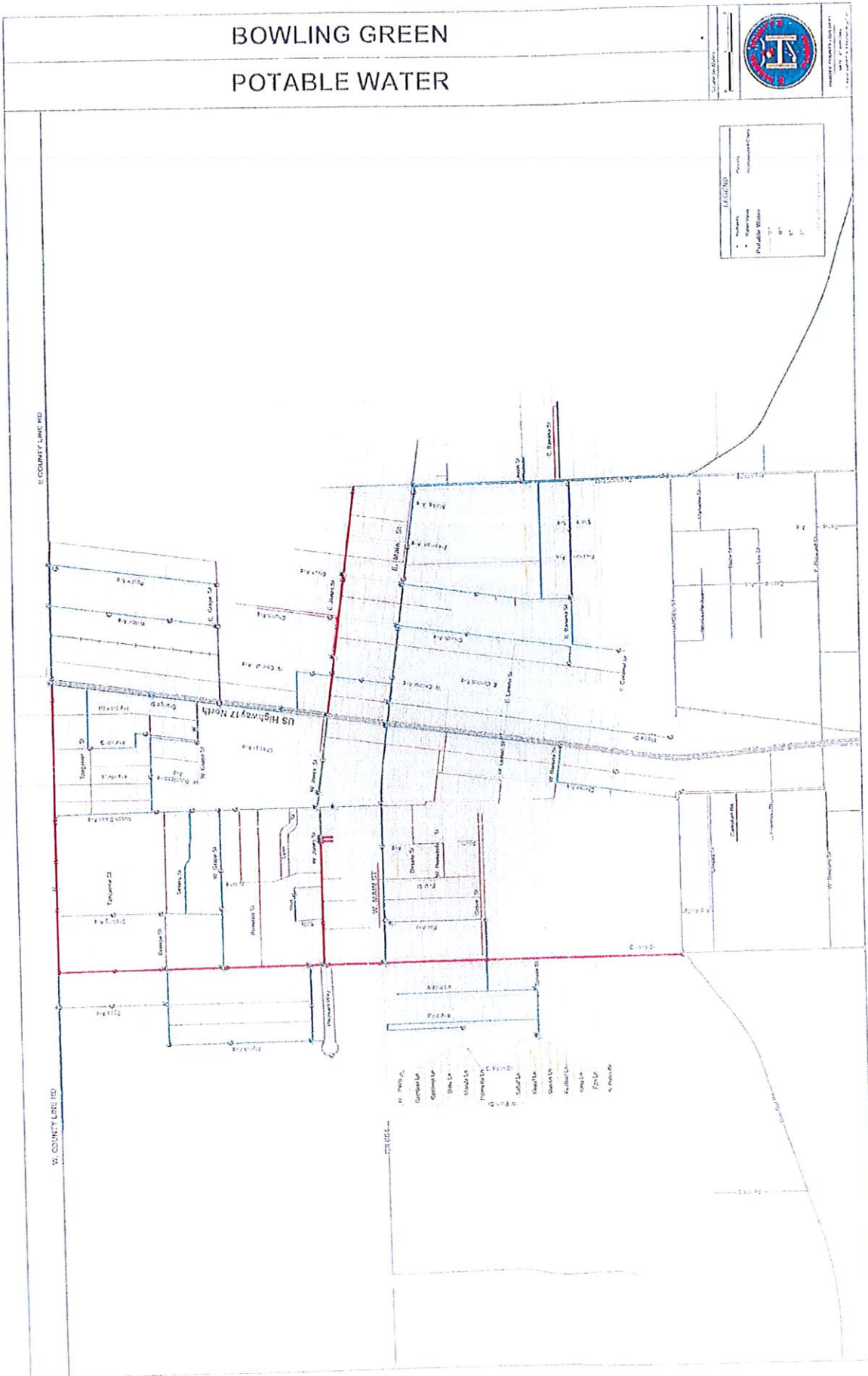
BOWLING GREEN POTABLE WATER



ENGINEERED BY
 DATE: 12/10/14
 PROJECT NO. 2014-010

LEGEND

Network	Public
Water Main	Water
Public Water	Water
1"	1"
2"	2"
4"	4"
6"	6"
8"	8"
12"	12"



- 1" Water Main
- 2" Water Main
- 4" Water Main
- 6" Water Main
- 8" Water Main
- 12" Water Main
- Sanitary Sewer
- Storm Sewer
- Electric
- Gas
- Telephone
- Cable TV
- Optical Fiber
- Other

