



HISTORIC TOWN OF EATONVILLE, FLORIDA

REGULAR COUNCIL WORKSHOP AGENDA

Tuesday, May 19, 2026, at 6:30 PM

Town Hall - 307 E Kennedy Blvd

Please note that the HTML versions of the agenda and agenda packet may not reflect changes or amendments made to the agenda.

- I. CALL TO ORDER
- II. CITIZEN PARTICIPATION (Three minutes strictly enforced)
- III. PRESENTATIONS
 1. Presentation/Discussion of the Water and Sewer Impact Fee Study Presentation (Public Works)
- IV. COUNCIL DISCUSSION
 2. Discussion of the Nuisance Abatement (Clerk/Legal)
- V. COMMENTS
 3. Staff Comments
- VI. ADJOURNMENT

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****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 WORKSHOP

MAY 19, 2026, AT 06:30 PM

Cover Sheet

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

ITEM TITLE: Presentation/Discussion of the Water and Sewer Impact Fee Study
Presentation (**Public Works**)

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS	YES	Department: PUBLIC WORKS
INTRODUCTIONS		Exhibits: <ul style="list-style-type: none">Eatonville Capacity Fee Study
CONSENT AGENDA		
COUNCIL DISCUSSION	YES	
ADMINISTRATIVE		

REQUEST: Staff request for the town council to hear a presentation to review and discuss the Water and Sewer Impact Fee Study.

SUMMARY: The Water and Sewer Impact Fee Study was prepared by the Florida Rural Water Association and is a membership benefit. Capacity fees or connection charges, are one-time charges assessed to new commercial and residential connections to reimburse utility systems for required infrastructure needed to maintain the utility system. The first and second reading of the ordinance will be in the month of June.

RECOMMENDATION: Staff recommend for the town council to hear a presentation to review and discuss the Water and Sewer Impact Fee Study

FISCAL & EFFICIENCY DATA: N/A

2970 Wellington Circle • Tallahassee, FL 32309-7813
(850) 668-2746

May 15, 2026

Ms. Valerie Mundy, P.E.
Public Works Director
Town of Eatonville
307 East Kennedy Blvd.
Eatonville, FL 32751
Phone: (407) 623-8912
Email: VMundy@TownofEatonville.org

**RE: Water and Wastewater Capacity Fee Study
Town of Eatonville, Orange Co., PWS: 3480327 &
FL0033251 (Altamonte Springs)**

Dear Ms. Mundy:

Florida Rural Water Association is pleased to provide this Capacity Fee Study to the Town of Eatonville as a membership benefit. FRWA is dedicated to assisting water and wastewater systems providing Floridians with an ample affordable supply of high-quality water and wastewater disposal services, while protecting natural systems.

With unfunded mandates continuing to roll down from state and federal governments along with the aging of pipes, pumps, and plants, you have risen to the challenge and continue to provide quality services. To make a very difficult job more difficult, revenues have lagged behind expenses. Utility operators have done more with less each year, as measured in real dollars. They have shouldered the responsibility of running the system in a responsible manner and in compliance with state rules and regulations.

Capacity Fees. Capacity Fees (Connection Charges) are one-time charges assessed to the new commercial and residential connections to reimburse utility systems for infrastructure required to supply water and collect, treat, and dispose of wastewater from these new commercial and residential connections. Capacity Fees are proportional to the capacity set aside for the new customer. In some systems these charges are called Capacity Fees while others may be called Benefit Assessments, User Fees, Contributions In Aid of Construction (CIAC), Impact Fees or System Development Charges.¹

The goals and objectives considered in the study include the following:

- ✓ Proposed Capacity Fees should be equitable among customer classes;
- ✓ Proposed Capacity Fees should minimize “shock” to customers if possible;
- ✓ Proposed Capacity Fees should reimburse the Town for infrastructure required to supply water and collect treat, and disposal of wastewater from new commercial and residential connections;
- ✓ Proposed Capacity Fees should provide for capital improvement needs and not operation and maintenance costs.

¹ AWWA, *Manual M1 - Principles of Water Rates, Fees and Charges*, 7th Edition, American Water Works Association, Denver CO., 2017, pp. 321-347

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Executive Summary

Findings & Recommendations

The Town of Eatonville has two options for setting Capacity Fees:

Option A – Use the **Remaining Useful Life Basis** to capture the existing cost of running the Town of Eatonville Water and Wastewater Utility.

Option B – Use the **Replacement Value Basis** to capture the true and sustainable cost of running the Town of Eatonville Water and Wastewater Utility.

Remaining Useful Life (RUL) is the length of time the utility infrastructure, piping, pumps, tanks, and equipment is likely to be functional before it requires replacement. A piece of equipment may last longer than its estimated useful life, but it will need more and more maintenance as it reaches that point. It may become obsolete or require major repairs. An especially old asset, while technically functional, may be more of a liability than a benefit if it requires frequent repair work.

The Remaining Useful Life basis for computing Capacity Fees provides a value to existing utility assets based on their depreciated condition, estimated based on the years it is expected to continue to function. This can also be called Replacement Cost New Less Depreciation. This basis does not provide for the cost of replacing the pipe or equipment when it reaches the end of its useful life, the cost that the utility will have to bear to serve the development being added to the utility.

As an example of the implication of Remaining Useful Life Basis, a community has an Elevated Storage Tank at the school constructed around 1952, over 70 years ago. The AWWA useful life an elevated storage tank is 44 years. The elevated storage tank at the school would have no value when computing Capacity Fees based on Remaining Useful Life Basis. For this portion of the Capacity Fee, the new user will have almost no Capacity Fee to pay. However, the true, sustainable value to the utility is the replacement cost for the elevated storage tank, this is the cost the utility will have to bear to keep treated water available for new users as they are added to the system.

Replacement Value is the original cost escalated to current-day dollars. That is, the cost to the utility to install new infrastructure to replace existing piping, pumps, tanks, and equipment in today's dollars. The Replacement Value recognizes the expense the utility must incur to purchase new piping and equipment as the existing piping and equipment have become unusable due to age and wear. This is the cost the existing users have been incurring for all the previous years in keeping sufficient and usable piping and equipment available for the users now coming onto the system.

Replacement Value reasonably reflects the cost of providing new expansion capacity to users as if the capacity was added at the time the new user connected to the water system. The utility is fairly compensated for the carrying costs of the excess capacity that needed to be built into the system in advance of the new users connecting to the system so it would be available at the time the connection was needed. With pipelines and treatment plants it is impossible to put in increments of capacity at exactly the time a new development needs to have it available. Capacity-related

infrastructure must be planned, designed, and constructed in large increments and the new users the capacity is intended to serve will typically connect to the system over many years. Utilities must make investments in capacity-related infrastructure that will provide services to new development well in advance of the time when the new development occurs. Meanwhile, the utility is incurring the cost of keeping the capacity-related infrastructure in proper working conditions so it will be fully available when needed by the new development.

With Capacity Fees based on Replacement Value, the new users are paying for the true, sustainable value of the capacity that the utility has purchased and kept available for them until now to us. While Replacement Value capacity fees represent a higher cost per Equivalent Residential Connection (ERC) than Remaining Useful Life, FRWA recommends Replacement Value because it represents a more equitable compensation to the utility for the cost of constructing and keeping necessary, effective capacity available for new users when it is needed.

1. Water Capacity Fee Finding

The Town of Eatonville does not currently assess Water Capacity Fees for new connections to the water utility system. Based on this study findings for the Water Capacity Fee, the Town has the option of using the evaluated Fee of **\$1,530 per ERC** using the Remaining Useful Life Basis –or- **\$4,620 per ERC** using the Replacement Value Basis to capture the true and sustainable cost of running its Water Utility. FRWA recommends using the Replacement Value.

2. Wastewater Capacity Fee Findings

The Town of Eatonville does not currently assess Wastewater Capacity Fees for new connections to the water utility system however Altamonte Springs assesses a Wastewater Treatment Facility charge of \$2,384.45 per ERC. Based on this study findings for the Wastewater Capacity Fee, the Town has the option of using the evaluated Fee of an additional **\$540 per ERC** using the Remaining Useful Life Basis –or- **\$2,440 per ERC** using the Replacement Value Basis to capture the cost of providing the collection and transmission capacity for its Wastewater Utility. FRWA recommends using the Replacement Value.

Water & Wastewater Capacity Fee Findings

In combination both the Water and Wastewater Capacity Fees are:

Equivalent Residential Water & Wastewater Connection (ERC) Calculation Comparison

Category	Current Impact Fees	Option A Remaining Useful Life Value	Option B Replacement Value
Eatonville Water	\$0/ERC	\$1,530/ERC	\$4,620/ ERC
Eatonville Wastewater	\$0/ERC	\$540/ERC	\$2,440/ERC
Altamonte Springs Wastewater	\$2,384/ERC	\$2,384/ ERC	\$2,384/ ERC
Totals	\$2,384/ERC	\$4,454/ ERC	\$9,444/ ERC

3. Water and Wastewater Capacity Fee Recommendations

FRWA recommends that the Town use the evaluated fees to capture the true and sustainable cost of running its Water and Wastewater Utility and to maintain and protect the Town’s vital infrastructure. We recommend and can assist with continuing to establish a 5 and 10-year Capital Improvement Program to keep the Town’s utility financially sound.

4. Other Utility Fee Recommendations

- Fees for turn-ons, turn-offs, and late fees might need to be increased for inflation. Fees should be reviewed / updated at least annually by staff based on actual time and material costs for meters, fittings, boxes, equipment costs, fuel costs, and salaries.
- The Utility’s policies on payments, late charge fees, illegal turn on penalty, or returned check penalty should also be reviewed / updated at least annually by staff.
- FRWA recommends implementing an annual adjustment moving forward in accordance with the industry standard index for construction costs. The Florida Public Service Commission (PSC), Engineering News Record or Handy-Whitman Index of Public Utility Construction or such other index as deemed appropriate by the Town council. These price indexes are established annually to allow franchised water and wastewater utilities to adjust rates and charges as a reflection of the determined increase in operation and maintenance expenses.

The following table shows historic trends for the Florida Public Service Commission’s Indexes:

Year	PSC Approved Index	Year	PSC Approved Index	Year	PSC Approved Index	Year	PSC Approved Index
1997	2.13%	2005	2.17%	2013	1.63%	2021	1.17%
1998	2.10%	2006	2.74%	2014	1.41%	2022	4.53%
1999	1.21%	2007	3.09%	2015	1.57%	2023	7.07%
2000	1.36%	2008	2.39%	2016	1.29%	2024	3.24%
2001	2.50%	2009	2.55%	2017	1.51%	2025	2.23%
2002	2.33%	2010	0.56%	2018	1.76%	2026	
2003	1.31%	2011	1.18%	2019	2.36%	2027	
2004	1.60%	2012	2.41%	2020	1.79%	2028	

- It is recommended that you revisit this Capacity Fee study every 3 to 5 years or as needed. Indicators of need include changes to revenue or CIP expenses predictions, current financial position and other indicators that become evident during the annual budget approval process.

Capacity Fee Evaluation

Capacity Fee Calculations.

