

**TOWN OF WELAKA  
REGULAR TOWN COUNCIL MEETING**

December 12, 2023, at 6:00 PM  
Honorable Willie Washington, Jr. Town Council Room  
400 4<sup>th</sup> Avenue, Welaka, FL 32193

*(This meeting will be broadcasted, for view only, on the Town of Welaka's Facebook Page)*

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE & INVOCATION**
- 3. ROLL CALL BY TOWN CLERK**, Meghan Allmon
- 4. ADOPTION OF PREVIOUS MINUTES:** November 14, 2023, Regular Meeting Minutes
- 5. APPROVAL OF CURRENT AGENDA**
- 6. RECOGNITIONS**
- 7. PRESENTATIONS / REPORTS TO TOWN COUNCIL**
  1. Dyana Stewart, FL Rural Water - Town Utility Rates
  2. Citizens Advisory Committee Update
  3. Events Committee Update

*Presentations are scheduled by individuals or businesses to inform the Town Council of issues, projects, etc. The Council shall not take formal action upon issues or matters presented under presentations at the same meeting. If formal action is desired, such matters shall be deferred and scheduled for a subsequent or future Council Meeting for consideration. Council may, however, by a majority vote, act on items they deem necessary and appropriate. Items not requiring Council action shall be directed to the mayor for consideration and further action.*

- 8. PROCLAMATIONS**
  1. **PROCLAMATION 2023-11** - Arbor Day is January 19, 2023
- 9. RESOLUTIONS**
- 10. PUBLIC HEARINGS**
  1. **ORDINANCE 2023-07** - Municipal Election Year 2024 (Second Reading)
  2. **ORDINANCE 2023-08** - Proposed Town Charter Amendments (Second Reading)
  3. **ORDINANCE 2023-09** - Utilities (First Reading)
  4. **ORDINANCE 2023-10** - Rezoning C1 to C2 - 413 Elm Street
  5. **ORDINANCE 2023-11** - Rezoning C1 to C2 - 580 3rd Avenue
- 11. CORRESPONDENCES**
  1. **Dugger to Council & Response from Chief Porath** - trees being removed in Sportsmans Harbor area.

## **12. PUBLIC COMMENTS**

*A 'Request To Speak Form' shall be completed and submitted to the Town Clerk to officially address the Town Council. There will be no response to the speaker by Council or Town Staff, except the Council Members desiring to address a comment made during this part of the meeting may do so under Section 13 of this section. One specific issue per Form may be submitted, and you will have up to 3 minutes to address the Council.*

## **13. CONSENT AGENDA ITEMS**

## **14. NON-CONSENT AGENDA ITEMS**

### **1. TOWN MATTERS**

- 1. Golf Cart** - Updating ORD 2010-08 & \$25 Cash Registration Refunds to 133 recipients (\$3,325)

### **2. ZONING BOARD**

- 1. Outback Smoke Shack & Brewhouse, Michelle Bomba & AJ Flateau** - Rezoning Application & Packet
- 2. S&A Leisure, Leslie Smith** - Rezoning Application & Packet with Interpretation Letter

### **3. CODE ENFORCEMENT BOARD**

- Update on the resolution of 640 Palmetto Street, Welaka

### **4. TREE BOARD**

- New Application - Kenneth Pagano (needs Council sponsor)
- Arbor Day Celebration - Date will be scheduled in January, 2024

## **15. DEPARTMENT REPORTS**

### **1. PUBLIC WORKS DEPARTMENT REPORT**

### **2. UTILITY DEPARTMENT REPORT**

### **3. POLICE CHIEF MICHAEL PORATH REPORT**

### **4. TOWN ATTORNEY PATRICK KENNEDY REPORT**

### **5. TOWN CLERK MEGHAN ALLMON REPORT**

## **16. MAYOR & TOWN COUNCIL REPORTS**

### **1. MAYOR WATTS**

### **2. COUNCIL PRESIDENT JESSICA FINCH**

### **3. COUNCILWOMAN TONYA LONG**

### **4. COUNCILWOMAN KATHY WASHINGTON**

### **5. COUNCILWOMAN KIMBERLY DUGGER**

## **17. ADJOURNED**

**TOWN OF WELAKA TOWN COUNCIL MEETING**  
**November 14, 2023, 6:00 PM**  
**Honorable Willie Washington, Jr. Council Room**  
**400 4th Ave., Welaka FL 32193**

**MINUTES**

*(This meeting was broadcasted for view only on the Town of Welaka's Facebook page)*

1. Mayor called Meeting to order at 6:00 PM.

2. Everyone stood and said the pledge of allegiance and Dugger gave the invocation.

3. **ROLL CALL** taken by Town Clerk, Meghan Allmon.

Mayor Jamie Watts - present, Council President Jessica Finch - present, Councilwoman Kimberly Dugger - present, Councilwoman Kathy Washington - present, Councilwoman Tonya Long - present, and Town Attorney Patrick Kennedy - present. Five council members are present. We have a quorum.

4. **ADOPTION OF PREVIOUS MINUTES from 10/10/2023 MEETING**

No corrections.

Motion to adopt 10/10/2023 Town Council Meeting Minutes made by Finch and seconded by Washington Passed 5/0.

5. **APPROVAL OF CURRENT AGENDA**

Motion for approval to accept current 11/14/2023 Town Council Meeting Agenda made by Long and seconded by Dugger. Passed 5/0.

6. **RECOGNITIONS** – None.

7. **PRESENTATIONS / REPORTS TO TOWN COUNCIL**

**1. Citizens Advisory Committee Update**

Michael Anthony – Wants the Town to establish a safety zone around boat ramp and pier. Manatee protection program said it's easy. 300' around these areas to be labeled as No Wake Zones. An ORD and water safety patrol is needed.

Watts – asked Council about all the previous discussions.

Finch – this is separate from the manatee zone discussions. It's only a 300' radius and makes sense to establish around the ramp and dock. Makes sense to her.

Dugger – supports it.

Long – not sure. In the areas, she doesn't want to restrict the entire flow to make people completely slow down all the way across the river.

Finch – because it's for smaller areas, the no wake zone would be only 300'.

Speaker – it won't go all the way out to the channel in the river. It gives us a zone around these areas.

Washington – someone texted her a message. They were against the no wake zone but agreed with the springs. Needs to be a workshop as the whole Board is not in agreement. The Citizens Advisory Board can clarify. Also, who would oversee regulating this?

Anthony – FHP, FWC, etc. We don't have a lot of enforcement here. Boaters need to operate responsibility. He lives on the river and sees a lot of unlicensed people operating boats. It's hard to load your boat on a ramp when there's a

big wake coming in. It's for a safety issue. We will receive water buoy that say, "No Wake Zone." Finch – 300' is the maximum. If it's too big, we can make it smaller. When people are loading, docking and/or fishing here, then people should slow down as they pass.

Watts – the new dock repairs were approx. \$17,000 and when they were fixing it, the carpenters had to continually stop to wait for all the wakes to settle.

Finch – Welaka Lodge used to experience the same issues.

Watts – ORD needed, correct?

Kennedy – yes. We can do ariel pictures to show the areas also.

Washington – give me a 300' visual in the Town please.

Anthony – that would be similar to the distance between 308 and Palmetto, roughly.

Kennedy – the dock is 150'.

Anthony – FWC will regulate this. It's 300' from the shoreline. We need the full 300' with all the protection we can get.

Watts – Kennedy can generate an ORD.

Kennedy – agreed to do an ORD for the next meeting. He and Chief have one drafted and he can tweak it.

Anthony – Findings of Necessity – for their CRA program, it's a start. They received a proposal for \$40,000 from NEFRC and Patrick Kennedy's proposal was submitted for \$7,500. Will discuss this later in the meeting.

Anthony – grant for 4<sup>th</sup> Street status?

Watts – grant did not go through. Takes a lot of work. Front Street grant was submitted for \$1.1 Million Appropriation for the Front Street/2<sup>nd</sup> Avenue area and 2 reps signed for it in Tallahassee.

## **2. Events Committee Update – No updates.**

## **8. PROCLAMATIONS – PROCLAMATION 2023-10 – Veteran's Day**

Watts read the entire PROC 2023-10 aloud.

Finch Made a motion to accept PROC 2023-10 and Washington seconded. Passed 5/0.

## **9. RESOLUTIONS – None.**

## **10. PUBLIC HEARINGS**

### **1. ORDINANCE 2023-07 - Municipal Election Year 2024**

Watts – the date is different this year per the Supervisor of Elections.

Watts read the entire ORD 2023-07 aloud.

Audience – is this posted for review anywhere?

Watts – yes, it's posted on our website within the Agenda Packet.

Finch Made a motion to accept ORD 2023-07 and Long seconded. Passed 5/0.

### **2. ORDINANCE 2023-08 - Proposed Town Charter Amendments**

Kennedy - read the header of ORD 2023-08 aloud.

David Jeltis – the doc itself is about 35 pages long. It amends the current Charter to replace it. On 11/29/23, the Charter Review Committee will be having their next meeting here at Town Hall. It will be on the ballot. It needs to be passed and implemented so we are not working under the old Charter. Voting on a brand-new Charter for Welaka. Highlights in the new Charter are the Council make-up and the election terms stay the same. A Town Manager was added, and the mayor becomes a figure head for the Town so the Manager can run the daily operations. Council President title will change to Vice Mayor. The new Charter protects the employees' rights and they don't have to re-apply.

Watts – eligibility, Section 2, read aloud, residents of the Town can run for office after 6 months of residency here.

Jeltes – copies will be provided for the public during the 11/29/23 meeting.

Kennedy – put the Police Department as an established department as it's important to the community. The original and the new Charter are on the Town website.

Allmon – yes sir, it is on the front page of the website.

Kennedy – 1947 was the last update to the Charter. A FL League of Cities person was introduced to him and they experienced a Charter that was 50+ years old and not updated. Well, ours is over 70 years old now without being updated. The referendum question for the ballot must be 75 words or less. Kennedy read the new referendum aloud and mentioned that this will go on the March election ballot to be voted Yes or No on. If it doesn't pass, we can fix it later. This ORD 2023-08 just allows us to put it on the ballot in March 2024.

Jeltes – utilized the Model Charter from FLC as a guide. The Police Dept. will be established by the Charter. The Police Dept. cannot be abolished by the Council. They cannot hire out to a security company either.

Kennedy – the public can ask him any questions, if needed. The Charter is set up so that you cannot abolish the Police Dept. and hire the Sheriff's Office. It would have to be done by a referendum.

Dugger – who will hire the Town Manager?

Watts and Kennedy – the Town Council. Hired like the Town Clerk.

Finch – what was taken out of the old Charter? Some people want to see this. What does the budget look like to hire a Town Manager?

Kennedy – it's contract and the entire prior Charter was revised. There will be a reasonable salary to attract a person with experience and what we can afford.

Watts – it's available in the budget.

Jeltes – during the meetings and workshops, we go over these areas. Basically, didn't look at the existing Charter, but rather they went along with the Model Charter from the FLC.

Watts – the older one is somewhat out of order and confusing to read.

Kennedy – the changes are pointed out. The mayor was considered the Town Judge and there's a Town Treasurer and a Tax Collector listed. You can look online also to review the old and new Charter. If something changes at the state level, right now, we designate the Supervisor of Elections and with the new Charter, we can designate who we'd like.