BOWLING GREEN WASTE LINES



ET 107-910

- ▲ Public Control/Transfer Station
- ▲ Sewer Treatment Plant
- ▲ Sewer Pump Station
- ▲ Sewer Manhole
- ▲ Sewer Valve
- ▲ Sewer Catch Basin
- ▲ Sewer Inflow/Infiltration
- ▲ Sewer Break
- ▲ Sewer Repair
- ▲ Sewer Relocation
- ▲ Sewer Abandonment
- ▲ Sewer Construction
- ▲ Sewer Maintenance
- ▲ Sewer Inspection
- ▲ Sewer Cleaning
- ▲ Sewer Rehabilitation
- ▲ Sewer Replacement

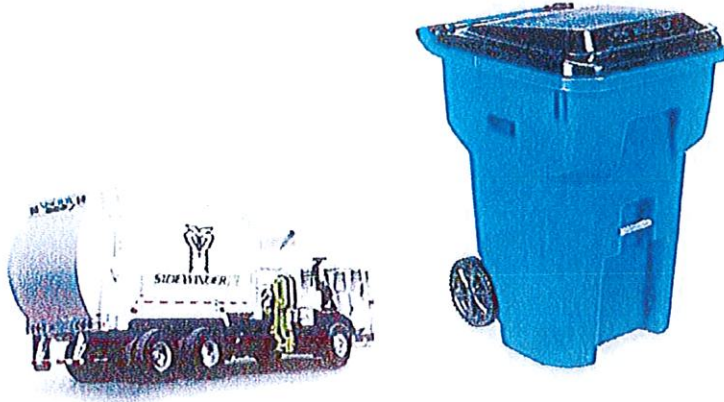
E COUNTY LINE RD

W. COUNTY LINE RD



CR 664

Creek Rd



Automated Self-Loading Sidearm Garbage collection (Garbage Truck)

Initial Conversion cost:

- Driver/Operator Education-Comes with purchase
- 30 YD Self Loading Side arm truck-\$280,000 (NEW)
- Retro fit smaller trash truck with dumpster arm-\$8,000.
- 64 Gallon trash cans \$52.50 @ 1200 cans=\$63,000.
- 96 Gallon trash cans \$57.50 @ 1200 cans =\$69,000.

Total non-recurring investment for new truck and 96-gallon cans=

\$357,000.00

Item #300

Build Sheet

**New Way RotoPac Model 27 Cubic Yard
Automated Side Loader (Auger Style)**



27 Cubic Yard Body Capacity

Hot Shift PTO, Piston Pump

Chrome Cylinder Rods

Sight Gauge on Reservoir Tank

Quick Disconnect Port for Pressure Gauge

Frame Mounted Arm

Ergonomic In-Cab Control Panel and Joystick

Positive Automatic Tailgate Lock

Smooth Body Sidewall Design

Acrylic Urethane Enamel WHITE Paint on Body

ARM Powder Coat New Way Safety Yellow

Auger Drive Hub Cushions

Rear Vision Camera System, Dual Cameras

Back Up Alarm

Tailgate Ajar Alarm

Hour Meter on PTO

“Arm Stowed” Indicator

LED Body Lights

Strobe Light Package (Mounted Upper Tailgate)

10 lb. Fire Extinguisher

Triangle Kit

1 Year Body, Arm & Hydraulic Warranty

1 Year Cylinder Warranty

\$ 142,947.⁰⁰ - GUM+ Contract.
6-10 months Delivery.