Capacity Fee Calculations are performed in accordance with the American Water Works Association *Manual M1 - Principles of Water Rates, Fees and Charges* guidelines for calculating and allocating Capacity Fees to new customers.² FRWA uses a rational and conservative approach when performing these evaluations. This approach is transparent, defensible, and complies with statute and case law. Since there is a rational nexus of allocating Capacity Fees to customer groups it also follows the intent of the Florida Statutes that set the basis for rates and Capacity Fees by counties and municipalities. Such fees shall be just and equitable.³

Capacity Fees are set using the following criteria:

- The water / wastewater system has the legal authority to charge Capacity Fees.
- Costs are allocated to specific customer classes based on use of the water / wastewater system infrastructure.
- New customers add incremental capital costs to the utility and the fees are set to recapture their impact to the system.
- The evaluation of system data is sufficient to reasonably estimate the value of water / wastewater system infrastructure and support charges to new customers. The evaluation includes water / wastewater consumption, historical flow trends, growth, and inventories of water lines, wells, treatment, collection, manholes, lift stations, etc.
- Justification of capital costs is clearly provided in the calculation of fees.
- The costs of grant-funded and contributed assets are not included in the Capacity Fee calculations.
- Outstanding principal on debt that has been incurred for infrastructure is not included in asset value for Capacity Fee calculations.
- The capital costs / fee requirements for new customers are consistent, predictable, and uniform.
- Each customer class equitably pays its own way. No undue burden is placed on one class over another customer class.

Compliance with the Dual Rational Nexus Test

The Town is responsible for compliance with Florida statutes for all aspects of Capacity Fees – establishment, collection, and expenditures. The dual rational nexus test is a basis for the validity of impact fees. The test has two prongs, each of which are a rational nexus that must be found:

The local government must demonstrate a reasonable connection, or rational nexus, between the need for additional capital facilities and the growth in population generated by the subdivision. In addition, the government must show a reasonable connection, or rational nexus, between the expenditures of the funds collected and the benefits accruing to the subdivision.⁴

To understand the first prong of the dual rational nexus test, a rational nexus between the need for additional capital facilities and the growth in population generated by a new development, it is first important to understand what is considered rational. To be rational, the nexus must be substantial, demonstrably clear, and present. The Capacity Fee Study attempts to define (monetarily) the benefit new customers receive from hooking up to the

² AWWA, *Manual M1 - Principles of Water Rates, Fees and Charges*, 7th Edition, American Water Works Association, Denver CO., 2017, pp. 321-347

³ See Florida Statutes Chapter 153 for County Water & Sewer Systems and Chapter 180 - Municipal Public Works.

⁴ *St. Johns County v. Northeast Florida Builders Ass'n, Inc.* 583 So.2d 635, 637 (Fla. 1991); *Hollywood, Inc. v. Broward County*, 431 So.2d 606, 611-612 (Fla. 4th DCA 1983)

utility in demonstrating the value of infrastructure capacity made available to the new customer. The Capacity Fee Study specifically focuses on the pro-rate share new customers should pay for the infrastructure required to meet the new demand. The goals of the Capacity Fee Study are rational and consistent with the first prong of the dual rational nexus test.

The second prong of the dual rational nexus test is that there must be a rational nexus between the expenditures of the funds collected and the benefits accruing to the payor of the impact fee. This can be satisfied by specifically earmarking the funds collected for use in acquiring capital facilities to benefit the new residents. How the Town handles the fees collected is the responsibility of the Town and is not addressed in this Capacity Fee Study.

Cost Savings and Benefits.

Capacity Fees provide a revenue source for replacement and upgrade of existing infrastructure as new customers are added to the system and the funds collected must benefit the new customers paying the fee. This revenue is intended to be used for funding major expansions as well as minimizing future debt or reducing the need for future debt. Capacity Fees also provide for the utility to maintain an appropriate level of retained earnings and cash reserves to meet capital improvement needs. Utilities that are committed to regular renewal and replacement of aging infrastructure regularly see cost savings in their O&M budget, avoid unnecessary costly emergency repairs and minimize community health and safety concerns due to critical water and wastewater equipment failures.

Accuracy of Revenue Predictions.

We have performed our analyses using the data and information obtained; we have relied upon such information to be accurate. Projected Capacity Fee revenue precision is limited by the accuracy of the financial information provided – good information “in” equals good information “out”, and *vice versa*. Should our capacity fees not meet your expectations, we will work with you to carefully review and update financial records, revisit our calculations, valuation parameters, assumptions, etc. We are always happy to return, revisit your Capacity Fees, and adjust the analyses as necessary, consistent with Florida law.

Growth should pay for Growth.

Growth causes the need for expansion and should therefore pay its fair share for the costs incurred. These new connections use existing capacity or require expanded capacity in the form of plant expansions and water / sewer line extensions -- requiring significant capital expenditures. Existing ratepayers have supported and maintained the existing facilities, and new customers should support any new, additional, or expanded facilities plus pipelines that are required for the use of these new customers.

Some officials and new customers have argued incorrectly that the utility should allow new customers on the system without charge or at original plant costs (not adjusted for inflation). It’s not fair to existing ratepayers and it is not a prudent utility practice. Nor would it be good business practice. Public officials may be tempted at times to trim budgets; lower utility rates below operational costs; and keep Capacity Fees below actual capital investment needs -- but this seriously reduces utilities’ ability to perform its central mission, shortchanges ratepayers by delaying costs, sets up unrealistic expectations, and undermines the future vitality of the community.

Dealing with Growth & Infrastructure Decay.

Communities must maintain adequate levels of service for public facilities and anticipate and prepare for growth. Some older or aging infrastructure may need to be upgraded which requires adequate funding.

As new customers come online more and more of the treatment capacity is used up until the plant is at capacity and must be expanded. Further, the Florida Department of Environmental Protection requires that when a water plant reaches 75% of capacity that the supplier of water must submit source/treatment/storage capacity analysis reports by a professional engineer documenting projected flows. If the operating capacity of the water treatment

plant or finished water storage is exceeded in less than 5 years, documentation of timely design, permitting, and construction must be submitted with the report (Rule 62-555.348 F.A.C.).

Existing Water System Demand

Eatonville Water Demand History from Monthly Operating Reports

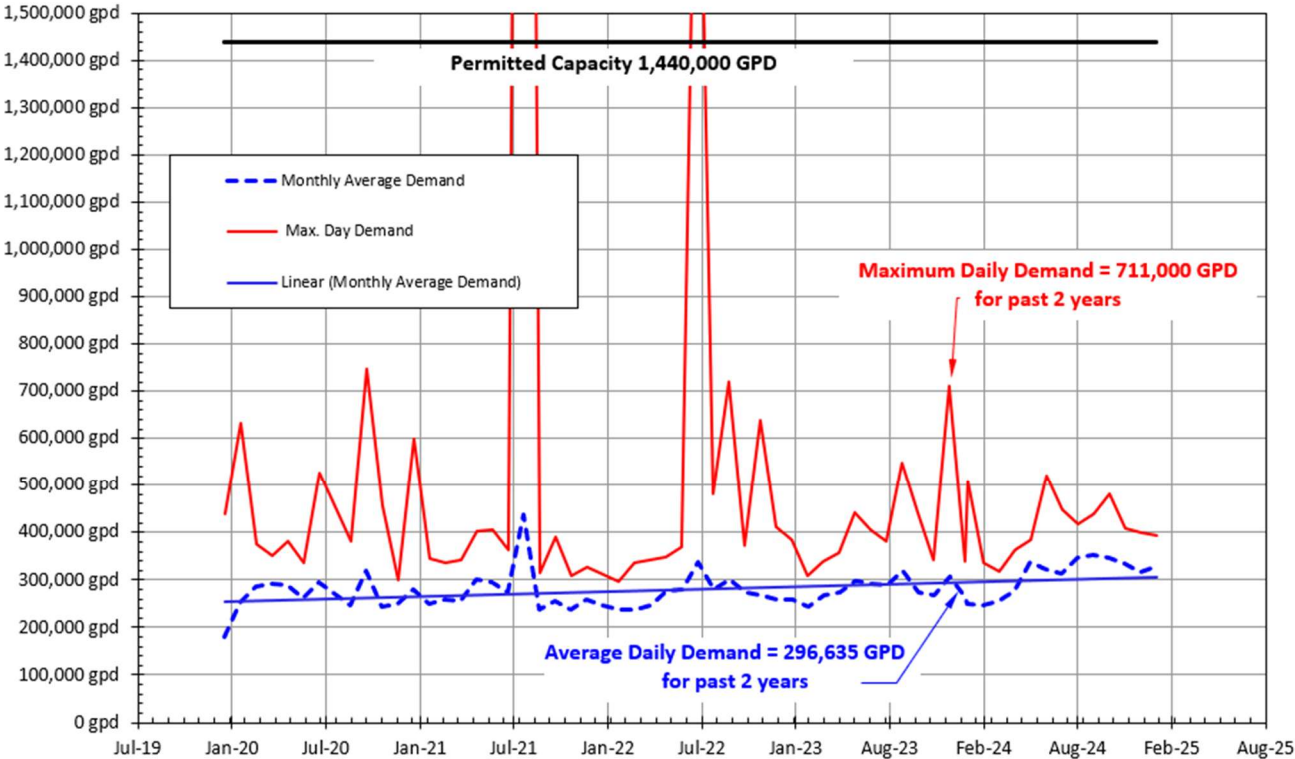


Figure 1 ~ Historic Water Demands
(GPD denotes Gallons per Day)

The amount of water used by the customers on the system is provided below, see Figure 1 for flow records:

Town Population	2,349
(based on data.census.gov - 2020)	
Equivalent Residential Connections (ERC)	1199
Average Daily Demand (ADD) for past 2 years	296,635 gpd (206 gpm)
Maximum Daily Demand (MDD) for past 2 years	711,000 gpd (493 gpm)
Total Permitted Plant Capacity (MDD).....	1,440,000 gpd (1,000 gpm)
Percentage of total water treatment plant capacity used	49%
Water used per Equivalent Residential Connection (ADD / ERC).....	248 gpd

The Town operates a 1,440,000 gallon per day permitted capacity drinking water utility system. The system includes; 2-500 gpm Floridan aquifer wells with standby power, a 200,000-gallon concrete ground storage tank with a 1,000-gpm cascade aeration system with chlorine injection at the storage tank, three high service centrifugal pumps with a total capacity of 1,800-gpm, and a 200,000-gallon steel elevated tank. A minimum of 0.2 parts per million minimum chlorine residual is maintained throughout the distribution system to ensure water quality. The maximum day water treatment demand has stayed below the total permitted capacity of 1,440,000 gpd for the past 2 years, utilizing 50% of the total plant capacity.

Existing Wastewater System Demand

The Town is obligated to Altamonte Springs for 252,893 gallons per day by the Wholesale Sewer Services Agreement, signed March 26, 2024. The records of meter readings provided by the Town staff indicates that this is greater than the actual average daily flow to Altamonte Springs. Furthermore, the agreement has a maximum flow allowable of 600,000 gallons per day. These flows are used to determine flows per ERC for capacity calculations.

Town Population.....	2,349
(based on data.census.gov – 2020)	
Equivalent Residential Connections.....	1,184
Monthly Average Daily Flow (for past 2 years).....	252,893 gpd (175 gpm)
Permitted Treatment Capacity (Average Day Flow)	600,000 gpd (417 gpm)
Percentage of wastewater treatment used.....	42 %

The Town does not own a wastewater treatment facility. All flows are metered and pumped to Altamonte Springs for treatment at their Altamonte Springs Regional Water Reclamation Facility. Eatonville has agreed not to exceed the total wastewater flow to the Altamonte Springs system of 600,000 gallons per day. Altamonte Springs evaluates any new or changes to existing property proposals to determine if a capacity fee is needed as a result of new or expanded use. Altamonte Springs shall assess these fees based on the most current Altamonte Springs Code of Ordinance.

Altamonte Springs Ordinance for Capacity Fees includes an annual increase of 3.0% effective October 1st of each year.

Utilities are Capital Intensive.

