



HISTORIC TOWN OF EATONVILLE, FLORIDA

REGULAR COUNCIL MEETING AGENDA

Tuesday, March 07, 2023 at 7:30 PM

Town Hall - 307 E Kennedy Blvd

AMENDED

- I. CALL TO ORDER AND VERIFICATION OF QUORUM
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. APPROVAL OF THE AGENDA
- IV. PRESENTATIONS AND RECOGNITIONS
 - A. Proclamation Recognizing Problem Gambling Awareness Month (**Administration**)
- V. CITIZEN PARTICIPATION (Three minutes strictly enforced)
- VI. PUBLIC HEARING
 - B. Approval of First Reading of Ordinance 2023-2 Amending Ordinance 2020-9 (**M. Daniels**)
 - C. Approval of First Reading of Ordinance 2023-3 Repealing Ordinance 2021-4 (**M. Daniels**)
 - D. Approval of First Reading of Ordinance 2023-4 Repealing Ordinance 2010-4 (**M. Daniels**)
 - E. Approval of the First Reading of Ordinance 2023-5 (Formally Ordinance 2022-3) pertaining to businesses in the Town of Eatonville Code of Ordinances, Concerning the Registration and Operation of Rental Homes (**Administration**)
- VII. CONSENT AGENDA
 1. Approval of Town Council Meeting Minutes – February 21, 2023 (**Clerk Office**)
 2. Approval of the Biometric Management Contract (**Public Works**)
 3. Approval of Resolution 2023-04 Appointing (2) New Board Members to Code Enforcement Board (**Administration**)
 4. Approval of Resolution 2023-05 Appointing (1) New Board Member to Historic Preservation Board (**Administration**)
- VIII. COUNCIL DECISIONS
 5. Approval of Resolution #2023-2 Appointment of Vice Mayor (**Administration**)
- IX. REPORTS
 - INTERIM ADMINISTRATIVE OFFICER'S REPORT
 - TOWN ATTORNEY'S REPORT
 - TOWN COUNCIL REPORT/DISCUSSION ITEMS
 - MAYOR'S REPORT
- X. ADJOURNMENT

The Town of Eatonville is subject to the Public Records Law. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

****PUBLIC NOTICE****

This is a Public Meeting, and the public is invited to attend. This Agenda is subject to change. Please be advised that one (1) or more Members of any of the Town's Advisory Boards/Committees may attend this Meeting and may participate in discussions. Any person who desires to appeal any decision made at this meeting will need a verbatim record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based – per Section 286.0105 Florida Statutes. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Town of Eatonville at (407) 623-8910 "at least 48 hours prior to the meeting, a written request by a physically handicapped person to attend the meeting, directed to the chairperson or director of such board, commission, agency, or authority" - per Section 286.26



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL MEETING

MARCH 7, 2023 AT 7:30 PM

Cover Sheet

****NOTE**** Please do not change the formatting of this document (font style, size, paragraph spacing etc.)

ITEM TITLE: Proclamation Recognizing Problem Gambling Awareness Month
(Administration)

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS	YES	Department: ADMINISTRATION
PUBLIC HEARING 1ST / 2ND READING		Exhibits: <ul style="list-style-type: none"> Proclamation: Problem Gambling Awareness Month
CONSENT AGENDA		
COUNCIL DECISION		
ADMINISTRATIVE		

REQUEST: Administration request that Town Council proclaim and recognize Problem Gambling Awareness Month for the month March.

SUMMARY: The National Council on Compulsive Gambling (NCCG), the Florida Council on Compulsive Gambling (FCCG) and the Florida Department of Health Resource Center have designated March 2023 as Problem Gambling Awareness Month (PGAM). Many individuals, professionals and organizations have dedicated their efforts to the education of the public about problem gambling and the availability and effectiveness of treatment due to the public health issue problem gambling. Problem Gambling affects thousands of Floridians of all ages, races, ethnic backgrounds, and has a significant societal and economic cost for individuals, families, businesses, and communities.

RECOMMENDATION: Administration recommends that Town Council proclaim and recognize Problem Gambling Awareness Month for the month March

FISCAL & EFFICIENCY DATA: N/A



PROCLAMATION

Section IV. Item #1.

Office of the Mayor
Town of Eatonville, Florida

The Town of Eatonville, Florida Proclaim and Recognizes "Problem Gambling Awareness Month"

WHEREAS, the National Council on Compulsive Gambling (NCCG), the Florida Council on Compulsive Gambling (FCCG) and the Florida Department of Health Resource Center have designated March 2023 as Problem Gambling Awareness Month (PGAM); and

WHEREAS, problem gambling is a public health issue affecting thousands of Floridians of all ages, races, and ethnic backgrounds; and

WHEREAS, problem gambling has a significant societal and economic cost for individuals, families, businesses and communities; and

WHEREAS, problem gambling is treatable, and treatment is effective in minimizing this harm to both individuals and society as a whole; and

WHEREAS, numerous individuals, professionals and organizations have dedicated their efforts to the education of the public about problem gambling and the availability and effectiveness of treatment; and

WHEREAS, Floridians need to know that help and hope for problem gambling are available through the 24/7, Confidential, and Multilingual HelpLine: 888-ADMIT-IT; and

WHEREAS, *the Florida Council on Compulsive Gambling, and the Florida Department of Health Resource Center invite all residents of Eatonville to participate in Problem Gambling Awareness Month.*

WHEREAS, the Town of Eatonville, its elected officials, and citizens are encouraged to participate in activities that raise awareness, declaring the importance of Problem Gambling Awareness Month.

NOW THEREFORE, BE IT RESOLVED, that the Town of Eatonville, Orange County, Florida, along with Mayor Angie Gardner, Vice Mayor Rodney Daniels, Council Members Theo Washington, Marlin Daniels, and Wanda Randolph proclaim the month of March 2023 as *"Problem Gambling Awareness Month in Eatonville, FLORIDA."*

ATTEST:

VERONICA L. KING, Town Clerk

IN WITNESS WHEREOF, I have
hereunto set my hand and caused
the seal of the Town of Eatonville,
Florida to be affixed this 7th day
of March 2023.

ANGIE GARDNER, Mayor



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL MEETING

MARCH 7 AT 07:30 PM

Cover Sheet

****NOTE**** Please do not change the formatting of this document (font style, size, paragraph spacing etc.)

ITEM TITLE: Approval of First Reading of Ordinance 2023-2 Amending Ordinance 2020-9 To Repeal Certain Provisions

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: LEGISLATIVE
PUBLIC HEARING 1ST / 2ND READING	YES	Exhibits: <ul style="list-style-type: none"> Ordinance 2023-2
CONSENT AGENDA		
COUNCIL DECISION		
ADMINISTRATIVE		

REQUEST: Approval of First Reading of Ordinance 2023-2 Amending Ordinance 2020-9 To Repeal Certain Provisions.

SUMMARY: The Town of Eatonville Town Council desires to remove certain portions of its Final Budgetary Ordinance for Fiscal Year 2020-2021 which are more appropriate for a separate ordinance and not tied to a specific budget year. Sections Three, Five and Six of Ordinance 2020-9 are hereby recommended for repeal in their entirety. The remainder of Ordinance 2020-9 shall remain in full force and effect.

RECOMMENDATION: Recommendation is for Town Council to approve the First Reading of Ordinance 2023-2 Amending Ordinance 2020-9 To Repeal Sections Three, Five and Six.

FISCAL & EFFICIENCY DATA: N/A

ORDINANCE #2023-2**AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA,
AMENDING ORDINANCE 2020-9 TO REPEAL CERTAIN PROVISIONS
ONLY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, the Town of Eatonville desires to remove certain portions of its Final Budgetary Ordinance for Fiscal Year 2020-2021 which are more appropriate for a separate ordinance and not tied to a specific budget year; and

WHEREAS, the Town Council of the Town of Eatonville hereby finds that this Ordinance serves a legitimate governmental purpose and is in the best interests of the public health, safety, and welfare of the citizens of Eatonville, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA, AS FOLLOWS:

Section 1. LEGISLATIVE FINDINGS. The recitals set forth above are hereby adopted as the legislative findings of the Town Council of the Town of Eatonville, Florida.

Section 2. REPEAL OF CERTAIN SECTIONS. Sections Three, Five and Six of Ordinance 2020-9 are hereby repealed in their entirety. The remainder of Ordinance 2020-9 shall remain in full force and effect.

Section 3. CONFLICTS. After the effective date of this Ordinance, in any case where all or any part of this Ordinance is found to conflict with any provision of any other ordinance of the Town of Eatonville, to the extent of such conflict, all such ordinances are hereby repealed.

Section 4. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unenforceable, unlawful, or unconstitutional by a court of competent jurisdiction, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance.

Section 5. EFFECTIVE DATE. This Ordinance shall become effective upon adoption.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed and transmitted upon the first reading on the ____ day of _____, 2023.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second reading on the ____ day of _____, 2023.

Attest:

TOWN OF EATONVILLE

Veronica King,
Town Clerk

Angie Gardner, Mayor

Approved as to Form:

Clifford B. Shepard, Town Attorney

ORDINANCE #2020-9

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, ORANGE COUNTY FLORIDA, ADOPTING THE PROPOSED FINAL BUDGET FOR THE FISCAL YEAR 2020-2021; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS the Town Council acknowledges per Sec. 4.01. – Fiscal year of the Town Charter, the fiscal year of the Town shall begin on the first day of October and end on the last day of September of each year; and

WHEREAS the Town Council acknowledges per Sec. 4.02. – Submission of budget of the Town Charter requires that on or before the first day of August of each year, the Mayor shall submit to the Town Council a budget for the ensuing fiscal year and an accompanying in message; and

WHEREAS the Town Council acknowledges per Sec. 4.03.- Budget message of the Town Charter, the Mayors budget message shall explain the budget both in fiscal terms and in terms of the work programs, linking those programs to organizational goals and community priorities. It shall outline the proposed financial policies of the Town for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the Towns debt position, including factors affecting the ability to raise resources through debt issues and include such other material as the Mayor deems desirable.

WHEREAS the Town Council acknowledges per Sec. 4.04.- Budget of the Town Charter the budget shall provide a complete financial plan of all Town funds and activities for the ensuing fiscal year and except as required by law or this Charter, shall be in such form as the Mayor deems desirable or the Town Council may require for effective management.

WHEREAS the Town Council acknowledges per Sec. 4.05.- Town Council action on budget the Town Council shall adopt an annual budget in accordance with all applicable state statutory provisions including but not limited to Sections 166.241, 200.001, 200.065, and 200.068, Florida Statutes as amended; and

WHEREAS the Town Council acknowledges per Sec. 4.06. – Amendments after adoption of the Town Charter requires budget amendments after adoption of an annual budget shall be processed according to Sections 166.241, 200.065, and 218.503, Florida Statutes as amended; and

WHEREAS the Town Council acknowledges per Sec. 4.07. – Administration and fiduciary oversight of the budget of the Town Charter the Town Council shall provide by Ordinance the procedures for administration and fiduciary oversight of the budget.

SECTION ONE: The Town Council of the Town of Eatonville has heard the presentation by the Mayor and Administrative staff of the Fiscal Year 2020-2021 Annual Budget and seek to allocate funding in the amount of \$4,957,525.00 as projected by the Mayor and Administrative staff. The

Town Council of the Town of Eatonville do hereby approve and adopt the FY 2020-2021 Annual Budget.

SECTION TWO: TOWN CHARTER: The Town Council of the Town of Eatonville restate all provisions of Section 4.0 of the Town Charter and affirm its Home Rule Authority.

SECTION THREE: BUDGET LINE ITEMS: Personnel Services, Contingency, Capital Improvements, Salaries, Reserves, and General Fund cannot be moved without Town Council approval.

SECTION FOUR: BUDGET ADOPTION: The Town Council of the Town of Eatonville establishes financial plan and activities for Fiscal Year 2020-2021 by adopting an annual budget of revenues and expenses of the general fund, water, sewer, and stormwater. This budget may be amended by Town Council through resolution providing the Mayor, Administration and finance department has provided sufficient justification.

SECTION FIVE: PROCEDURES FOR ADMINISTRATION: The Town Council of the Town of Eatonville do hereby establish the procedures for the Administration: (1) The Mayor, Administration, and Finance Department shall be required to provide monthly detailed financial reporting to the Town Council at the first meeting of each month preceding the reporting period ; (2) the Mayor, Administration and Finance must hold quarterly financial workshops with the Town Council to provide and explain revenue and expenses projection for the preceding quarter and discuss any budgetary short falls which may affect the efficient operations of the Town; (3) the Mayor, Administration and finance department must conduct a budget amendment and budget review meeting with the Town Council on/or before the sixth month time period of this annual budget (4) the Mayor, Administration and Finance department may not alter, change, create any positions and/or contractual relationships unless approved by the Town Council; (5) no amendments of changes to the annual budget may become effective without the Town Council approval; (6) the Mayor, Administration and Finance Department are required to report any emergency spending needs effecting the annual budget and convene an emergency Town Council meeting prior to any approvals. The exceptions to this provision is only in public safety and public works emergencies.

SECTION SIX: FIDUCIARY OVERSIGHT: The Town Council of the Town of Eatonville do hereby charge the Mayor, Administration, and Finance department with the day to day fiduciary oversight/management of the annual budget but in no way delegate its authority of said charge as prescribed by the Town Charter designated in Section 4 in its entirety.

SECTION SEVEN: CONFLICTS: All Ordinances or parts of Ordinances in conflict therewith are hereby repealed.

SECTION EIGHT: SEVERABILITY: Should any section or part of this Ordinance be declared invalid by any court of competent jurisdiction such adjudication shall not apply to or effect any other provision(s) of this Ordinance, except to the extent that the entire section or part of a section may be inseparable in meaning and intent from the Section to which such holdings shall apply.

SECTION NINE: EFFECTIVE DATE:

This Ordinance shall take effect immediately

upon passage and adoption.

FIRST READING HELD this 14th day of SEPTEMBER, 2020, A.D.

	AYE	NAYE	ABSENT
Mayor Eddie Cole:	<u>X</u>	<u> </u>	<u> </u>
Vice Mayor Rodney Daniels:	<u>X</u>	<u> </u>	<u> </u>
Councilman Tarus Mack:	<u>X</u>	<u> </u>	<u> </u>
Councilwoman Angie Gardner	<u> </u>	<u> </u>	<u>X</u>
Councilman Theo Washington:	<u>X</u>	<u> </u>	<u> </u>

SECOND READING HELD this 12th day of OCTOBER, 2020, A.D.


	AYE	NAYE	ABSENT
Mayor Eddie Cole:	<u>X</u>	<u> </u>	<u> </u>
Vice Mayor Rodney Daniels:	<u>X</u>	<u> </u>	<u> </u>
Councilman Tarus Mack:	<u>X</u>	<u> </u>	<u> </u>
Councilwoman Angie Gardner	<u>X</u>	<u> </u>	<u> </u>
Councilman Theo Washington:	<u>X</u>	<u> </u>	<u> </u>

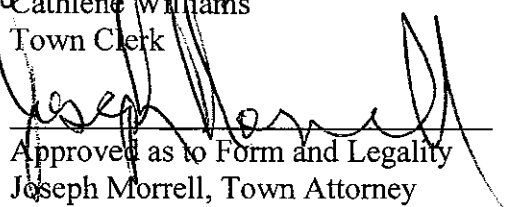
DULY ADOPTED at a Public Hearing this 12th day of OCTOBER 2020

Adopted at: 9:05 p.m.


Eddie Cole, Mayor

ATTEST:


Cathlene Williams
Town Clerk


Approved as to Form and Legality
Joseph Morrell, Town Attorney



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL MEETING

MARCH 7 AT 07:30 PM

Cover Sheet

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ITEM TITLE: Approval of First Reading of Ordinance 2023-3 Repealing Ordinance 2021-4

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: LEGISLATIVE
PUBLIC HEARING 1ST / 2ND READING	YES	Exhibits: <ul style="list-style-type: none"> Ordinance 2023-3
CONSENT AGENDA		
COUNCIL DECISION		
ADMINISTRATIVE		

REQUEST: Approval of First Reading of Approval of First Reading of Ordinance 2023-3 Repealing Ordinance 2021-4.

SUMMARY: The Town of Eatonville Town Council finds that Ordinance 2021-4 has many inconsistencies not consistent with the Charter and policies of the Town of Eatonville.

The Town of Eatonville Town Council desires to repeal ordinance 2021-4.

RECOMMENDATION: Recommendation is for Town Council to approve the First Reading of Ordinance 2023-3 Repealing Ordinance 2021-4

FISCAL & EFFICIENCY DATA: N/A

ORDINANCE #2023-3

AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA, REPEALING ORDINANCE 2021-4; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Eatonville desires to repeal Ordinance 2021-4; and

WHEREAS, the Town Council of the Town of Eatonville hereby finds that this Ordinance serves a legitimate governmental purpose and is in the best interests of the public health, safety, and welfare of the citizens of Eatonville, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA, AS FOLLOWS:

Section 1. LEGISLATIVE FINDINGS. The recitals set forth above are hereby adopted as the legislative findings of the Town Council of the Town of Eatonville, Florida.

Section 2. REPEAL OF CERTAIN SECTIONS. Ordinance 2021-4 is hereby repealed in its entirety.

Section 3. CONFLICTS. After the effective date of this Ordinance, in any case where all or any part of this Ordinance is found to conflict with any provision of any other ordinance of the Town of Eatonville, to the extent of such conflict, all such ordinances are hereby repealed.

Section 4. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unenforceable, unlawful, or unconstitutional by a court of competent jurisdiction, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance.

Section 5. REMOVAL FROM CODE. The codifier is authorized to remove this ordinance from the official code for the Town of Eatonville.