Southern Sewer Equipment Sales

800-782-4134 www.southernsewer.com

Item #299

Build Sheet

New Way Sidewinder 31 Cubic Yard Automated Side Loader



31 Cubic Yard Body Capacity

- Pack On The Go
- Multi Cycle Packer
- Front Mount, Tandem Vane Pump
- Twin 14.5" x 7" Clean Out Doors
- Chrome Cylinder Rods with Scrapers
- Side-Access Door to Hopper
- Nitro Carbonite Single Hoist Cylinder
- Sight Gauge on Reservoir Tank
- High Grade Hydraulic Fluid
- Quick Disconnect Port for Pressure Gauge
- Reinforced, Frame Mounted Arm – 1,000 lb. Lift Capacity
- In-Line Heavy Duty Grippers
- Sealed Roller Bearings on Packer Follower Panels
- Ergonomic In-Cab Control Panel and Joystick
- Positive Automatic Tailgate Lock
- Smooth Body Sidewall Design
- Acrylic Urethane Enamel WHITE Paint on Body
- ARM Powder Coat New Way Safety Yellow
- Rear Vision Camera System, Dual Cameras
- Back Up Alarm
- Body Ajar Alarm
- Tailgate Ajar Alarm
- Hour Meter
- "Arm Stowed" Indicator
- Home Position Arm Lock
- LED Body Lights
- Strobe Light Package (Mounted Upper Tailgate)
- 10 lb. Fire Extinguisher
- Triangle Kit
- 1 Year Body, Arm & Hydraulic Warranty
- 2 Year Cylinder Warranty

\$137,481.00 - GUMT contract



Customer
 CITY OF BOWLING GREEN FL
 PO BOX 608
 ATTN: PAMELA MORTHUP
 BOWLING GREEN, FL 33834

EMPIRE PIPE - ORLANDO
 EMPIRE PIPE & SUPPLY - ORLANDO
 2301 ALTON ROAD
 BIRMINGHAM, AL 35210

Telephone: 407-295-2400

Bid expires on 11/26/21
 Page 1

10/26/21 Bid ID: 5012976 AMR DRIVE BY SYSTEMS

Line	Quantity	Sell Per	Description	Net Price	Extended Price
WATER METERS					
40	1	EA	5/8 3G USG REG ENH 395 USG UC39	158.38 -	158.38
50	1	EA	5/8X3/4 BL MTR NL 3G USG PB	190.05	190.05
60	1	EA	ALLEGRO UTG REG KIT-MM	188.15	188.15
70	1	EA	5/8X3/4 BL MTR NL ALGRO USG PB	222.80	222.80
80	1	EA	5/8X3/4 3G USG SONATA	212.05	212.05
90	1	EA	5/8 X 3/4 ALLEGRO USG SONATA	223.31	223.31
LAPTOP READING SYSTEMS					
130	1	EA	3G MOBILE LAPTOP READ SYSTEM MODEL 5X SEMI-RUGGED LAPTOP HARD SHELL CARRY CASE KIT (CASE, POWER SUPPLY, POWER CORD) 3G DMMR RECEIVER & CHARGER, 3G TECH.NET, MAG MOUNT & PERMANENT MOUNT ANTENNA, COMMUNICATION CABLE, HARMONY MOBILE READ SYSTEM (REQUIRED FOR EACH LAPTOP), GPS RECEIVER	12,189.58	12,189.58
140	1	EA	ALLEGRO MOBILE LAPTOP READ SYS MODEL 5X SEMI-RUGGED LAPTOP HARD SHELL CARRY CASE KIT, (CASE, POWER SUPPLY, POWER CORD) ALLEGRO RECEIVER & CHARGER, ALLEGRO TECH, ALLEGRO MAG ANTENNA 450-470MHZ, COMMUNICATION CABLE, HARMONY MOBILE READ SOFTWARE (REQUIRED FOR EACH LAPTOP) GPS RECEIVER	11,361.94	11,361.94
150	1	EA	HARMONY SOFTWARE SYSTEM WEB BASED TRAINING	.00	.00
160	1	EA	HARMONY ANNUAL HOSTING/SUPPORT (1 TO 1,500 SERVICES) AFTER FIRST YEAR, SUPPORT FEES TO BE BILLED DIRECT FROM MASTER METER.	1,200.00 900.00 yr.	1,200.00
ADDITIONAL ALLEGRO REQUIREMENT					
200	1	EA	FCC LICENSE FEE HARMONY MOBILE (REQUIRED FOR EACH NEW SYSTEM)	937.50	937.50

3G - \$13,389.58 - 1 time cost

Allegro - \$13,499.44

10 yr full warranty - 20 yr warranty

\$32,000 - 200 - meters
 13,389.58 - system - 1 time charge.
 \$45,389.58

Chemical expense Wtr/WW	Sludge Hauling	Contract Labor
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Fiscal Yr 2015	\$ 3,589.00	\$ 24,600.00	\$ 41,939.35
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Fiscal Yr 2016	\$ 8,350.93	\$ 5,610.00	\$ 60,383.96
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Fiscal Yr 2017	\$ 16,088.05	\$ 17,940.00	\$ 72,619.93
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Fiscal Yr 2018	\$ 19,029.16	\$ 20,681.90	\$ 65,141.46
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Fiscal Yr 2019	\$ 19,940.07	\$ 7,235.00	\$ 56,875.00
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Fiscal Yr 2020	\$ 12,584.00	\$ 89,400.00	\$ 54,150.00
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Fiscal Yr 2021			\$ 522,159.98
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Fiscal Yr 2022			\$ 530,159.00
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Total Expenses:

2015	\$ 70,128.35
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2016	\$ 74,344.89
------	--------------

2017	\$ 106,647.98
------	---------------

2018	\$ 104,852.52
------	---------------

2019	\$ 84,050.07
------	--------------

2020	\$ 156,134.00
------	---------------

2021	\$ 522,159.98
------	---------------

2022	\$ 530,159.00
------	---------------

42828.81x12=\$513945.72
 Double chemic \$15,000.00
 Double sludge \$18,000.00
 Maintenance

HAY LEASE AGREEMENT

THIS AGREEMENT, made this 17th day of June, 2021, between the City of Bowling Green Florida, a Florida municipal corporation with a business address of 104 E. Main Street, Bowling Green, FL 33834-0608, hereinafter referred to as "LESSOR", and John Paris, with a business address of 6595 Mount Pisgah Rd. Fort Meade, Florida 33841, hereinafter referred to as "LESSEE".

WITNESSETH

In consideration of Lessor leasing said track to Lessee and other terms and consideration contained herein, the receipt and sufficiency Lessee acknowledges and accepts, Lessee agrees to accept the Property under the following terms and conditions:

1. **Property Leased.** That the Lessor leases to the Lessee a tract of real estate of approximately 9.1 acres, AS-IS and WHERE-IS, located on **Lake Branch Rd** in Hardee County, Florida, and identified by the county as parcel **#09-33-25-000-05070-0000** (hereinafter known as the "Property").

2. **Lease Term; Termination.** This Agreement is for a period commencing June 17th, 2021, and continuing until terminated by either party, by the terminating party providing notice of termination not less than thirty (30) days prior to the terminate date, for cause or for convenience. Lessee understands and agrees that Lessor intends to sell the Property, and such sale may affect the ability or timing of Lessee's harvest of hay. If Lessee has seeded for hay at the time notice is received, then the termination date shall be the sooner of: a) The date the hay crop is harvested and removed by Lessee as required by the Agreement; or, b) not more than thirty (30) days, regardless of whether the hay has been harvested. Lessor shall not be responsible for any losses to Lessee for failure to harvest before the termination day, the failure of the hay to reach full maturity, or for any reason caused by the termination of this Agreement according to its terms.

3. **Rent.** Lessee agrees to pay Lessor \$ 15.00 per acre (9 acres) for a total annual rental amount of \$ 1620.00 payable (monthly) with the first payment due on June 17th 2021. Failure to make said payment by the due date shall result in this Agreement being immediately terminated.

4. **Purpose.** Lessor leases the Property to Lessee for the sole purpose of hay growing, harvesting and removal of the hay for Lessee's sale or use.

5. **Maintenance Responsibility.** Lessee agrees to cut, bail, and remove all hay at least 2 times during the term of this Agreement, and under no circumstances allow the Property to become overgrown, even if the hay is unusable. The Property is to be mowed clean with no patch work being permitted. Lessor reserves the right to issue a notice to mow to Lessee in the event Lessor determines the hay is ready to be harvested and Lessee has failed to act 15 days from the date of the notice to begin mowing. All bales must be removed from the Property within 15 days of being mowed or within 30 days of a notice to mow being sent whichever occurs first. Lessee has no other Property rights other than those necessary or prudent to allow the purpose stated herein.

6. **Soil Improvements; No Liens.** In the event Lessee chooses to apply fertilizer or make other improvements to the hay meadow, all such applications or improvements shall be at Lessee's sole expense

with no amount being reimbursed or owing by Lessor. Lessee shall make no other improvements without the written approval of the City, and shall not under any circumstances, allow the Property to have a lien placed on it by fault or activities of Lessee.