The water supply and wastewater treatment industry are very capital intensive because almost every component of these systems requires fixed capital investments in long-term infrastructure. Water facilities include water supply, treatment, storage, distribution, and disposal of treatment residuals. Wastewater facilities include sewage collection, pumping (lift stations), and metering.

Funding Utilities.

Utilities typically operate for many years without fully recovering the initial construction costs. Loans and grants supported by rates are used to finance capital facilities. In addition to paying the debt obligation for existing facilities, rates support operation, maintenance, salaries, chemicals, power, vehicles, equipment, repair and replacement. Rates frequently cannot be structured to accommodate new or expanded facilities for new customers. Capacity Fees are used to assess new customers for capital construction costs and allow new customers to “buy-in” to the system. Capacity Fees bridge the funding gap needed to build the new facilities to provide service to new residents and businesses. Capacity Fees cannot be used for operation, maintenance, repair, replacement, or normal utility administrative costs. Capacity Fees should be held in a separate account from water/wastewater revenue and general funds. Finally, Capacity Fees must benefit the new users paying the Capacity Fees.

It is just too easy to neglect existing facilities and run them into the ground instead of being proactive in their repair and replacement. Problems with this approach are:

1. Cost for replacement is several times greater than for repair and maintenance;
2. Real cost of utility operation is hidden from the ratepayer and governing board;
3. Assets are not properly valued and preserved;

- 4. Improper stewardship of public assets;
- 5. Grants never cover all replacement costs; and
- 6. Diversion of public funds from more worthy uses.

FRWA Rough Order of Magnitude Capital Improvement Cost Projections.

Twenty years ago, conventional lime softening water treatment plants would cost about \$4 to \$6 per gallon to construct, today one would expect to spend approximately \$10 to \$15 per gallon to construct. Actual costs vary greatly by community, by region, and between design consultants. Plus, any estimate must include unique site-specific needs like new raw water wells, piping, land, instrumentation & controls, emergency power generation, or deep wells. The FRWA has developed cost estimating curves based on construction work in Florida for various types of water treatment techniques. These estimating curves have been used to prepare the rough order of magnitude costs for replacement shown herein.

Establishing the cost for new wastewater capacity is equally difficult. Rough order of magnitude costs is included for wastewater collection systems, lift stations, and force mains would expect an equal acceleration in costs. Actual costs vary greatly by community, by region, and between design consultants. Recent final construction costs included are the Engineer’s opinion of probable costs based on professional judgement and reviewing a sample of recent bids submitted to the FDEP State Revolving Fund program.

Scheduling Presentation of Capacity Fees Study Findings and Recommendations.

We are happy to come to your next Town Council meeting to explain our analysis and report. We anticipate that you will have questions to discuss and options to consider. The presentation is between 20 to 30-minutes in length, which would be followed by commission discussion. This activity typically takes about 60 to 90 minutes and can be held during a special workshop or a normal commission meeting. This is an informative meeting and decisions about Capacity Fees are usually taken at subsequent meetings. It is important that all commission members be in attendance since the adoption of Capacity Fees increases can produce public comment.

We have enjoyed serving you and wish your water and wastewater system the best. Please feel free to contact me if you have any further questions.

Sincerely,



Michael Chase, P.E.
Florida Rural Water Association



Water & Wastewater Capacity Fee Report

Town of Eatonville

FRWA Member:

Address:

307 East Kennedy Avenue
Eatonville, Florida 32751

Telephone:

(407) 623-8912

Contact:

Valerie Mundy

E-mail:

vmundy@townofeatonville.org

County:

Orange

City Population:

2,349

Connections:

Water: 890

Wastewater: 875

Facility ID: **3480327**

Facility ID: **FL0033251** - Altamonte

Capacity: 1.440 MGD

Capacity: **600,000 gpd** Springs

ADF 0.297 MGD

ADF **0.253 MGD**

MDF 0.711 MGD

MMF **0.600 MGD**

May 13, 2026

Version:

DRAFT

Prepared by:

Michael Chase, P.E.

Florida Rural Water Association



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Tallahassee, Florida 32309-6885
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Raymond Michael Chase, P.E.
FL PE# 56768

Florida Rural Water Association

2970 Wellington Circle, Tallahassee, Florida 32309

Member: **Town of Eatonville**
 Contact: **Valerie Mundy**
 Address: **Eatonville, Florida 32751**

Date: **13-May-26**
 Version: **DRAFT**
 Conn: **890**
 PWS: **3480327**

Water Capacity Fee Recommendations

Water Capacity Fee Calculation

Where:

Total Treatment Capacity =	1,440,000 gpd
Max Day Demand from MORs past 2 years =	711,000 gpd
Percentage of WTP used =	49.4%
Average Daily Demand from MORs past 2 years =	296,635 gpd

Category	Remaining Useful Life		Replacement Value
Wells	\$696,000	40%	\$1,740,000
Water Treatment	\$401,288	10%	\$4,012,881
Elevated Storage Tanks	\$1,207,568	75%	\$1,600,000
Distribution System	\$2,895,582	54%	\$5,362,188
Less Water Funded by Grant	(\$1,418,641)		(\$1,418,641)
Less Water Utility Debt	(\$78,551)		(\$78,551)
Totals	\$3,703,246	33%	\$11,217,877
Cost per Gallon	\$2.57 / gal		\$7.79 / gal

Equivalent Residential Water Connection (ERC) Calculation

Where:	Remaining Useful Life Basis	Replacement Value Basis
System Value (\$) =	\$3,703,246	\$11,217,877
Max Daily Demand based on MORs past 2 years =	711,000 gpd	711,000 gpd
ERCs =	1,199	1,199 <small>see ERC calculation worksheet</small>
Max Daily Demand / Connection =	593 gpd/ERC	593 gpd/ERC
Avg Daily Demand / Connection =	248 gpd/ERC	248 gpd/ERC

$$\text{ERC Costs} = \frac{\text{System Value (\$)} \times \text{MDD} / \text{ERC}}{\text{Total Treatment Capacity gpd (Max Day)}}$$

ERC Costs =	$\frac{\$3,703,246}{1,440,000 \text{ gpd}} \times 593 \text{ gpd/ERC}$	\$1,525.64 / ERC	Remaining Useful Life Basis
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Use **\$1,530 / ERC**

ERC Costs =	$\frac{\$11,217,877}{1,440,000 \text{ gpd}} \times 593 \text{ gpd/ERC}$	\$4,621.47 / ERC	Replacement Value Basis
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Use **\$4,620 / ERC**

Remaining Equivalent Residential Water Connections Available

Where:

Max Daily Demand / ERC =	593 gpd/ERC	1,199 = ERCs
Total Treatment Capacity (Max Day) =	1,440,000 gpd	
Max Day Demand =	711,000 gpd	729,000 gpd = WTP Capacity Remaining (MDF)
Percentage of WTP used =	49.4%	50.6% = WTP Capacity Remaining

1,229 = ERCs Remaining

Note: 1. Approximate Useful Value based on industry standards, consistent with FRWA Department of Environmental Protection Asset Management Plan.
 2. Utility debt for capital expenditures is taken out because repayment of debt will be paid by new users in rates

Florida Rural Water Association

2970 Wellington Circle, Tallahassee, Florida 32309

Member: **Town of Eatonville**
 Contact: **Valerie Mundy**
 Address: **Eatonville, Florida 32751**

Date: **13-May-26**
 Version: **DRAFT**
 Conn: **875**
 GMS: **FL0033251**

Wastewater Capacity Fee Recommendations

Wastewater Capacity Fee Calculation

Where:

Total Treatment Capacity = 600,000 gpd Monthly Average Day Flow
 MADF from Interlocal Base Fee = 0.253 MGD for past 24 months
 Percentage of WWTF used = 42.1%

Category	Remaining Useful Life		Replacement Value
WWTP	\$0	0%	\$0
Lift Stations	\$1,202,375	84%	\$1,435,000
Force Main	\$422,948	37%	\$1,153,495
Gravity Sewers & Manholes	\$3,197,000	42%	\$7,563,000
Less Wastewater Funded by Grant	(\$2,436,229)		(\$2,436,229)
Less Wastewater Utility Debt	(\$872,108)		(\$872,108)
Totals	\$1,513,986	22%	\$6,843,158
Cost per Gallon	\$2.52 / gal		\$11.41 / gal

Equivalent Residential Wastewater Connection (ERC) Calculation

Where:	Remaining Useful Life Basis	Replacement Value Basis	
System Value (\$) =	\$1,513,986	\$6,843,158	
MADF from Interlocal Agreement =	0.253 MGD	0.253 MGD	
ERCs =	1,184	1,184	see ERC calculation worksheet
Average Day Flow / Connection =	214 gpd/ERC	214 gpd/ERC	
ERC Costs = $\frac{\text{System Value (\$)} \times \text{MADF/ERC}}{\text{Total Treatment Capacity gpd (MADF)}}$			
ERC Costs =	$\frac{\$1,513,986}{600,000 \text{ gpd}} \times 214 \text{ gpd/ERC}$	\$539.18 / ERC	Remaining Useful Life Basis
	Use	\$540 / ERC	
ERC Costs =	$\frac{\$6,843,158}{600,000 \text{ gpd}} \times 214 \text{ gpd/ERC}$	\$2,437.06 / ERC	Replacement Value Basis
	Use	\$2,440 / ERC	

Remaining Equivalent Residential Wastewater Connections Available

Where:

Monthly ADF / ERC = 214 gpd/ERC 1,184 = ERCs
 Total Treatment Capacity = 600,000 gpd
 Monthly ADF from DMRs = 0.253 MGD 0.347 MGD = Capacity Remaining
 Percentage of WWTF used = 42.1% 57.9%

1,624	= ERCs Remaining
--------------	-------------------------

*Note: 1. Approximate Useful Value based on industry standards, consistent with FRWA Department of Environmental Protection Asset Management Plan.
 2. Utility debt for capital expenditures is taken out because repayment of debt will be paid by new users in rates.
 3. Infrastructure paid by developers and turned over to the City, based on information provided by City staff, is not included in Replacement Value or Remaining Useful Life costs*

Florida Rural Water Association

2970 Wellington Circle, Tallahassee, Florida 32309

Member: **Town of Eatonville**

Contact: **Valerie Mundy**

Address: **Eatonville, Florida 32751**

Section III. Item #1.