Washington – what is stated for the residents to vote on? You made the statement that you didn't look at the old Charter and that you started from ground zero. The residents don't know what is outdated and unnecessary.

Kennedy – about 75% of the old Charter is unenforceable and unnecessary. The original legal description and the provisions for the submerged-land river areas stayed in the new Charter from the old one.

Watts – we started with the Model Charter as the new one so we could address the modern and current needs.

Washington – yes or no. What is in the new Charter? Residents should have that time to comb through it before voting on it. The Charter is the law here like the state law. It's a very important decision.

Jeltes – completely agrees.

Washington – she wished the October Meeting had the whole Council present. Finch and Washington were there but they couldn't ask any questions.

Jeltes – it's on the front page of the website. We have 3½ months for people to get up to speed. Residents are welcome to request copies at Town Ha;; and we are having another workshop on 11/29/23 here. There's time for the residents to get up to speed.

Dugger – did someone take notes with strikethroughs for us to see? What's being changed?

Kennedy – everything has been changed.

Jeltes – minutes were taken. Each person on the Charter Committee did their own mark-ups and people are welcome to see his, if they'd like.

Washington – this took 2 years with the Charter Committee and now you're only giving the residents 3 months to review?

Finch – seems rushed now but if people are interested, they have always been welcome to attend the Charter Meetings for the past 2 years. This ORD is to just put it on the ballot in March of 2024.

Jeltes – has had sparse attendance at best. Felt that the Committee has done their due diligence and the public

meetings have been published.

Finch – we will have to put it on the ballot in March of 2025 if this takes any longer.

Audience – is there any way they can provide feedback from reviewing?

Kennedy – it's very generic and most of it is state law. The largest issue is converting to a Town Manager type of government here. Anyone can call the Town Attorney with questions if they'd like. If he gets a lot of questions, we can also do another workshop. "Frequently Asked Questions" can be posted on the Town's website also.

Watts – if we get a lot of input at this point, we may need to re-write the whole Charter again. A lot of the info is boiler plate info to meet FL Statutes.

Kennedy – we started using the Model Charter line for line, and each issue/section has multiple options. Had to choose a direction.

Pam Olson – how many additional pages did you add? It's currently under a strong mayor structure.

Kennedy – it will no longer be a strong mayor position with the new Charter.

Olson – will the mayor be the Police Commissioner?

Watts – no, the mayor will have no administrative duties and only represents the Town. Watts read the Section aloud.

Olson – what are the details for a Town Manager position?

Kennedy – the qualifications will be decided by the Council when they're ready to hire.

Audience – can the Charter be modified and brought up at a later date to be voted on?

Kennedy – yes, we can change some parts and do simple provisions, without a referendum, if needed.

Finch – all or nothing provision. Reason this was chosen?

Kennedy – yes because the Town Manager is the big beef. A lot of other elements fall apart without certain questions. He received input from a lot of other municipal attorneys also.

Jeltes – since it's a complete rewrite, the benefit would be why it might have failed, if it fails.

Watts – we could have a special election but the turn-out typically has less voters.

Jeltes – if we do this on the regular election ballot, that's when most people come to vote.

Lenore Toole – the Charter is 75 years old when Welaka had about 200 residents. We have moved on a little bit. The Charter Committee met 2 or 3 times per month for 2 years to edit this new Charter. Be very appreciate of the Committee and their hard work.

Scott Turnbull – work study done on salaries. What will a Town Manager's salary be?

Watts – Chief had the wage study done and the average said it's around \$80,000.

Audience – old Charter available online?

Allmon – yes, it's on the front page of the website. Anyone can pick up a copy from us at the Town Hall also. We're happy to help.

Audience – outdated and unnecessary items removed? What are those items?

Kennedy – Town Judge, Municipal Court, Collector of property taxes, etc.

Audience – do we have the strikeouts?

Kennedy – the entire Charter was stricken out. The election cycle in the old one is not how we're doing it now. Some areas were kept, and some areas were re-written. Most jurisdictions review and update their Charters every 10 years.

Toole – a Town Manager would be very beneficial to the Council.

Watts – the Council can't dismiss the mayor right now.

Kennedy – there's sunshine laws. The Council cannot talk to the mayor about Town business unless the whole Council is together. With a Town Manager, the Council can speak to the Town Manager directly.

Watts – he wants to do more work here, but the mayor position only pays \$800 per month, and he must do his other job to earn an income to survive.

Audience – education campaign needs to be honored for the 200 hours spent on the Charter and the importance of these issues from the Committee volunteers. Need to get the word out to let everyone know and get the info out to the residents.

Watts – some people may vote "No" if they don't understand it.

Scott Turnbull - \$80,000! We need to understand where the money is coming from. That may be the Town dump

truck funds.

Kennedy – be careful to explain and not promote. The Council cannot champion this but rather educate people. We can have workshops as needed up until the March 2024 election.

Watts – will minimize his newsletter section and explain the funding.

Dugger – the newsletter used to have the minutes attached.

Watts – the postage increases after 4 pages and these minutes are very lengthy. They are always put on the Town's website for the public to read.

Dugger – communication is pertinent. At each meeting, can we get a status update for our projects? Such as in the January Meeting, what's the new WWTP status? Auto-Read Meters? Manatee Protection Program? Foreclosed Properties? Online Permits? Grants? Etc.

Watts – can do some updates next month and will speak on it now. You can't come to the mayor now, but you would be able to ask a Town Manager if the new Charter gets approved.

Dugger – what does the Council think about a status update?

Washington – where is the money coming from for the Town Manager? We just had a utility rate increase meeting saying we're in a deficit. Where are we going to get the money for a Town Manager? We are under a strong mayor form of government and the new Charter and rules will be totally different.

Watts – we run 2 totally different entities here. The tax dollars we collect cannot go to the Utility Department at all. That would go to the General/Public Works/Police Department/Building Department side.

Jeltes – the Council is still on the hook until the March election. If we need more workshops, we can schedule that.

Dugger – are Utility employees paid totally separate from the tax dollars account?

Watts – yes, only some of the Town Clerk salary get reimbursed from the Utility Department bank account into the General bank account so that the Town Clerk budget is correct and is paid from both departments.

Finch – agrees that we need to get the word out more to educate and inform people.

Jeltes – it will be a consistent message.

Long – maybe do a pot-luck meeting and we can all come together. Considers us all a family and maybe after the Holidays, we can get together as a Town before we make this big decision.

Audience – consider the age of our residents. Some people leave at 6 AM and get home at 7 PM and work 7 days per week. Get the word out so that a few people can explain things to these concerned residents.

Jeltes – the most recent workshop had about ½ dozen people attend. This 11/29/23 workshop should have better attendance and we can put it on the digital sign also. We can do a later Saturday morning meeting if that'll help.

Washington – if anyone has questions, they can call the Town Attorney?

Kennedy – yes, I encourage this.

Finch Made a motion to accept use ORD 2023-08 in the March 2024 election and Dugger seconded. Passed 4/1.

Washington - did not agree.

## **11. CORRESPONDENCES**

### **1. Chief Porath - FPL Town lights survey done & job sketch**

Chief explained the FPL lighting study. St. Johns County assisted them. The rep they've been using is out on medical leave. The price tag to do every street is approx. \$19,000. Brings the whole Town to a suitable and safe level. Some streets/areas are completely pitch black.

Watts – to add additional lighting also?

Chief – yes. Updating and installing lights and poles. He has a lot of questions for the FPL rep when he returns. Some lights are in the county areas. Are we providing lighting and paying for the county section in the Harbor?

Kennedy – they should be able to charge you for fixtures and such and can bill accordingly.

Chief – Washington mentioned that she met someone that does silver lighting in towns and cities. Chief doesn't think that FPL will let a third party put anything on their poles.

Long – this goes back to the money. There are so many road issues here. We're waiting for grant money to fix the

roads. This is a primary concern/issue that she'd like to push for. Lights are important also, but the roads need to be repaired more.

Watts – the request last year was \$890,000 and now, 1 year later, is \$1.5 Million for the same road work request.

Chief – residents are concerned with the dark areas in Town, and around the parks is sometimes too bright.

Sometimes when there's tree work done, it makes areas brighter also. Trees were trimmed a lot in the Town when preparing for the hurricanes.

Kennedy – Crescent City had the new LED lights done for free a few years ago.

Chief – this is mostly for informational purposes. The price may continue to increase. Certain sections were updated about 5 years ago.

**2. Councilwoman Kim Dugger - Renaming the Field of Dream Park & parking for the new Sportsman Drive townhome development.**

Dugger - Some residents approached her about renaming the park. The park was designated by Gordon Sands about 10 years ago. The Field of Dreams doesn't fit anymore. Wanted to ask the Council about renaming it.

Watts – we would like to honor the Town Veterans. We name places/things after politicians all the time and would love to see the Veterans honored. The cemetery has an abundance of Veterans in it and there's a lot living within the Town. Breakfast was nice this past Friday for the Veterans. We can put together a Resolution for this and the mayor will talk to Kennedy about this.

Dugger - Sportsman Harbor parking for new townhouse and there's trees ribboned for removal.

Kennedy – someone approached him about rental cabins but has no idea about any townhomes going in.

Dugger – doesn't want the trees to get removed there like what happened on 309 not too long ago with the cleared lot.

Kennedy – we need to keep an eye on the trees down there.

Watts – asked Chief to look into this.

Kennedy – maybe a survey is being done?

Watts – this would have to be presented to the Zoning Board and the Council if anyone is interested. We don't have a case before us.

Kennedy – a tree survey may need to be done and keep an eye on the trees. Cassey Nettles is the real-estate agent, and the mayor can communicate with her.

## **12. PUBLIC COMMENTS**

### **1. Isiah Mills - Requests the vacant lot be cleaned next to 217 11th Avenue in Welaka.**

Mills - Asked for it to be mowed and cleaned up. People had it for over 10 years and have never done anything there. It's an eye sore and people think it's his lot. He spoke with someone who has been trying to contact the owners to get this mowed, but they've received no response.

Kennedy – it's the large lot South of his property on 217 11<sup>th</sup> Ave. Looks like someone bought it on a tax deed. The Code Enforcement Board should decide and recommend it to the Council. There is a cost, and the Town has to decide if they want to clean it up.

Washington – is it high with just grass, or junk too?

Mills – it's grass and tree limbs.

Toole – they used to say “Clean and lien it.”

Kennedy – Chief, please tell Pauline.

Chief – agreed to do so.

Toole – concerned about Christmas. Sands supplied the meat, and the Town always had a pot-luck Christmas gathering of all employees and volunteers. Last year, the employees of the Town had a Christmas party at Idle Awhile and the volunteers on the Boards and Committees were not invited. They were overlooked and that's hurtful.

Watts – Christmas plans are starting for this year already and everyone will be included.