7. **Indemnification.** Lessee shall defend, indemnify and hold harmless lessor and all of lessor's officers, agents, and employees from and against all claims, liability, loss and expense, including reasonable costs, collection expenses, expert witness fees, attorneys' fees, and court costs, whether incurred at the trial or appellate level, which may arise because of the negligence (whether active or passive), misconduct, or other fault, in whole or in part (whether joint, concurrent, or contributing) of lessee, lessee's agents or employees in performance or non-performance of lessee's obligations under the agreement. Lessee recognizes the nature of this indemnification and hold harmless clause, as well as the provision of a legal defense to lessor when necessary, and voluntarily makes this covenant and expressly acknowledges the receipt of such good and valuable consideration provided by lessor in support of these indemnification, legal defense and hold harmless contractual obligations in accordance with the laws of the State of Florida. this clause shall survive the termination of this agreement.

a. Compliance with any insurance requirements required elsewhere within this Agreement shall not relieve Lessee of his liability and obligation to defend, hold harmless and indemnify Lessor as set forth in this section of the Agreement.

b. Nothing in this Agreement shall be construed to extend Lessor's liability beyond that provided in Florida law, including without limitation, section 768.28, Florida Statutes.

c. In the event any lawsuit or other proceeding is brought against Lessor by reason of any such claim, cause of action or demand, Lessee shall, upon written notice from Lessor, resist and defend such lawsuit or proceeding by counsel satisfactory to Lessor or, at Lessor's option, reimburse Lessor for use of the City Attorney or counsel selected to defend Lessor. The provisions and obligations of this section shall survive the expiration or earlier termination of this Agreement. To the extent considered necessary or prudent by the City Attorney, any sums due to the Lessees under this Agreement may be retained by Lessor until all of the Lessor's claims for indemnification pursuant to this Agreement have been settled or otherwise resolved; and any amount withheld shall not be subject to payment of interest by Lessor.

8. **Insurance.** Lessee is responsible to maintain the following insurance on the Property and Lessee's activities thereon, written by a company satisfactory to Lessor and at Lessee's expense:

a. Lessee shall, at his sole cost and expense, procure and maintain at all times in full force and effect a policy or policies of insurance as specified herein, naming Lessor as an additional insured and covering all public risks related to the leasing, use, occupancy, maintenance, existence, or location of the Property. Lessee shall provide proof of a commercial general liability insurance policy with coverage at the limits of one million dollars (\$1,000,000), which shall be primary to any insurance that might be carried by Lessor. Said limits may be revised upward at Lessor's option on an annual basis, and Lessee shall so revise such amounts within thirty (30) days following notice to Lessee of such requirements or turn over the Property to

Lessor. Lessee shall maintain said insurance with insurance underwriters authorized to do business in the State of Florida, and AM Best rated at least as an A+ insurer. As Exhibit A to this Agreement, Lessee shall furnish Lessor with a certificate of insurance as proof that such coverage has been procured and is being maintained thereafter during the term of this Agreement or any renewal thereof and attach such Exhibit A prior to execution of this Agreement. Said insurance coverage procured by Lessee as required herein shall be considered, and Lessee agrees that said insurance coverage Lessee procures as required herein shall be considered, as the primary insurance over and above any other insurance, or self-insurance, available to Lessor, and that any other insurance, or self-insurance available to Lessor shall be considered secondary to, or in excess of, the insurance coverage(s) procured by Lessee as required herein. The certificate shall contain a waiver of any right of subrogation against Lessor and shall name Lessor as an additional insured and the policy shall have a thirty (30) day notice in favor of Lessor prior to any cancellation or substantial change in coverage.

b. Nothing in this Agreement shall be construed to extend Lessor's liability beyond that provided in Florida law, including without limitation, the limitations provided in section 768.28, Florida Statutes.

9. **No Assignment or sublet.** Lessee shall not assign this Agreement or sublet the Property.
10. **Property Inspection.** Lessor shall have the right to enter and inspect the Property at all times and all days.
11. **Comply with Law.** Lessee shall comply with all laws as to the occupation and use of the Property.
12. **Amendments.** All changes to this Agreement shall be in writing and by mutual agreement between the parties.
13. **Termination for Breach of Agreement.** Lessor reserves the right to suspend cutting, bailing or removal of hay for any just cause.
14. **Waiver.** Failure of the parties to insist upon strict performance of any of the covenants, terms, provisions, or conditions of this Agreement or to exercise any right of option herein contained, shall not be construed as a waiver or a relinquishment for the future of any such covenant, term, provision, or condition, or right of election, but same shall remain in full force and effect.
15. **Document a Result of Mutual Draftsmanship.** The parties agree that this Agreement was negotiated at arms' length, with both parties having an opportunity for representation by counsel and negotiation, therefore, this agreement shall not be construed against either party on the basis for authorship of the Agreement or any provision hereof.
16. **Attorneys' Fees and Costs.** If either party takes legal action to enforce the terms or conditions of this Agreement, the prevailing party will be entitled to an award of all costs of the action, including reasonable attorneys' and paralegals' fees, including appeals.