Date: **13-May-26**

Version: **DRAFT**

Conn: **890**

PWS: **3480327**

Wellfield & Source Water

Replacement Value at today's cost: \$ 870,000

Well		Year Drilled	Casing Dia (inches)	Capacity (gpm)	Approx. Useful Value	Estimated Useful Life Value (\$)	Estimated Replacement Value (\$)
1-East		2005	12-in	500	40%	\$ 348,000	\$ 870,000
2-West		2005	12-in	500	40%	\$ 348,000	\$ 870,000
N/A		N/A	0-in	0	0%	\$ -	\$ -
N/A		N/A	0-in	0	0%	\$ -	\$ -
N/A		N/A	0-in	0	0%	\$ -	\$ -
				1,000 gpm	0-yrs	\$ 696,000	\$ 1,740,000

1.440 MGD

Projected Replacement Value at today's cost: **\$ 1,740,000**

Note: *Approximate Useful Value based on industry standards, consistent with FRWA Department of Environmental Protection Asset Management Plan: 50 years., operating wells assumed to have 10% useful life minimum.*

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Estimated Construction Costs vs. Plant Size & Type

Water Treatment Plant Size (MGD)	1.440 MGD	Permitted WTP Maximum Day Flow DEP records
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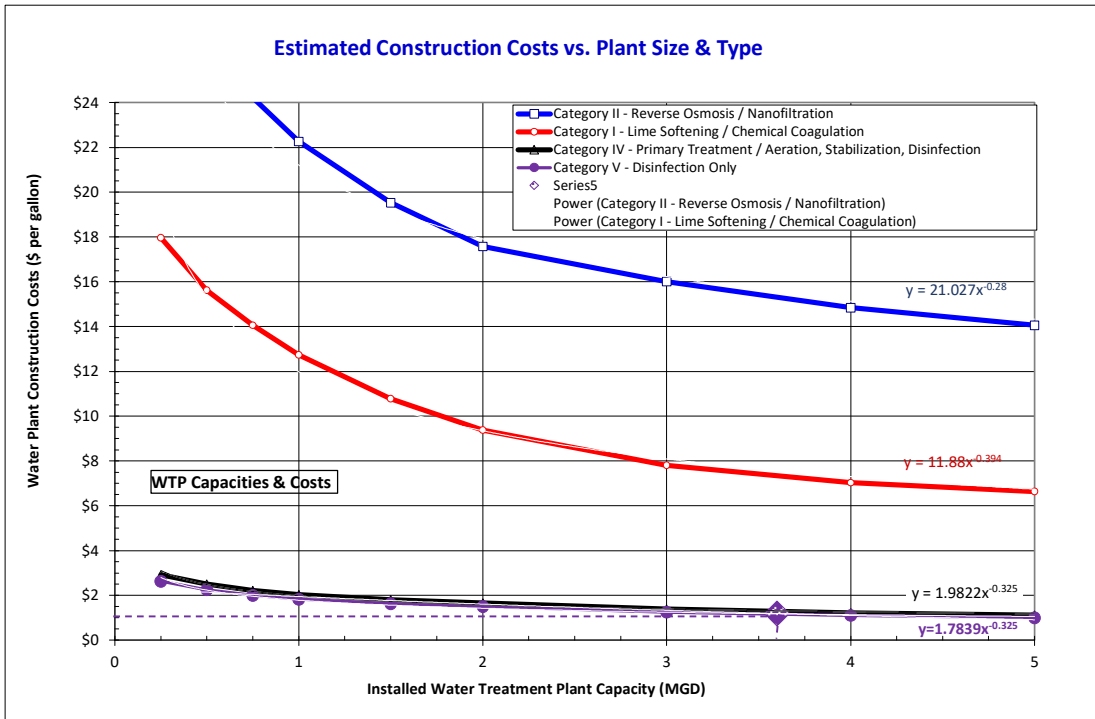
FDEP Permitted Category per Rule 62-699.310(2)(e), F.A.C. **1,440,000 gpd**
 FDEP Permitted Staffing Classification per Rule 62-699.310(2)(e), F.A.C. **4C**
 Average Construction Year **1986**

Water Plant Category

Category II - Reverse Osmosis / Nanofiltration	No	\$0.00
Deep Well Injection for Brine Disposal	No	\$0.00
Category I - Lime Softening / Chemical Coagulation	No	\$0.00
Category IV - Primary Treatment / Aeration, Stabilization, Disinfection	YES	\$2.79
Category V - Disinfection Only	No	\$0.00

Water Plant Construction Costs (\$ per gallon)	\$2.79
Total Water Plant Construction Costs Estimate	\$4,012,881
	\$401,288

Replacement Cost
Useful Value



Note: 1. Approximate Useful Value based on industry standards, consistent with FRWA Department of Environmental Protection Asset Management Plan and Florida Public Service Commission Average Service Life Guidelines, F.A.C. 25-30.140, Class C Utility: years 27. Minimum Useful Life 10%.

3. WTP Construction year based on aeration and ground storage tank installation dates, offset by installation of new high service pumps.

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Distribution System Piping - Inventory, Condition & Current Value

Neglect lines less than 4-inches from value of water distribution system

Replacement Value at today's cost price per inch-diameter per foot: **\$13.72**

Pipe Dia (inches)	Pipe Material	Length (feet)	Length (miles)	Approximate Average Age	Approx. Useful Value	Value (\$ per ft)	Estimated Useful Life Value (\$)	Estimated Replacement Value (\$)
4-in	PVC	3,200-ft	0.61 mi	46-yrs	54%	\$34.00 /ft	\$58,752	\$108,800
6-in	AC, PVC	51,426-ft	9.74 mi	46-yrs	54%	\$82.32 /ft	\$2,286,030	\$4,233,388
8-in	PVC	8,543-ft	1.62 mi	46-yrs	54%	\$109.76 /ft	\$506,347	\$937,680
10-in	PVC	600-ft	0.11 mi	46-yrs	54%	\$137.20 /ft	\$44,453	\$82,320
		63,769-ft	12.08 mi			Weighted Average \$84.09 /ft	\$2,895,582	\$5,362,188

Replacement Value at today's cost: **\$5,362,188**

NOTES:

1. Lengths, material and age based on City GIS maps and interviews with Utilities staff.
2. Approximate Useful Value based on industry standards, consistent with FRWA Department of Environmental Protection Asset Management Plan: 100 years.

Florida Rural Water Association

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Conn: **890**

PWS: **3480327**

Finished Water Storage Tanks

Steel Elevated Storage Tanks have an estimated 30-years useful life
 Concrete Ground Storage Tanks have an estimated 37-years useful life
 Hydropneumatic Tanks have an estimated 30-years useful life

\$6.00/gal
\$2.00/gal
\$6.00/gal

Tank	Name / Location	Year Installed	Type & Material	Capacity (gal)	Approx. Useful Value	Estimated Useful Life Value (\$)	Estimated Replacement Life Value (\$)
Ground		1981	Concrete	200,000	10%	\$40,000	\$400,000
Elevated		2024	Steel	200,000	97%	\$1,167,568	\$1,200,000
				400,000 gal		\$1,207,568	\$1,600,000

Replacement Value at today's cost: **\$1,600,000**

Notes: 1. Approximate Useful Value based on industry standards, consistent with FRWA Department of Environmental Protection Asset Management Plan, Florida Public Service Commission Average Service Life Guidelines, F.A.C. 25-39.140, and AWWA standards. Minimum Useful Life = 10%.

Florida Rural Water Association

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Date: 13-May-26

Version: DRAFT

Conn: 890

PWS: 1030520

Historic Water Flow Data from MOR Records

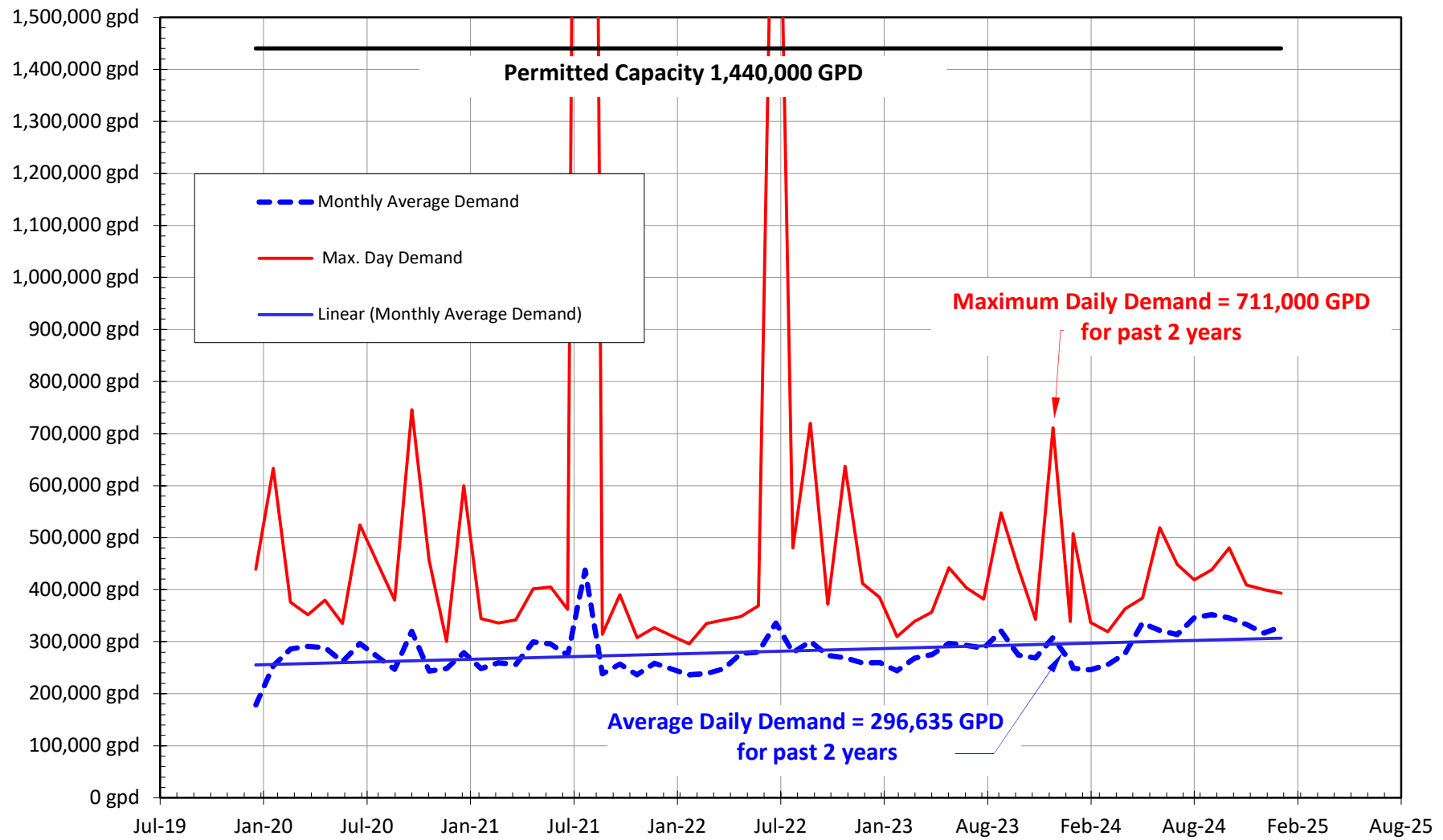
Month	Monthly Average Demand	AADD (Annual)	Max. Day Demand	Ratio MDD:AADD	Total WTP Permitted Capacity (MDD)
Jan-20	178,677 gpd		439,000 gpd		
Feb-20	253,348 gpd		633,000 gpd		
Mar-20	286,226 gpd		376,000 gpd		
Apr-20	291,167 gpd		352,000 gpd		
May-20	288,387 gpd		380,000 gpd		
Jun-20	261,321 gpd		335,000 gpd		1,440,000 gpd
Jul-20	296,097 gpd		525,000 gpd		
Aug-20	271,515 gpd		452,500 gpd		
Sep-20	246,933 gpd		380,000 gpd		
Oct-20	319,916 gpd		746,000 gpd		
Nov-20	243,500 gpd		457,000 gpd		
Dec-20	248,387 gpd	265,456 gpd	300,000 gpd	1.13	
Jan-21	279,048 gpd	273,820 gpd	600,000 gpd	2.19	
Feb-21	248,625 gpd	273,427 gpd	344,000 gpd	1.26	
Mar-21	259,452 gpd	271,196 gpd	336,000 gpd	1.24	
Apr-21	256,033 gpd	268,268 gpd	342,000 gpd	1.27	
May-21	299,765 gpd	269,216 gpd	402,000 gpd	1.49	
Jun-21	295,933 gpd	272,100 gpd	405,000 gpd	1.49	1,440,000 gpd
Jul-21	274,000 gpd	270,259 gpd	362,000 gpd	1.34	
Aug-21	437,645 gpd	284,103 gpd	5,279,000 gpd	18.58	
Sep-21	238,167 gpd	283,373 gpd	314,000 gpd	1.11	
Oct-21	257,129 gpd	278,140 gpd	390,000 gpd	1.40	
Nov-21	236,533 gpd	277,560 gpd	308,000 gpd	1.11	
Dec-21	258,806 gpd	278,428 gpd	327,000 gpd	1.17	
Jan-22	247,475 gpd	275,797 gpd	311,500 gpd	1.13	
Feb-22	236,143 gpd	274,757 gpd	296,000 gpd	1.08	
Mar-22	238,710 gpd	273,028 gpd	335,000 gpd	1.23	
Apr-22	247,867 gpd	272,348 gpd	342,000 gpd	1.26	
May-22	277,355 gpd	270,480 gpd	348,000 gpd	1.29	
Jun-22	280,100 gpd	269,161 gpd	369,000 gpd	1.37	1,440,000 gpd
Jul-22	336,145 gpd	274,340 gpd	2,215,500 gpd	8.08	
Aug-22	279,323 gpd	261,146 gpd	480,000 gpd	1.84	
Sep-22	300,800 gpd	266,365 gpd	720,000 gpd	2.70	
Oct-22	273,774 gpd	267,753 gpd	372,000 gpd	1.39	
Nov-22	269,003 gpd	270,458 gpd	637,000 gpd	2.36	
Dec-22	258,871 gpd	270,464 gpd	412,000 gpd	1.52	
Jan-23	260,226 gpd	271,526 gpd	385,500 gpd	1.42	
Feb-23	244,071 gpd	272,187 gpd	310,000 gpd	1.14	
Mar-23	268,194 gpd	274,644 gpd	339,000 gpd	1.23	
Apr-23	275,017 gpd	276,907 gpd	357,000 gpd	1.29	
May-23	296,661 gpd	278,515 gpd	442,000 gpd	1.59	
Jun-23	292,700 gpd	279,565 gpd	404,000 gpd	1.45	1,440,000 gpd
Jul-23	287,832 gpd	275,539 gpd	382,000 gpd	1.39	
Aug-23	320,452 gpd	278,967 gpd	548,000 gpd	1.96	
Sep-23	274,032 gpd	276,736 gpd	441,000 gpd	1.59	
Oct-23	268,784 gpd	276,320 gpd	343,000 gpd	1.24	
Nov-23	308,000 gpd	279,570 gpd	711,000 gpd	2.54	
Dec-23	261,710 gpd	279,807 gpd	339,000 gpd	1.21	
Jan-24	249,112 gpd	278,880 gpd	508,000 gpd	1.82	
Feb-24	245,793 gpd	279,024 gpd	337,000 gpd	1.21	
Mar-24	256,161 gpd	278,021 gpd	319,000 gpd	1.15	
Apr-24	277,433 gpd	278,223 gpd	363,000 gpd	1.30	
May-24	335,903 gpd	281,493 gpd	384,000 gpd	1.36	
Jun-24	321,300 gpd	283,876 gpd	519,000 gpd	1.83	1,440,000 gpd
Jul-24	313,903 gpd	286,049 gpd	449,000 gpd	1.57	
Aug-24	345,935 gpd	288,172 gpd	419,000 gpd	1.45	
Sep-24	351,967 gpd	294,667 gpd	438,000 gpd	1.49	
Oct-24	345,903 gpd	301,093 gpd	480,000 gpd	1.59	
Nov-24	332,900 gpd	303,168 gpd	409,000 gpd	1.35	
Dec-24	316,871 gpd	307,765 gpd	400,000 gpd	1.30	
Jan-25	328,613 gpd	314,390 gpd	393,000 gpd	1.25	1,440,000 gpd