**2. Kim Clarke** – read her letter aloud about Chief’s lack of confidence and inability to perform his job duties. She feels personally targeted for driving her SxS in Town. A few years ago, Andersen’s loud music was turned around and blamed on the Log Cabin. First time she’s seen a Council Member blind-sided without speaking to the business owner first. This happened last month also during the SxS Workshop regarding the Toys 4 Tots cart event. She spoke up at the SxS Workshop and feels that now she and the Log Cabin are personally being attacked. On the 10/21/23, the Log Cabin event date, she was bullied and was forced to have her SxS towed back home after driving it into Town. She said she was the only one this happened to. She felt bullied and attacked. She said that the mayor said he was unaware of this happening. She wants to know who oversaw this with extra police presence and how much did it cost the Town? If you think it’s like the drug bust, you cannot say that because it was outside the Town’s jurisdiction. These attacks are killing the small businesses here. The Town is dying and residents are bewildered. It’s important to know that there’s plenty of law firms waiting in line to sue this Town. Doesn’t agree we should hire a Town Manager or a 4<sup>th</sup> Police Officer. Our tax dollars should be better utilized and to use the money for other needed projects. The Chief is unable to do his job and we should not hire another officer either. We should establish a full-time Fire Department with rescue to assist the aging residents of Welaka. She wholeheartedly lacks confidence in Chief’s abilities to fulfill his duties without prejudice.

Chief – He made it very clear at the last Town Council Meeting that the 10/21/23 poker run originators of the establishment never came to Chief to discuss. He made it aware that city, state, county, and Town Police enforcement would be patrolling that night. Each department covered every area in the Town to patrol for DUI’s and other traffic violations. There was no additional cost to the Town whatsoever. He said he is a salaried employee and gets paid no more to work extra. Regarding being a derelict to his duties, he is doing his job and following state law. This became a problem prior to Chief becoming involved. The SxS issue was brought up by the Citizens Advisory Committee and Scott Turnbull brought it up to the Council during several meetings prior to Chief being asked to attend one of the Citizens Advisory Committee meetings. He takes offense to this as he will continue his job according to the law, as he has done for the past 6 years. He’s never targeted anybody and never went after someone. They kept receiving information from residents and from social media that it was planned to be large event with 150-200 carts traversing from our Town to Highway 17 and back.

Long – nobody from law enforcement could walk across the street or pick up the phone to ask? She is a resident and a business owner here.

Audience – are you going to allow her to talk about her business up there? She is on the Council.

Kennedy – I think she has a concern and there’s no vote being made.

Long – stood up to walk into the audience and speak as a resident.

Watts – You can go down there or stay up here, any way you wish to do this, you can make that decision.

Long – sat down in her Council seat and mentioned that she never, ever wanted her position to conflict with the business at all. She feels that when we left that meeting, we all understood that the sxs were going away. We all agreed on this and we all left there thinking that. She left that meeting stating they are never doing a SxS poker run again. I said that. We jokingly were talking about putting them on the back of trailers, but the next day said this is ridiculous and we are not doing that. Nobody ever picked up the phone and asked what all this rumbling is about. We were out of Town at Bike Week. The few carts that were parked in the parking lot, those people got on a bus and went to Bike Week. Nothing with communication. Three years ago, if this was a problem, why couldn’t someone pick up the phone and say “Look, this is a problem, we love the fact that you’re raising all this money for the children, but you’re drawing too much attention and I’m getting all these complaints.” They were approached at the Cow Catcher Bar by a Putnam County Sheriff’s Officer, and he said they received a complaint and he has been following them since the Log Cabin and hasn’t seen anything at all that warranted this complaint. There’s a lack of communication here. No reason to have a huge police presence that night. Nothing was going on.

Chief – during one of the other Council Meetings, you acknowledged that this meet and greet has gotten out of control and you would scale it back and said that you would.

Long – correct, I said that I would.

Chief – talking about this off and on for 2 years. Once the Town Attorney and I have started looking into the Town's ORD, we've turned a blind eye until now since we've started getting complaints from the residents about the large events taking place here.

Long - the show of force didn't have to happen here. You should have said that you're drawing the line and not just do a copy/paste from the county Facebook page onto ours. A lot of other businesses lost a lot of money that night.

I'm not asking you to not do your job but agree for you to do your job and just communicate a little better.

Chief – the communication goes both ways.

Dugger – it's ugly and we all feel passionate about this. Could we envision the results from our actions? We have to do this as leaders. Clearly, SxS's are illegal. Over 50% of our residents have them and it was not simple to take away the registration stickers. We should have given a few months for residents to sell theirs. Some are on fixed incomes and cannot afford to buy a golf cart. Feels bad that we didn't handle this issue better. We cannot create an atmosphere where it's us against them. We are the ones who create this and it's something we need to work on mending with our residents.

Watts – we have a Council that created an ORD in 2005 and golf cart stickers were issued, and it went on and on to later include SxS's. We realize now that we cannot issue registrations to sxs's legally. Our Chief is an officer of the law and we cannot tell him how to enforce the law. That's administrative interference. We can set our own policy up here but cannot direct the Chief to ignore the state law.

Audience – Senate Bill 578 was passed but died out at the House. He's asked seantors to revive this bill and let everyone know this before they sell their \$50,000 SxS's. If this Bill passes, it will give us a variance to drive their SxS's. Let everyone know this before they sell their SxS's.

Chief – he's championed this bill himself. The Bill was not passed and was killed right out of the hat by the lobbyists for Polaris and all the manufacturing companies. He's spoken to the Sttae Rep and Senator and they said it's pointless to keep trying. There's not a lot of other cities/town championing this issue. He was impacted as well and sold his SxS and went to a golf cart.

Kim Clarke – says she felt attacked on 10/21/23 and this has been going on for 2 years now and you've known that these are illegal.

Chief – it became an issue when the Citizens Advisory Board brought it up to the Council several times because the SxS's are ruining the Town. Chief is following the law. He is not a policy writer; he is a policy enforcer. The Council doesn't have allowable limits to write a policy to allow SxS's. If we knew about an event and if someone gets hurt or killed, we can be held liable and sued. He met with FHP & Sheriff's office prior to Chief and police presence being out there, they said that it's a growing problem statewide and we need to get a handle on it because we would be held liable for it.

Kim Clark – her attorney disagrees with you, on the liability.

Eric Allen – my issue is that I didn't know anything about the whole Charter thing and didn't know anything about any of it. I'm learning and people are getting involved. Secondly, this meeting was advertised for 5:00 PM on the website calendar. Have a screenshot of it. On that basis, it should really be rescheduled. This meeting shouldn't even be legal.

Town Clerk – I'm sorry, what calendar are you talking about?

Eric and his Wife in audience – the calendar on the website.

Town Clerk – my assistant does the website calendar and will overlook this. The Council Meetings are always on the 2<sup>nd</sup> Tuesday of each month at 6 PM. Apologized and will review and edit the calendar. Meetings and Agendas are posted also.

Dugger – probably changed due to the time change.

Allen – get here at 5 and caught the lady leaving that works here and asked her if the meeting was at 5. He was told that it's at 6 PM tonight.

Allen – I'll get to my issue. He moved here because it's a golf cart community bought a golf cart. Said he's an idiot

and didn't read the signs but Chief reminded him on which roads golf carts are allowed. There's no smooth roads or green grass here. Golf carts are not made for these roads and back roads, even 308 and 309, they are all terrible to ride golf carts on. Coming down 309 in a Lincoln, it's horrible and felt like a railroad track. Couldn't take his dad on a ride around Town. It hurt his back so bad, he had to go back home. Took his grandson on a ride on a recreation trail and he bounced out and was all scraped up. He sold the golf cart the next day and he bought a \$16,000 SxS. He's driven down all these roads with a better suspension and it rides much better. After the October SxS Workshop, he went out and spent another \$16,000 on a low-speed vehicle since he couldn't drive his SxS anymore. Wanted the option to register it to be a low-speed vehicle that doesn't go more than 35 mph. Once he got it home and drove it for a few weeks, he rattled the headlight, a post on the back seat, and the windshield loose and had to take it to the shop to get it fixed. After spending this \$16,000, he got it registered as a street-legal vehicle and drive it down 309 and realized the County Road is not much better and terribly bumpy. It's a very expensive process. It's not fair and these streets need to be repaired. The SxS machines that they used to use were perfectly capable of handling that mess of a road and a golf cart will fall apart.

Micshell Turner – request handed in but was not present.

Chris Kelly – neighbor said they have a flood light shining in their window. He understands and realizes that it's needed but the cold LED is so bright. Walks everywhere in Town and at night with his wife. Took down the camphor trees down along his property line and the Town has so many lights the owls are leaving Town and keeping Gene awake at night. When his neighbor's brother comes back home, it may be his last time at home, there'll be a cascade of lights on him at night. He and his wife carry a light while walking at night. The cascade of light from the Town Hall is immense. They walk everywhere. It's not his light shining on his neighbor. By the next meeting, I'm sure this will be in hand. We don't have a light pollution ORD. Doing the neighborly thing and asking us. They're putting a building on their property and this light thing shouldn't be an issue. The ambient light from Town Hall is too much and would love to see a meteor shower with his daughter or if he wants to go outside and smoke a little, let's say, mullet, his oak trees are all lit up with your lights. Three blocks away, their lights are on their trees also. The lights from here are lighting up his trees. Can he put a pole up near the pavilion and instead of putting up a light, he can play Jimmy Hendrix for the Veteran's here in Town. We should bring some landscaping to the Town and it would be the balance. Can we put a filter or housing on the Fire Department front/back and take it down a notch? Don't make me go to court over this please. Can we tilt the pickleball light down a little also? It's not that dangerous here. People are genuinely nice here. There's a sea of lights around Town Hall along with the white paint. We have the Town lit up like it's a maximum-security facility. Loves the beautiful architecture on the Town Hall building but he doesn't like the Fire Department building. They're at least painted it dark. If he puts Christmas lights out, they'll get lost from the Town Hall lights. Watts – had to tint his windows due to the lights also. Kelly – it's not just his bedroom, it's his entire property. What's a reasonable expectation time frame to adjust this lighting? His neighbor, 2 blocks north, thinks its his bright lights. Chief – he knows which lights he's talking about it. Kelly said he can show him also. Kennedy – the Chief can go around with Kelly and possibly put a time frame on it with us and FPL.

Pam Olson – Talking about utility rates. She asked a lot of questions to Dyana Stewart about what data she used. She cannot make a decision without the data. After 7 years of being in the Town, she cannot get the data she asks for. She asked Dyana if she was a CPA etc. Dyana asked Pam who she was and she stated she's a paying citizen here. Dyana said we were not collecting the full amounts from businesses and credits were being given. If you want people to vote on the Charter, residents should be more educated. Pam called Dyana's boss and asked why she's getting this kind of push back? Pam asked for the data and she couldn't get it. She's managed money and cannot make a decision about the utility rate increase. She's seen all the data, and she knows who received the utility credits. Pam would like to see the data from where Dyana got her info to present this. If the residents don't trust the Council or the studies done, they should be educated better. Why should we raise our rates and we're losing money if we've neglected our utility

company for the past 20 years?

Watts – it's in reserves.

Olson – Is there a separate bank account? She asked Dyana and she was told there's an excel spreadsheet and still researching information. It makes her want to dig deeper to gain the trust of the residents. Move in a better direction and come to the meetings with all of the info instead of just parts, it'll help people feel more confident with what's going on. There's been mismanagement in the past that we're cleaning up. 6,000 gallons was \$20 per month in Sanford, and they didn't raise rates for 30 years and they just built a new sewer plant. It's all about the money and would like to see the information before the rates are increased.

Finch – she's heard that everyone thinks the minimum rate of 3,000 gallons per month will raise the rate. If the lower tier was at 2,000 gallons, a bill may increase over \$20 per month. The average per household is 2,500 gallons per month. The rate may increase \$20 per month at the minimum rate, or so. Asked Pam if she wanted to see the data from Dyana?