17. **Paragraph Headings.** The titles and paragraph headings are for convenience only and shall not be used to construe any part of this Agreement.

18. **Notices.** Whenever any notice is required or permitted by this Agreement to be given, such notice shall be sent by US Mail or nationally recognized courier (UPS FedEx, etc) addressed to:

- a. To the Lessor at: City Manager, City of Bowling Green, Florida, 104 E. Main Street, Bowling Green, FL 33834-0608.
- b. To Lessee at: 6595 Mount Pisgah Rd. Fort Meade, Florida. 33841.

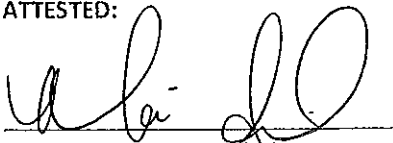
IN WITNESS WHEREOF, the parties have hereunto affixed their signatures as follows:

LESSOR

This Agreement was approved at the regular special session of the City Commission held on June 16, 2021. The vote was as follows:

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


ATTESTED:


Carmen Silva, City Clerk

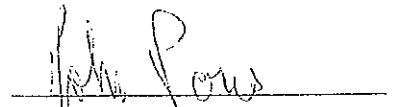
CITY OF BOWLING GREEN, FLORIDA

Duane Gardner, Mayor

APPROVED AS TO FORM AND CONTENT:


Gerald T. Buhr, City Attorney

LESSEE


John Paris

DATE
6-25-2021

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Commissioner/Vice Mayor Fite	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Durařtanti	<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"/>

ATTESTED:

CITY OF BOWLING GREEN, FLORIDA

Carmen Silva, City Clerk



Duane Gardner, Mayor

APPROVED AS TO FORM AND CONTENT:

Gerald T. Buhr, City Attorney

LESSEE

DATE



John Paris

12-25-2021

FLOYD I. BACHRACH FAMILY LIMITED PARTNERSHIP NO. 1
DBA GRACE MOBILE HOME PARK
C/O HERSHMAN OFFICES
2240 PALM BEACH LAKES BLVD.
SUITE 101
WEST PALM BEACH, FL 33409
(561) 689-3889
DAHERSHMANLAW@GMAIL.COM

October 20, 2021

Via e-mail: athompson@bowlinggreenfl.org

Mr. Adam Thompson
City Manager of Bowling Green
104 East Main Street
Bowling Green, FL 33834

Re: Lake Branch Road, parcel no. 09-33-25-0000-05070-0000, consisting of 9.13 acres,
owned by the City of Bowling Green

Dear Mr. Thompson:

Congratulations on your becoming the City Manager of Bowling Green. As you may know, since 2013, my family has owned Grace Mobile Home Park, where we provide H2A-certified farm worker housing. The purpose of this letter is to explore the City's interest in selling to us the above-referenced parcel, as we hope to expand our footprint in Bowling Green. We believe that this property would enable us to build and operate a comfortable housing facility for our growers' workers. With this property we plan to include recreational amenities for the enjoyment of the seasonal workers and the general community, such as a soccer field, for example.

At this time, we are prepared to offer \$75,000.00 for this property, with us paying closing costs. The proposed purchase would be for cash, with an anticipated pre-closing period of time (perhaps 4 months) to allow us adequate opportunity to conduct necessary feasibility studies for the construction of worker housing at the site. Please let me know what the City's requirements would be for such a sale and if we should submit a proposed contract.

I look forward to hearing from you at your earliest convenience. Thank you for your careful consideration. Please do not hesitate to reach out to me for any additional information.

Sincerely,

Daniel Hershman

DANIEL A. HERSHMAN,
General Partner

CITY OF BOWLING GREEN



AGENDA REQUEST

Name Emanuel Reed

Address 607 Palmetto St, B.G.

Phone (Contact Information) 863 398 0403

Date 11-1-21

Purpose of Request Pertaining to Christmas

Signature Barbara Barnes