Average Day Demand (GPD)
MDF/ADF
Max Daily Demand (GPD)

296,635 gpd	For past 2 years
2.40	For past 2 years
711,000 gpd	For past 2 years

	AADD	MDD	TPC
2020	265,456 gpd	746,000 gpd	1,440,000 gpd
2021	278,428 gpd	5,279,000 gpd	1,440,000 gpd
2022	270,464 gpd	2,215,500 gpd	1,440,000 gpd
2023	279,807 gpd	711,000 gpd	1,440,000 gpd
2024	307,765 gpd	519,000 gpd	1,440,000 gpd
2025	314,390 gpd	393,000 gpd	1,440,000 gpd

Eatonville Water Demand History from Monthly Operating Reports



Florida Rural Water Association

Member: **Town of Eatonville**
 Contact: **Valerie Mundy**
 City: **Eatonville, Florida 32751**

Date: **13-May-26**
 Version: **DRAFT**
 Conn: **875**
 GMS: **FL0033251**

Wastewater Transmission System - Inventory, Condition & Current Value

Includes Wastewater Force Main

Replacement Value at today's cost price per inch-diameter per foot: \$13.72

Pipe Dia (inches)	Pipe Material	Length (feet)	Length (miles)	Approximate Average Age	Approx. Useful Value	Value (\$ per ft)	Estimated Useful Life Value (\$)	Estimated Replacement Value (\$)	
Wastewater Force Main									
6-in	PVC	5,823-ft	1.10 mi	38-yrs	37%	\$82.32 /ft	\$175,761	\$479,349	
8-in	PVC	6,142-ft	1.16 mi	38-yrs	37%	\$109.76 /ft	\$247,187	\$674,146	
							Useful Life Value:	\$422,948	\$1,153,495
11,965-ft 2.27 mi							Replacement Value at today's cost:	\$1,153,495	

NOTES:

1. Age, material, diameter and lengths of pipelines based on GIS data and interviews with operations staff.
2. Approximate Useful Value of existing force main based on industry standards, consistent with FRWA Department of Environmental Protection Asset Management Plan: 60 years.
3. Cost based on similar construction in Florida and engineer estimate
4. Share of system cost is for force main 4-inches and larger for sewage transmission, collection system force mains required for connections (3-inches and smaller) are not included

Florida Rural Water Association

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GMS: **FL0033251**

Altamonte Springs

Wastewater Lift Stations

		Estimated Construction Cost Replacement Station	Average Age (years)	Useful Life Value	Unit Cost
Duplex Submersible Lift Stations (2-5 Hp)	1	\$335,000	3	\$309,875	\$335,000 / ea
Duplex Submersible Lift Stations (5-15 Hp)	2	\$700,000	9	\$542,500	\$350,000 / ea
Duplex Submersible Lift Stations (15-30 Hp)	1	\$400,000	5	\$350,000	\$400,000 / ea
				Useful Life Value:	\$1,202,375
				Replacement Value at today's cost:	\$1,435,000

1. Age based on best available information from City staff and City GIS data input.

2. Approximate Useful Value of existing lift stations based on industry standards, consistent with FRWA Department of Environmental Protection Asset Management Plan: 40 years. Minimum useful life = 10%.

3. Cost based on similar construction in Florida and engineer estimate.

Florida Rural Water Association

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Contact: **Valerie Mundy**

Address: **Eatonville, Florida 32751**

Date: **13-May-26**

Version: **DRAFT**

Conn: **890**

PWS **3480327**

Equivalent Residential Connection (ERC) Worksheet

WATER ERCS

Water Meter Breakdown by Size

Type	Quantity	Size	ERC Factor	Total ERCS
Residential	791	3/4" or 5/8"	1	791
Residential	1	1"	2.5	3
Nonresidential	60	3/4" or 5/8"	1	60
Nonresidential	8	1"	2.5	20
Nonresidential	6	1-1/2"	5	30
Nonresidential	20	2"	8	160
Nonresidential	2	3"	15	30
Nonresidential	1	4"	25	25
Nonresidential	1	8"	80	80
Total	890			1199

Ratio ERCS / Service Connection: 1.35

1199	Water ERCS
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WASTEWATER ERCS

Type	Quantity	Size	ERC Factor	Total ERCS
Residential	776	3/4" or 5/8"	1	776
Residential	1	1"	2.5	3
Nonresidential	60	3/4" or 5/8"	1	60
Nonresidential	8	1"	2.5	20
Nonresidential	6	1-1/2"	5	30
Nonresidential	20	2"	8	160
Nonresidential	2	3"	15	30
Nonresidential	1	4"	25	25
Nonresidential	1	8"	80	80
Total	875			1184

Ratio ERCS / Service Connection: 1.35

1184	Wastewater ERCS
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Source: 1/5/2024 and 3/14/2024, Assistant City Clerk and Public Works Director



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL WORKSHOP

May 19, 2026, AT 6:30 PM

Cover Sheet

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

ITEM TITLE: Discussion of the Nuisance Abatement (Clerk/Legal)

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: CLERK/LEGAL Exhibits: <ul style="list-style-type: none">• Nuisance Abatement Board Information• Additional Information about Nuisance Abatement
INTRODUCTIONS		
CONSENT AGENDA		
COUNCIL DISCUSSION	YES	
ADMINISTRATIVE		

REQUEST: Discussion and Overview of the Nuisance Abatement Board

SUMMARY:

RECOMMENDATION: Discussion and Overview of the Nuisance Abatement Board

WHAT CONSTITUTES THE NUISANCE ABATEMENT BOARD:

- (2) Year Terms
- (7) Regular Members
- (4) Quorum

FISCAL & EFFICIENCY DATA: N/A

ORDINANCE #2020-4

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, ORANGE COUNTY, FLORIDA AMENDING ORDINANCE #2010-17, CREATING A NUISANCE ABATEMENT HEARING OFFICER, PROVIDING FOR THE QUALIFICATIONS, TERM, REMOVAL, APPOINTMENT, JURISDICTION, AND POWERS OF THE HEARING OFFICER; PROVIDING FOR ENFORCEMENT PROCEDURES, ~~PAYMENT METHOD~~ METHOD OF PAYMENT OF FINES AND COSTS, COURT ADMINISTRATIVE HEARINGS, AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Eatonville Town Council desires to establish a Nuisance Abatement Ordinance with a Hearing Officer.

NOW THEREFORE BE IT ~~RESOLVED~~ ENACTED BY THE TOWN OF EATONVILLE, FLORIDA AS FOLLOWS:

Section 2.187 (a): Creation, Composition: Hearing Officer

1. There is hereby created a Nuisance Abatement Hearing Officer for the Town of Eatonville, Florida, who shall be appointed by the Town Council. The Hearing Officer shall be appointed by the Town Council. The Hearing Officer shall be appointed to serve a term of three (3) years. Nothing shall prevent the Town Council from re-appointing a Hearing Officer for a second term.
2. The appointment of the Nuisance Abatement Hearing Officer shall be made solely on the basis of professional experience in the areas of law and property rights. The Hearing Officer shall not be a property owner in the Town of Eatonville, a resident of the Town, or related by family ties, or business to any property owner in the Town of Eatonville.
3. An appointment to fill a vacancy of the Hearing Officer shall be for the remainder of the unexpired term of office.
4. The Hearing Officer shall be suspended and/or removed for cause by the Town Council. The Hearing Officer may terminate his/her appointment by giving the Town Council thirty (30) day notice. The Town Council may terminate the appointment of the Hearing Officer by giving the Hearing Officer a thirty (30) day notice.
5. Regular meetings of the Hearing Officer shall occur at least once a month, but the Hearing Officer may hear cases as often as necessary. Special meetings may be convened by the Hearing Officer upon giving notice thereof to the public. The notice of a special meeting shall be given at least ~~twenty-four hours (24)~~ fourteen (14) days prior to the meeting time.
6. Minutes shall be maintained of all meetings and hearings held by the Hearing Officer, and all meetings, hearings and proceedings shall be open to the public.