Olson – yes, she wants to see the data that Dyana used that shows real numbers of incoming and outgoing money and the reserves. Where are the expenses allocated? Dyana only have the 2023 data and Olson wants to see more history.

Dugger – I thought what she gave you was 2021.

Finch – her business was one of the businesses that received a sewer credit for Welaka Lodge. Some businesses were issued a sewer credit for using more water than the sewer as it wasn't being sent into the sewer. They had 9 hot tubs and a pool that needed to be filled weekly due to evaporation. That started around 2012 or so. Wanted to clear this up. It was because they were not using a large part of the sewer. Wanted to clear this up and it was called the Mayor Adjustments that was created by the past software person named Jack Daniels.

Desouza – we're all human beings living together. Be mindful of what we say to one another and what we write on social media and respect each other. It's affected relationships and friendships over the past few months. Wants people too know this. Toys 4 Tots – keeps hearing that the kids are missing out. There's plenty of businesses here to do poker runs within the Town. Encourage a walk or a solution. Everyone is continuing to complain about the same thing that we have no control over due to state law. If it's truly about the children, we still have time to make a difference.

Miles – concerned with the Aza Health building. Heard they were not able to stay there unless they were a medical clinic. Needs a medical facility or a pharmacy in the Town. Had a heart issue and they helped save his life by calling the EMT's.

Watts – we'll be getting to this in a few minutes according to the order of the agenda.

### **13. CONSENT AGENDA ITEMS** – None.

### **14. NON-CONSENT AGENDA ITEMS**

#### **1. TOWN MATTERS**

##### **1. Form 6 Financial Disclosure assistance needed**

Finch – attended the FLC workshop. It's much more in depth and it's not just your bank account info. It's much more in depth. Long may have the knowledge to help with this.

Long – not familiar with this and is having trouble with it also.

Finch – wants to somehow come up with a solution and if it's filled out incorrectly, you can be fined around \$2,500.

Watts – wants to get them some help and it's out of Charles Overturf's hands now.

Desouza – maybe FLC has someone on staff to help. It's not fair to use Town money for help with this.

Finch – there's a meeting in Orlando with someone who can help. It wouldn't be fair to have to hire someone to help them individually for a few thousand dollars each.

Kennedy – Form 1 is required for the Code and Zoning Boards and the appointed people must do the Form 1 and Form 6 both.

Watts – FLC will probably not dive into this.

Finch – to be penalized for errors, is not feasible.

Kennedy – it’s discouraging people to run for an elected seat.

Watts – it’s federally mandated.

## **2. RFP 2023-03 - Leasing & Operation of Welaka Medical Facility**

Kennedy – the main thing to decide is the time frame schedule on Page 5 of 7, in the table. We are only seeking a medical field business. The current tenant is invited to submit their proposal and maintain their tenancy. He hasn’t has any communication with them.

Watts – he has had some communication with them but he’s been waiting for this RFP to reach out to prospects.

Kennedy – the issue is that the current tenant’s lease is up at the end of this year. Kennedy will talk to the current tenant directly if the Council wants him to. He’d be happy to do this. Right now, Aza Health is not paying any rent and the Town’s paying all the utility bills. The basic reason we’re doing this is because we’d like to collect rent and they pay their own bills and maintain the property. Would still like to maintain a medical facility.

Washington – site visits listed - do these dates violate HIPPA?

Kennedy – dates are tentative, and we may go in there with 24 hour notice. Or we can go on a closed day and take a video with a chaperone. No drawers or personal violations or record-viewing will be seen to respect their patient privacy.

Finch – residents have received letters that they’re closing.

Watts – will sit down the Kennedy tomorrow to make up the dates in the RFP.

Council – all agree with moving forward with the RFP 2023-03.

## **3. Town Attorney - Proposal for Conducting Finding of Necessity Analysis**

Kennedy – this establishes justifying a CRA and this will determine the taxable value, condition, and value of buildings, etc. He’s helped Crescent City expand their CRA also. Timing-wise, there’s not enough time for grants right now. He can do the project within 6 months for \$7,500. Would have public meetings right away to educate the public. The areas are analyzed thoroughly to set boundaries. He explained the Proposal’s details in the Packet.

Finch – would it be beneficial to wait for a grant?

Kennedy – there’s more money if you use grants but may have a June 2024 deadline.

Finch – would the price change if we use grant funds?

Kennedy – if you’re doing the whole Town, it will have to be more. If there’s ingress, you must be careful. You don’t want to do the whole Town. It gets tricky when you deal with the Police and Fire Departments.

Watts – not raising taxes here. When the property value rises with the county assessment, we are eligible to get 95% of that for the CRA.

Kennedy – these funds are not quick. Takes a few years to get a meaningful balance collected. Possibly 30 years.

Commercial properties will be helpful. There’s a lot here. We need more criteria here.

Finch – just vacant land would meet the blight?

Kennedy – yes. Well-kept land. It’s a contributor to the assessment.

Scott Turnbull – the \$40,000 quoted price from elsewhere to do the CRA was out of sight. We need to get this started.

Kennedy – have those initial meetings so people know what we are doing. The whole Town will benefit. Brings up property value.

Watts – yes we can pay for it. It’s in the budget.

Turnbull – he’s done it before, he’s in-house, it’s a great price. Let’s hire him.

Watts – were you able to find a better price or company to do this?

Finch – No. NEFRC has never done a CRA and they wanted to charge \$40,000 and take 18 months.

Finch made a motion to accept Patrick Kennedy’s Proposal for the Findings of Necessities and Long seconded. Passed 5/0.

\* Dugger left the meeting. Restless legs.

#### **4. Golf Cart - Updating ORD and registration sticker discussion**

Long – asked to put this on agenda so there's direction on the ORD and registration stickers.

Finch – does Council want to move forward with the golf cart registration stickers?

Chief – we've talked about this for the past 2 years now. Moving forward, the Council needs to give direction. Should we include low speed vehicles in the ORD with the regulations and allow them to drive on County Road 308-B and 309? There are speeding vehicles on these main roads and is concerned. Needs clear and definitive direction from the Council. All that we took from the golf cart was from their insurance card, no inspections were being made.

Chief - would like to take on the task during annual renewals to do a visual inspection in order to get a sticker. The Town Attorney and he don't agree on this. Some people are not going to have proper insurance or the correct working items on their cart.

Watts – asked Kennedy if it's illegal to have stickers?

Kennedy – he thinks it's illegal. State statute allows low speed vehicles but the person who purchases the tag and insures it to drive on the road is at risk and is violating the law if he comes through Welaka.

Chief – they cannot travel on other County Roads either as the speed limit is so high.

Kennedy – golf cart sticker issued at Town Hall and people weren't even in the golf cart. How do we know it's true? Don't trust the sticker and may be pulling Police Officers off the streets to be doing inspections may be a big job and time wasted. We should get rid of the stickers unless we're fully inspecting the golf cart. Plenty of people have golf carts that go faster than 20 mph. It's not a legal decision, it's a policy decision. The money we receive may be the time spent. Current inspections are not being done and we may have a liability on us.

Watts – say we inspect these, and something goes faulty, are we held liable? Like a mechanical malfunction.

Chief – doesn't recommend taking somebody's golf cart for a test drive. To support Kennedy, lots of Sheriff offices are getting out of this business because it's for safety issues. They're only allowing low speed vehicles since they're registered with the DMV. Let them get out of this.

Washington – can a golf cart go on 308-B and 309?

Chief – No. Only a low-speed vehicle that's registered as a motor vehicle.

Kennedy – you could allow this if you wanted.

Chief – I didn't read that in the Statute. We don't allow this in Welaka. We can make it more strict if wanted.

Washington – people drive very fast on these roads and don't want anyone getting hurt. Even with the flashing sign out here. People are flying/zooming down that hill, around the curve and prefers keeping the golf carts off of 308-B and 309.

Finch – cannot take this from the low-speed vehicle purchasers/owners now. It's their choice for the tagged low speed vehicles. We should give them the rules and map of the roads for registered low speed vehicles and golf carts.

Kennedy did say it's not our liability and low speed vehicles are allowed. Golf cart insurance should state what it is?

Chief – some that he's seen did not say anything on the insurance card at all.

Town Clerk – some say it, some don't, but we don't walk outside and verify the VINs. We give out the ORD.

Someone was just killed last week on Highway 17 in Crescent City, by the Valero and Moose Club, on a golf cart.

Kennedy – Tow questions – do you want to prevent low speed vehicles and require stickers? If we keep stickers, we should do inspections.

Long – Yes to low-speed vehicles and No to registration stickers. Get out of the business.

Finch – Yes to continue doing the stickers and if the insurance could show the type of vehicle, then yes.

Kennedy – Chief and Police Officers would be doing the inspections.

Finch – how does this work for the weekend drivers?

Chief – same as now. People staying at local businesses trailer their golf carts into Town. Has been a nightmare the past few years. He will stick with FL State Statute if that's what you'd like.

Watts – what we're saying is to have an ORD to allow for golf carts and do away with the registration stickers.

Kennedy – would not due the sticker program unless the golf cart is present to be inspected.

Long – that's why she says to get out of the sticker business. Education or a flyer is given to people to explain the

golf cart driving roads.

Toole – didn't have golf cart registration stickers for a long time. There are no guidelines for non-residents.

Audience – no need for a flyer or a packet. There are signs on these 2 main roads that restrict golf carts.

Watts – showing proof of insurance was why they started doing the stickers. Can get a ticket if they have no sticker.

Chief – the minimal requirements are what State Statutes say. Must stay off 308-B and 309 and the golf cart may be towed and get a ticket.

Kennedy – we must have an ORD to allow golf carts. Our ORD can allow a little more than the State Statute.

Desouza – do away with stickers and if it doesn't work, we bring it back.

Finch – biggest violators will be mostly the weekend people.

Washington – agrees with no stickers.

Toole – needs seatbelts and headlights.

Chief – the rules change after dusk for golf cart regulations.

Kennedy – read aloud the day/night rules from our current ORD.

Chief – the State Statute has been updated also.

Audience – doesn't even want to be on the County Roads. It's too dangerous.

Desouza – says we should do away with the stickers and if it doesn't work, bring it back.

Finch – the weekend drivers would be violating and they don't even know it.

Desouza – not everyone looks at the website.

Scott Turnbull – sticker don't generate a lot of money.

Town Clerk – sometimes 2-6 people come in on a daily basis to get stickers. I'd hate to hinder Chief and the Police Officer's ability to patrol when they're doing inspections all day every day.

Watts – it's a lot of overhead and payroll expenses to do inspection for registration stickers. We only generate about \$6,000 per year from this. Agrees to get rid of the sticker program.

Finch – that's how we got in the hot water to begin with. Do we need an ORD to allow low speed vehicles?

Washington – so then they can have tags?

Watts – no action tonight but we will move it forward at the next Council Meeting.

Kennedy – the Draft ORD is 95% reviewed. His legal recommendation is if we are going to issue stickers, we need to do a full, legal inspection. We need an ORD if we want to prohibit low-speed vehicles, but we do not need an ORD to allow them. Can work on the ORD with Chief.

Watts – boating and driving ATVs and golf carts doesn't really require a DL.

Chief – anyone over 18 without a Driver's License needs to provide a state ID.