Section 6. EFFECTIVE DATE. This Ordinance shall become effective upon adoption.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed and transmitted upon the first reading on the ____ day of _____, 2023.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second reading on the ____ day of _____, 2023.

Attest:

TOWN OF EATONVILLE

Veronica King,
Town Clerk

Angie Gardner, Mayor

Approved as to Form:

Clifford B. Shepard, Town Attorney

ORDINANCE #2021-4

AN ORDINANCE OF THE TOWN COUNCIL OF THE HISTORIC TOWN OF EATONVILLE, FLORIDA TO CREATE THE OFFICE OF TOWN COUNCIL AMENDING ORDINANCE #2016-14 ESTABLISHING BUDGET CONTROL LEVEL POSITION AUTHORITY AND APPROPRIATIONS TO ALIGN ITS FUNCTIONS AND ADMINISTRATION WITH THE TOWN'S CURRENT CHARTER, PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND EFFECTIVE DATE.

WHEREAS the Town of Eatonville updated and adopted a revised Charter in 2016; and

WHEREAS (1.03) – Intergovernmental Relations – The Town may participate by contract or otherwise with any governmental entity of this State or any other State or States of the United States in the performance of any activity which one or more of such entities has the authority to undertake; and

WHEREAS (3.01) (a) -- General Provisions: Creation of Departments- the Town Council may establish Town departments, officers, or agencies in addition to those created by this Charter, and may prescribe the functions of all departments, offices, and agencies. No function assigned by this Charter to a particular department, office, or agency may be discontinued or unless this Charter specifically so provides, assigned to any other; and

WHEREAS (3.01) (c) General Provisions: Grievance Process – The Town Council shall establish and maintain a written grievance process for all Town employees; and

WHEREAS (3.02) The Town Council shall appoint an officer of the Town who shall have the title of Town Clerk. The Clerk shall be appointed and may be removed by a simple majority vote of the Council. The Town Clerk shall be the custodian of all members and the public; shall keep minutes of its proceedings and post such minutes to the Town's website and perform such other duties as are assigned by this Charter or the Town Council; and

WHEREAS (3.03) There shall be a Town Attorney appointed by the Town Council. The Attorney shall be appointed and may be removed by a simple majority vote of the Council and shall be a member in good standing with the Florida Bar. The Town Attorney shall serve as Chief Legal Advisor to the Council, the Mayor and all Town departments, offices, and agencies; shall represent the Town in legal proceedings and shall perform any other duties prescribed by the State Law by this Charter, or by Ordinance; and

WHEREAS (3.04) the Town Council shall confirm the appointment of the Chief Administrative Officer; and

WHEREAS (4.04) the Budget shall provide a complete financial plan of all Town funds and activities for the ensuing fiscal year and except as required by law or this Charter shall be in such form as the Mayor deems desirable or the Town Council may require for effective management; and

WHEREAS (4.05) the Town Council shall adopt an annual budget in accordance with all applicable state statutory provisions including but not limited to Section 166.241, 200.001, 200.06, and 200.068, Florida Statutes as amended; and

WHEREAS (4.07) the Town Council shall provide by Ordinance, the procedures for Administration and fiduciary oversight of the Budget; and

WHEREAS (4.08) Pursuant to the provisions of Section 11.45, 119.07, 163.31801, 166.21, 218.39, and 218.391, Florida Statutes, as amended the Town Council shall provide for an independent annual audit of all Town accounts and may provide for more frequent audits as it deems necessary; and

WHEREAS the Charter does not prescribe a process or specific path of accountability for follow-up of Resolutions and/or Ordinances; and

WHEREAS the Council deems it to be in the public's interest to devote a chapter of the Charter for the creation of the Office of Town Council in promotion of Administrative, Judicial, and Fiduciary Oversight of the Town's financial performance, transparency, and ethical government; and

WHEREAS the Council would like to create an accountability framework that allows for a uniform procedure for compliance and resolution of ratified Ordinances and Resolutions; and

WHEREAS an amendment to ARTICLE III, DEPARTMENTS, OFFICES, AND AGENCIES; SECTION 3.01. GENERAL PROVISIONS is required to implement such changes.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE HISTORIC TOWN OF EATONVILLE, ORANGE COUNTY, FLORIDA AS FOLLOWS:

SECTION ONE: The 2021 Adopted Budget is amended with the creation of the office of the Town Council under the Legislative Department- 511.

SECTION TWO: Funding Appropriation. The appropriations for the following items in the budget are modified as follows:

Item	General Sub Fund	Department	Budget Control Level	Amount
2.1	General Sub Fund/511	Legislative	Office of Town Council	\$64,937.57
2.2	General Sub fund	Finance General	Reserves	

Funding in Future years will be appropriated through the annual budget process.

Section Three (3): Position Authority. To carry out the purposes of the appropriation in 2.1 the following positions are reallocated to the newly created Office of the Town Council, reporting directly to the Town Council, as a collective body barring all interference from other staffing roles and positions.

Item	Department	Position Title	Position Status
3.1	Legislative	Town Clerk	Full-Time
3.2	Legislative	Legal Counsel	Contractual
3.3	Legislative	Comptroller/Auditor	P/T Contractual
3.4	Legislative	Development Services <ul style="list-style-type: none"> • Planning • Building • Engineering • Innovative Policing Program 	Interlocal Agreement with CRA/Contractual Services

- e. Compile all meetings agendas for Council based on timely receipt of Agenda items.
- f. Clear all Council meeting agenda items as necessary with legal Counsel for adherence to Charter and Florida Statutes rules and laws.
- g. Review Agenda with Town's Mayor for completion, preparedness, and presentation formality.
- h. Provide the Council, its committees, and members with information, data, and policy analysis, necessary to the proper conduct of legislative business and maintain a Council Library.
- i. Coordinate all legal consultations, meetings, document reviews and all legal matters that support Town Council's or Town's missions and objectives as prescribed by the Charter.
- j. Keep the Town Council informed of any matters that may require legislative intervention or authority.

SECTION SIX: CONFLICTS: All Resolutions and or Ordinances; or parts of Resolutions and or Ordinances, in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION SEVEN: SEVERABILITY: If any section(s) or portion(s) of a section of this Ordinance is found to be invalid, unlawful, or unconstitutional it shall not be held to invalidate or impair the validity, force or effect of any other section or part of this Ordinance.

SECTION EIGHT: EFFECTIVE DATE: This Ordinance shall become effective upon signature by the Mayor (within 48 hours of effective date), thereafter, by the Vice Mayor, two (2) Council members, or upon becoming effective by majority Council decision.

FIRST READING held this 20th day of APRIL 2021 A.D.

	AYE	NAYE	ABSENT
Eddie Cole, Mayor:	<u> </u>	<u>X</u>	<u> </u>
Vice Mayor Theo Washington:	<u>X</u>	<u> </u>	<u> </u>
Councilwoman Angie Gardner:	<u>X</u>	<u> </u>	<u> </u>
Councilman Rodney Daniels:	<u> </u>	<u>X</u>	<u> </u>
Councilman Tarus Mack:	<u>X</u>	<u> </u>	<u> </u>

SECOND AND FINAL READING: held this 4th day of MAY, 2021, A.D.

	AYE	NAYE	ABSENT
Eddie Cole, Mayor:	<u> </u>	<u>X</u>	<u> </u>
Vice Mayor Theo Washington:	<u>X</u>	<u> </u>	<u> </u>
Councilwoman Angie Gardner:	<u>X</u>	<u> </u>	<u> </u>
Councilman Rodney Daniels:	<u> </u>	<u>X</u>	<u> </u>
Councilman Tarus Mack:	<u>X</u>	<u> </u>	<u> </u>

		• Code Enforcement	
3.5	Legislative	Deputy Town Clerk/Administrative Assistant	Full-Time

These positions are reallocated upon the effective date of this Ordinance. (See attachment (A) for accompanying Organizational Chart).

Section Four: The Historic Town of Eatonville hereby establishes the Office of the Town Council (OTC).

Section Five: A new Subchapter is to be added to the Town of Eatonville Municipal Code as necessary.

OFFICE OF THE TOWN COUNCIL

2.01 Office created- Purpose.

There is hereby created the Office of the Town Council which shall be a department of the Legislative branch. All laws relating generally to the Administration of Government shall so far as applicable, govern the Office of the Town Council. The Town Council as a collective body shall be the head of the department and shall assign the daily administrative duties and responsibilities to the Clerk. Through this designation, the Town Clerk shall be responsible for all matters of staff support for the Council. This office shall include: A Legislative Services Division, an Administrative Services Division, and a Public Information Division.

2.01 D. Office to be under the Town Council.

The Department of the Town Council shall be under the daily management of the Town Clerk, who shall be appointed by the Council without regard to political affiliation and who shall serve at the pleasure of the Town Council and who shall not be in the classified service of the Town and who shall not be subject to the civil service laws affecting the Town. The Town Clerk shall be responsible for the divisions and functions of the department and shall exercise direct control and supervision and/or support for all department staff. The Town Council may appoint an Administrative Assistant to the Town Clerk who shall serve at the pleasure of the Town Clerk and who may be assigned by the Town Clerk to assist Council members, individually. The Administrative Assistant to the Town Clerk shall not be in the classified service of the Town and shall not be subject to the civil service laws affecting the Town.

Section 2.01-E. The rules of the Town Council are adopted by Ordinance pursuant to the requirements of F.S. Ch. 166. These rules and their adopting Ordinances are declared to be general and permanent Ordinances of the Town and they shall continue in force according to their tenor notwithstanding that they are not codified in the Ordinance Code.

Section 2.01-E. Functions of Office.

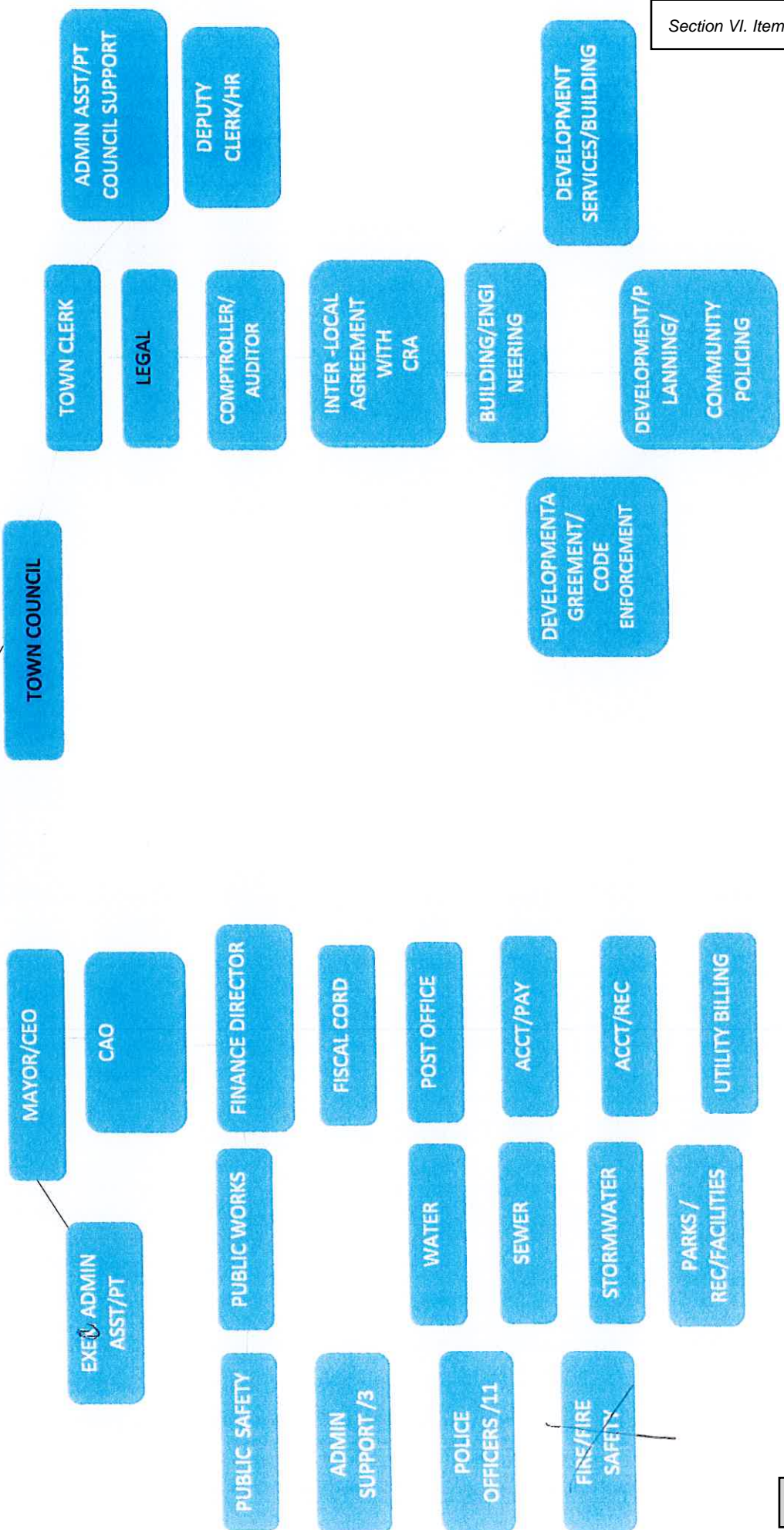
The Town Clerk:

- Keep the records of the Council and be the official signatory and perform all duties which are assigned by the Charter or by law.
- Maintain the offices and conference rooms of the Town Council.
- Provide clerical, secretarial, or administrative assistance to Council committees and advisory boards that function as an extension of the Town Council, either directly or through delegation.
- Provide, maintain, and update the office legislative files, committee calendars, and other documents necessary to the conduct of legislative business, and be responsible for all official records of the Legislative branch of Government.



TOWN OF EATONVILLE ORGANIZATION CHART

CITIZENS



PASSED AND ADOPTED this 4th day of MAY 2021.

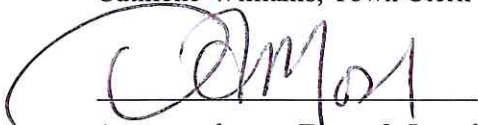
ATTEST:



Cathlene Williams, Town Clerk



Eddie Cole, Mayor



Approved as to Form & Legality
Dean Mosley, Town Attorney



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL MEETING

MARCH 7 AT 07:30 PM

Cover Sheet

****NOTE**** Please do not change the formatting of this document (font style, size, paragraph spacing etc.)

ITEM TITLE: Approval of First Reading of Ordinance 2023-4 Repealing Ordinance 2010-4

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: LEGISLATIVE
PUBLIC HEARING 1ST / 2ND READING	YES	Exhibits: <ul style="list-style-type: none"> Ordinance 2023-4
CONSENT AGENDA		
COUNCIL DECISION		
ADMINISTRATIVE		

REQUEST: Approval of First Reading of Approval of First Reading of Ordinance 2023-4 Repealing Ordinance 2010-4.

SUMMARY: The Town of Eatonville Town Council finds that Ordinance 2010-4 has many inconsistencies not consistent with the Charter and policies of the Town of Eatonville.

The Town of Eatonville Town Council desires to repeal ordinance 2010-4.

RECOMMENDATION: Recommendation is for Town Council to approve the First Reading of Ordinance 2023-4 Repealing Ordinance 2010-4

FISCAL & EFFICIENCY DATA: N/A

ORDINANCE #2023-4

AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA, REPEALING ORDINANCE 2010-4; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Eatonville desires to repeal Ordinance 2010-4; and

WHEREAS, the Town Council of the Town of Eatonville hereby finds that this Ordinance serves a legitimate governmental purpose and is in the best interests of the public health, safety, and welfare of the citizens of Eatonville, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA, AS FOLLOWS:

Section 1. LEGISLATIVE FINDINGS. The recitals set forth above are hereby adopted as the legislative findings of the Town Council of the Town of Eatonville, Florida.

Section 2. REPEAL OF CERTAIN SECTIONS. Ordinance 2010-4 is hereby repealed in its entirety.

Section 3. CONFLICTS. After the effective date of this Ordinance, in any case where all or any part of this Ordinance is found to conflict with any provision of any other ordinance of the Town of Eatonville, to the extent of such conflict, all such ordinances are hereby repealed.

Section 4. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unenforceable, unlawful, or unconstitutional by a court of competent jurisdiction, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance.

Section 5. REMOVAL FROM CODE. The codifier is authorized to remove this ordinance from the official code for the Town of Eatonville.

Section 6. EFFECTIVE DATE. This Ordinance shall become effective upon adoption.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed and transmitted upon the first reading on the ____ day of _____, 2023.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second reading on the ____ day of _____, 2023.

Attest:

TOWN OF EATONVILLE

Veronica King,
Town Clerk

Angie Gardner, Mayor

Approved as to Form:

Clifford B. Shepard, Town Attorney

ORDINANCE NO. 2010-4

AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA, CREATING FINANCIAL INTEGRITY PRINCIPLES AND POLICIES, PROVIDING FOR CONFLICTS, SEVERABILITY, AN EFFECTIVE DATE, AND CODIFICATION IN THE CODE.

WHEREAS, the Town of Eatonville desires and is in need of financial integrity principles and policies.

WHEREAS, upon the establishment of the Town's Financial Integrity Principles and Policies the Town's external auditor will monitor the process and provide semi-annual reports to the mayor and Town Council.

WHEREAS, the Town desires that the use of financial best practices to assure maximum protection of public funds.

WHEREAS, the Town believes that its utilization of the use of financial best practices will facilitate improvements in its financial position and prevent future financial crisis.

NOW THEREFORE BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA, THE FOLLOWING:

Section One. Financial Integrity Principles: The following Financial Integrity Principles are hereby established to aid the Town in assuring and maintaining the financial integrity of the Town of Eatonville.