7. The Nuisance Abatement Hearing Officer may adopt rules and regulations necessary to carry out provisions of this Ordinance, subject to approval by the Town Council. Such rules shall not be inconsistent with this Ordinance and the rules of procedure adopted by the Town Council. Such rules shall be designed to facilitate the efficient administration of this Ordinance.
8. The Hearing Officer shall be compensated for his/her time; not to exceed twenty (20) hours in any month. Payment shall be paid by the Town of Eatonville within thirty (30) days of the submission of a monthly invoice to the Finance Department.
9. The Hearing Officer is not an employee of the Town of Eatonville for purposes of benefits, leave or other enumeration.

Section 2.187 (b): Legal Advisor to the Hearing Officer

1. An Attorney may be appointed by the Town Council to attend meetings of the Hearing Officer and to assist the Hearing Officer in the conduct of hearings.
2. The attorney shall review each complaint regarding an alleged public nuisance.

Section 2.187 (c): Jurisdiction

1. The Hearing Officer shall have the jurisdiction to hear and decide alleged public nuisances and may issue violations of said public nuisances.
2. The following violations, on premises or a place, are Public Nuisances and are subject to Nuisance Complaints:
 - a). On more than two (2) occasions within a ~~six~~ three-month period, as the site of a violation of Section 796.07, Florida Statutes.
 - b). On more than two (2) occasions within a ~~six~~ three-month period, as the site of the unlawful sale, delivery, manufacture or cultivation of any controlled substance.
 - c). On one occasion as the site of the unlawful possession of a controlled substance, where such possession constitutes a felony and that has been previously used on more than one occasion as the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance.
 - d). By a criminal street gang for the purpose of conducting a pattern of criminal street gang activity as defined by Section 874.03, Florida Statutes.
 - e). On more than two occasions within a ~~six~~ three-month period, as the site of a violation of Section 812.019, Florida Statutes, relating to dealing in stolen property.
 - f). On more than two (2) occasions within a six three month period, the site of a citation/violation of operating or causing to be operated any source of sound from any occupancy in such a manner as to create a sound level which exceeds 50 decibels

(between 10:00 P.M., to 7:00 A.M.,) for residential and 55 decibels (between 7:00 A.M., and 10:00 P.M.,) for residential or exceeds 60 decibels at a commercial/business rate.

3. The jurisdiction of the Hearing Officer shall not be exclusive. Nothing in this Ordinance 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 citation, a civil action for injunctive relief, or demolition.

4. The Nuisance Abatement Hearing Officer shall have continuing jurisdiction for a period of one (1) year over any place or premises that has been or is declared to be a public nuisance pursuant to this Ordinance.

Section 2.188 (a): Procedure

1. Any employee, officer or resident of the Town of Eatonville may file a Nuisance Abatement Complaint with the police department for further investigation by the Criminal Investigation Division (CID). Complaints determined to be valid will be forwarded by the police department representative to the Town Clerk for official filing with the Nuisance Abatement Officer.
2. Any person filing a Nuisance Abatement Complaint must comply with the provisions contained herein.
3. ~~The Complaint is filed with the Town Clerk.~~ Initial nuisance complaints shall be brought to the police department for further investigation by the Criminal Investigation Division (CID). Once the police department has concluded its investigation and validated the complaint, the police department representative will forward all pertinent documentation to the Town Clerk for official filing with the Nuisance Abatement Officer. The nuisance abatement officer shall hear complaints and may declare any place or premises that has been used on more than two occasions within a six-month period as the site of the unlawful sale or delivery of controlled substances or as the site of a violation of F.S. § 796.07, or any place or building used by a youth and street gang for the purpose of conducting a patter of youth and street gang activity to be a public nuisance, which may be abated in accordance with the procedures set forth herein.
4. The complaint together with sworn supporting statements shall be reviewed by the Legal Counsel of the Hearing Officer, after the initial complaint was filed with and validated by the Police Department.
5. If the reviewing attorney has reason to believe a public nuisance exists on the place or premises, a formal notice of hearing may be filed.
6. *If a formal notice of hearing is filed, the hearing shall be conducted by the Hearing Officer.*

7. A hearing shall be set for the next scheduled hearing date unless that date is less than fourteen (14) days from the date of the Notice. If so, then the hearing date shall be at the next scheduled hearing date or at a Special Hearing date but at least fourteen (14) but no more than forty-five (45) days from the date of the Notice.
8. A copy of the Complaint and written notice of the hearing shall be sent via certified mail, return receipt requested, or by hand delivery to the owner of the place or premises complained of, at the last known address of such owner. If an attempt to reach the owner by hand delivery or certified mail is unsuccessful, notice of the hearing may be made by publication as provided in Chapter 49, Florida Statutes, as amended. Notice, whether by certified mail, hand delivery or publication must be provided at least ~~three (3)~~ fourteen (14) days prior to the scheduled hearing.
9. The Hearing Officer shall conduct a public hearing on the complaint and may receive and consider any evidence, including evidence of the general reputation of the place or premises which is the subject of the complaint.
10. All testimony at the hearing shall be under oath. The Hearing Officer shall not be bound by the formal rules of evidence and may consider hearsay testimony; however, the Hearing Officer shall act to ensure fundamental due process in his/her hearing process.
11. The owner of the place or premises shall have the opportunity to appear before the Hearing Officer in person and/or through legal counsel, to offer evidence in his/her defense.
12. At the conclusion of the Hearing based on the evidence received, the Hearing Officer may find and declare upon the preponderance of the evidence that the place or premises has been used as alleged in the complaint and that such place or premises thereby constitutes a public nuisance as described in Section 2.187 (c) (2) of this Ordinance. The Hearing Officer in his/her discretion may continue the hearing in order to receive additional evidence, testimony or for any other reason he/she deems appropriate before ruling on the complaint. If the Hearing Officer does not find that the allegations of the complaint have been proven, he/she shall enter an order dismissing the complaint.
13. If the Hearing Officer finds and declares a place or premises to be a public nuisance, it may enter an order imposing fines and costs pursuant to Section 2.189 of this Ordinance, requiring the owner of such place or premises to adopt such procedure as may be appropriate under the circumstances to abate any public nuisance, and/or the Hearing Officer may enter an order immediately prohibiting.

4. As used in this Ordinance, the term "recurring public nuisance conduct" mean any single or multiple instance of the conduct described in 2.187 (c) (2) occurring during the effective term of an order entered by the Hearing Officer.

Section 2.189: Fines, Penalties, Costs, Liens and Foreclosure

1. The Nuisance Abatement Hearing Officer, in addition to the powers and duties available in Section 2.187, may:
 - a). Order the owner of a residential property to pay a fine not to exceed two hundred fifty dollars (\$250.00) per day for each day and the owner of a business property to pay a fine not to exceed one thousand dollars (\$1,000.00) per day for each day, conduct occurred upon which the Hearing Officer based his/her finding of a public nuisance, or
 - b). Order the owner of residential property to pay a fine not to exceed five hundred dollars (\$500.00) per day and the owner of a business property to pay a fine not to exceed two thousand dollars (\$2,000) for recurring public nuisance conduct, occurring on the place or premises.
2. The Nuisance Abatement Hearing Officer may order the owner of property declared to be a public nuisance to pay reasonable costs, including reasonable attorney fees associated with the investigation of and hearings on public nuisances and recording of the order.
3. In determining the amount of any fine, the Nuisance Abatement Hearing Officer may consider the following factors, including but not limited to:
 - a). the gravity of the public nuisance;
 - b). any actions taken by the owner to abate the public nuisance; and
 - c). any previous public nuisance violations committed by the owner.
- 4). A certified copy of an order imposing a fine may be recorded in the Public Records of Orange, Florida and thereafter shall constitute a lien against the real property that is the subject of the order. A fine imposed pursuant to this Section shall continue to accrue until the owner abates the public nuisance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever comes first. Total fines, excluding costs, imposed pursuant to this Ordinance shall not exceed fifteen hundred dollars (\$1,500) during the effective term of any order imposed by the Hearing Officer. The Nuisance Abatement Hearing Officer may authorize the Town's attorney to foreclose on any such lien. No lien created pursuant to the provision of this section may be foreclosed on real property which is a homestead under Section 4, Article X of the State of Florida Constitution.
- 5). Where the Town seeks to bring an administrative action, based on a stolen property nuisance against a property owner operating an establishment where multiple tenants, on one

- a). The maintaining of the nuisance.
- b). The operating or maintaining of the place or premises, including the closure of the place or premises or any part thereof.
- c). The conduct operation, or maintenance of any business or activity on the premises which is conducive to such nuisance.

An order entered under this Section shall expire after one (1) year or such earlier time as is stated in the order.

14. Before the Hearing Officer can order the closure of a place or premises, he/she must make the following factual findings.

- a). That the owner did not abate the nuisance after being ordered by the Hearing Officer to do so, or
- b). That the owner did not substantially comply with an appropriate order issued by the Hearing Officer; or
- c). That the owner continued to maintain an ongoing nuisance; or
- d). That closure is the only effective option in eradicating the nuisance, such findings to be supported by a written order setting forth the factual basis for this determination.

15. The Hearing Officer may bring a Complaint, under Section 60.05, Florida Statutes, seeking temporary and permanent injunctive relief against any public nuisance described in Section 2.187 (c) (2) of this Ordinance. The Town's Attorney shall prosecute such action on behalf of the Hearing Officer. This section does not restrict the right of any person enumerated in Section 60.06, Florida Statutes to proceed under Section 60.05, Florida Statutes, against any public nuisance.

Section 2.188 (b): Definitions

- 1. As used in this Ordinance, the term "controlled substance" includes any substance sold in lieu of a controlled substance in violation of Section 817.563, Florida Statutes, or any imitation controlled substance defined in Section 817.564, Florida Statutes as amended.
- 2. As used in this Ordinance, the terms "place or premises" mean the land and its appurtenances and structures thereon as such land is described or contained in the deed or instrument of conveyance as same in recorded in the Public Records of Orange County, Florida.
- 3. As used in this Ordinance, the term "public nuisance" means the conditions described in Section 2.187 (c) (2) of this Ordinance.

Orlando Sentinel

MEDIA GROUP

633 North Orange Avenue
MP 130
Orlando, FL 32801

Account Name: Town Of Eatonville
Account Number: CU00106004
Attn: Cathy Williams

To Whom It May Concern:

This is to confirm that the advertisement for Town Of Eatonville published in *The Orlando Sentinel* on the following dates.

Publication Date: Jun 27, 2020

Ad Caption: Ordinance 2020-4

Section: Local

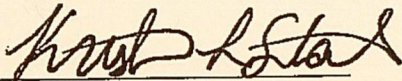
Size: 1/8 (3 x 5.25)

Order ID: 6705367

Cost: \$573.50

Should you need further information, please feel free to contact me.

Sincerely,

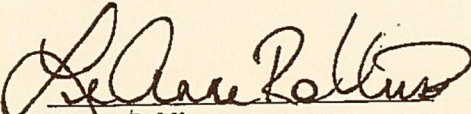


Account Representative
The Orlando Sentinel

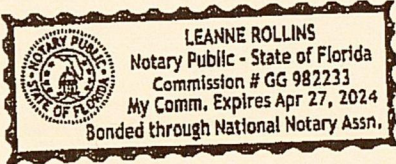
/mdu

State of Florida
County of Orange

The foregoing instrument was acknowledged before me this 30 day of June, 2020, by Kristen Stahl, who is personally known to me.



Notary Public
State of Florida at Large



Longtime anchor Frier says goodbye to Fox 3

Section IV, Item #2.