## **2. ZONING RECOMMENDATIONS**

### **3. CODE ENFORCEMENT BOARD**

#### **1. Release of Lien of 105 Siesta Circle, Welaka**

Kennedy - Someone came in and paid the full amount and Kennedy did the Lien Release for a little over \$1,300.

#### **2. Update on the resolution of 640 Palmetto Street, Welaka**

Kennedy – was put in touch with a real-estate agent and they are willing to pay the \$2,000 in full. Past due 7 years of taxes and abatement is about \$5,000 and needs to get some prices on demolition for the Council. Has to work on the Quit Claim Deed and will let the Council know.

#### **3. Proposed settlement of Code Liens on 633 Elm Street, Welaka**

Kennedy – purchaser agreed to pay his maximum amount of approx. \$7,700.

Finch – accepts his offer.

Long – accepts his offer.

Washington -

Kennedy – reasonable amount, rather than fight it. We have abatement on it.

Watts – washes out paying \$7,000 and collecting \$7,700. It's the old juke joint and the foundation is still there.

Audience – is this an eviction? Why can't you condemn these 2 properties?

Kennedy – we said demolition and not eviction. We can condemn these properties, but we'd have to hire a demolition company to tear them down. The new owners purchased paid a \$14,000 tax deed for this recently.

Finch made a motion to accept the \$7,700 settlement for 633 Elm Street in Welaka and Long seconded. Passed 4/0.

Watts made a motion to move forward with this settlement. All agreed. Passed 4/0.

## **15. DEPARTMENT REPORTS**

**1. PUBLIC WORKS DEPARTMENT REPORT** – None.

**2. UTILITY DEPARTMENT REPORT** – None.

**3. POLICE CHIEF MICHAEL PORATH REPORTS** – None.

**4. TOWN ATTORNEY PATRICK KENNEDY REPORTS** – None.

**5. TOWN CLERK MEGHAN ALLMON REPORTS** – None.

## **16. MAYOR & TOWN COUNCIL REPORTS**

**1. MAYOR WATTS** – appropriation on 2<sup>nd</sup> Avenue for paving and drainage of this road. It's cost is excessive. The CDBG has to go its normal course and we need to figure out what brand of auto-read meters to use. The construction and design are coming along at the WWTP. We did not get the SCOT grant.

Digital sign was just put online from the sign company this afternoon so the Town Clerk can manage and control the images and brightness. It was very frustrating. They came out here and fixed it with the correct antenna today.

Town Clerk – we have to adjust it and teach ourselves how to use it now with the automatic light sensor so it's not so bright.

**2. COUNCIL PRESIDENT JESSICA FINCH** – None.

**3. COUNCILWOMAN TONYA LONG** -

**4. COUNCILWOMAN KATHY WASHINGTON** – thanked the Town Clerk for all the Veteran photos and hard work that went into it. Thanked the Mayor for the new Veteran sign and the Events Committee for the Veteran's breakfast. The Town Clerk will be putting a Veteran Corner button on the website.



**5. COUNCILWOMAN KIMBERLY DUGGER** – Lenore Toole read a note from Dugger. She and some volunteers offered to decorate the front of Town Hall for Christmas with the Town’s children.  
Watts – agreed.

**17. ADJOURNED** – 9:35 PM



*Proclamation 2023-11*  
*Designating the 19<sup>th</sup> Day of January 2024 as*  
*Arbor Day in the Town of Welaka*

*WHEREAS*, the Town of Welaka recognizes the critical role of trees in providing clean air, water, and habitats for wildlife, as well as in enhancing the natural beauty and quality of life for our community; and

*WHEREAS*, Arbor Day is a day dedicated to the planting and caring for trees, celebrated since 1872, symbolizing a commitment to environmental stewardship; and

*WHEREAS*, trees contribute to our environment by improving air quality, conserving water, harboring wildlife, and providing numerous health benefits; and

*WHEREAS*, trees in our Town increase property values, enhance the vitality of business areas, and beautify our community, making Welaka a healthier and more sustainable place to live; and

*WHEREAS*, the Town of Welaka, its citizens, and its leaders are committed to the growth and preservation of our urban forest and the many benefits it provides;

*NOW, THEREFORE, BE IT RESOLVED*, we, the Welaka Town Council, do hereby jointly proclaim January 19, 2024, as Arbor Day in the Town of Welaka and call upon the citizens of Welaka to celebrate Arbor Day by planting trees and participating in programs that support urban and community forestry. We further commit to the care and stewardship of our green spaces and urban forests for the benefit and well-being of current and future generations of Welaka residents.

*NOW, THEREFORE*, through the authority vested in me as Mayor of the Town of Welaka, I do hereby proclaim January 19, 2024, as “Arbor Day.”

*DONE and ADOPTED* we have hereunto set our hands and caused the Seal of the Town of Welaka to be affixed on this 12<sup>th</sup> day of December 2023.

**ATTEST:**

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Meghan E. Allmon, Town Clerk

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Jamie D. Watts, Mayor

# ORDINANCE 2023-07

## MUNICIPAL ELECTION YEAR 2024

**AN ORDINANCE PROVIDING FOR THE MUNICIPAL ELECTION IN WELAKA, FLORIDA, TUESDAY, MARCH 19, 2024, PRESCRIBING THE METHOD AND MANNER OF HOLDING SAID ELECTION.**

**BE IT ORDAINED BY THE TOWN COUNCIL OF WELAKA, FLORIDA:**

**Section 1** Municipal Election for the Town of Welaka, Florida, will be held on Tuesday, March 19, 2024, at The Church, 638 3<sup>rd</sup> Ave., Welaka, FL 32193, with the polls open from 7:00 AM to 7:00 PM on said date.

**Section 2** The following offices are to be filled at said election:

Councilperson	Two-year term
Councilperson	Two-year term

**Section 3** Candidates desiring to have their names on the ballot for said Election must file qualifying papers along with 10 signed petitions from qualified Electors of the Town of Welaka with the Putnam County Supervisor of Elections located at 2509 Crill Avenue Suite 900, Palatka, FL 32177, between Friday, 12:00 PM, January 19, 2024, and Friday, 12:00 PM, February 2, 2024.

**Section 4** In accordance with Florida Statute 97.055, Voter Registration will be accepted until Tuesday, February 20, 2024, at the Welaka Town Hall, located at 400 4<sup>th</sup> Avenue, Welaka, FL 32193. The Public Logic and Accuracy Testing on the voting equipment will be held at 1:30 PM on Tuesday, February 13, 2024, at the Supervisor of Elections Office located at 2509 Crill Avenue, Suite 900, Palatka, FL 32177.

**Section 5** First Unofficial results along with Vote by Mail cures and any Provisional Ballots will be canvassed at 4:30 PM Friday, March 22, 2024, at the Office of the Supervisor of Elections, located at 2509 Crill Avenue, Suite 900, Palatka, FL 32177.

**PASSED** by the Town Council of the Town of Welaka, Florida, on the **FIRST READING** this **14<sup>th</sup>** day of **November 2023**.

**PASSED** by the Town Council of the Town of Welaka, Florida, on the **SECOND READING** this **12<sup>th</sup>** day of **December 2023**.

**ATTEST:**

**SIGNED:**

\_\_\_\_\_  
Meghan E. Allmon, Welaka Town Clerk

\_\_\_\_\_  
Jamie D. Watts, Mayor

**APPROVAL AT TO FORM AND LEGALITY:**

\_\_\_\_\_  
Patrick Kennedy, Town Attorney

\_\_\_\_\_  
Jessica Finch, Council President

## The Law Offices of Patrick J Kennedy, PA

P.O. Box 298  
673 3<sup>rd</sup> Avenue  
Welaka, Florida 32193  
patrickkennedypa@gmail.com

To: Welaka Town Council

From: Patrick Kennedy

Cc: Meghan Allmon, Town Clerk

Date: November 3, 2023

RE: Ordinance 2023-08 and Proposed Charter Amendments

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**BACKGROUND OF CHARTER REVIEW AND AMENDMENT PROCESS:** It is a local government best practice to review and periodically update its charter. Unfortunately, except for an ordinance adopted 46 years ago changing the makeup of the council, the Town of Welaka has not reviewed or done any meaningful updates to its charter since it was adopted in 1947. Recognizing the long overdue need to review and update the charter, the Town Council appointed a Charter Review Committee (“CRC”) on July 13, 2021.

The need to update the charter was a given going into the process. Thus, the Town Council’s direction to the CRC as described in Resolution 2021-06 was to jump right into the review and propose revisions and updates:

The Charter Review Committee shall meet in open meetings...to review the current charter, discuss changes that need to be made, and ultimately put forward a charter amendment proposal that addresses the entire charter.

The charter review process started with a power point presentation from the Florida League of Cities discussing the charter review and amendment process and describing some of the basic forms of government that might be considered in a town charter. The Florida League of Cities also provided a model charter developed by the National Civic League as a starting point. This model charter presented various options and directions to take with each of the key elements for establishing local governance on the municipal level.

The CRC began meeting shortly after being formed, and except for a short break to wait on the legal review of the first draft, the CRC continued to meet twice a month for two years before presenting the proposed charter in its current form. Notice of each meeting was posted and open to the public, with public comment invited at each meeting. The CRC then went through the model charter line by line, discussing the options presented, selecting the provisions that seemed to make the most sense for Welaka, and making adjustments as needed.

Several questions/issues were left open for the town attorney to address. Once the first run through was completed, it was forwarded to the attorney to review and revise as needed.

It is important to note that the CRC did not initially consider the council-manager form of government. The initial thought was to keep the current form of government with a strong mayor that

serves as the town lead administrator. However, after much consideration and discussion, they determined that a change to the council-manager was the form of government was the best option for the town. The general feeling was that the role of lead administrator was best handled by a professional that is answerable to the council. While it represents an additional cost.

**DISCUSSION OF APPLICABLE LAWS AND EFFECT OF ADOPTING ORDINANCE 2023-08:** Florida Statutes, Section 166.031(1), governs the adoption of amendments to a city charter, and requires that amendments to any part of or all of a charter be submitted to the electors of the municipality. The Charter amendments proposed by the City's Charter Review Committee complies with the provisions of this statute, and the adoption of Ordinance 2023-08 provide for placement of the required referendum in accordance with Florida Statutes, Section 101.161, which governs ballot questions and the setting of referendums.

By adopting Ordinance 2023-08 , the Council will approve a referendum for the ballot at the March 19, 2024, regular election. This referendum will allow the electors within the Town to vote for the approval or disapproval the proposed repeal and replacement of the Town's existing charter with a new comprehensively reworded City Charter that, most significantly, establishes a Council-Manager form of government, requires an elector to live in the town at least 6 months to qualify for elected office in the town, establishes a police department in the charter, and updates/replaces nearly every other provision of the current charter.

The full text of the proposed restated Charter and the proposed ballot question are included in Ordinance 2023-08, a copy of which is attached. A copy of the current City Charter is also attached.

**FINANCIAL IMPACT:** The proposed charter does have a potential financial impact with the proposed Council-Manager form of government. A town manager would be a new salaried position that will be entitled to similar benefits provided the current employees. The exact dollar amount of the impact is difficult to determine. However, it is reasonable to estimate an annual financial impact in the range of \$70,000 to \$100,000 when you include salary, benefits, payroll tax, etc.