Section Two: Structurally Balanced Budget: The Town shall maintain a structurally balanced budget. Recurring revenues will fund recurring expenditures. Non-recurring revenues and budget surpluses shall replenish reserve levels, support outstanding liabilities and pay for non –recurring expenditures, in the order set forth herein.

Section Three. Professional Estimating Process: The Town shall adopt budgets and develop its long and short-term financial and capital improvement plans containing estimates developed utilizing a professional estimating process. Estimates shall be prepared based on historical trends and shall be well substantiated.

Section Four. Interfund Borrowing: The Town shall not borrow or use internal fund transfers to obtain cash from one fund type or reserve to fund activities of another fund type or reserve unless such use is deemed lawful and unless the Finance Director has determined that (a) the funds to be borrowed will not be needed during the lending period, and (b) the funds for repayment will be available within a two-year period. Any actions taken to borrow funds under these conditions must be separately presented to and approved by the Town Council and the term of such borrowing shall not extend beyond the last day of the subsequent fiscal year. Recognizing that some programs are funded by grants or other entities on a reimbursement basis, the Town shall apply for such reimbursements on a timely basis to minimize the period that Town funds are used as float. In the event the loan/float for these reimbursements extend beyond the end of

a fiscal year, such reimbursements shall be reflected as receivables and noted as part of the annual budget process.

Section Five. Reserve Policies: The Town shall retain an annual end-of-year General Fund reserve of approximately \$200,000.00. Further, upon resolving the deficits in the Water and Sewer and Solid Waste Funds, the Town shall retain at least a 2-5% reserve in these funds.

- (a) Current Fiscal Year General Fund Contingency: A "contingency" reserve level of \$300,000.00 shall be budgeted annually. \$100,000.00 of such contingency reserve shall be available for use, with Town Council approval, during the fiscal year, to fund unanticipated budget issues, emergencies/natural disasters which may arise or potential expenditure overruns which cannot be offset through other sources or actions. This reserve level shall be replenished at the beginning of each fiscal year so it is available on an on-going basis \$200,000.00 shall remain unspent to provide for the year end reserve.
- (b) Reserve for uncompensated absences and other employee benefit liabilities – the Town shall budget \$40,000.00 annually in the General Fund, \$20,000.00 in the Water and Sewer Fund to build the reserves sufficient to cover these liabilities for each fund.

Section Six. Multi-Year financial and Capital Improvement Plan (CIP): The Town Council shall annually adopt a Financial Plan by September 30 of each year, in concert with the annual budget, which contains five years of financial forecast. Such plan will include cost estimates of all current city operations and proposed capital outlay expenditures, anticipated increases in operations, debt service payment, reserves to maintain the Town's officially adopted levels and estimated recurring and non-recurring revenues. The Plan will be prepared by fund with a "Financial Summary Table" to reflect forecasted surpluses or deficits and potential budget balancing initiatives, where appropriate. The capital improvement component of the Plan shall cover cost estimates for all necessary infrastructure improvements needed to support Town services, including information technology with an adequate repair and replacement (R&R) component. To the extent feasible, department heads shall be required to submit independent needs assessments for their departments for use in preparing the CIP. The plan will be detailed by fund, include recommended project prioritization rankings, identified revenue sources, planned financing options and unfunded projects. The CIP shall include a component reflecting all on-going approved capital projects of the Town, the date funded, amount budgeted, amount spent since the start date, remaining budget, fiscal impact of known changes to financial assumptions underlying the project and estimated completion date. Approved projects, with circumstances that arise which change the funding requirements of the project, shall be addressed in the CIP annually.

Section Seven. Financial Oversight and Reporting: The Town shall provide for the on-going generation and utilization of financial reports on all funds comparing budgeted revenue and expenditure information to actual on a monthly and year-to-date basis. The Finance Department shall be responsible for issuing the monthly reports to departments, the Mayor and Town Council, and provide any information regarding any potentially adverse trends or conditions. These reports should be issued within thirty (30) days after the close of each month. The annual external audit of the Town shall be prepared

and presented to the Mayor and Town Council within 195 days of the close of each fiscal year and within 180 days of the close of each subsequent financial year.

Section Eight. Basic Financial Policies: The Town shall endeavor to maintain formal policies, which reflect “best practices” in the areas of:

- a. Debt: Such policy shall address affordability, capacity, strategies for re-entering the bond market in the future, debt issuance and management.
- b. Cash Management and Investments: Such policy shall require twenty-four (24) month gross and net cash –flow projections by fund and address adequacy, risk, liquidity and asset allocation issues.
- c. Twenty-four (24) month gross and net cash-flow projections by fund and address adequacy, risk, liquidity and asset allocation issues.
- d. Budget Development and Adjustments: Such policy shall establish proper budgetary preparation procedures and guidelines, calendar of events, planning models by fund, budget adjustment procedures, establishment of rates and fees, indirect costs/interest income and the estimating conference process. The proposed budget should be scheduled to allow for sufficient review by the Mayor and Town Council while allowing for sufficient citizen input. The Town budget document reflecting all final actions as adopted by the Town Council on or before September 30, of each year, shall be printed and made available within thirty (30) days of such adoption.
- e. Revenue Collection: Such policy shall provide for maximum collection and enforcement of existing revenues, monitoring procedures and the adequacy level of subsidy for user fees.
- f. Purchasing Policy: Such policy shall establish departmental policies and procedures and provide appropriate checks and balances to ensure the Town departments adhere to the Town’s purchasing policies.

Section Nine. Promoting Operating Efficiencies: The Town shall develop programs and incentives to encourage operating efficiencies through the use of technology, outsourcing, or any other curriculum.

Section Ten. Conflict: All ordinances or parts or parts of ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

Section Eleven. Severability: If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section Twelve. Effective Date: This Ordinance shall become effective in the manner provided by law.

Section Thirteen. Adoption of Ordinance: This Ordinance upon adoption shall be codified and included in Town of Eatonville Code of Ordinances.

First Reading held this 2nd day of February 2010 A.D.

	AYE	NAYE	ABSENT
Mayor Mount:	<u>X</u>	<u> </u>	<u> </u>
Vice Mayor Cole:	<u>X</u>	<u> </u>	<u> </u>
Councilwoman Sconions:	<u> </u>	<u> </u>	<u>X</u>
Councilman Daniels:	<u>X</u>	<u> </u>	<u> </u>
Councilman Moore:	<u>X</u>	<u> </u>	<u> </u>

Second Reading held this 16th day of February 2010 A.D.

	AYE	NAYE	ABSENT
Mayor Mount:	<u>X</u>	<u> </u>	<u> </u>
Vice Mayor Cole:	<u>X</u>	<u> </u>	<u> </u>
Councilwoman Sconions:	<u> </u>	<u> </u>	<u>X</u>
Councilman Daniels:	<u>X</u>	<u> </u>	<u> </u>
Councilman Moore:	<u>X</u>	<u> </u>	<u> </u>

PASSED AND ADOPTED this 16th day of February 2010 A.D.



Bruce Mount, Mayor

ATTEST:



Debbie Franklin, Town Clerk



Edward Cole, Vice Mayor

Approved as to Form and Legality:



Approved as to Form and Legality
Joseph Morrell, Town Attorney



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL MEETING

MARCH 7 AT 07:30 PM

Cover Sheet

****NOTE**** Please do not change the formatting of this document (font style, size, paragraph spacing etc.)

ITEM TITLE: Approval of the first reading of Ordinance 2023-5 (Formally Ordinance 2022-3) pertaining to businesses in the Town of Eatonville Code of Ordinances, Concerning the Registration and Operation of Rental Homes

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: LEGISLATIVE
PUBLIC HEARING 1ST / 2ND READING	YES	Exhibits: <ul style="list-style-type: none"> Ordinance 2023-5
CONSENT AGENDA		
COUNCIL DECISION		
ADMINISTRATIVE		

REQUEST: Staff request approval of the first reading of Ordinance 2023-5 (Formally Ordinance 2022-3) pertaining to businesses in the Town of Eatonville Code of Ordinances, Concerning the Registration and Operation of Rental Homes.

SUMMARY: The Town Council of the Town of Eatonville finds that residential rental properties within the Town are not being properly maintained or managed, creating a potentials nuisance for neighboring properties as well as contributing to the Slum & Blight conditions. Town Council desires to ensure that residential rental properties are properly maintained and operated to address the slum and blighted areas. The intent of this Ordinance is to collect current and accurate information regarding rental properties and to encourage the proper management of rental properties in order to protect the general health, safety, and welfare of residents and visitors of the Town. To inadequately maintain and operate rental properties directly affect the surrounding neighborhoods and the Town as a whole. Regular collection and maintenance of accurate information about rental properties will aid in ensuring compliance with this Ordinance and the Code of Ordinances in general.

RECOMMENDATION: It is recommended that the Town Council approves the first reading Ordinance 2023-5 (Formally Ordinance 2022-3), Businesses in the Town of Eatonville Code of Ordinances, Concerning the Registration and Operation Of Rental Homes

FISCAL & EFFICIENCY DATA: N/A

**AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA
~~CREATING A NEW ARTICLE AND NEW SECTIONS 1~~
~~THROUGH 9, INCLUSIVE, IN CHAPTER 4 AMENDING~~
~~CHAPTER 12, BUSINESSES, IN THE TOWN OF EATONVILLE~~
CODE OF ORDINANCES, CONCERNING THE REGISTRATION
AND OPERATION OF RENTAL HOMES; PROVIDING
APPLICABILITY; PROVIDING FOR REGISTRATION,
INSPECTIONS AND FEES; PROVIDING FOR REQUIRED
POSTINGS AND NOTICE; PROVIDING FOR
INTERPRETATION AND ENFORCEMENT; PROVIDING FOR
CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING
FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, the Town of Eatonville, Florida makes the following findings;

1. In recent years, many formerly private homes have been turned into residential rental units. Those rental units have oftentimes been rented to individuals who, because they have no ownership interest in the property have allowed the properties to deteriorate. In addition, problems have occurred because many tenants have no ownership interest in the real estate have not been concerned about following the Codes of the Town, including Codes which govern maintenance and safety of the property.
2. In many cases, the owners of the properties live long distance from the Town of Eatonville, Orange County, Florida. As a result, property maintenance of many rental units in the Town has been substandard.
3. The aforementioned findings have caused problems for other home-owners near the rental units.

WHEREAS, the Town Council of the Town of Eatonville finds that residential rental properties with the Town are not being properly maintained or managed, creating a potential nuisance for neighboring properties as well contributes to the Slum & blights conditions; and

WHEREAS, the Council desires to ensure that residential properties available as rentals are properly maintained and operated necessary to address the slum & blighted areas; and

WHEREAS, the Council finds that inadequately maintained and operated properties directly affect the surrounding neighborhoods and the Town as a whole, and that the regular collection and maintenance of accurate information about rental properties will aid in ensuring compliance with this Ordinance and the Code in general; and

WHEREAS, the Council, therefore, desires to establish a registration program to educate rental property owners, their managers and tenants, on compliance with various statutory and Code requirements relating to the short-term rental of residential property; and

WHEREAS, the intent of this Ordinance is to collect current and accurate information regarding rental properties and to encourage the appropriate management of those properties in order to protect the general health, safety and welfare of the residents and visitors to the Town of Eatonville.

SECTION 1. Recitals.

The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true, correct and reflective of the legislative intent underlying this Ordinance.

SECTION 2. ~~Chapter 12 of the~~ The Code of Ordinances, Town of Eatonville, Florida, is hereby amended by creating Article 34, entitled "Rental Homes, Residential Rental Units" ~~and adding a Section to be numbered 1, which section which shall~~ reads as follows:

ARTICLE 34 RENTAL HOMES

Sec. ~~12-70.1~~, Applicability; Definitions.

(a) The provisions of this Article shall apply to "**RENTAL HOMES**" which include any dwelling or group of dwelling units, as defined ~~in Section 4 of the Code below~~, including those units in a single-family unit, condominium, cooperative, or mobile home dwelling located in the Town that is, at any time, available for rent or lease for a period of no less than 180 days. This Article does not apply to motels or hotels as defined ~~in Section 4 of the Town of Eatonville Code of Ordinances below~~. As used in this sub-section, the term "available for rent or lease" means that the dwelling is actually being offered for rent or lease or is rented or leased for a specified period of time.

(b) All owners of properties subject to the provisions of this Article shall, prior to offering their property for rent or lease to the public, register each dwelling with the Town and apply for a rental housing business license.

(c) In addition to their tenants, the owner of all applicable properties subject to this Article shall at all times be ultimately responsible for compliance with the terms of this Article, and the failure of any tenants or agents of the owner to comply will be deemed noncompliance by the owner.

(d) Definitions. As used herein, unless the context affirmatively indicates to the contrary, the following terms are defined to mean:

CODES- any code or Ordinance adopted, enacted and/or in effect in and for the Town of Eatonville, Orange County, Florida concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or residential rental unit. Included within, but not limited by this definition are the following which are in effect as the date of the enactment of this Ordinance; the Uniform Construction Code, the International Property Maintenance Code, International Plumbing Code, International Fire Prevention Code, International Electrical Code, the International Building Code and any duly enacted amendment or supplement to any of the above and any new enactment falling within this definition.

CODE ENFORCEMENT OFFICER- the duly appointed Code Enforcement Officer(s) having charge of the Office of Code Enforcement of the Town of Eatonville and any assistants or agents.

COMMON AREA- any open area within a structure shared by occupants or that the occupants have the right to share including, but not limited to, kitchens, bathrooms, living rooms, dining rooms, attics, basements and any room used for parties, social events or the congregation of people, except bedrooms.

DWELLING UNIT- One (1) or more rooms used for living and sleeping and occupied by one (1) family.

Section VI. Item #E.

EXTERIOR AREA- The outside façade of a building, including but not limited to any porch, yard, lawn, landscaping, sidewalks, setbacks, curbs, and all open area contiguous to a building owned by the same person or persons or part of the same real estate parcel.

FAMILY- An individual, or an individual with children, or a couple and their children, or a group of no more than three (3) UNRELATED PERSONS living together in a dwelling unit.

HOTEL- A room or rooms in any building or structure kept, used, maintained, advertised or held out to the public to be an Inn, hotel, apartment hotel, lodging house, boarding house, rooming house, tourist house, dormitory or a place where sleeping, rooming, office, conference or exhibition accommodations are furnished for lease or rent, whether with or without meals.

BOARDING HOUSE, ROOMING HOUSE, LODGING HOUSE- A building arranged or used for lodging with or without meals for compensation by individuals who are not members of the family.

FULL TIME RESIDENT- any person who physically inhabits a bona fide residence within the boundaries of Eatonville, Orange County, Florida at the time of application to register a Residential Rental Unit and who continues to physically inhabit this residence at all times during the active registration of that Residential Unit. Documentation to be considered in establishing proof of current residency in the Town is:

1. Proof of a valid Florida issued Driver's License or Florida issued identification card indicating an address located within the boundaries of the Town of Eatonville.
2. Proof of a valid Florida Voter Registration Card indicating an address located within the boundaries of the Town of Eatonville.
3. Proof of a valid Florida vehicle registration in the name of the applicant and indicating an address located within the boundaries of the Town of Eatonville.
4. Other documentation may be taken into consideration to verify proof of Florida residency.

LANDLORD- any person, agent, operator, firm, corporation, partnership, association, property management group, or fiduciary having legal, equitable or other interest in any real property; or recorded in the official records of the State, County, or Municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of such person's estate. When used in this Ordinance in a clause prohibiting any activity or imposing a penalty, the term, as applied to partnerships and associations, shall mean each partner, and as applied to corporations, the officers there, (Same as "OWNER").

AGREEMENT:

- I. **A. Landlord Requirements. Landlord agrees to perform the following:**
 - Tenant Screening. Landlord shall perform all of the following screening requirements for all tenants prior to move-in:**
 - A. Criminal Background Check. Landlord shall obtain a criminal history for each tenant and each occupant of the premises who is 18 years or older, including information from the Florida Sex Offender Registry, to verify whether the tenant or occupants over 18 years of age are registered sex offenders. Landlord shall keep all criminal histories on file for the full term of the lease.**

- ~~B. Income/Employment Verification. Landlord shall obtain income/employment verification from each prospective tenant.~~
- ~~C. Rental References. Landlord shall obtain and verify contact information for all previous landlords within the last three years.~~
- ~~D. Application. Landlord shall require each prospective tenant to complete a Rental Application, which shall include the tenant's social security number and date of birth. Landlord shall keep the Application on file for the full term of the lease.~~

~~Tenant Selection. Landlord shall consider the following criteria, at a minimum for tenant selection and will refuse to rent to any prospective tenant(s) or other occupants found to:~~

- ~~A. False Information. Provides false information to the Landlord on the Application or otherwise.~~
- ~~B. Convictions. Have been convicted of multiple (more than one) drug or alcohol related crimes in the past four years (Landlord may deny rental at their discretion for a single conviction); any crime related property damage, prostitution, violence of any kind, assault, or crimes that involve weaponry of any kind in the past four years.~~
- ~~C. Sex Offender Registry. Appear on the sex offender registry and it is within four years of the date of conviction. Landlords leasing to a sex offender(s) whose conviction is over 4 years old must comply with _____ related to "Protected Areas."~~
- ~~D. Controlled Substance. Have been convicted of distribution of a controlled substance within the past four years.~~
- ~~E. Probation and/or parole. Are on court or Board Pardons offered probation or parole for one of the disqualifying offenses listed above.~~

LOCAL AGENT- an adult individual designated by the owner of a residential rental unit who shall be the

agent of the owner for service of process and receiving of notices and demands for the owner under this Ordinance. Every owner who is not a Full-Time Resident of the Town, and/or who does not live within forty (40) miles of the location of the Residential Rental Unit, measured in a straight line from the rental unit to the bona fide residence of the applicant, shall designate a local agent who shall reside in an area that is within forty (40) miles of the location of the Residential Rental Unit, distance measured as above. If the owner is a corporation, a local agent shall be required if an officer of the corporation does not reside within the above reference area. The officer shall perform the same function as a local agent. If the owner is a partnership, a local agent shall be required if a partner does not reside within the above referenced area. Said partner shall perform the same function as a local agent. The local agent shall be the agent of the owner for service of process and receiving of notices and demands, as well as for performing the obligations of the owner under this Ordinance. The identity, address and telephone number(s) of a person who is designated as local agent hereunder shall be provided by the owner to the Town and the owner shall keep all such information current and updated as it changes.