By KATHLEEN CHRISTIANSEN

Anchor Bob Frier is leaving WOFL-Fox 35, according to a post on his Facebook page. In the post, he writes that it has been an "honor and privilege" to be welcomed into the homes of Central Floridians for more than a decade.

"We've had some amazing moments together, from natural disasters to infamous trials, and I've been proud to stand with you as not just a person who delivers the news, but as a part of this extraordinary community," he writes. He went on to thank Central Floridians for their support over the years before concluding, "With that, my

time here at FOX 35 has run its course. I'm proud of the work I did here and hopefully the difference I've made in the community." Frier, who declined comment, has no longer listed on Fox 35's website. "We're proud of Bob's work over the years at FOX

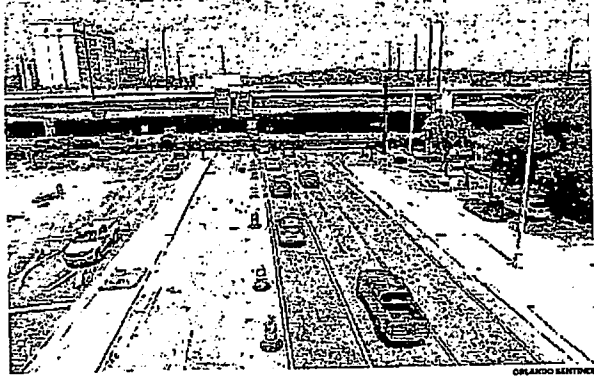
35," said Mike McClain, Fox 35 senior vice president and general manager, in an email. "We wish him the best for the future." Frier came to Fox 35 in November 2009, after eight years at Orlando's CBS affiliate, WIONG-TV Channel 6. He originally anchored

WOFL's 10 p.m. newscast, then moved to morning to anchor Good Day Orlando. He's covered major events in Florida for the last two decades, including the devastating hurricanes of 2004, the Statue of Liberty disaster, the 2008 presidential election and the Pulse nightclub shooting. In addition to being an award-winning journalist,

Frier has worked closely with local charities, covered events and served on the board for the Sevelny Society of Central Florida, which makes instruments available for helping amputees. He was also recently given a Life Saving Award by the Lake Mary Police Department for his actions in helping to save a Central Florida woman.



Frier after eight years at Orlando's CBS affiliate, WIONG-TV Channel 6. He originally anchored



Interstate 4 westbound ramps open at Colonial Drive in Orlando.

New ramps debut at I-4 and Colonial

By KEVIN SPEAR

It's not finished or especially attractive yet, but westbound Interstate 4's newly rebuilt on and off ramps at Colonial Drive opened Friday, potentially bringing relief to an intersection with decades of chronic stop-and-go traffic. Nearly 50,000 vehicles a day use Colonial where Interstate 4 crosses overhead carrying three times as many vehicles. The movement of traffic through the interchange was eased by multiple sets of lights capable of triggering long waits. "The interchange will be a single-point urban interchange," said the Florida Department of Transportation in announcing the opening of the ramps. "This

design reduces motorist wait time for a green light and improves traffic flow in all directions. A single traffic signal located under I-4 will control all traffic movements through the interchange." As of Friday, there were still several sets of lights and the interchange remains an active construction site, with heavy equipment along roadway, ragged edges of old portions of the interchange and a set of "shoppers' portable bathrooms and hand washing station nearby freshly painted sidewalk. Also on display is the striking difference between the newly constructed lanes of Interstate 4, which are mounted on steel columns and are significantly

higher than the old lanes, which were built more than a half-century ago on smaller, concrete beams. A DOT spokeswoman could not be reached for comment on when the intersection will be completed. I-4's westbound on and off ramps at Colonial originally created over the southeast edge of Lake Concorde, creating a vast, hidden and relatively comfortable home environment with an enviable view and fresh breezes. But those 1960s ramps, including an inside loop of concrete that rose from Colonial to I-4, were demolished. Replacing them are conventionally mounted on steel off-ramps that thread along

the interstate for several blocks, allowing for more gradual merging on and off the interstate. As a result of the reconfiguration is a new and broad view of Lake Concorde scenery, now free of a cluster of pillboxes rising from the lake to support the old ramps. The loop ramp at the northwest corner of Colonial and I-4 was influenced by a slight loop at the southeast corner of the intersection, which also has been removed. The Florida Department of Transportation promises clear sailing for traffic on Colonial at Interstate 4, which will have "the ability to handle more than 10,000 vehicles through the interchange per hour."

MURAL

Continued from Page B1

TX Legacy Cole, a community activist, called the news conference Friday "political theater in the park" and said the mural does little to address concerns over police brutality and criminal justice reform that the Black Lives Matter movement aims to address. "That mural does not represent the Black community," Legacy Cole said. "We will always look at that mural as a symbol of the city's inactivity to truly — change policy." The mural on Remond follows a trend of recent Black Lives Matter paintings along streets of many major cities in recent weeks, following protests that arose in response to the killing of 46-year-old George Floyd in Minneapolis. The 2006 painting by artist

rested on suspicion of using a counterfeit in a conference store, died after a white police officer knelt on his neck for nearly 9 minutes. The artist, Derek Chauvin, was charged with second-degree murder and manslaughter in Floyd's killing. Last July was the site of many demonstrations in the city, during which activists and community members protested police brutality and called for law enforcement reform. Denings, a former Orange County sheriff and Orlando Police Department chief, said during the news conference Friday that the movement to bring about police and criminal justice reform is more than just about three weeks of demonstrations. "The movement has to be about a lifetime of police reform. It's a fight," Denings said.

LAYOFFS

Continued from Page B1

Orlando Health isn't alone in feeling the economic effects of the pandemic, which halted lucrative elective procedures for several weeks and caused a significant drop in patient volume. "Orlando Health, like many health systems across the United States, is experiencing and responding to operational and financial challenges related to the current outbreak of COVID-19," the health system wrote in its quarterly financial report that wrapped up on March 31. "The full impact of COVID-19 and the scope of the adverse impact on Orlando Health's operations and finances — cannot be fully determined at this time." Orlando Health's latest balance sheet shows that it was in a strong financial standing as of March 31, even though it had already started to feel the impact of

the pandemic. The health system's operating income dropped from about \$90 million in the first quarter of 2020 to \$49 million in the same quarter this year. Analysts say the impact of the pandemic will become more evident in the health system's next quarterly reports. Billions of dollars have been authorized for health-care providers in the federal CARES Act, but they have not yet received the full financial impact of the pandemic. Orlando Health so far has received more than \$50 million from the federal government as part of COVID-19 relief funds. Meanwhile, this week, Orlando Health signed an agreement to buy Bayfront Health St. Petersburg, a 480-bed hospital from the national hospital chain Community Health Systems. In late April, it announced the acquisition of St. Cloud Regional Medical Center, an 84-bed hospital in Osceola County, also owned by CHS.

LOTTERY
For more information, call 850-921-2329 or visit flalottery.com

Selected Friday Pick 5 (midday): 5-9 Pick 3 (midday): 6-6-2 Pick 4 (midday): 9-3-3-6 Pick 5 (midday): 6-9-6-6-4 Selected Thursday Pick 5 (evening): 7-7 Pick 3 (evening): 3-2-6 Pick 4 (evening): 9-3-6-7 Pick 5 (evening): 1-2-3-3-4 For more results, call 1-850-921-7520

Selected Thursday Fantasy 5: 7-12-13-26-29 Cash 4 Life: 20-37-43-45-50-2 Florida Lottery Capital complex Tallahassee, FL 32309-4016 FlaLottery.com

Pulse to be a national memorial

By EVERT ROSEN

The U.S. House unanimously passed a resolution Friday that would establish the Pulse nightclub in Orlando as a national memorial site four years after a mass shooting there killed 49 and wounded dozens more. "What Pulse is and what Pulse symbolizes is relevant to all Americans," said co-sponsor of the bill, U.S. Rep. Val Demings, D-Orlando. "We honor not only the victims, but what they stand for, what they represent, and what our country could be and should be." H.R. 3094 grants a federal designation honoring the 49 lives taken on June

12, 2016, as well as the survivors, first responders and the entire Central Florida community, said Rep. Darren Soto, D-Kissimmee, and another sponsor of the bill. There is currently no Senate companion bill. During the debate, House Speaker Nancy Pelosi voiced her support for the measure, saying that the grief that came from the loss has turned into purpose. "Sometimes after the terrible tragedy we need on the steps of the Capitol holding their individual pictures," Pelosi said. "At that time we said we will never forget. Thank you for giving us the opportunity to keep that promise."

The shooting by the lone gunman was a mass murder of a terrorist who targeted the LGBT community. Pulse was a gay and lesbian nightclub. In addition to the resolution approved during LGBT Pride month, the onePULSE foundation is building the National Pulse Memorial and Museum, which is planned to open in 2022. "Today, the U.S. House moved forward legislation that will help to ensure that the memories of the victims will always be a part of our national identity and that they will not be forgotten," Demings said in a statement.

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NOTICE OF PUBLIC MEETING
THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA ON TUESDAY JULY 7, 2020
AT 7:30 PM
ADOPTION OF ORDINANCE #2020-4
ON TUESDAY, JULY 7, 2020, EATONVILLE TOWN COUNCIL PROPOSES TO ADOPT ORDINANCE #2020-4 AT 7:30 P.M., OR SOON THEREAFTER IN THE TOWN COUNCIL CHAMBERS LOCATED AT 307 W. KENNEDY BOULEVARD, EATONVILLE, FLORIDA 32751.
ORDINANCE #2020-4
AN ORDINANCE OF THE TOWN OF EATONVILLE, ORANGE COUNTY, FLORIDA, AMENDING ORDINANCE #2010-17, CREATING A MISDEMEANOR VIOLATION OF OFFICER, PROVIDING FOR CALIBRATIONS, TESTS, RECALCULATIONS, APPOINTMENT, JURISDICTION, AND POWERS OF THE HEARING OFFICERS; PROVIDING FOR ENFORCEMENT PROCEDURES, METHOD OF PAYMENT OF FINES AND COSTS, HEARINGS, AND PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.
Please be advised that if you desire to appeal from any decisions made as a result of the above hearing or meeting, you will need a record of the proceedings and, in some cases, a witness record is required. You must make your own arrangements to produce this record. (Florida Statutes 285.01(5)).
In accordance with the Americans with Disabilities Act and FS 286.26, persons with disabilities needing special accommodations to participate in these proceedings please contact the Town Clerk, Town Hall, Eatonville, Florida at (407) 627-8900, at least 48 hours prior to the meeting.
Catherine Williams
Town Clerk