**RECOMMENDATION:** Approve Ordinance 2023-08 on first reading and schedule the second reading to consider the adoption of Ordinance 2023-08. Adoption of the Ordinance 2023-08 which will set a referendum election for March 19, 2024, so that the electors of the town can determine whether to approve or disapprove the proposed charter amendments. If approved by the electorate, would become effective become effective as of 12:01 a.m. on the day following the canvassing board's certification of the election.

ORDINANCE 2023-08

1  
2  
3  
4 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF  
5 WELAKA, FLORIDA, ADOPTED IN ACCORDANCE WITH SECTIONS  
6 101.161 AND 166.031, *FLORIDA STATUTES*, CALLING FOR A  
7 REFERENDUM TO BE HELD ON MARCH 19, 2024, PROPOSING TO  
8 THE ELECTORATE OF THE TOWN THAT ALL PORTIONS OF THE  
9 CHARTER BE REPEALED, EXCEPT THAT PART THEREOF  
10 DESCRIBING THE BOUNDARIES OF THE TOWN AND  
11 ESTABLISHING THE JURISDICTION OF THE TOWN, AND THAT A  
12 NEW TOWN CHARTER BE ADOPTED; PROVIDING FOR GENERAL  
13 AND TRANSITIONAL PROVISIONS; PROVIDING FOR EFFECT ON  
14 EXISTING LAWS; PROVIDING FOR OFFICERS AND EMPLOYEES;  
15 PROVIDING FOR TOWN BOUNDARIES; PROVIDING FOR  
16 CONTINUATION OF FORM OF GOVERNMENT; PROVIDING FOR  
17 MUNICIPAL AUTHORITY; PROVIDING FOR THE TOWN COUNCIL  
18 AS THE LEGISLATIVE AND GOVERNING BODY; PROVIDING FOR  
19 A TOWN MANAGER; PROVIDING FOR A TOWN ATTORNEY;  
20 PROVIDING FOR A POLICE DEPARTMENT; PROVIDING FOR  
21 TOWN ELECTIONS; PROVIDING FOR SUBMISSION OF THE  
22 PROPOSED BALLOT QUESTION TO THE ELECTORS OF THE  
23 TOWN; SETTING FORTH THE FORM OF THE QUESTION TO BE  
24 VOTED UPON AT SUCH ELECTION; PROVIDING A CONFLICTS  
25 CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO  
26 CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER  
27 PURPOSES.  
28  
29

30 **WHEREAS**, the Town Council of the Town of Welaka established a Charter  
31 Review Committee (“CRC”) by resolution dated July 13, 2021 (Res. No. 2021-06) to  
32 review the Town Charter and recommend changes to the Town Charter; and  
33

34 **WHEREAS**, the CRC commenced public meetings held twice a month over the  
35 next two years to develop such recommended changes to the Town Charter; and  
36

37 **WHEREAS**, the CRC finalized its efforts on October 18, 2023, and now  
38 recommends the Town Council call for a referendum election to place the proposed  
39 charter amendments attached hereto on the ballot for the next regular town election to be  
40 held in March 2024; and  
41

42 **WHEREAS**, the Town Council has reviewed the recommendations of the CRC,  
43 and the Town Council has determined that it would be in the best interests of the Town  
44 of Welaka to accept such recommendations; and  
45

46 **WHEREAS**, the Town Council has concluded that the CRC’s recommendation to

1 amend and reorganize the Charter and calling for a referendum election in accordance  
2 with the provisions of Section 166.031, *Florida Statutes*, for the electorate of the Town of  
3 Welaka to consider such amendments and reorganization of the Charter is in the best  
4 interests of the Town of Welaka; and

5  
6 **WHEREAS**, the Town Council deems approval of this Ordinance to be in the best  
7 interests of the health, safety, and welfare of the residents and citizens of the Town of  
8 Welaka and the public at large.

9  
10 **NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE**  
11 **TOWN OF WELAKA, FLORIDA:**

12  
13 **SECTION 1.** The proposed amendment to the Town’s Charter is as follows:

14  
15 The proposed new Welaka Town Charter is attached hereto and incorporated  
16 herein as Exhibit “A”.

17  
18 **SECTION 2.** The Charter amendment proposed by this Ordinance shall be  
19 submitted to the electors of the Town of Welaka, Florida, at the general municipal election  
20 to be held on the 19th day of March, 2024, in the form of the following question:

21  
22 **TOWN OF WELAKA REFERENDUM QUESTION NO. 1**

23  
24 **SHALL THE TOWN CHARTER BE AMENDED TO PROVIDE FOR:**  
25 **REMOVAL OF OUTDATED AND UNCESSARY PROVISIONS;**  
26 **APPOINTING A TOWN MANAGER; ESTABLISHING COUNCIL-**  
27 **MANAGER RELATIONSHIP; ESTABLISHING MUNICIPAL, COUNCIL,**  
28 **TOWN MANAGER AND TOWN CLERK POWERS/DUTIES; A POLICE**  
29 **DEPARTMENT; A PERSONNEL MERIT SYSTEM; QUALIFICATIONS**  
30 **TO SERVE ON COUNCIL; ELECTIONS; COUNCIL MEETING**  
31 **PROCEDURES; FILLING OF VACANCIES ON THE COUNCIL;**  
32 **INITIATIVES, REFERENDUMS AND CHARTER AMENDMENTS;**  
33 **REMOVING COUNCIL MEMBERS; TRANSITION UNDER AMENDED**  
34 **CHARTER; AND OTHER CHANGES AS PROVIDED IN EXHIBIT A,**  
35 **ORDINANCE 2023-08**

36  
37 **SHALL THE ABOVE-DESCRIBED QUESTION NO. 1 BE ADOPTED?**

38  
39 **\_\_\_\_\_ YES**

40  
41 **\_\_\_\_\_ NO**

42  
43 **SECTION 3.** The Town Clerk shall cause a notice of this election called for the  
44 purpose of presenting the subject Charter revision to a vote of the electorate to be  
45 published in accordance with the provisions of Section 100.342, *Florida Statutes*, at least  
46 twice: once in the fifth week and once in the third week prior to the week in which the

1 referendum is to be held; provided that the first publication shall take place at least 30  
2 days before the date fixed for the referendum and shall be published in a newspaper of  
3 general circulation within the Town.

4  
5 **SECTION 4.** In accordance with the Town Code of Ordinances, the Town Clerk shall  
6 cause a notice of election to be published in a newspaper of general circulation within the  
7 Town at one time during the fourth week and at one time in the second week preceding the  
8 week in which the election is held.

9  
10 **SECTION 5.** In accordance with the Town Code of Ordinances, the Town Clerk shall  
11 publish a sample ballot in a newspaper of general circulation prior to the day of the election,  
12 but no more than ten days prior to the election. Such publication shall be conspicuous and  
13 not be included within the legal notices and advertisements being published per Chapter 50,  
14 *Florida Statutes*.

15  
16 **SECTION 6.** All ordinances or parts of ordinances in conflict be and the same are  
17 hereby repealed.

18  
19 **SECTION 7.** Should any section or provision of this Ordinance or any portion  
20 thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction  
21 to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

22  
23 **SECTION 8.** Specific authority is hereby given to codify this Ordinance.

24  
25 **SECTION 9.** This Ordinance shall become effective immediately upon adoption.  
26 The revised language as contained in Exhibit "A" shall become effective as of 12:01 a.m.  
27 on the day following the canvassing board's certification of the election, if the question to  
28 be voted upon provided hereinabove receives an affirmative vote of the majority of the  
29 valid votes cast and counted at the election held on March 19, 2024.

30  
31 **PASSED** this 14<sup>th</sup> day of **November 2023**, upon first reading.

32  
33 **PASSED AND ADOPTED** this 12<sup>th</sup> day of **December 2023**, upon second and final  
34 reading.

35  
36 **ATTEST:**

**SIGNED**

37  
38  
39 \_\_\_\_\_  
Meghan E. Allmon, Town Clerk

\_\_\_\_\_   
Jamie D. Watts, Mayor

40  
41 **APPROVED AS TO FORM AND**  
42 **LEGAL SUFFICIENCY**

43  
44  
45 \_\_\_\_\_  
Patrick Kennedy, Town Attorney

\_\_\_\_\_   
Jessica Finch, Council President





**TOWN OF WELAKA**  
**TOWN CHARTER**

**PREAMBLE**

We, the people, of the Town of Welaka, under the constitution and laws of the state of Florida, to secure the benefits of local, self-government and to provide for an honest and accountable local government do hereby adopt this amendment to the charter for the Town of Welaka and confer upon the town the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation, diversity and inclusiveness and regional cooperation. This is an amendment to the whole of the existing charter of the Town of Welaka, Florida, except the boundaries thereof as they currently exist and the jurisdictional authority of the town established by Chapter 24975, No. 1361, §6 (House Bill No. 1031) Florida Laws (1947).

**Article 1**

**POWERS OF THE TOWN**

**Section 1.01. Powers of the Town.** The town shall have all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power possible for a town to have under the constitution and laws of this state, as fully and completely as though they were specifically enumerated in this Charter.

**Section 1.02. Construction.** The powers of the town under this charter shall be construed liberally in favor of the town, and the specific mention of particular powers in the charter shall not be construed as limiting, in any way, the general power granted in this Article.

**Section 1.03. Intergovernmental Relations.** The town may participate by contract or otherwise

1 with any governmental entity of this state, or any other state(s) or the United States in the  
2 performance of any activity which one or more of such entities has the authority to undertake.

3  
4 **Section 1.04. Description of the Corporate Limits.** The boundaries and corporate limits of the  
5 town now existing shall continue to be the corporate limits under the name of the Town of  
6 Welaka, and, as such, shall have perpetual succession. The boundary description for the Town of  
7 Welaka is on file in the town clerk’s office.

8  
9 **Section 1.05. Changes in Corporate Boundaries.** The corporate boundaries of the town may be  
10 changed in accordance with the general laws of the State of Florida, or special laws relating to  
11 the town enacted subsequent to the effective date of this charter.

12  
13 [REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]  
14

1 **Article 2**  
2 **TOWN COUNCIL**

3  
4 **Section 2.01. General Powers and Duties.** All powers of the town shall be vested in the  
5 council, except as otherwise provided by law or this charter, and the council shall provide for the  
6 exercise thereof and for the performance of all duties and obligations imposed on the town by  
7 law.

8  
9 **Section 2.02. Eligibility, Terms, and Composition.**

10 **(a) Eligibility.** Only persons registered to vote in the town who can demonstrate they have been  
11 a resident and registered voter in the town for no less than one hundred eighty-one (181) days  
12 shall be eligible to qualify for and hold the office of council member or mayor.

13  
14 **(b) Term of Office.** The term of office for all elected town officials shall be two (2) years.

15  
16 **(c) Composition of the Council.** The council shall be composed of four (4) members elected at  
17 large by the voters of the town in accordance with provisions of Article 6 and a mayor elected as  
18 provided in section 2.03(b).

19  
20 **Section 2.03. Mayor.**

21 **(a) Powers and Duties.** The mayor shall be a voting member of the council and shall attend and  
22 preside at meetings of the council, represent the town in inter-governmental relationships,  
23 appoint members of town boards and committees with the advice and consent of the council, and  
24 assign agenda items to the committees subject to the advice and consent of the council. The  
25 mayor shall be recognized as head of the town government for all ceremonial purposes and by  
26 the Florida governor for purposes of military law but shall have no administrative duties.