OCCUPANT- an individual who resides in a rental unit, whether or not he or she is the owner thereof (same as "TENANT").

OWNER- any person, agent, operator, firm, corporation, partnership, association, property management group, or fiduciary having legal, equitable or other interest in any real property; or recorded in the official records of the State, County or Municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of such person's estate. When used in this Ordinance in a clause prohibiting any activity or imposing a penalty, the term, as applied to partnerships and associations, shall mean each partner, and as applied to corporations, the officers thereof. (Same as "LANDLORD").

OWNER-OCCUPIED RENTAL UNIT- a rental unit in which the owner resides on a regular permanent basis.

Section VI. Item #E.

PERSON- a natural person, partnership, corporation, unincorporated association, limited partnership, trust or any other entity.

PREMISES- any parcel of real property in the Town, including the land and all buildings and appurtenant structures or appurtenant elements on which one or more rental units are located.

QUALIFIED RESIDENTIAL RENTAL UNIT- A residential rental unit which as met the ~~inspection~~ requirements of this article and for which the annual fee has been paid.

RELATED PERSONS- the term “related” shall be restricted to the following relationships; spouse, parent, child, sister, brother, grand-child, grand-parent, or any of these same relationships in a “step” or “in-law” situation.

RENTAL OCCUPANCY LICENSE- the license issued to the owner of residential rental units under this Ordinance which is required for the lawful rental and occupancy of residential units.

RESIDENTIAL RENTAL UNIT- any structure within the Town of Eatonville that is occupied by someone other than the owner of the real estate as determined by the most current deed for the property. Each apartment within a building is a separate dwelling unit requiring ~~inspection and~~ a license.

ROOMING UNIT- includes each and every bedroom within a structure such as a boarding house, a fraternity, a sorority, a motel, a hotel, a hospital, a nursing home, a dormitory, a tourist house, seasonal labor housing, or other similar buildings.

Sec. ~~12-71.2~~, Registration, Inspections, and Fees.

- (a) **Rental Property Registration.** Every owner of a residential rental unit, on a registration application form issued by the Town, shall register with the Code Enforcement Officer in accordance with the following:

- (1) All owners of residential units must register the units with the Code Enforcement Officer within the thirty (30) days after the effective date of this Ordinance.
- (2) The registration and licensing of all rental residential properties and the designation of a local agent shall occur on or before February 1 of each year.
- (3) Any individual, entity or firm which converts any structure to a residential rental unit or units shall register the residential rental unit or units with the Code Enforcement Officer of the Town of Eatonville within thirty (30) days of the completion of the conversion of the unit or units or within five (5) days of the date within which a tenant or tenants occupies the unit or units, whichever time period is sooner.
- (4) In the event of a transfer of ownership, legal or equitable, of a property covered by this Ordinance it shall be the responsibility of both the transferring owner(s) and the new owner(s) to notify the Town of said transfer not more than five (5) days from the date of said transfer of ownership. If the property continues as a Rental Unit following the transfer, the new owner(s) shall register and license the property and comply with all the requirements of this Ordinance within ten (10) days of the date of transfer of ownership, either legal or equitable. In the event that notification and the required registration update is not given within the times set forth above, any Rental Occupancy License previously issued shall become null and void immediately upon the expiration of the allowed time period and the new owner(s) shall be subject to the requirement for inspections as set forth in this Ordinance.

(5) The owner of a residential rental unit must update the registration information record with the Code Enforcement Officer within ten (10) days of any change to the information in paragraph 6 below.

(6) Registration information shall be provided by all owners and shall include the following:

- a. The names, addresses, and telephone numbers of all the owner(s) of the rental unit.
- b. The name of the Local Agent. If the local agent is a business, both the name of the business and the name of the designated individual responsible for the rental unit shall be provided.
- c. The property address and number of units
- d. The type of rental unit.
- e. The number of Dwelling Units in each Rental Unit.
- f. Maximum occupancy per unit.
- g. Actual number of occupants
- h. Names and addresses of current adult tenants and the number of minor children who reside in the Dwelling Unit.

(7) Any owner of a residential rental unit shall notify the Township within ten (10) days of a new tenant occupying, renting or residing in the owner's residential rental unit.

(b) Rental Property Inspection. Within 15 working days after receipt of a complete application satisfying the requirements above and the application fee, the Town shall inspect the residential rental property and units to determine compliance with all applicable provisions of the Town's Code, including the property maintenance code, and shall issue the license or provide the applicant with written notice of any defects which must be remedied before a license shall issue.

(1) This section shall not be interpreted as authorizing the Town to conduct an inspection of any residential rental unit without first obtaining either consent to entry for purposes of inspection by a person having lawful possession and control of the premises or obtaining an inspection warrant pursuant to state law. This provision shall not be interpreted as authorizing the Town to conduct an inspection of any tenant-occupied rental unit without obtaining either the consent of the tenant or other person in possession, or an inspection warrant.

(2) Each residential rental property and unit regulated by this article shall be reinspected every 24 months, contingent upon Town resources and the number of units to be inspected. The Town shall maintain a reinspection schedule for currently licensed units. In addition, any currently licensed unit or property may be inspected upon reasonable notice. The property owners or their agents shall notify tenants of planned inspections of their residential rental units.

(3) A tenant may request an inspection of the residential rental property or unit in which he or she currently resides if violations of the International Property Maintenance Code are suspected.

(4) The Town Council may establish fees for inspections provided under this Article by resolution.

(8) ~~Notwithstanding any other provisions of this chapter, the names and addresses of a tenant shall not be disclosed by any Township personnel except in the event that the tenant is the subject of a court order requiring that this information be revealed as directed by the court order.~~

~~SECTION 4. The Code of Ordinances, Eatonville, Florida, is hereby amended by creating Article 4, entitled "Rental Homes" and adding a section to be numbered 1-9, which section reads as follows:~~

~~Sec. 12-72.3 General Provisions.~~

(1) ~~Designated Contact~~Local Agent. Each applicant for registration shall at the time of application designate a designated contact for the purpose of addressing the concerns of the tenants or responding to complaints by the Town or other persons regarding the conduct of the occupants of a dwelling subject to regulation pursuant to this Article. When an entity is designated, the registration shall include the name of a specific contact person(s); provided, that in all events, there shall be a designated person available for contact by the Town for each hour or each day, seven days per week. The designated contact shall respond to concerns regarding potential violations of this Article within one (1) hour of receiving a contact call from the Town. The designated contact shall promptly make at least three (3) attempts following the receipt of a complaint from the Town to contact the tenants and resolve the complaint. The designated contact is also responsible for documenting the complaint; the date and time of receipt of the complaint from the Town; the date and time of attempts to contact the tenant(s) and the result of the contact; the nature of the response by the tenant(s); and forwarding that documentation to the Chief Administrative Officer within one (1) hour of their response to the initial complaint.

(2) Occupancy Limits:

a. In no case shall the maximum total occupancy for any dwelling exceed the limits permitted by the Florida Fire Prevention Code or Florida Building Code.

b. In addition to the foregoing, the maximum tenancy occupancy load of any unit shall not exceed two (2) persons for each bedroom, as "bedroom" is defined under the Florida Building Code, in the rental, plus two (2) persons.

c. Before the hours of 7 AM, or after 10 PM, on any day, the occupancy load of the unit may not exceed the maximum allowed number of tenants.

(3) Record Keeping. The owner of each dwelling shall maintain a registry of all tenant(s), their address, telephone number, and e-mail address, and the make, model, year, and tag number of their motor vehicle(s) located at the dwelling. The owner shall maintain this information for each tenant for a minimum of two (2) years. The owner or designated contact shall make the information regarding the current tenant(s) available to the Town within one (1) hour of a request by the Chief Administrative Officer.

(4) Vehicles and Parking. Tenants or guests of any registered unit shall not:

a. Engage in any prohibited parking activities as provided in ~~Sections 2 or 2.1.4~~ of the Town of Eatonville Code of Ordinances.

b. Park any boat or boat trailer in a residential zoning district, unless fully enclosed in a structure so that it cannot be seen from any abutting property, public way, or waterway. As used in the foregoing sentence, the term "residential zoning district" shall include properties zoned Residential Single Family (RSF) or Residential Multiple Family 6 units per acre (RMF-6).

c. Utilize recreation vehicles for sleeping or overnight accommodations at any property regulated by this Article.

(5) Refuse. As provided by Section ~~30-26 2-1.1~~ of the Town of Eatonville Code of Ordinances, refuse, trash, and recycling may not be left out by the curb on a public right-of-way for pick-up until 6 PM on the evening before the scheduled trash or recycling pick-up day with all trash, refuse, or recycling containers removed thereafter by ~~67~~ PM on the evening of the day of refuse, trash, or recycling pickup, as applicable.

(6) ~~Noise. Tenants and their guests must comply with the requirements of, Article 4, Noise Control, of the Town of Eatonville Code of Ordinances, and not unnecessarily make, continue or cause to be made or continued, any noise disturbance as defined therein.~~

(7) ~~Fireworks. The use of fireworks is not permitted and violators will be prosecuted. See Section 4, of the Town of Eatonville Code of Ordinances.~~

(8) Advertisement. It shall be unlawful to offer or advertise any rental home for rent or lease in the Town without that unit first being registered as provided in the Article. Where advertised, the

registration number provided by the Town must appear on all forms of advertisement and on the landing or "home" page for the dwelling when advertised over the internet. Alternatively, the registration number of a designated contact or property manager can appear in lieu of the individual property registration numbers.

(9) Compliance with Other Regulatory Authorities. Properties subject to this Article must meet all applicable requirements of state law. To the extent provided by general law, violation of any state law relating to the subject matters contained in the Article shall also constitute a violation of this subsection; provided that no penalty under this Article shall be greater than that authorized by state law for violation of the state law provision.

(10) Hazardous Building Declaration. In the event that a building has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the building may be declared a hazardous building and treated consistent with the provisions of Florida statutes. The Chief Administrative Officer or designee will post the date the rental home shall be vacated and no person shall reside in, occupy or cause to be occupied that rental home until the TownCity Manager or Town Council permits it.

(11) Evacuation. All rental properties shall be evacuated as required upon the posting of a nonresident evacuation order issued by the Town, County, or State.

(12) Compliance Order. Whenever the Chief Administrative Officer or designee determines that any building or portion thereof, or premises surrounding any of these, fails to meet the provisions of this chapter, a compliance order setting forth the violations of this chapter and ordering the owner, occupant, operator, agent, or designated contact to correct such violations shall be issued.

(13) Tenant Screening. Landlord shall perform all of the following screening requirements for all tenants prior to move-in:

- E. Criminal Background Check. Landlord shall obtain a criminal history for each tenant and each occupant of the premises who is 18 years or older, including information from the Florida Sex Offender Registry, to verify whether the tenant or occupants over 18 years of age are registered sex offenders. Landlord shall keep all criminal histories on file for the full term of the lease.
- F. Income/Employment Verification. Landlord shall obtain income/employment verification from every prospective tenant.
- G. Rental References. Landlord shall obtain and verify contact information for all previous landlords within the last three years.
- H. Application. Landlord shall require each prospective tenant to complete a Rental Application, which shall include the tenant's social security number and date of birth. Landlord shall keep the Application on file for the full term of the lease.

(14) ~~Tenant Selection. Landlord shall refuse to rent to any prospective tenant(s) or other occupants found to provide false information to the Landlord on the Application or otherwise.~~

F.

~~SECTION 5. The Code of Ordinances, Eatonville, Florida, is hereby amended by creating Article 4, entitled "Rental Homes" and adding a section to be numbered 1, which section reads as follows:~~

~~Sec. 12-73.4~~ Required Postings and Notice.

(a) Each registered dwelling shall have a clearly visible and legible notice conspicuously posted within the dwelling, containing the following information:

- (1) The designated contact for the unit and a telephone number where the designated contact may be reached on a 24-hour basis.
- (2) The occupancy limits, total and overnight, for the dwelling.

(3) The maximum number of vehicles allowed to be parked on the property and the location of on-site parking spaces.

(4) The trash and recycling pick-up day(s).

Section VI. Item #E.

(5) A notice that no fireworks shall be set off and a statement that violators will be prosecuted.

(6) A summary of the Town's noise ordinance.

(b) The information set forth in sub-section (a) must be kept current at all times by the dwelling owner. All tenants must be provided a Code of Conduct summary of the remaining general provisions of this Article including the penalties for violation as set forth in Section 1 of the Town of Eatonville Code of Ordinances, and a copy of the current Town registration.

~~SECTION 6. The Code of Ordinances, Eatonville, Florida, is hereby amended by creating Article 4, entitled "Rental Homes" and adding a section to be numbered 2, which section reads as follows:~~

Sec. 5, 12-74. Interpretation; Enforcement.

(a) Interpretation. All questions of interpretation, or application, of the provisions of this Article shall first be presented to the Chief Administrative Officer. In interpreting or determining the application of the provisions of this Article, the Chief Administrative Officer shall be guided first by the plain meaning of the words and terms in the code and second by the intent expressed therein. Thereafter, the Town Council shall have the authority to hear and decide appeals from the decision or interpretation of the Chief Administrative Officer.

(b) Enforcement. Any violation of the provisions of this Article may be prosecuted and shall be punishable ~~by as provided in Section 4, or Chapter 1, of the Town of Eatonville Code of Ordinances,~~ including but not limited to: (i) code enforcement board prosecution for a fine of up to \$500 per violation, per day for continuing repeated violations; (ii) by civil citation up to \$500 per offense; (iii) by the seeking of injunctive relief through the courts, or; (iv) any combination thereof. Each day of renting a dwelling without having a registration certificate issued pursuant to this Article shall constitute a separate and distinct violation of this Article. Tenants and owners may be prosecuted concurrently.

(c) Basis for Sanctions. ~~The Chief Administrative Officer-Town may,~~ by code enforcement board prosecution, revoke, suspend, deny, or decline to renew any license issued under this Article for part or all of a rental home upon any of the following grounds:

1. Leasing Without A License: Leasing rental homes without a license or units subject to license suspension or revocation;

2. Violation of Codes: Violation of the Town Ordinance Code, Building Code, or Fire Code;

3. Hazardous or Uninhabitable Units: Leasing units that are deemed hazardous or uninhabitable or units within a building that is deemed hazardous or uninhabitable;

4. Commission of a Felony: Commission of a felony related to the licensed activity by the property owner or manager;

5. Consideration of Suspension or Revocation: At any time during a license period, if a rental property does not meet or exceed the criteria established for the current license, the license may be brought forth to the Town Council for consideration of license suspension or revocation;

6. Updated Application Information: Failure to provide updated application information during the license period;

7. False Statements: False statements on any application or other information or report required by this Article to be given by the applicant or licensee;

8. Fees: Failure to pay any application, inspection, penalty, reinspection or reinstatement fee required either by this Article or Town Council resolution;

9. Correction of Deficiencies: Failure to correct deficiencies in the time specified in a compliance order;
10. Inspection: Failure to allow an court-authorized inspection of a rental home,
11. Violation of Statute: Violation of an owner's duties under Florida statutes.
12. Written Tenant Application and Lease Agreement Required: The licensee must screen all potential tenants using a written tenant application. The licensee must use a written lease agreement for all tenants. The licensee must have all tenants execute a Florida crime free housing lease addendum, the form for which being on file with the Town. The written tenant application must include sufficient information so that the licensee can conduct appropriate criminal background checks on prospective tenants. The written tenant application and written lease agreement and the Florida crime free housing lease addendum for each tenant must be part of the licensee's files. Upon request the licensee must show proof, satisfactory to the Town and consistent with data privacy laws, that the licensee is maintaining the documents required by this Article. Failures to use, maintain, or provide these documents to the Town upon request is a violation of this Article.

13. Codes Violations: Nothing in this article shall preclude or prohibit the Code Enforcement Officer or other Town designee from identifying any code violations or inspecting any property according to the terms of any of the referenced codes at any time, whether or not the particular premises is scheduled for periodic inspection under the terms of this article.

14. Violations and Penalties:

- A. The failure of any owner to effect corrections as provided in this article shall be considered a violation of the Town's Residential Rental Property Ordinance and the procedures and penalties prescribed therein shall be applicable.
- B. ~~The failure of any owner to schedule an inspection or re-inspection as provided in this article shall result in the issuance of a notice to the owner that the property is not a qualified residential rental unit, in which event it shall be unlawful for any person to occupy or to let others for occupancy the subject premises until the unit becomes a qualified residential rental unit after inspection and compliance with violation notices.~~
- C. ~~Any person, firm or corporation who shall violate any provision of this ordinance shall, upon being found to have committed the violations in a civil enforcement action before a District Justice, pay a civil penalty not to exceed Six Hundred Dollars (\$600.00) per violation. Each day that the violation continues shall be deemed a separate offense and punishable as such. The Town of Eatonville may enforce this Ordinance in equity or through injunctive relief in addition to or in lieu of such civil action before the District Judge. If the penalty for the violation of this Ordinance is not timely paid and the person, firm or corporation upon whom the penalty was imposed is found to have been liable therefore in civil proceedings, the violators shall be liable for the penalty imposed including additional daily penalties for continuing violations, plus court costs and reasonable attorney fees incurred by the Town in the enforcement proceedings. Any fine which remains unpaid and outstanding after the time specified therein for payment shall be grounds for the imposition of a municipal lien upon the premises as provided by law. Such a lien may be reduced to judgment and enforced and collected as provided by Law, together with interest at the legal rate and court costs. The remedies provided by this subsection are not exclusive and the~~

Town and its Code Enforcement Officer may invoke such other remedies available under this Ordinance or the applicable codes, Ordinances or Statutes, including, but not limited to, appropriate, condemnation proceedings or declaration of premises as a public nuisance; or suspension, revocation or non-renewal of the license issued hereunder.