NOTICE OF PUBLIC MEETING
TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA ON TUESDAY JULY 7, 2020
AT 7:30 PM
ADOPTION OF ORDINANCE #2020-5
ON TUESDAY, JULY 7, 2020, TOWN COUNCIL PROPOSES TO ADOPT ORDINANCE #2020-5 AT 7:30 P.M. OR SOON THEREAFTER IN THE TOWN COUNCIL CHAMBERS LOCATED AT 307 W. KENNEDY BOULEVARD, EATONVILLE, FLORIDA 32751.
ORDINANCE #2020-5
AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA, RELATING TO UTILITIES, AMENDING CHAPTER 40, ARTICLES 1 AND 2 OF ORDINANCES BY AMENDING ARTICLE 1-A "SEWERS" BY REVISING AND UPDATING APPROPRIATIONS AND DELETED BY AMENDING SECTION 40-2, "PROVIDED SERVICES," AND TO ADOPT AND AMEND ORDINANCES FOR DISTRICT AND NEW BUDGET FACILITIES, ADDRESS AMENDMENTS TO ADOPT AND AMEND ORDINANCES FOR WASTE MANAGEMENT, PUBLIC SAFETY, PUBLIC UTILITIES, AND SEWERAGE AND WATER SUPPLY, AND TO AMEND ORDINANCES BY AMENDING SECTION 40-181, "SECTION 40-181, "PROVIDED SERVICES FOR DISTRICT FACILITIES THAT REMAIN ON PUBLIC ACCOUNTS, LET FORTH REPAIR AND MAINTENANCE FOR AMERICAN PUBLIC UTILITIES, AND PUBLIC SAFETY AND DEVELOPMENT SYSTEMS; BY SEVERABLY REAMENDING ALL PRESENT SUBSECTION D, SECTION 40-181, "SECTION 40-181, "PROVIDED SERVICES FOR DISTRICT FACILITIES THAT REMAIN ON PUBLIC ACCOUNTS, LET FORTH REPAIR AND MAINTENANCE FOR AMERICAN PUBLIC UTILITIES, AND PUBLIC SAFETY AND DEVELOPMENT SYSTEMS; BY SEVERABLY REAMENDING ARTICLE 18 AND BY AMENDING SEVERAL OTHER ORDINANCES; PROVIDING FOR CONFLICTS AND REPEAL OF OBSCURE/REPEATED ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONSTRUCTION AND REPEAL OF ORDINANCES OF THE TOWN OF EATONVILLE, FLORIDA, FOR THE PURPOSE OF SCHEDULED LINDSAY AND PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.
Please be advised that if you desire to appeal from any decisions made as a result of the above hearing or meeting, you will need a record of the proceedings and, in some cases, a witness record is required. You must make your own arrangements to produce this record. (Florida Statutes 286.01(5)).
In accordance with the Americans with Disabilities Act and FS 286.26, persons with disabilities needing special accommodations to participate in these proceedings please contact the Town Clerk, Town Hall, Eatonville, Florida at (407) 627-8900, at least 48 hours prior to the meeting.
Catherine Williams
Town Clerk

Client Name: Town Of Eatonville
Advertiser: Local/B002/FLA
Section/Page/Zone: Ordinance 2020-4
Ad Number: 6705367-1
Insertion Number: 3 x 5.25
Size: B&W
Color Type:

Orlando Sentinel

Publication Date: 06/27/2020

This E-Sheet(R) is provided as conclusive evidence that the ad appeared in The Orlando Sentinel on the date and page indicated. You may not create derivative works, or in any way exploit or repurpose any content.

site, conduct their own retail business, the property owner shall not be subject to a lien against his/her property or prohibition of the operation provision if the property owner evicts the business declared to be a public nuisance within ninety (90) days after notification by registered mail to the property owner of a second stolen property conviction of the tenant.

6). In addition to the costs which may be imposed, the Town may recover all costs, including reasonable attorney fees, associated with the recording of orders and foreclosure. If the Town is unsuccessful the opposing party can be awarded attorney's fees.

Section 2.190: Effective Date

That this Ordinance and the rules, regulations, provisions, requirements order, and matters established and adopted hereby shall take effect and be in full force and effect immediately upon its passage and adoption.

SECTION THREE: CONFLICTS: Any Ordinance or parts of thereof in conflict with this Ordinance is hereby repealed.

SECTION FOUR: SEVERABILITY: If any section, part of section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative, void, such holdings of invalidity, shall not effect the remaining portions of this Ordinance without such unconstitutional, invalid, or inoperative part therein; and the remainder of this Ordinance after exclusion of such part or parts shall be deemed to be held invalid as if such part or parts had not been included therein or if this Ordinance or any provision thereof shall be held inapplicable to any person, group of person, kind of property, circumstances, or set of circumstances such hold shall not affect the applicability thereof to any other person or property or circumstances.

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

FIRST READING held this 16TH day of JUNE 2020. A.D.


	AYE:	NAYE:	ABSENT:
Eddie Cole, Mayor:	X_____	_____	_____
Vice Mayor Rodney Daniels:	X_____	_____	_____
Councilwoman Angie Gardner:	X_____	_____	_____
Councilman Theo Washington:	X_____	_____	_____
Councilman Tarus Mack:	X_____	_____	_____

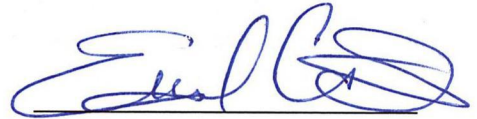
SECOND AND FINAL READING held this 7th day of _____ 2020. A.D.

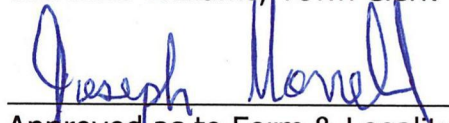
	AYE:	NAYE:	ABSENT:
Eddie Cole, Mayor:	X _____	_____	_____
Vice Mayor Rodney Daniels:	X _____	_____	_____
Councilwoman Angie Gardner:	X _____	_____	_____
Councilman Theo Washington:	_____	X _____	_____
Councilman Tarus Mack:	_____	X _____	_____

PASSED AND ADOPTED this 7th day of JULY, 2020. A.D.

ATTEST:


 Cathlene Williams, Town Clerk


 Eddie Cole, Mayor


 Approved as to Form & Legality
 Joseph Morrell, Town Attorney

PART II - CODE OF ORDINANCES
Chapter 26 - MISCELLANEOUS OFFENSES
ARTICLE IV. - CERTAIN PUBLIC NUISANCES AND CRIMINAL GANG ACTIVITY
DIVISION 2. NUISANCE ABATEMENT BOARD PROCEDURE

DIVISION 2. NUISANCE ABATEMENT BOARD PROCEDURE¹

Subdivision I. In General

Secs. 26-111—26-126. Reserved.

Subdivision II. Nuisance Abatement Board

Sec. 26-127. Creation.

There is hereby created a public nuisance abatement board, hereinafter called "the board," pursuant to F.S. § 863.188.

(Ord. No. 96-12, § 1(1.1), 12-17-1996)

Sec. 26-128. Membership.

- (a) The board shall consist of seven town council appointed members serving without pay, two to be mayoral appointments.
- (b) The terms of the initial members of the board shall be staggered, with four members appointed for a term of two years and three members appointed for a term of one year; thereafter, all terms will be for two years.
- (c) The board shall elect a chair and a vice-chair and may conduct business with a quorum of four members.

(Ord. No. 96-12, § 1(1.2), 12-17-1996)

Sec. 26-129. Powers.

The board shall have the power to:

- (1) Adopt rules for the conduct of its hearings and establish procedures;
- (2) Take testimony and receive documentary evidence;
- (3) Issue orders having the force of law consistent with authority contained herein.

(Ord. No. 96-12, § 1(1.3), 12-17-1996)

¹State law reference(s)—Nuisance abatement board, F.S. § 893.138.

Sec. 26-130. Legal counsel; secretary.

- (a) The city attorney shall serve as legal counsel for the board and may assist the board in establishing facts and eliciting evidence.
- (b) The town clerk shall be the secretary of the board.

(Ord. No. 96-12, § 1(1.4), 12-17-1996)

Secs. 26-131—26-146. Reserved.**Subdivision III. Declaring A Public Nuisance****Sec. 26-147. Complaints.**

The nuisance abatement board shall hear complaints and may declare any place or premises that has been used on more than two occasions, within a six-month period, as the site of the unlawful sale or delivery of controlled substances or as the site of a violation of F.S. § 796.07, or any place or building used by a youth and street gang for the purpose of conducting a pattern of youth and street gang activity to be a public nuisance, which may be abated in accordance with the procedures set forth herein.

(Ord. No. 96-12, § 2(2.1), 12-17-1996)

Sec. 26-148. Who may bring grievance or objection.

Any employee, officer or resident or the town may bring a complaint before the board. Written notice of said complaint must be furnished to the owner of the place or premises, at his last known address, not less than three days prior to a scheduled hearing before the board.

(Ord. No. 96-12, § 2(2.2), 12-17-1996)

Sec. 26-149. Notification.

Upon receipt of the complaint, the town clerk shall notify the chair who may call a hearing of the board within 21 days following receipt of the complaint. The board must furnish a notice of the complaint to the owner of the place or premises, at the owner's last known address, in writing, by U.S. mail, certified return receipt requested, or by personal service not less than three days prior to a scheduled hearing before the board. The notice shall contain the owner's name, the address and legal description of the property, the date, time and place of the hearing and shall have the complaint attached.

(Ord. No. 96-12, § 2(2.3), 12-17-1996)

Secs. 26-150—26-165. Reserved.**Subdivision IV. Public Hearing**

Sec. 26-166. Evidence.

The board shall conduct a public hearing on the complaint, receiving any evidence, including evidence of the general reputation of the place or premises. The owner of the place or premises shall have an opportunity to present evidence in his defense.

(Ord. No. 96-12, § 2(2.4), 12-17-1996)

Sec. 26-167. Testimony, due process.

All testimony shall be under oath and recorded. Formal rules of evidence shall not apply, but due process shall be observed and govern the proceedings.

(Ord. No. 96-12, § 2(2.5), 12-17-1996)

Sec. 26-168. Finding.

At the conclusion of the hearing, and based on the evidence received, the board may find and declare that the place or premises have been used as alleged in the complaint and that such place or premises thereby constitutes a public nuisance.

(Ord. No. 96-12, § 2(2.6), 12-17-1996)

Secs. 26-169—26-184. Reserved.**Subdivision V. Declaration of Public Nuisance and Remedies****Sec. 26-185. Finding of nuisance denoted.**

If the board finds and declares the existence of a public nuisance, the board may enter an order:

- (1) Immediately prohibiting the maintaining of the nuisance;
- (2) Immediately prohibiting the operating;
- (3) Immediately prohibiting the conduct, operation or maintenance of any business or activity on the premises which is conducive to such nuisance; or
- (4) Requiring the owner, agent, or other person in charge to immediately close the place or premises or any part thereof.

Such order shall expire after one year or at such earlier time as is stated in the order.

(Ord. No. 96-12, § 2(2.7), 12-17-1996)

Sec. 26-186. Order of closure.

Before the board can order the closure of a place or premises, the board must make a factual finding:

-
- (1) The respondent did not abate the nuisance after being ordered by the nuisance abatement board to do so;
 - (2) That the respondent did not substantially comply with an appropriate order issued by the nuisance abatement board;
 - (3) The responded continued to maintain an ongoing nuisance; or
 - (4) That closure is the only effective option in eradicating the nuisance, such finding to be supported by a written order setting forth the factual basis for this determination.

(Ord. No. 96-12, § 2(2.8), 12-17-1996)

Sec. 26-187. Board may seek temporary, permanent injunctive relief.

The nuisance abatement board may bring a complaint, under F.S. § 60.05, seeking temporary and permanent injunctive relief against any nuisance described in section 2-783. The town attorney may prosecute such action on behalf of the nuisance abatement board.

(Ord. No. 96-12, § 2(2.9), 12-17-1996)

Secs. 26-188—26-210. Reserved.

NUISANCE ABATEMENT BOARD

Nuisance Abatement Board Members

Vacant	Board Member	Term: two years
Vacant	Board Member	Term: two years
Vacant	Board Member	Term: two years
Vacant	Board Member	Term: two years
Vacant	Board Member	Term: one year
Vacant	Board Member	Term: one years
Vacant	Board Member	Term: one years

***The terms of the initial members of the board shall be staggered, with four members appointed for a term of two years and three members appointed for a term of one year; thereafter, all terms will be for two years.*

(R) = Reappointed
(A) – Appointed

BOARD INFORMATION

- (2) Year Terms
- (7) Regular Members
- (4) Quorum