27  
28 **(b) Election of Mayor and Vice Mayor.** The voters of the town shall elect a mayor at large for a  
29 term of two (2) years pursuant to the regular election cycle on odd years. At the first regular  
30 council meeting following each regular election cycle, the council shall elect, from among its  
31 members a vice- mayor, who shall act as mayor during the absence or disability of the mayor

1 and, if a vacancy occurs, shall become mayor until the vacancy is filled. The mayor shall not  
2 participate in the selection of the vice mayor unless it is necessary to break a tie vote.

3  
4 **Section 2.04. Compensation and Expenses.** The council may determine the annual salary of the  
5 mayor and council members by ordinance, which may be paid out monthly or in accordance with  
6 the pay periods established for town employees, but no ordinance increasing such salaries of the  
7 mayor and council members shall become effective until the date of commencement of the terms  
8 of council members elected at the next regular election. The mayor and council members shall  
9 receive their actual and necessary expenses incurred in the performance of their duties of office,  
10 pursuant to a maximum expenditure amount established with the adoption of the town's annual  
11 budget.

12  
13 **Section 2.05. Prohibitions.**

14 **(a) Holding Other Office.** Except where authorized by law, no council member shall hold any  
15 other elected public office during the term for which the member was elected to the council. No  
16 council member shall hold any other town employment or office during the term for which the  
17 member was elected to the council. No former council member shall hold any compensated  
18 appointive office or employment with the town until two (2) years after the expiration of the term  
19 for which the member was elected to the council, unless granted a waiver issued in writing from  
20 the Florida Commission on Ethics and by a public vote of the sitting council after said member  
21 has left office.

22  
23 Nothing in this section shall be construed to prohibit the council from selecting any current or  
24 former council member to represent the town on the governing board of any regional or other  
25 intergovernmental agency.

26  
27 **(b) Appointments and Removals.** Neither the council nor any of its members shall in any  
28 manner control or demand the appointment or removal of any town administrative officer or  
29 employee whom the town manager or any subordinate of the town manager is empowered to  
30 appoint, but the council may express its views and fully and freely discuss with the town  
31 manager anything pertaining to appointment and removal of such officers and employees.

1 **(c) Interference with Administration.** Except for the purpose of inquiries and investigations  
2 under section 2.09 the council or its members shall deal with town officers and employees who  
3 are subject to the direction and supervision of the town manager solely through the town  
4 manager, and neither the council nor its members shall attempt to give orders to or otherwise  
5 direct or supervise the conduct of any such officer or employee, either publicly or privately.  
6

7 **Section 2.06. Vacancies; Forfeiture of Office; Filling of Vacancies.**

8 **(a) Vacancies.** The office of a council member shall become vacant upon the member's death,  
9 resignation, or removal from office or forfeiture of office in any manner authorized by law.  
10

11 **(b) Forfeiture of Office.** A council member shall forfeit that office if the council member:  
12

- 13 (1) Fails to meet or maintain the residency requirements,
- 14 (2) Violates any express prohibition of this charter,
- 15 (3) Is convicted of a crime involving moral turpitude, or
- 16 (4) Fails to attend three (3) consecutive regular meetings of the council without being  
17 excused by the council.  
18

19 **(c) Filling of Vacancies.** If the vacancy occurs less than one hundred eighty (180) days prior to a  
20 regular called election, the council may opt not to appoint a replacement. If a vacancy occurs  
21 more than one hundred eighty (180) days prior to the regular called election the council shall,  
22 subject to state law, call a special election no more than ninety (90) days after the vacancy.  
23 Notwithstanding the requirement in section 2.11(c), if at any time the membership of the council  
24 is reduced to less than four (4), the remaining members shall by majority action appoint  
25 additional members to raise the membership to four (4) until the person elected to serve the  
26 remainder of the unexpired term takes office.  
27

28 **Section 2.07. Judge of Qualifications.** The council shall be the judge of the election and  
29 qualifications of its members, and of the grounds for forfeiture of their office. In order to  
30 exercise these powers, the council shall have power to subpoena witnesses, administer oaths and  
31 require the production of evidence. A member charged with conduct constituting grounds for

1 forfeiture of office shall be entitled to a public hearing on demand and notice of such hearing  
2 shall be published in one (1) or more newspapers of general circulation in the town at least one  
3 (1) week in advance of the hearing.  
4

5 **Section 2.08. Town Clerk.** The council shall appoint an officer of the town who shall have the  
6 title of town clerk. The town clerk shall give notice of council meetings to its members and the  
7 public, keep the records of its proceedings, and perform such other duties as are assigned by this  
8 charter or by the council or by state law.  
9

10 **Section 2.09. Investigations.** The council may make investigations into the affairs of the town  
11 and the conduct of any town department, office, or agency and for this purpose may subpoena  
12 witnesses, administer oaths, take testimony, and require the production of evidence. Failure or  
13 refusal to obey a lawful order issued in the exercise of these powers by the council shall be a  
14 misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00), or by  
15 imprisonment for not more than sixty (60) days or both. An officer or employee of the town who  
16 fails or refuses to obey a lawful order issued in the exercise of these powers may be subject to  
17 disciplinary action up to termination.  
18

19 **Section 2.10. Independent Audit.** The council shall provide for an independent annual audit of  
20 all town accounts and may provide for more frequent audits as it deems necessary. Such audits  
21 shall be carried out in accordance with the requirements of state law.  
22

23 **Section 2.11. Procedure.**

24 **(a) Meetings.** The council shall meet regularly at least once in each calendar month at such times  
25 and places as the council may prescribe by rule. Special meetings may be held on the call of the  
26 mayor or of three (3) or more members and, whenever practicable, upon no less than twelve (12)  
27 hour notice to each member. Except when necessary and appropriate to meet in executive session  
28 without the public present, as governed by state law, all meetings shall be public.  
29

30 **(b) Rules and Records.** The council shall determine its own rules and order of business and  
31 shall provide for keeping a record of its proceedings that shall, at a minimum, meet the standards

1 established by state law. These records shall be a public record.

2

3 **(c) Voting.** Voting, except on procedural motions, shall be by roll call and the ayes and nays shall  
4 be recorded in the records. Three (3) members of the council shall constitute a quorum, but a  
5 smaller number may adjourn from time to time and may compel the attendance of absent members  
6 in the manner and subject to the penalties prescribed by the rules of the council. No action of the  
7 council, except as otherwise provided in the preceding sentence and in § 2.06(c) shall be valid or  
8 binding unless adopted by the affirmative vote of three (3) or more members of the council.

9

10 **Section 2.12. Action Requiring an Ordinance.** In addition to other acts required by law or by  
11 specific provision of this charter to be done by ordinance, those acts of the council shall be by  
12 ordinance which:

13

- 14 (1) Adopt or amend an administrative code or establish, alter, or abolish any town department,  
15 office, or agency;
- 16 (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a  
17 fine or other penalty is imposed;
- 18 (3) Levy taxes;
- 19 (4) Grant, renew, or extend a franchise;
- 20 (5) Regulate the rate charged for its services by a public utility;
- 21 (6) Authorize the borrowing of money;
- 22 (7) Convey or lease or authorize the conveyance or lease of any lands of the town;
- 23 (8) Regulate land use and development;
- 24 (9) Amend or repeal any ordinance previously adopted;
- 25 (10) Adopt, with or without amendment, ordinances proposed under the initiative power; or
- 26 (11) Regulate campaign finance as provided in Article 7 of this charter.

27

28 **Section 2.13. Ordinances in General.** The procedures for adoption of ordinances shall follow  
29 the requirements of state law and the provisions of this section shall govern only to the extent  
30 they do not conflict with state law.

31

1 (a) **Form.** Every proposed ordinance shall be introduced in writing and in the form  
2 required by state law for final adoption. The enacting clause shall be "Now therefore, be  
3 it enacted by the Town Council for the Town of Welaka . . ." Any ordinance which  
4 repeals or amends an existing ordinance or part of the town code shall set out in full the  
5 ordinance, sections or subsections to be repealed or amended, and shall indicate matters  
6 to be omitted by strikeout type and shall indicate new matters by underscoring.

7  
8 (b) **Procedure.** Any member of the council may, at any regular or special meetings of the  
9 council, introduce a subject for consideration as a proposed ordinance. The council shall  
10 only deliberate and adopt a proposed ordinance that is presented in legally sufficient form  
11 and placed on the agenda for a regular or special meeting of the council in accordance  
12 with state law, including timely and sufficient public notice, and the established meeting  
13 procedures of the council.

14  
15 (c) **Effective Date.** Except as otherwise provided in this charter or unless a specific date  
16 is specified therein, every adopted ordinance shall become effective at the expiration of  
17 thirty (30) days from the date of adoption.

18  
19 **Section 2.14. Emergency Ordinances and Resolutions.**

20 The Council may adopt one or more emergency ordinances in the manner provided for at law on  
21 any subject that is not violative of the law or this charter, but such ordinances shall not levy  
22 taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its  
23 services, or authorize the borrowing of money except as provided in section 5.07(b). An  
24 emergency ordinance shall be introduced in the form and manner prescribed by law for  
25 emergency ordinances, except that it shall be plainly designated as an emergency ordinance and  
26 shall contain, after the enacting clause, a declaration stating that an emergency exists and  
27 describing it in clear and specific terms. An emergency ordinance may be adopted with or  
28 without amendment or rejected at the meeting at which it is introduced. The affirmative vote of  
29 at least three (3) members shall be required for adoption. After its adoption, the ordinance shall  
30 be published and printed as prescribed for other adopted ordinances. It shall become effective  
31 upon adoption or at such a later time as it may specify. Every emergency ordinance or resolution



1 issued under the town’s emergency management authority to address the occurrence of  
2 emergencies and disasters resulting from natural, technological, or manmade causes, shall  
3 automatically stand repealed as of the sixty-first day following the date on which it was adopted,  
4 unless an earlier date is required by law; but this shall not prevent re-enactment of the ordinance  
5 or resolution in the manner specified by state law and this section if the emergency still exists.  
6 An emergency ordinance or resolution may also be repealed by adoption of a repealing ordinance  
7 or resolution in the same manner specified in this section for adoption of emergency ordinances  
8 or resolutions.

9  
10 **Section 2.15. Codes of Technical Regulations.** The council may adopt any standard code of  
11 technical regulations by reference thereto in an adopting ordinance. The procedure and  
12 requirements governing such an adopting ordinance shall be as prescribed for ordinances  
13 generally subject to the following:

14  
15 (1) The requirements of § 2.13 for distribution and filing of copies of the ordinance shall be  
16 construed to include copies of the code of technical regulations as well as of the adopting  
17 ordinance, and

18  
19 (2) A copy of each adopted code of technical regulations as well as of the adopting  
20 ordinance shall be authenticated and recorded by the town clerk pursuant to § 2.16(a).  
21 Copies of any adopted code of technical regulations shall be made available by the town  
22 clerk for distribution or for purchase at a price set forth by Florida Statute.

23  
24 (3) Certain technical regulations established by the state and mandated by the state to be  
25 adopted by the town, such as the Florida Building Code and the Florida Fire Prevention  
26 Code, need only be referenced in the adopting ordinance and do not need to be included  
27 verbatim in the adopting ordinance, nor shall the town be responsible for making such state  
28 established technical regulations available for copying through the town clerk when they  
29 are available from the state for review and copying, except to the extent mandated by law.