- D. In the instance of repeated violations of this Ordinance, whether for the same or similar offenses or for various offenses, the Town may, upon the owner being found to have committed the violations in a civil enforcement action before the Code Enforcement Board ~~a District Justice~~, revoke the Occupancy License, in addition to any other remedies provided in this Ordinance. Said revocation shall be effective for a period of up to one year, at which time a new application for registration may be submitted and shall be reviewed in accordance with the provisions of this Ordinance. Three license revocations attributed to an owner shall result in a permanent revocation.

In case of continuing code violations of Rental or rental homes without a license, a separate violation occurs each day that the property owner or license holder is in violation of this Article.

(d) Penalties. Any owner, landlord or tenant of a unit found to be in violation of any provision of this Code shall pay a fine of not less than \$100.00 and not to exceed \$300.00 for each and every offense.

(e) Fines as imposed through this Ordinance shall be collected as allowable by law.

(f) In addition to the fines set forth herein, the Town of Eatonville shall be entitled to reasonable attorney's fees incurred in enforcing this Ordinance. The said fees shall be added to any penalties set forth above.

1. ~~Revocation: Any violation of this Article may be grounds to revoke a license. Any civil penalty, revocation or combination thereof under this section does not preclude criminal prosecution under this Article or Florida statutes. All fines are cumulative and revocation periods will run consecutively.~~

2. ~~Suspension: Town Council may temporarily suspend a license pending a hearing on the suspension or revocation when, in its judgment, the public health, safety, and welfare is endangered by the continuance of the licensed activity.~~

3. ~~Civil Fines: Town Council may impose civil fines in addition to revocation or suspension for violations of any provision of this chapter as follows:-~~

	Fine Per Unit
First Violation	\$100.00
Second Violation	\$300.00
Third or more within a 12 month period	\$500.00
Renting without a license after 30 days' notice shall be subject to <u>\$51,000.00</u> fine per unit and also be a misdemeanor offense.	

Miscellaneous Provisions

- A. Delivery of Notification shall be as follows:

1. All notices shall be sent to the owner or designated local agent, if applicable by certified mail. In the event that the notice is returned by the postal authorities marked "refused" deemed to have been delivered to and received by the addressee.
2. In the event that the notice is returned by the postal authorities marked "unclaimed" then the notice shall be sent to the owner and/or local agent at the addresses stated on the most current license application for the subject premises by regular first-class mail, postage pre-paid. If such notice is not returned by the postal authorities within five (5) days of its deposition in the U.S. Mail then it shall be deemed to have been delivered to and received by the addressee on the fifth day following its deposit in the U.S. Mail and all time periods set forth above shall thereupon be calculated from said fifth day.
3. In the event that the notice sent via first class mail is returned by the postal authorities then the Code Enforcement Officer shall post the notice on an entry door of the premises. The notice shall be deemed as delivered to and received by the owner forty-eight (48) hours following the posting.
4. There shall be a rebuttable presumption that any notice required to be given to the owner under this Ordinance shall have been received by such owner if the notice was given to the owner in the manner provided by this Ordinance.
5. A claimed lack of knowledge by the owner of any violation hereunder cited shall be no defense to license non-renewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such proceedings have been given and deemed received in accordance with the applicable provisions of this Ordinance.

SECTION 73. CODIFICATION.

It is the intention of the Town Council, and it is hereby ordained that the amendments to the Town of Eatonville Code of Ordinances made by this Ordinance shall ~~constitute a new Article 1 to Chapter 4 of the Town of Eatonville Code of Ordinances~~ be codified, and that the sections of this Ordinance may be renumbered and re-lettered as necessary, and that the word "Ordinance" may be changed to "Section", "Article", or other appropriate word.

SECTION 48. CONFLICTS.

All Ordinances or parts of Ordinances and all Resolutions or parts of Resolutions in conflict with the provisions of this Ordinance are hereby superseded and resolved to the extent of any conflict in favor of the provisions of this Ordinance.

SECTION 59. SEVERABILITY.

(a) If any term, section, clause, sentence, or phrase of this Ordinance is for any reason held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the other or remaining terms, sections, clauses, sentences, or phrases, portions of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

(b) That in interpreting this Ordinance, underlined words indicate additions to existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks (* * * *) indicate a deletion from the Ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this Ordinance remain unchanged from the language existing prior to adoption of this Ordinance.

SECTION 406. EFFECTIVE DATE:

Section VI. Item #E.

This Ordinance shall become effective on _____, 20____, following its adoption by the Town Council.

First reading held this _____ day of _____ 2023.

	AYE	NAYE	ABSENT
Mayor Angie Gardner	_____	_____	_____
Vice Mayor Rodney Daniels	_____	_____	_____
Councilman Marlin Daniels	_____	_____	_____
Councilman Theo Washington	_____	_____	_____
Councilwoman Wanda Randolph	_____	_____	_____

Second and Final reading held this _____ day of _____ 2023.

	AYE	NAYE	ABSENT
Mayor Angie Gardner	_____	_____	_____
Vice Mayor Rodney Daniels	_____	_____	_____
Councilman Marlin Daniels	_____	_____	_____
Councilman Theo Washington	_____	_____	_____
Councilwoman Wanda Randolph	_____	_____	_____

PASSED AND ADOPTED this _____ day of _____ 2023.

TOWN OF EATONVILLE, FLORIDA

By: _____
Angie Gardner, Mayor

Attest:

By: _____
Veronica King, Town Clerk

Reviewed for legal sufficiency:

By: _____
Town Attorney, Cliff Shepard



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL MEETING

MARCH 7, 2023 AT 7:30 PM

Cover Sheet

****NOTE**** Please do not change the formatting of this document (font style, size, paragraph spacing etc.)

ITEM TITLE: Approval of Town Council Meeting Minutes – February 21, 2023
(Clerk Office)

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: LEGISLATIVE (CLERK OFFICE)
PUBLIC HEARING 1ST / 2ND READING		Exhibits: <ul style="list-style-type: none"> Meeting Minutes – February 21, 2023
CONSENT AGENDA	YES	
COUNCIL DECISION		
ADMINISTRATIVE		

REQUEST: Approval of meeting minutes for the Town Council Meeting held on February 21, 2023.

SUMMARY: The Town Council Meeting was held on the 3rd Tuesday, February 21, 2023, 7:30 p.m. and minutes were transcribed from the audio archive for approval for the public records.

RECOMMENDATION: Approval of February 21, 2023 meeting minutes.

FISCAL & EFFICIENCY DATA: N/A



HISTORIC TOWN OF EATONVILLE, FLORIDA

REGULAR COUNCIL

MEETING MINUTES

Tuesday, February 21, 2023 at 7:30 PM

Town Hall (Council Chamber) - 307 E Kennedy Blvd. 32751

SPECIAL NOTICE: These meeting minutes are presented in an abbreviated format intended as a public record discussion of stated meeting according to the Florida's Government-in-the-Sunshine law. Meetings are opened to the public, noticed within reasonable advance notice, and transcribed into minutes for public record. ***Audio Recording are available through the Town's website on the Council Agenda Page.*

CALL TO ORDER AND VERIFICATION OF QUORUM:

Mayor Gardner called the meeting to order at 7:31 p.m. and quorum was established through Mrs. Veronica King

PRESENT: (5) Mayor Angie Gardner, Vice Mayor Rodney Daniels, Councilman Theo Washington, Councilman Marlin Daniels, Councilwoman Wanda Randolph

STAFF: (6) Demetrius Pressley, **Interim Administrative Officer**, Veronica King, **Town Clerk**, Jacob Schumer, **Town Attorney**, Joseph Jenkins, **Deputy Chief**, Katrina Gibson, **Finance Director**, Albert English, **Public Works Director**

INVOCATION AND PLEDGE OF ALLEGIANCE:

Rev. Critton led the Prayer of Invocation followed by the Pledge of Allegiance

APPROVAL OF THE AGENDA:

Mayor Gardner Motions to approve the amended meeting agenda; adding the Interim Administrative Officer Report and moving item #2 (Extension for the Utilization of Vacation Accumulations for Employees) down to Council Decision; Moved by Councilman Washington; Second by Councilman M. Daniels; **AYE: ALL, MOTION PASSES.** **Note:** Original Motion Withdrawn

CITIZEN PARTICIPATION: (The three-minute rule was strictly enforced)

James Benderson – (Submitted by email read by Clerk) Comments on objection to Integrity Group Contract and its potential fiscal impact to the town. Request update on the Town establishing Impact Fees

Ryan Novak– Commented on researching media platforms beyond Facebook, and improving Online Presence

Charles Bargaineer – Comments thanking Town Council and Staff for the training opportunity extended to the Planning and Zoning Board

Angela Johnson – Comments with inquiry on the Denton Johnson Center Rental Contract and thanking Town Council and Staff for the training opportunity extended to the Planning and Zoning Board

Joyce Irby – Comments acknowledging and thanking Council members for what they do; expressed concern about the previous speaker who presented at the Town Council Workshop

APPROVAL OF CONSENT AGENDA: **Mayor Gardner Motions** to approve the consent agenda; amended meeting minutes for 2-7-23, amended Contract for Denton Johnson To Include Price Increases; Moved by Councilman Washington; Second by Councilman M. Daniels; **AYE: ALL, MOTION PASSES.** **Note:** Item #2 (Extension for the Utilization of Vacation Accumulations for Employees) was moved to Council Decision. Councilman Washington stated to ensure that the paid rentals have priority over the free community-based rentals.

COUNCIL DECISIONS:

Mayor Gardner Motions to approve Extension for the Utilization of Vacation Accumulations for Employees Moved by Councilman Washington; Second by Councilman M. Daniels with discussion; **AYE: Mayor Gardner, Councilman Washington; NAYE: Councilman M. Daniels, Vice-Mayor R. Daniels, Councilwoman Randolph; ALL, MOTION FAILS.** Note: This item was moved from Consent Agenda to Council Decision

Mayor Gardner Motions to approve the Integrity Group (Blue Sky) General Contract for Services Moved by Councilman Washington; Second by Councilman M. Daniels with discussion; **AYE: Mayor Gardner; NAYE: Councilman Washington, Councilman M. Daniels, Vice-Mayor R. Daniels, Councilwoman Randolph; ALL, MOTION FAILS.** Note: Numbers for the Overtime pay to include options requested.

REPORTS:

INTERIM ADMINISTRATIVE OFFICER – Thanks for the opportunity to serve; come by way of Jacksonville with experience in municipal government. Goals: conduct analysis of department heads, state of the town, establish path in moving forward, Council desires, and request time/attention to ensure quality reporting to Council.

TOWN ATTORNEY’S REPORT – No Report

TOWN COUNCIL REPORT/DISCUSSION ITEMS

Councilwoman Wanda Randolph – Reported out and inquired on various items; backup issues with homeowners, employee/training, adequate equipment, customer service, proper attitude & response with public engagement, electrical boxes, water status, code enforcement, recreation, \$5.9 million reimbursable grant, status on town logo, Juneteenth, MLK Steering committee, and the town zip code (boundary review).

Councilman Washington - Reported out and inquired on Public Work’s equipment (missing, the upkeep, maintenance), and community (survey).

Councilman M. Daniels – Reported out and inquired about various items; disparities in the town, media live options, the community pool (analysis), Possible \$50,000+ grant for tennis courts, impact fees (Resolution), Hungerford project (30 day waiting period), 70 acres update, Monthly budget actuals, CPA status, recommend budget adjustments, inconsistencies with the issuance of permits, removal of MLK banner/sign, and a community roundtable.

Vice-Mayor R. Daniels – Reported out and inquired on opposition to the Integrity Group, acknowledgement of Steven Martin presentation, showing respect (argument vs. debate), utilizing & refurbishing the tennis/basketball courts, Salary of Interim CAO, acknowledgement of staff, and Heritage Festival (Parade)

MAYOR’S REPORT

Mayor Angie Gardner – Reported out and inquired on social media platforms (updates), grant funds, water issues, Juneteenth (Collaboration), MLK Parade banner/sign, budget actuals (need a clean audit), CPA (training and review), budget adjustments (trust administration), permit (instituting a new system), and Rallying around the Mayor.

ADJOURNMENT Mayor Gardner Motions for Adjournment of Meeting (Moved by Councilman M. Daniels; Second by Councilman Washington ; **AYE: ALL, MOTION PASSES. Meeting Adjourned AT 9:08 P.M.**

Respectfully Submitted by:

APPROVED

Veronica L King, Town Clerk

Angie Gardner, Mayor



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL MEETING

MARCH 7, 2023 AT 7:30 PM

ITEM TITLE: **Approval of the Biometric Management Contract**

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: PUBLIC WORKS
PUBLIC HEARING 1ST / 2ND READING		Exhibits: <ul style="list-style-type: none"> • Management Contract
CONSENT AGENDA	YES	
COUNCIL DECISION		
ADMINISTRATIVE		

REQUEST: The Public Works Department request approval to execute agreement between the Town of Eatonville and Biometric Utility Consultants, Inc for professional services.

SUMMARY: The Town wishes to enter into an professional services contact/agreement with Biometric Utility Consultants to serve as Manager of the Town’s Water plant management, operation and treatment facilities. Biometric Utility Consultants has the necessary training, staff, and is otherwise fully and completely able to manage the water treatment facilities of the owner (Town of Eatonville) in accordance with the Florida Department of Environmental Protection (FDEP) regulations and guidelines. Manager is willing to undertake the management of said facilities of the owner (Town of Eatonville) under the terms set out in the Management Contract.

RECOMMENDATION: Staff recommends the approval of the proposal agreement between Biometric Utility Consultants & the Town of Eatonville for the above described professional services.

FISCAL & EFFICIENCY DATA: 400-0536-536-3100 (professional services) \$16,800/year or \$1,400/month

MANAGEMENT CONTRACT

This Agreement is made effective as of _____, 2023, by and between the Town of Eatonville located at 307 East Kennedy Boulevard, Eatonville, FL 32751 (hereinafter “Owner”) and Biometric Utility Consultants, Inc., located at 1525 Langley Ave., Bldg. 300 Unit 1, Deland, FL 32724 (hereinafter “Manager”).

Manager is experienced in the operation and management of water and wastewater treatment facilities, has the necessary training and staff, and is otherwise fully and completely able to manage the water treatment facilities of the Owner in accordance with the Florida Department of Environmental Protection (FDEP) regulations and guidelines. Manager is willing to undertake the management of said facilities of the Owner under the terms set out in this Agreement for the monthly fee of \$1,400.00, which fee shall be guaranteed for one year with the option to increase in the renewal year.

Responsibilities and Authority of Manager:

1. Manager shall coordinate with the Owner and/or designated point of contact (as designated by the Mayor or the Chief Administrative Officer (“CAO”)) to find the most cost-effective way to bring the plant into regulatory compliance and keep it running efficiently. All final operational decisions will be communicated to the Manager by the Owner/designated point of contact upon recommendations from the Manager.
2. Manager is authorized to make all decisions regarding non-emergency maintenance, repairs and/or refurbishment of treatment facilities costing less than \$1,200.00. All such maintenance will be timely communicated to the Owner or designated point of contact by the Manager.
3. Manager is authorized to make emergency repairs as needed to keep facility in compliance with FDEP standards so long as the cost for such repairs does not exceed \$1,200.00. All such maintenance will be timely communicated to the Owner or designated point of contact by the Manager.
4. Manager shall not be financially responsible for any costs incurred for the above-referenced repair or maintenance work.
5. Manager shall oversee the water treatment facilities’ structure, operation, chemical usage, and testing.
6. Manager shall oversee engineers, contractors and/or sub-contractors for any required maintenance or refurbishment to Owner’s water treatment facilities as well as any other work performed at facilities.
7. Manager shall keep all records of maintenance, repairs, refurbishment or replacement of Owner’s water treatment facilities as required by and in accordance

with Chapter 119, Florida Statutes. See specific section on public records compliance below.

8. Manager shall meet with state agencies, if requested, during compliance inspections on behalf of Owner.
9. When requested, Manager will provide a formal response to compliance inspection letters to any required state agency regarding matters within the Manager's scope of work.
10. Manager shall correspond with the Owner and/or designated point of contact chosen by Owner regarding any facility-related compliance deficiencies, state required documentation, or consumer complaints.

Public Records. Manager is also responsible to comply with Florida's Public Records Statute, Chapter 119, and agrees to do the following:

1. Keep and maintain public records required by the public agency to perform the service.
2. Upon request from the public agency's custodian of public records, provide the public agency with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law.
3. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the contractor does not transfer the records to the public agency.
4. Upon completion of the contract, reports are provided, to the public agency, all public records which are provided monthly are to be kept on site as required by state law. The contractor will maintain public records required by the public agency to perform the service. If the contractor transfers all public records to the public agency upon completion of the contract. If the contractor keeps and maintains public records upon completion of the contract, the contractor shall meet all applicable requirements for retaining public records. All records are provided monthly and should be maintained for a minimum of ten years.

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (407) 623-8900, vking@townofeatonville.org, 307 E. Kennedy Boulevard, Eatonville, FL 32751.

Term. This agreement automatically renews for an additional 1-year term for the date both parties have signed. However, the Agreement may be terminated at any time by either party with or without cause provided at least 90-days' prior written notice is delivered by the terminating party to the other party.

Indemnification. Manager hereby agrees to indemnify, hold harmless, protect and defend Owner and Owner's agents representatives, officers and any affiliate or related association against any and all claims, losses, liabilities, damages, costs and expenses, including reasonable attorney's fees, that are alleged to have occurred in whole or in part as a result of or due to Manager or its employees or sub-contractors negligence or willful misconduct, or in connection with a breach of its obligations under this agreement.

Owner agrees to indemnify, hold harmless, protect, and defend Manager against all tort liability, damages, costs, and expenses, including reasonable attorney's fees that are alleged to have occurred in whole or in part because of or in connection with Town of Eatonville's gross negligence or willful misconduct. However, this indemnification shall not exceed to the limited waiver of sovereign immunity as set forth in Florida Statute § 768.28 (2022) and shall not be subject to increases by subsequent acts of the Florida legislature.

Confidentiality. Manager, and its employees, agents, or representatives will not at any time or in any manner, either directly or indirectly, use, divulge, disclose, or communicate in any manner, to any unauthorized individual or entity, any information that is proprietary to Owner. The Manager and its employees, agents, and representative will protect such information and treat it as strictly confidential. This provision will continue to be effective after the termination of this Agreement. Upon termination of the Agreement, Manager will return to Owner all records, notes, documentation, and other items that were used, created, or controlled by Manager during the term of this Agreement.

Insurance. Manager shall provide Owner proof of all necessary insurance coverage for its workers, including comprehensive liability coverage and workman's compensation coverage for its operators and employees. Manager shall require the same level of insurance for any sub-contractors it may employ and shall provide proof of said sub-contractor's insurance coverages to Owner.

Amendment. This Agreement may be modified or amended in writing, if the writing is signed by all parties obligated under this Agreement.

Governing law. This Agreement shall be construed in accordance with the laws of the State of Florida.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Acknowledgment. Owner acknowledges that this Agreement does not replace the current Operation Contract for operation of the Owner's water facility.

Town of Eatonville

Owner

Biometric Utility Consultants, Inc.

Manager

By: _____

Print Name: _____

Its: _____

By: _____

Print Name: Carlos A. Tola

Its: Chief Executive Officer



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL MEETING

MARCH 7, 2023 AT 7:30 PM

ITEM TITLE: Approval of Resolution 2023-04 Appointing (2) New Board Members to the Code Enforcement Board

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: ADMINISTRATION
PUBLIC HEARING 1ST / 2ND READING		Exhibits: <ul style="list-style-type: none"> Resolution 2023-4 Board Appointment Information Form – Michael Mills Board Appointment Information Form – Todd Jenkins Code Enforcement Code Requirements
CONSENT AGENDA	YES	
COUNCIL DECISION		
ADMINISTRATIVE		

REQUEST: The Administration request for Town Council to approve Resolution 2023-04 approving **Michael Mills** and **Todd Jenkins** to the Code Enforcement Board as board members

SUMMARY: A Resolution of The Town Council of The Town Of Eatonville, Florida, is presented to appoint one (1) new member to the Code Enforcement Board.

The Code Enforcement Board shall be appointed to serve a term of three years, the terms of the board members will be staggered. Nothing shall prevent the town council from reappointing members for a second term. The appointment of the Code Enforcement Board shall be made solely on the basis of professional experience in the areas of law, zoning and building knowledge. The Code Enforcement Board shall consist of residents of the Town of Eatonville and/or business owner in the Town of Eatonville; and The Town Council wishes to appoint two (2) individuals to the Code Enforcement Board as board members.

RECOMMENDATION: Recommend appointment of Michael Mills and Todd Jenkins the Code Enforcement Board as board members for a term of (3) years from March 7, 2023 until March 7, 2026.

FISCAL & EFFICIENCY DATA: N/A

RESOLUTION #2023-4

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA, TO APPOINT TWO (2) NEW MEMBERS TO THE CODE ENFORCEMENT BOARD, PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS the Town Council wishes to appoint two (2) Individuals to the Code Enforcement Board as board members; and

WHEREAS the appointment of the code enforcement board shall be made solely on the basis of professional experience in the areas of law, zoning and building knowledge. The code enforcement board shall consist of residents of the Town of Eatonville and/or business owner in the Town of Eatonville; and

WHEREAS there is hereby created a code enforcement board for the Town of Eatonville, Florida, who shall be appointed by the Town Council. The code enforcement board shall be appointed to serve a term of three years, the terms of the board members will be staggered. Nothing shall prevent the town council from reappointing members for a second term.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA THE FOLLOWING:

SECTION ONE: APPOINTMENTS: the person to be appointed to the Code Enforcement Board as board member is Michael Mills for a term of (3) years from March 7, 2023 until March 7, 2026.

SECTION TWO: APPOINTMENTS: the person to be appointed to the Code Enforcement Board as board member is Todd Jenkins for a term of (3) years from March 7, 2023 until March 7, 2026.

SECTION THREE: CONFLICTS: All Resolution or parts of Resolutions in conflict with any other Resolution or any of the provisions of this Resolution are hereby repealed.

SECTION FOUR: SEVERABILITY: If any section or portion of a section of this Resolution is found to be invalid, unlawful, or unconstitutional it shall not be held to invalidate or impair the validity, force or effect of any other section or part of this Resolution.

SECTION FIVE: EFFECTIVE DATE: This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 7th day of March 2023.

ATTEST:

Angie Gardner, Mayor

Veronica King, Town Clerk

TOWN OF EATONVILLE, FLORIDA



BOARD APPOINTMENT INFORMATION FORM

APPLICATION FOR: Code Enforcement

The Town Council of the Town of Eatonville is seeking citizens to serve on duly constituted Town Boards and Commission which have been established to assist and advise the Town Council on specific matters for consideration which have been assigned to the respective Commission/Boards. Please complete this application and attach a brief resume or any additional information which you feel will assist the Town Council in their selection. The application should be typed or clearly printed and filed with the Town Clerk.

1. Name: Michael Mills Home Phone: 407,394-5871
2. Address: 542 Veroen Dr
3. Are you employed by the Town? Yes _____ No: ☒
4. Business Address: _____
5. Business Phone: _____ email: mills196249@gmail.com
6. Brief Resume' of Education and Experience: Winter Park High Grad
7. Are you a Resident of the Town? Yes: ☒ No: _____
8. Are you a Registered Voter? Yes: ☒ No: _____

MEMBERSHIP IN THE COMMUNITY ORGANIZATONS OR PROFESSIONAL GROUP: _____

9. Have you previously served on a Town Board? Yes: _____ No: ☒
10. Please indicate other Town Council and/or Boards for which you wish to be considered for appointment by the Town Council: _____

Please indicate briefly why you would like to be appointed to serve on a Board or Committee: To help Clean up the Town

Do you attend Council meetings on a regular basis? Yes: _____ No: ☒

Thank you for your interest in serving the Historic Town of Eatonville. Please indicate below your first, second and third preference below. Please carefully consider your obligations before choosing which board you would like to serve. A description of each board is included in this application. Please note that in

addition to the regular scheduled board meetings, members may be required to attend training, work sessions, and joint meeting.

☐ Nuisance Abatement Board
☐ Board of Adjustment
☒ Code Enforcement Board
☐ CRA Advisory Committee

☐ Planning Board
☐ Historic Preservation Board
☐ Arts Advisory Committee

Would you be interested in serving on a Special Events Committee? ☐ Yes ☐ No

I am aware of the meeting dates and time of the Board/Committee I have applied and if appointed. I agree to serve on the Board/Committee which I have applied or would consider an alternate appointment to a second or third service preference.

Completed applications should be returned to the Office of the Town Clerk, P.O. Box 2163, Eatonville, Florida 32751

I CERTIFY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT.

Signature of Applicant: _____

Date: FEB 21 2023

For Office Use Only

APPOINTED to: _____ Date Appointed: _____

Term Expires: _____

All Boards must function in accordance with Florida Laws regarding GOVERNMENT IN THE SUNSHINE.

TOWN OF EATONVILLE, FLORIDA



BOARD APPOINTMENT INFORMATION FORM

APPLICATION FOR: _____

Code Enforcement

The Town Council of the Town of Eatonville is seeking citizens to serve on duly constituted Town Boards and Commission which have been established to assist and advise the Town Council on specific matters for consideration which have been assigned to the respective Commission/Boards. Please complete this application and attach a brief resume or any additional information which you feel will assist the Town Council in their selection. The application should be typed or clearly printed and filed with the Town Clerk.

1. Name: Todd Jenkins Home Phone: 321 377 3660
2. Address: 321 Amador Cir. Corl
3. Are you employed by the Town? Yes _____ No: ☒
4. Business Address: Same
5. Business Phone: Same email: _____
6. Brief Resume of Education and Experience: Knowledge of streets yards
7. Are you a Resident of the Town? Yes: ☒ No: _____
8. Are you a Registered Voter? Yes: ☒ No: _____

MEMBERSHIP IN THE COMMUNITY ORGANIZATONS OR PROFESSIONAL GROUP: NO

9. Have you previously served on a Town Board? Yes: ☒ No: _____
10. Please indicate other Town Council and/or Boards for which you wish to be considered for appointment by the Town Council: CRA

Please indicate briefly why you would like to be appointed to serve on a Board or Committee: To help organize the town to move forward

Do you attend Council meetings on a regular basis? Yes: _____ No: ☒

Thank you for your interest in serving the Historic Town of Eatonville. Please indicate below your first, second and third preference below. Please carefully consider your obligations before choosing which board you would like to serve. A description of each board is included in this application. Please note that in

addition to the regular scheduled board meetings, members may be required to attend training, work sessions, and joint meeting.

☐ Nuisance Abatement Board
☐ Board of Adjustment
☒ Code Enforcement Board
☐ CRA Advisory Committee

☐ Planning Board
☐ Historic Preservation Board
☐ Arts Advisory Committee

Would you be interested in serving on a Special Events Committee? ☒ Yes ☐ No

I am aware of the meeting dates and time of the Board/Committee I have applied and if appointed. I agree to serve on the Board/Committee which I have applied or would consider an alternate appointment to a second or third service preference.

Completed applications should be returned to the Office of the Town Clerk, P.O. Box 2163, Eatonville, Florida 32751

I CERTIFY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT.

Signature of Applicant: *Tony J.* Date: *2/28/23*

For Office Use Only

APPOINTED to: _____ Date Appointed: _____
 Term Expires: _____

All Boards must function in accordance with Florida Laws regarding **GOVERNMENT IN THE SUNSHINE**.

*from the city of Maitland Right of ways
 tree work crew leader Lawn service owner*

Division 2. Code Enforcement Board¹

Sec. 2-251. Board created.

- (a) There is hereby created a code enforcement board for the Town of Eatonville, Florida, who shall be appointed by the town council. The code enforcement board shall be appointed to serve a term of three years, the terms of the board members will be staggered. Nothing shall prevent the town council from re-appointing members for a second term.
- (b) The appointment of the code enforcement board shall be made solely on the basis of professional experience in the areas of law, zoning and building knowledge. The code enforcement board shall consist of residents of the Town of Eatonville and/or business owner in the Town of Eatonville.
- (c) The appointment of the code enforcement board members shall be the recommendation of the mayor and town council members. The code enforcement board shall consist of five members, all of which shall be residents of the Town of Eatonville.
- (d) The meetings of the code enforcement board members shall occur no less than frequently than once every two months to hear cases brought forth by the code enforcement officer, and/or as necessary as deemed. Special meetings maybe convened by the code enforcement board upon giving notice thereof to the public. The notice of a special meeting shall be given at least 24 hours prior to the meeting time.
- (e) Minutes shall be maintained of all meetings and hearings held by the code enforcement board, and all meetings, hearings and proceedings shall be open to the public.
- (f) The town administration shall provide clerical and administrative support to the code enforcement board as may be reasonably required by the code enforcement board for the proper performance of the code enforcement board.
- (g) Subject to the approval of the town council, the code enforcement board may adopt rules and regulations necessary to carry out provisions of this article that are consistent with this article or F.S. § 162.05.

(Ord. No. 2016-11, § 1, 9-20-2016)

Sec. 2-252. Legal counsel.

- (a) An attorney may be appointed by the town council to attend meetings of the code enforcement board and to assist the code enforcement board during the hearings.
- (b) A member of the attorney's staff may represent the code enforcement attorney by presenting cases before the board.
- (c) In no case shall the attorney or a member of their staff serve in both capacities.

¹Editor's note(s)—Ord. No. 2016-11, §§ 1—17, adopted Sept. 20, 2016, amended Divs. 2 and 3 in entirety to read as herein set out. Former Divs. 2 and 3, §§ 2-251—2-736, pertained to similar subject matter and derived from Ord. No. 2003-08, 8-19-2003.

(Ord. No. 2016-11, § 2, 9-20-2016)

Sec. 2-253. Jurisdiction.

- (a) The code enforcement board shall have the jurisdiction to hear and decide alleged violations of and may be issued violations of the following codes and ordinances of the Town of Eatonville.
 - (1) Florida Building Code;
 - (2) Occupational licenses;
 - (3) Land Development Code;
 - (4) Lot Clearing Code;
 - (5) Abandoned Vehicle Code;
 - (6) Garbage, Trash and Weed Code;
 - (7) Fire Code;
 - (8) All other town adopted codes.
- (b) The jurisdiction of the code enforcement board shall not be exclusive. Nothing in this article shall be construed to prohibit the town from enforcing its codes and ordinances by any other means including, but not limited to, a summons, a notice to appear in county court, issuance of a citation, a civil action for injunctive relief, a stop work order, or demolition.
- (c) *Designation and authority of the code enforcement board.*
 - (1) There shall be a code enforcement inspector whose responsibilities will be seeking violations of this article and to ensure compliance with the codes and ordinances of the town.
 - (2) The code enforcement inspector shall be hired by the chief administrative officer of the town or their designee.
- (d) *Definitions.*

Alterations means any changes or modifications in construction or occupancy.

Building means any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. A combination of materials to form a construction adapted to permanent or continuous occupancy for use for public, institutional, residence, business or storage purpose.

Deterioration means the condition or appearance of a building or parts thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay of neglect, excessive use or lack of maintenance.

Dwelling means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants whether or not such building is occupied or vacant.

Dwelling unit means any room or group of rooms located within a dwelling and forming a single habitable unit for living, sleeping, cooking and eating whether or not such unit is occupied or vacant.

Exposed to public review means any premises, or parts thereof, or any building, or any part thereof which may be lawfully viewed by the public or any member thereof, from a sidewalk, street, alleyway, or from any adjoining or neighboring premises.

Exterior of premises means those portions of a building which are exposed to public view and the open spaces of any premises outside of any building erected thereon.

Extermination means the control and extermination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping, or by any other recognized and legal elimination methods.

Fire hazard means anything or any act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by experts in preventing, suppressing, or extinguishing fire, or which may obstruct, delay or hinder or may become the cause of an obstruction, a delay, a hazard or hindrance to the prevention, suppression or extinguishment of fire.

Garbage is the animal, vegetable, fruit or other waste resulting from the handling, preparation, cooking and consumption of food.

Habitable room means a space in a structure of living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces, and similar areas are not considered habitable space.

Health officer is the Director of the Health Department of Orange County Florida.

Infestation is the existence in large numbers of insects, rodents or other pests so as to render unpleasant, unsafe or unsanitary.

Major violation is a condition existing on a premises which is below minimum standards set forth in this article and which is dangerous to health, safety, or welfare of the occupants, passersby or persons in contiguous areas; or a serious of minor violations which when considered together present a hazardous or undesirable condition.

Minor violation is a condition which is below the minimum standards set forth in this article but which is not serious enough to be considered a major violation.

Mixed occupancy is any building containing one or more dwelling units or rooming units and also having a portion thereof devoted to non-dwelling uses.

Nuisance is any one or combination of the following:

- (1) Any public nuisance known as common law or in equity jurisprudence or as provided in statutes of the State of Florida or ordinances of the town.
- (2) Any attractive nuisance which may prove detrimental to the health, safety, or welfare of children and others whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to: abandoned wells, shafts, basements, excavations, unused ice boxes, refrigerators, abandoned motor vehicles and any structurally unsound fences and structures; lumber, trash, fences, debris, or vegetation such as poison ivy, oak and sumac, which may prove a hazard for inquisitive persons. Abandoned buildings are attractive nuisances when they are unsecured or unsecurable and when by reason of abandonment or neglect they contain unsound walls or flooring, unsafe wiring, fire hazards, or other unsafe conditions may include such neglect of security that opportunities for criminal activity persist to the danger and detriment of the neighborhood.
- (3) Physical or unsanitary conditions or conditions so lacking illumination or ventilation as to be dangerous to human life or detrimental to health of persons on or near the premises where the condition exists.
- (4) Major or minor violations of this Code which cumulatively impact upon premises to the point whereby conditions endanger human life or substantially and detrimentally affect the safety or security of occupants, nearby occupants, or passersby.
- (5) Whatever renders air, food or drink unwholesome or detrimental to the health of human being.
- (6) Fire hazards.

Operator is any person who has charge, care or control of premises or a part thereof, whether with or without the knowledge or consent of the owner.

Owner is the holder of the title in fee simple and any person, group of persons, company, association or corporation in whose name tax bills on the property are submitted. It shall also mean any person who, alone or jointly or severally with others.

- (1) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
- (2) Shall have charge, care or control of any dwelling or dwelling unit, as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possession, or assignee of rents, lessee, or other person, firm, or corporation in control of a building; or their duly authorized agents. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article, and of the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner. It is his responsibility to notify the actual owner of the reported infractions of these regulations pertaining to the property which apply to the owner.

Person includes any individual, firm, corporation, association or partnership.

Plumbing is all of the following supplies, facilities and equipment; gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bath tubs, shower baths, installed clothes washing machines, catch basins, vents and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines and water pipes and lines; sanitary drainage or storm drainage facilities, the venting system and the public or private water supply systems, within or adjacent to any building, structure or conveyance; also the practice and materials used in the installation, maintenance, extension or alteration of stormwater, liquid waste or sewerage, and water supply systems of any premises to their connection with any point of public disposal or other acceptance terminal.

Premises is a lot, plot of land including the buildings or structures thereon.

Public areas are unoccupied open space adjoining a building and on the same property that is maintained accessible to the public and free of encumbrances that might interfere with its use by the public.

Refuse is all prescribed and non-prescribed solid wastes (except body waste), including, but not limited to, garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

Repeat violation means a violation of town codes, or town ordinance, rules, resolution, or administrative or agency order by a person whom the board has previously found to have committed the same violation within five years prior to the present violation.

Ventilation is the process of supplying and removing air by natural and mechanical means to or from any space.

Violator means a town property owner whether as natural person, business entity, government or political agency or subdivision, any combination thereof, or otherwise who owns real property wherein or where upon a violation is known to exist, or when the alleged violation involves a person's act or any other these things, or when any natural person, business entity, or governmental or political agency or subdivision actually commits a code violation. Likewise, the tenant of any building structure, premises or part thereof, and any architect, building contractor, agent or other person who commits, participates in, assists in or maintains a violation may also be defined as such.

Washrooms are enclosed spaces containing one or more sinks, tubs, showers, or basins and which shall also include toilets, urinals, or fixtures serving similar purposes.

Water closet compartment is an enclosed space containing one or more toilets which may also contain one or more lavatories, urinals, and other plumbing fixtures.

Weathering is deterioration, decay or damage caused by exposure to the elements.

Yard is an open space at grade between a building or structure and the adjoining lot lines unoccupied and un-obstruct by any portion of a building or structure from the ground upward.

(Ord. No. 2016-11, § 3, 9-20-2016)

Sec. 2-254. Enforcement procedures.

- (a) It shall be the duty of the code inspector to initiate enforcement proceedings of the various codes and ordinances. The hearing officer shall not have the power to initiate such enforcement proceedings.
- (b) Except as provided in subsections (e) and (f) below, if a violation of the codes or ordinance is found, the code inspector shall notify the violator and give him/her a reasonable time to correct the violation.
- (c) The notice shall:
 - (1) Be in writing.
 - (2) Include a description of the real estate or address sufficient for identification.
 - (3) Specify the violation(s) by code citation and factual description and the remedial action required.
 - (4) Include a schedule as to the time allowed for completion of the required corrective action(s) necessary to bring the property or violation into compliance with the town.
 - (5) The written notice referred to above shall be considered to be adequately delivered by depositing the notice in the United States Post Office addressed to the owner at his last known address with postage pre-paid thereon, certified mail, return receipt requested.
 - (6) Indicate that if the violation is not corrected within the time specified, a hearing will take place before the hearing officer at the time and place indicated on the notice.
 - (7) Unless provided otherwise in the Code the time given to comply with minor violations as defined by the Code shall not exceed 120 days, and the time given to comply with major violations as defined in this ordinance shall not exceed 45 days.
 - (8) Any violation not corrected in the time and manner specified in the notice pursuant to this section may be referred to the Town of Eatonville Hearing Officer created pursuant to this article. Major or cumulative minor violations which are deteriorating into hazardous or nuisance conditions may also be subject to proceedings under Article IV of the Minimum Standards Code which is supplementary to proceedings by the code enforcement hearing officer.
- (d) Should the violation continue beyond the time specified for correction the code inspector shall notify the hearing officer and request a hearing. The code enforcement board shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed to said violators as provided in section 2-258. If notice by personal service or mail is not feasible, the hearing officer may opt to serve notice by publication as provided in section 2-259. If the violation is corrected and then recurs, or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the hearing officer even if the violation has been corrected prior to the code enforcement board and the notice shall so state.
- (e) If the code inspector has reason to believe a violation, or the conditions causing a violation, presents a serious threat to the public health, safety, and welfare of if the violation is irreparable or irreversible in nature, the code enforcement inspector shall make a reasonable effort to notify the violator and may immediately notify the code enforcement board and request a hearing. If the violation creates an emergency situation where the town action is necessary to eliminate an imminent public nuisance and where notice is impractical or impossible.

- (f) If a repeat violation is found, the code enforcement officer shall notify the violator, but is not required to give the violator a reasonable time to correct the violation. The code enforcement officer, upon notifying the violator of a repeat violation shall notify the code enforcement board to schedule a hearing and shall provide notice pursuant to section 2-258 of the Town Code. The case may be presented to the code enforcement board even if the repeat violation has been corrected prior to the hearing before the code enforcement board, and the notice shall so state.

(Ord. No. 2016-11, § 4, 9-20-2016)

Sec. 2-255. Conduct of hearing.

- (a) Upon request by the code enforcement officer, or at such times as may be necessary the code enforcement board may call a hearing. Minutes shall be kept of all hearings by the code enforcement officer, and all meetings shall be open to the public. The code enforcement board shall provide clerical and administrative personnel as may be reasonably required.
- (b) Upon scheduling of a hearing, the code enforcement board shall cause notice thereof to be furnished to the alleged violator by certified mail, return receipt requested, by personal service, or by publication. Said notice of hearing shall contain the name of the violator, date, time, and place of the hearing and shall state the nature of the violation and reference to the appropriate code or ordinance.
- (c) At the hearing, the burden of proof shall be upon the code enforcement officer to show by a preponderance of the evidence that a violation does exist.
- (d) Assuming proper notice of the hearing has been provided to the alleged violator is provided in subsection (b) above, a hearing may proceed in the absence of the alleged violator.
- (e) All testimony shall be under oath and shall be recorded. The code enforcement board shall take testimony from the code enforcement officer and alleged violator and from such other witnesses as may be called by the respective sides.
- (f) Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings.
- (g) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of the State of Florida.
- (h) The code enforcement board or any attorney appointed to represent the code enforcement officer may inquire of any witness before the code enforcement board. The alleged violator, or his attorney and the attorney representing the code enforcement officer shall be permitted to inquire of any witness before the code enforcement board and shall be permitted to present brief opening and closing statements.
- (i) At the conclusion of the hearing, the code enforcement board shall issue findings of fact, based on evidence in the record and conclusions of law and shall issue an order affording the proper relief consistent with the powers granted by Florida Statutes and by this article. The order shall be stated orally at the meeting and shall be reduced to writing and mailed to the alleged violator within ten days after the hearing. Findings shall be made by the code enforcement board. The order may include a notice that it must be complied with by a specific date, that a fine may be imposed and that under the conditions specified in sections 2-254 and 2-257, the cost of repairs may be included in addition to the fine if the order is not complied with by said date. The order may also include a notice that a repeat violation provision has been invoked pursuant to F.S. ch. 162, for which a fine may be reactivated with the necessity for a hearing if the same violation is repeated by the violator.

- (j) A certified copy of an order shall be recorded in the public records of Orange County, Florida and shall constitute notice to any subsequent purchasers, successors in interest, and assigns if the violation concerns real property. The finds therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, and successors in interest and assigns.
- (k) If any order is recorded in the public records pursuant to subsection (j) of this section and the order is complied with by the date specified in the order, the code enforcement officer shall issue an order acknowledging compliance.
- (l) If the town prevails in prosecuting a case before the code enforcement board, it shall be entitled to recover all costs incurred in said prosecution.

(Ord. No. 2016-11, § 5, 9-20-2016)

Sec. 2-256. Powers of the code enforcement board.

The code enforcement board shall have the power to:

- (1) Adopt rules for the conduct of its hearings.
- (2) Subpoena alleged violators and witnesses to its hearings, subpoenas may be served by the Eatonville Police Department.
- (3) Subpoena records, surveys, plats and other documentary evidence, which subpoenas shall be served by the Eatonville Police Department.
- (4) Take testimony under oath.
- (5) Issue orders having the force and effect of laws, commanding whatever steps are necessary to bring a violation into compliance including, but not limited to, securing, repairing, vacating, and or demolition of structures containing conditions hazardous to the public health, safety and welfare pursuant to the Florida Building Code.
- (6) Establish, levy, reduce or alter fines by no more than ten percent of the total amount of fines due to the Town of Eatonville, without first securing a resolution of the Town Council of the Town of Eatonville.
- (7) Hearing appeals to any person affected by a notice issued in connection with enforcement of the Florida Building Code, providing that such person shall have filed a notice of appeal with the code enforcement board within 30 days of the administrative determination or act sought to be challenged, and providing that said notice of appeal shall explain the basis of the challenge to the administrative determination or act.

(Ord. No. 2016-11, § 6, 9-20-2016)

Sec. 2-257. Fines and penalties; cost of repair; liens.

- (a) In the case of a first violation, the code enforcement officer may order the violator to pay a fine not to exceed \$250.00 for each day the violation continues past the date set by the code enforcement officers order of compliance.
- (b) In cases where the same violation(s) has been committed by the same violator on more than one occasion and where the code enforcement officer has found such violation(s) did occur, the code enforcement officer may order a repeat violator penalty not to exceed \$500.00 per day for each day the repeat violation is found

by the code enforcement officer to have occurred and a hearing shall not be necessary for issuance of the order imposing the fine.

- (c) In determining the amount of any fine, the code enforcement officer shall consider the following factors:
 - (1) The gravity of the violation;
 - (2) Any actions taken by the violator to correct the violation;
 - (3) Any previous violations committed by the violator; and
 - (4) Any previous violations committed on this property.
- (d) A certified copy of an order imposing a fine shall be recorded in the public records of Orange County, Florida and thereafter shall constitute a lien against the land on which the violations exists and upon any real or personal property owned by the violator. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the police of the Town of Eatonville including levy against the personal property, but shall not be deemed otherwise to be a court judgment except for enforcement purposes. A fine imposed pursuant to this article shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever comes first. The code enforcement board may authorize the town's attorney to foreclose on any such lien which remains unpaid more than three months from the filing thereof. No lien created pursuant to these provisions of this article may be foreclosed on real property which is a homestead under section 4, article X of the State Constitution.
- (e) No lien provided by this article shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. In an action to foreclose on a lien, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, which it incurs in the foreclosure. The continuation of the lien affected by the commencement of the action shall not be good against creditors or subsequent purchasers of valuable consideration without notice, unless a notice of lien pending is recorded.
- (f) If the violation is a violation described in section 2-254(d), the code enforcement board shall notify the town which may make all reasonable repairs in order to bring the property into compliance, and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this section.
- (g) A fine imposed pursuant to this section may include all costs pursuant to subsection (f).
- (h) The town may charge the violator for all costs incurred in recording and satisfying a valid lien.
- (i) Appeal.
 - (1) An aggrieved party, including the town council may appeal a final administrative order of the code enforcement board to the circuit court. Such an appeal shall not be a hearing do novo, but shall be limited to, appellate review of the record created before the code enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.
 - (2) The scope of review shall be limited to the record made before the code enforcement board and not be trial de novo.
 - (3) The code enforcement board shall by rule, establish reasonable charges for the preparation of the record to be paid by the appealing party.

(Ord. No. 2016-11, § 7, 9-20-2016)

Sec. 2-258. Notices.

- (a) All notices required by this article shall be provided to the alleged violator by certified mail, return receipt requested; or hand delivery by the towns' police department or other law enforcement officer, code enforcement officer, or other person designated by town council; or by leaving the notice at the alleged violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person on the contents of the notice.
- (b) In addition to providing notice as set forth in subsection (a), at the option and direction of the town attorney, notice may also be served by publication as follows:
 - (1) Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the town.
 - (2) The newspaper shall meet all requirements as are prescribed under F.S. chapter 50, for legal and official advertisements.
 - (3) Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.
 - (4) Notice by publication may run concurrently with or may follow an attempt or attempts to provide notice by hand delivery or by mail as required by subsection (a).
 - (5) Evidence that an attempt has been made to hand deliver or mail notice as provided in this subsection, shall be prima facie proof that the notice requirements of this article have been met, without regard to whether or not the alleged violator actually received such notice.
- (c) In lieu of publication as described in subsection (b), such notice may be posted for at least ten days at the property upon which the violation is alleged to exist and at the office of the town clerk.

(Ord. No. 2016-11, § 8, 9-20-2016)

Sec. 2-259. Code enforcement citations.

- (a) This article is adopted pursuant to F.S. chapter 162, part II, as a supplemental method of enforcing certain codes and ordinances of the Town of Eatonville, and is enacted to protect the public health, welfare and safety of the citizens of said town.
- (b) Nothing in this article shall be construed to prohibit the town from enforcing its codes and ordinances by any other means including, but not limited to, a summons, a notice to appear in the county court, an arrest, an action before the code enforcement board, a civil action for injunctive relief, a stop work order or demolition.

(Ord. No. 2016-11, § 9, 9-20-2016)

Sec. 2-260. Designation of code enforcement officer.

- (a) For the purpose of this article, the town council hereby designates all code enforcement officers, sworn law enforcement officers, fire inspectors, and building inspectors as code enforcement officers who shall have the powers and authority to enforce the codes and ordinances of the town as set forth in the town code.
- (b) The training and qualifications of the code enforcement officer shall be established by the town council.
- (c) Except as to sworn law enforcement officers, designation of a code enforcement officer does not confer the power of arrest or other law enforcement powers not subject to the code enforcement officer to the provisions of F.S. chapter 943.

- (d) Nothing in this article shall be construed to amend, alter, or contravene the provisions of any retirement or pension plan or system administered by the town.

(Ord. No. 2016-11, § 10, 9-20-2016)

Sec. 2-261. Citation authority; violation as civil infraction; maximum civil penalty.

- (a) Any code enforcement officer, designated pursuant to section 2-260, is hereby authorized to issue a citation to a person when based on personal investigation; the inspector has reasonable cause to believe that the person has committed a violation of any code or ordinance.
- (b) A code or ordinance violation, for which a citation may be issued pursuant to this article, shall be deemed a civil infraction.
- (c) The maximum civil penalty of such a civil infraction shall not exceed \$500.00 per violation plus all applicable costs of prosecution and legislative assessments plus court costs of \$10.00.
- (d) Each violation of a code or ordinance shall be a separate civil infraction. Each day such violations shall continue shall be deemed to constitute a separate civil infraction.

(Ord. No. 2016-11, § 11, 9-20-2016)

Sec. 2-262. Notice prior to citation issuance; exception.

- (a) Prior to issuing a citation, the code enforcement officer shall provide notice to the person that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than 30 days. If, upon personal investigation, the code enforcement officer finds that the person has not corrected the violation within the time period, the code enforcement officer may issue a citation to the person who has committed the violation.
- (b) An inspector shall not be required to provide the person with a reasonable time period to correct the violation prior to issuing a citation and may immediately use a citation if a repeat violation is found or if the officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare or if the violation is irreparable or irreversible.

(Ord. No. 2016-11, § 12, 9-20-2016)

Sec. 2-263. Service of warning notice or citation.

- (a) Written warning notices, if applicable and citations shall be provided to the alleged violator by hand delivery by the officer. In the absence of the alleged violator, issuance of a written warning notice or citation may be accomplished by leaving a copy at the alleged violator's residence with any person residing therein who is 15 years of age or older, and informing the person of the contents or by registered or certified mail, return receipt requested.
- (b) Issuance of a written warning notice of citation to a business may be accomplished by leaving a copy at the business, during regular business hours with any employee and informing the employee of the contents or by registered or certified mail, return receipt requested. Each employee of the business shall be deemed to be an agent of the business for service of warning notices and citations.

(Ord. No. 2016-11, § 13, 9-20-2016)

Sec. 2-264. Form of contents of citations; filing with court.

A citation issued by an inspector shall be in a form prescribed by the town council or promulgated by administrative order issued by the Chief Judge of the Ninth Judicial Circuit in the case of a uniform code citation, and shall contain:

- (1) The date and time of issuance;
- (2) The name and address of the person to whom the citation is issued;
- (3) The date and time the civil infraction was committed;
- (4) The facts constituting reasonable cause;
- (5) The number of the section of the code or ordinance violated;
- (6) The name and authority of the officer;
- (7) The procedure for the person to follow in order to pay the civil penalty or to contest the citation;
- (8) The applicable civil penalty if the person elects to contest the citation;
- (9) The applicable civil penalty if the person elects not to contest the citation;
- (10) The conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he or she shall be deemed to have waived his or her right to contest the citation and that in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

After issuing a citation to an alleged violator an inspector shall deposit the original and one copy of the citation with the county court, by filing the same with the clerk of the court.

(Ord. No. 2016-11, § 14, 9-20-2016)

Sec. 2-265. Refusal to sign citation.

- (a) Any person who willfully refuses to sign and accept a citation issued by an inspector shall be guilty of a misdemeanor of the second degree pursuant to F.S. § 162.21(6).
- (b) If the person cited so refuses to sign the citation, the inspector shall write the words "refused" or "refused to sign" in the space provided for the person's signature and shall then leave a copy of the citation with the person cited, if possible.
- (c) Following such refusal to sign, the inspector shall contact the Eatonville Police Department to report such refusal as a violation of F.S. § 162.21(6).

(Ord. No. 2016-11, § 15, 9-20-2016)

Sec. 2-266. Payment of reduced civil penalty; court hearing.

- (a) If the person elects not to contest the citation, the person shall pay in full the applicable reduced civil penalty, as set forth here, to the clerk of the court within 14 calendar days after issuance of the citation.
- (b) If the person cited elects to pay the applicable reduced civil penalty set forth herein, the person shall be deemed to have admitted the infraction and waived the right to a hearing. If the person cited fails to pay the civil penalty by the 14th calendar day after issuance of the citation and a judgment shall be entered against the person cited in an amount up to the maximum civil penalty plus court costs of \$50.00. In addition, a rule

to show cause may be issued by the county judge requiring the person cited to appear in county court to explain the person's failure to pay or request a court hearing. Failure to respond to the rule to show cause may result in issuance of an arrest warrant.

- (c) If the person elects to contest the citation, the person shall appear in court before a county judge within 21 calendar days of issuance of the citation to request a hearing.
- (d) If the person cited has been previously cited for the same violation at least two other times within a 12-month period, upon issuance of a third or subsequent citation, the person shall not have the option of paying a reduced civil penalty but instead shall appear before a county judge within 21 calendar days to answer the charge.
- (e) A county judge, after a hearing on the citation shall make a determination whether or not a violation of the Code of Ordinances cited has been committed. If a violation is found to have occurred, the county judge may order the violator to correct the violation and may impose a civil penalty up to the maximum civil penalty plus all applicable costs of prosecution and legislative assessments, plus court costs of \$50.00. In no event, however, shall such civil penalty imposed by a county judge be less than the reduced civil penalty set forth in section 2-267.
- (f) The county judge may provide for the civil penalty to be paid, and the violation to be corrected within such time as the county judge determines to be appropriate. If the person found to be in violation fails to pay the civil penalty or correct the violation with the time provided, a civil judgment shall be entered against that person in an amount up to the maximum civil penalty.
- (g) Should the person cited schedule a hearing as provided for herein and thereafter fail to appear at such hearing, the person shall be deemed to have waived the right to contest the citation; and a civil judgment shall be entered against the person in an amount up to the maximum civil penalty; provided however, that the court shall have the discretion to continue or reschedule any hearing when it determines that doing so will further the interest of justice. In such an event, the clerk of the court shall notify the code enforcement officer and the person cited of the date and time of the hearing. In addition, a rule to show cause may be issued by the county judge requiring the person cited to appear in county court to explain the person's failure to appear at the hearing. Failure to respond to the rule to show cause may result in issuance of an arrest warrant.
- (h) Should the person cited willfully fail to comply with a court order to abate or correct the violation, the court after due notice and hearing on the matter, may hold the violator in civil contempt and may enter an order to that effect.
- (i) In the event that a civil judgment is entered against the person cited as provided herein, the town may record a certified copy of the said judgment in the Official Records of Orange County, Florida and the same shall thereafter constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator.
- (j) In the event that an order is entered finding that a violation of the ordinance cited has been committed, the town may record a certified copy of said order in the official records of Orange County, Florida and the same shall thereafter constitute notice to and be binding upon the violator and any subsequent purchasers, successors in the interest or assigns if the violation concerns real property.
- (k) At any hearing pursuant to this article, the commission of a violation of a code or ordinance must be proved by a preponderance of the evidence. The Florida Rules of Civil Procedure and the Florida Evidence Code shall be applicable to any such hearing.

(Ord. No. 2016-11, § 16, 9-20-2016)

Sec. 2-267. Procedure for payment of civil penalty.

Payment of any civil penalty imposed by this article shall be to the clerk of the court, who shall forward the money collected to the town's finance director for deposit into the town's fund. If a judgment has been entered for the civil penalty, the clerk of the court shall notify the town when the judgment has been paid and the necessary satisfaction of judgment shall be prepared and recorded in the official records of Orange County.

Classes of Violation and Reduced Civil Penalty

(1) Violations of town code and ordinances, and the applicable reduced civil penalties shall be as follows:

Violation Classifications	Reduced Civil Penalty		
	1st Offense	2nd Offense	3rd or Subsequent Offense
Class I	\$50.00	\$100.00	Mandatory Court Hearing
Class II	\$100.00	\$200.00	Same as above
Class III	\$150.00	\$300.00	Same as above
Class IV	\$200.00	\$400.00	Same as above

(Ord. No. 2016-11, § 17, 9-20-2016)

Secs. 2-268—2-755. Reserved.



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL MEETING

MARCH 7, 2023 AT 7:30 PM

ITEM TITLE: Approval of Resolution 2023-04 Appointing a New Board Member to the Historic Preservation Board

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: ADMINISTRATION
PUBLIC HEARING 1ST / 2ND READING		Exhibits: <ul style="list-style-type: none"> Resolution 2023-5 Board Appointment Information Form Historic Preservation Code Requirements
CONSENT AGENDA	YES	
COUNCIL DECISION		
ADMINISTRATIVE		

REQUEST: The Administration request for Town Council to approve Resolution 2023-05 approving **Jane Turner** to the Historic Preservation Board as board member

SUMMARY: The Town Council of the Town of Eatonville wishes to appoint one (1) individual as board member to the Historic Preservation Board.

The appointments shall be made on the basis of civic pride, integrity, experience, and interest in the field of historic preservation. No person may serve more than two consecutive three-year terms. A member whose term expires may continue to serve until a successor is appointed and qualified.

The Historic Preservation board shall have five members appointed by the town council. One member of the historic preservation board shall be a registered architect and another a local historian, if available. The Town Council should appoint a representative from each of the following areas of expertise: History, Real estate or real property appraisal, Urban planning, Engineering or building construction.

RECOMMENDATION: Recommend appointment of Jane Turner the Historic Preservation Board as board member for a term of (3) years from March 7, 2023 until March 7, 2026.

FISCAL & EFFICIENCY DATA: N/A

RESOLUTION #2023-5

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA, TO APPOINT ONE (1) NEW MEMBER TO THE HISTORIC PRESERVATION BOARD, PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS the Town Council of the Town of Eatonville wishes to appoint one (1) individual as board member to the Historic Preservation Board; and

WHEREAS the historic preservation board shall have five members appointed by the town council. One member of the historic preservation board shall be a registered architect and another a local historian, if available. The Town Council should appoint a representative from each of the following areas of expertise: History, Real estate or real property appraisal, Urban planning, Engineering or building construction.; and

WHEREAS the appointments shall be made on the basis of civic pride, integrity, experience, and interest in the field of historic preservation. No person may serve more than two consecutive three-year terms. A member whose term expires may continue to serve until a successor is appointed and qualified.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA THE FOLLOWING:

SECTION ONE: APPOINTMENTS: the person to be re-appointed as board member of the Historic Preservation Board is Jane Turner for a term of three (3) years from March 7, 2023 until March 7, 2026.

SECTION TWO: CONFLICTS: All Resolution or parts of Resolutions in conflict with any other Resolution or any of the provisions of this Resolution are hereby repealed.

SECTION THREE: SEVERABILITY: If any section or portion of a section of this Resolution is found to be invalid, unlawful, or unconstitutional it shall not be held to invalidate or impair the validity, force or effect of any other section or part of this Resolution.

SECTION FOUR: EFFECTIVE DATE: This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 7th day of March 2023.

ATTEST:

Angie Gardner, Mayor

Veronica King, Town Clerk

TOWN OF EATONVILLE, FLORIDA



BOARD APPOINTMENT INFORMATION FORM

APPLICATION FOR: Historic Preservation Board

The Town Council of the Town of Eatonville is seeking citizens to serve on duly constituted Town Boards and Commission which have been established to assist and advise the Town Council on specific matters for consideration which have been assigned to the respective Commission/Boards. Please complete this application and attach a brief resume or any additional information which you feel will assist the Town Council in their selection. The application should be typed or clearly printed and filed with the Town Clerk.

1. Name: JANE L. Turner Home Phone: 321-663-8894
2. Address: 558 Eaton Street, Eatonville, Fl. 32751
3. Are you employed by the Town? Yes _____ No: X
4. Business Address: N/A
5. Business Phone: N/A email: tjaylily@yahoo.com
6. Brief Resume' of Education and Experience: See attached
7. Are you a Resident of the Town? Yes: x No: _____
8. Are you a Registered Voter? Yes: x No: _____

MEMBERSHIP IN THE COMMUNITY ORGANIZATONS OR PROFESSIONAL GROUP: Eatonville Chamber of Commerce; Unity Credit Union

9. Have you previously served on a Town Board? Yes: X No: _____
10. Please indicate other Town Council and/or Boards for which you wish to be considered for appointment by the Town Council: Arts Advisory Committee; CRA Advisory Committee

Please indicate briefly why you would like to be appointed to serve on a Board or Committee: Formerly a member of the Historic Preservation Board (2006-2008). As a long time resident, need to be involved in the progress of the town.

Do you attend Council meetings on a regular basis? Yes: _____ No: No, but I Will.

Thank you for your interest in serving the Historic Town of Eatonville. Please indicate below your first, second and third preference below. Please carefully consider your obligations before choosing which board you would like to serve. A description of each board is included in this application. Please note that in

addition to the regular scheduled board meetings, members may be required to attend training, work sessions, and joint meeting.

☐ Nuisance Abatement Board
☐ Board of Adjustment
☐ Code Enforcement Board
☒ CRA Advisory Committee

☐ Planning Board
☒ Historic Preservation Board
☒ Arts Advisory Committee

Would you be interested in serving on a Special Events Committee? ☒ Yes ☐ No

I am aware of the meeting dates and time of the Board/Committee I have applied and if appointed. I agree to serve on the Board/Committee which I have applied or would consider an alternate appointment to a second or third service preference.

Completed applications should be returned to the Office of the Town Clerk, P.O. Box 2163, Eatonville, Florida 32751

I CERTIFY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT.

Signature of Applicant

Jane L. Turner Date: 2/27/23

For Office Use Only

APPOINTED to: _____ Date Appointed: _____
 Term Expires: _____

All Boards must function in accordance with Florida Laws regarding **GOVERNMENT IN THE SUNSHINE**.

Jane L. Turner
558 Eaton Street
Eatonville, Florida 32751
E-mail: Tjaylily@yahoo.com
Phone: 321-663-8894

FEBRUARY 27, 2023

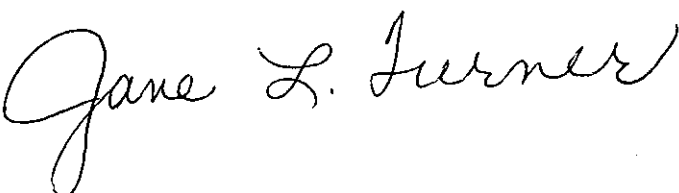
Biographical Sketch

I have been a resident of Eatonville since 1990. I consider Eatonville to be home. Currently, I maintain an artist studio here, where I work and spend time almost daily. I am a graduate of Tuskegee (Institute) University. I worked in Human Services for thirty years, in other parts of the country, as well as Florida. I retired from social work in 2004.

I have been active as a visual artist in the greater Central Florida Area. I was graced to have a one woman show in Eatonville, where I was dubbed "The Eatonville Artist". In 2017, I curated an exhibit in TownHall along with 4 other artists.

In 2006, I was appointed to the Eatonville Preservation Board and participated until 2008. I welcome the opportunity to revisit that board, and participate in everyway that I can. As a mature member of the community, I believe that I can contribute a wealth of experience and information, not only historically, but also artistically. My effort will be to support and encourage young adults and the Youth in the community, to claim ownership of the town, our future depends on it.

Signed:



ARTICLE V. HISTORIC PRESERVATION BOARD

Sec. 48-147. Establishment.

The historic preservation board is hereby established to implement the historic preservation provisions of this chapter.

(LDC 1982, ch. 11, § 11.5(intro.); Ord. No. 96-04, § V, 12-17-1996)

Sec. 48-148. Board membership.

- (a) The historic preservation board shall have five members appointed by the town council. One member of the historic preservation board shall be a registered architect and another a local historian, if available. The appointments shall be made on the basis of civic pride, integrity, experience, and interest in the field of historic preservation. The town council should appoint a representative from each of the following areas of expertise:
 - (1) History.
 - (2) Real estate or real property appraisal.
 - (3) Urban planning.
 - (4) Engineering or building construction.
- (b) Whenever possible, each member shall reside in the town.
- (c) Each member shall be appointed to a three-year term except that, initially, two members shall be appointed for a term of two years, and one member shall be appointed for a term of three years. No person may serve more than two consecutive three-year terms. Persons disqualified by this provision may be reappointed after one year elapses after the expiration of the second term of service.
- (d) When a position becomes vacant before the end of the term, the town council shall appoint a substitute member within 60 days to fill the vacancy for the duration of the vacated term. A member whose term expires may continue to serve until a successor is appointed and qualified.
- (e) An individual who misses three consecutive, regularly scheduled meetings of the historic preservation board without good cause shall be deemed to have resigned from that board and is not eligible for reappointment to that or any other board for at least one year. In that event, the town clerk shall notify the individual that his position will be declared vacant by the town council at the next regularly scheduled town council meeting unless the individual demonstrates good cause for having been absent. In addition, the town council may terminate the appointment of any board member for cause, including, but not limited to, excessive absences and conflicts of interest, upon giving notice and an opportunity to be heard. The town council shall take any and all action it deems appropriate in its sole discretion.

(LDC 1982, ch. 11, § 11.5.1; Ord. No. 96-04, § V(A), 12-17-1996; Ord. No. 2003-2, § 1, 7-15-2003; Ord. No. 2010-05, § 1, 3-2-2010)

Sec. 48-149. Officers.

The members of the historic preservation board shall annually elect a chair and vice-chair from among the members and may create and fill other offices as the historic preservation board deems necessary.

(LDC 1982, ch. 11, § 11.5.2; Ord. No. 96-04, § V(B), 12-17-1996)

Sec. 48-150. Subcommittees.

- (a) The historic preservation board shall create whatever subcommittees it deems necessary to carry out the purposes of the historic preservation board.
- (b) The chair of the historic preservation board shall annually appoint the membership of each subcommittee from the members of the historic preservation board.

(LDC 1982, ch. 11, § 11.5.3; Ord. No. 96-04, § V(C), 12-17-1996)

Sec. 48-151. Staffing.

The planning director shall appoint a town employee to serve as secretary to the historic preservation board, recorder and custodian of all board records.

(LDC 1982, ch. 11, § 11.5.4; Ord. No. 96-04, § V(D), 12-17-1996)

Sec. 48-152. Compensation.

Members shall not be compensated.

(LDC 1982, ch. 11, § 11.5.5; Ord. No. 96-04, § V(E), 12-17-1996)

Sec. 48-153. Funding.

The town council shall appropriate funds to permit the historic preservation board to perform its prescribed functions.

(LDC 1982, ch. 11, § 11.5.6; Ord. No. 96-04, § V(F), 12-17-1996)

Sec. 48-154. Required meetings.

The historic preservation board shall meet at least four times each year and minutes of each meeting shall be kept. Meetings will be conducted according to rules of procedure adopted by the board.

(LDC 1982, ch. 11, § 11.5.7; Ord. No. 96-04, § V(G), 12-17-1996)

Sec. 48-155. Board to adopt the rules of procedure.

The historic preservation board shall adopt the rules of procedure as the recognized authority.

(LDC 1982, ch. 11, § 11.5.7; Ord. No. 96-04, § V(H), 12-17-1996)

Sec. 48-156. Responsibilities of local board.

The responsibilities of the historic preservation board shall be complementary to those of the state historic preservation board office.

(LDC 1982, ch. 11, § 11.5.7; Ord. No. 96-04, § V(I), 12-17-1996)

Secs. 48-157—48-180. Reserved.



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL MEETING

MARCH 7 AT 07:30 PM

Cover Sheet

****NOTE**** Please do not change the formatting of this document (font style, size, paragraph spacing etc.)

ITEM TITLE: Approval of Resolution #2023-2 Appointment of Vice Mayor per Section 2.04 of the Town of Eatonville’s Charter.

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: ADMINISTRATION
PUBLIC HEARING 1 ST / 2 ND READING		Exhibits: <ul style="list-style-type: none">Resolution #2023-2 Appointment of Vice-Mayor
CONSENT AGENDA		
COUNCIL DECISION	YES	
ADMINISTRATIVE		

REQUEST: Approval of Resolution 2023-2 appointment of Vice Mayor, per Section 2.04 of the Charter of the Town of Eatonville.

SUMMARY: A Resolution of the Town Council of the Town of Eatonville, Florida, is being presented authorizing the appointment of a Vice Mayor, Per Section 2.04 of the Town of Eatonville’s Charter.

In accordance with Section 2.04 of the Town’s Charter a Vice Mayor is to be recommended by the Mayor and confirmed by the Town Council annually from among its members no later than the second regular Council meeting in March. The Vice Mayor will assume the duties of Mayor in the absence of the Mayor.

The Councilmember recommended as Vice Mayor is Rodney Daniels_____.

RECOMMENDATION: Approval of Resolution 2023-2 appointment of Vice Mayor per Section 2.04 of the Town of Eatonville’s Charter.

FISCAL & EFFICIENCY DATA: N/A

RESOLUTION #2023-2

(Amended)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA, AUTHORIZING THE APPPOINTMENT OF A VICE MAYOR, PER SECTION 2.04 OF THE TOWN OF EATONVILLE’S CHARTER, PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS in accordance with Section 2.04 of the Town’s Charter a Vice Mayor will be recommended by the Mayor, and confirmed by the Town Council annually from among its members no later than the second regular Council meeting in March; and

WHEREAS the Vice Mayor will assume the duties of Mayor in the absence of the Mayor.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA THE FOLLOWING:

SECTION ONE: The Councilperson recommended as Vice Mayor is: ~~Rodney Daniels~~

SECTION TWO: CONFLICTS: All Resolution or parts of Resolutions in conflict with any other Resolution or any of the provisions of this Resolution are hereby repealed.

SECTION THREE: SEVERABILITY: If any section or portion of a section of this Resolution is found to be invalid, unlawful, or unconstitutional it shall not be held to invalidate or impair the validity, force or effect of any other section or part of this Resolution.

SECTION FOUR: EFFECTIVE DATE: This Resolution shall become effective immediately upon its passage and adoption.

Angie Gardner, Mayor

ATTEST:

Veronica L. King, Town Clerk