30  
31 **Section 2.16. Authentication and Recording; Codification; Printing of Ordinances and**

1 **Resolutions.**

2 **(a) Authentication and Recording.** The town clerk shall authenticate by signing and shall  
3 record in full, in a properly indexed book kept for the purpose, all ordinances and resolutions  
4 adopted by the council.

5  
6 **(b) Codification.** Upon immediate adoption of this charter and at least every year thereafter, the  
7 Council shall provide for the preparation of a general codification of all town ordinances and  
8 resolutions having the force and effect of law. The general codification shall be adopted by the  
9 council by ordinance and shall be published, together with this charter and any amendments  
10 thereto, and other rules and regulations as the council may specify. This compilation shall be  
11 known and cited officially as the Welaka Municipal Code. Copies of the code shall be furnished  
12 to town officers, placed in the town’s public offices for viewing by the public, and, if available,  
13 placed on a web site for free public reference and made available for purchase by the public.

14  
15 **(c) Printing of Ordinances and Resolutions.** The council shall require each ordinance and  
16 resolution having the force and effect of law and each amendment to this charter to be printed  
17 promptly following its adoption. The printed ordinances, resolutions and charter amendments  
18 shall be made available for viewing and purchase by the public in accordance with Florida’s  
19 public records laws. Following publication of the first Welaka Municipal Code and at all times  
20 thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially  
21 the same style as the code currently in effect and shall be suitable in form for integration therein.  
22 The council shall make such further arrangements as it deems desirable with respect to  
23 reproduction and distribution of any current changes in or additions to the provisions of the  
24 constitution and other laws of the state of Florida, or the codes of technical regulations and other  
25 rules and regulations included in the code.

**Article 3**  
**TOWN MANAGER**

**Section 3.01. Appointment; Qualifications; Compensation.** The council by a majority vote of its total membership shall appoint a town manager for a term set by the council and fix the manager's compensation. The town manager shall be appointed solely on the basis of education and experience in the accepted competencies and practices of local government management. The manager need not be a resident of the town or state at the time of appointment. However, the manager shall reside in the state prior to commencing to work for the town, and it shall be left to the discretion of the council whether to allow the manager to reside outside the town limits while in office.

**Section 3.02. Removal.** The town manager works at the will and pleasure of the council.

**Section 3.03. Acting Town Manager.** By letter filed with the town clerk, the town manager shall designate a town officer or employee to exercise the powers and perform the duties of town manager during the manager's temporary absence or disability; the council may revoke such designation at any time for any reason and appoint another town officer or employee of the town to serve until the town manager returns.

**Section 3.04. Powers and Duties of the Town Manager.** The town manager shall be the chief executive officer of the town, continuously responsible to the council for the management of all town affairs placed in the manager's charge by or under this charter and any additional duties assigned by the contract defining the terms of the manager's employment. The town manager shall:

- (1) Appoint and suspend or remove all town employees and appointive administrative officers provided for, by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. The town manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;

- 1
- 2 (2) Direct and supervise the administration of all departments, offices and agencies of the
- 3 town, except as otherwise provided by this charter or by law;
- 4
- 5 (3) Attend all council meetings. The town manager shall have the right to take part in
- 6 discussion but shall not vote;
- 7
- 8 (4) Faithfully execute all laws, provisions of this charter and acts of the council, subject to
- 9 enforcement by the town manager or by officers subject to the manager's direction and
- 10 supervision;
- 11
- 12 (5) Prepare and submit the annual budget and capital program to the council, and implement
- 13 the final budget approved by council to achieve the goals of the town;
- 14
- 15 (6) Submit to the council and make available to the public a complete report on the finances
- 16 and administrative activities of the town as of the end of each month and a full assessment at
- 17 the end of each fiscal year;
- 18
- 19 (7) Make such other reports as the council may require concerning operations;
- 20
- 21 (8) Keep the council fully advised as to the financial condition and future needs of the town;
- 22
- 23 (9) Make recommendations to the council concerning the affairs of the town and facilitate the
- 24 work of the council in developing policy;
- 25
- 26 (10) Provide staff support services for the mayor and council members;
- 27
- 28 (11) Assist the council to develop long term goals for the town and strategies to implement
- 29 these goals;
- 30
- 31 (12) Encourage and provide staff support for regional and intergovernmental cooperation;

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(13) Promote partnerships among council, staff, and citizens in developing public policy and building a sense of community; and

(14) Perform such other duties as are specified in this charter or may be required by the council.

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1 **Article 4**

2 **DEPARTMENTS, OFFICES AND AGENCIES**

3  
4 **Section 4.01. General Provisions.**

5 **(a) Creation of Departments.** The council may establish town departments, offices, or agencies  
6 in addition to those created by this charter and may prescribe the functions of all departments,  
7 offices, and agencies. No department, office, or agency created by this charter may be  
8 discontinued except by referendum.

9  
10 **(b) Direction by Town Manager.** Except as otherwise provided in this charter, all departments,  
11 offices, and agencies under the direction and supervision of the town manager shall be  
12 administered by an officer appointed by and subject to the direction and supervision of the town  
13 manager. With the consent of the council, the town manager may serve as the head of one (1) or  
14 more such departments, offices, or agencies or may appoint one (1) person as the head of two (2)  
15 or more of them.

16  
17 **Section 4.02. Personnel System.**

18 **(a) Merit Principle.** All appointments and promotions of town officers and employees shall be  
19 made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or  
20 other evidence of competence.

21  
22 **(b) Merit System.** The council shall, in a manner consistent with all applicable federal and state  
23 laws, provide for the establishment, regulation, and maintenance of a merit system governing  
24 personnel policies necessary to effective administration of the employees of the town's  
25 departments, offices and agencies, including but not limited to classification and pay plans,  
26 examinations, force reduction, removals, working conditions, provisional and exempt  
27 appointments, in-service training, grievances and relationships with employee organizations.

28  
29 **Section 4.03. Town Attorney.**

30 **(a) Appointment.** There shall be a town attorney who shall be appointed by and work at the will  
31 and pleasure of the council.

1 (b) **Role.** The town attorney shall serve as chief legal adviser to the council, the mayor, town  
2 manager and all town departments, offices and agencies, shall represent the town in all legal  
3 proceedings and shall perform any other duties prescribed by state law, by this charter or by  
4 ordinance.

5

6 **Section 4.04. Police Department.**

7 (a) **Creation.** There shall be a Police Department operated and overseen by the council, which  
8 shall not be abolished or replaced by an outside agency except by a referendum to amend this  
9 Charter put forward in the manner prescribed by Article 8 of this Charter and Florida law

10

11 (b) **Appointment/Role.** There shall be a Chief of Police who shall be appointed by and work at  
12 the will and pleasure of the council and shall perform any duties prescribed by state law, by this  
13 charter or by ordinance.

14

15 **Section 4.05. Land Use, Development, and Environmental Planning.** Consistent with all  
16 applicable federal and state laws with respect to land use, development, and environmental  
17 planning and controls, the council shall adopt a comprehensive plan that addresses the land use,  
18 development, and environmental plans for the town, and shall adopt land use regulations  
19 consistent with the comprehensive plan to implement the plan. The council, on the advice of the  
20 town manager, shall have the discretion to determine whether the land use, development and  
21 environmental planning function shall be carried out by an officer, employee, or contracted  
22 agency. This land use, development and environmental planning function shall operate under  
23 and report to the town manager. The town shall seek to act in cooperation with other jurisdictions  
24 and organizations in their region to promote integrated approaches to regional issues.

25

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1 **Article 5 FINANCIAL MANAGEMENT**

2  
3 **Section 5.01. Fiscal Year.** The fiscal year of the town shall begin on the first day of October and  
4 end on the last day of September.

5  
6 **Section 5.02. Submission of Budget and Budget Message.** On or before the second Tuesday of  
7 September of each year, the town manager shall submit to the council a budget for the ensuing  
8 fiscal year and an accompanying message.

9  
10 **Section 5.03. Budget Message.** The town manager's message shall explain the budget both in  
11 fiscal terms and in terms of the work programs, linking those programs to organizational goals  
12 and community priorities. It shall outline the proposed financial policies of the town for the  
13 ensuing fiscal year and the impact of those policies on future years. It shall describe the  
14 important features of the budget, indicate any major changes from the current year in financial  
15 policies, expenditures, and revenues together with the reasons for such changes, summarize the  
16 town's debt position, including factors affecting the ability to raise resources through debt issues,  
17 and include such other material as the manager deems necessary.

18  
19 **Section 5.04. Budget.** The budget shall provide a complete financial plan of all town funds and  
20 activities for the ensuing fiscal year and, except as required by law or this charter, shall be in  
21 such form as the town manager deems desirable or the council may require for effective  
22 management and an understanding of the relationship between the budget and the town's  
23 strategic goals. The budget shall begin with a clear general summary of its contents; shall show  
24 in detail all estimated revenue, indicating the proposed property tax levy, and all proposed  
25 expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to  
26 show comparative figures for actual and estimated revenue and expenditures of the fiscal year  
27 and actual revenue and expenditures of the preceding fiscal year. It shall indicate in separate  
28 sections:

- 29  
30 (1) The proposed goals and expenditures for current operations during the ensuing fiscal  
31 year, detailed for each fund by department or by other organization unit, and program,



1 purpose or activity, method of financing such expenditures, and methods to measure  
2 outcomes and performance related to the goals; and

3  
4 (2) Proposed longer-term goals and capital expenditures during the ensuing fiscal year,  
5 detailed for each fund by department or by other organization unit when practical, the  
6 proposed method of financing each such capital expenditure, and methods to measure  
7 outcomes and performance related to the goals; and

8  
9 (3) The proposed goals, anticipated revenue and expense, profit and loss for the ensuing  
10 year for each utility or other enterprise fund or internal service fund operated by the town,  
11 and methods to measure outcomes and performance related to the goals. For any fund, the  
12 total of proposed expenditures shall not exceed the total of estimated revenue plus carried  
13 forward fund balance exclusive of reserves.

14  
15 **Section 5.05. Town Council Action on Budget.**

16 (a) **Notice and Hearing.** The council shall publish the general summary of the budget and a  
17 notice stating:

18  
19 (1) The times and places where copies of the message and budget are available for  
20 inspection by the public, and

21  
22 (2) The time and place for public hearing(s) on the budget as set by statute.

23  
24 (b) **Amendment Before Adoption.** After the public hearing, the council may adopt the budget  
25 with or without amendment. In amending the budget, it may add or increase programs or  
26 amounts and may delete or decrease any programs or amounts, except expenditures required by  
27 law or for debt service or for an estimated cash deficit, provided that no amendment to the  
28 budget shall increase the authorized expenditures to an amount greater than total estimated  
29 revenue.

30  
31 (c) **Adoption.** The council shall adopt the budget on or before the 30th day of September of the

1 fiscal year currently ending.

2

3 **(d) “Publish” Defined.** As used in this article, the term "publish" means to make available for  
4 viewing in Town Hall, to post to the town website and to print or post in any other manner  
5 required by law.

6

7 **Section 5.06. Appropriation and Revenue Ordinances.** To implement the adopted budget, the  
8 council shall adopt, prior to the beginning of the fiscal year, an ordinance or resolution, in the  
9 manner prescribed by state law:

10

11 **(a)** establishing and authorizing the annual millage rate, tax levy or levies and setting the tax rate  
12 or rates; and

13

14 **(b)** making appropriations by department, fund, service, strategy, or other organizational unit and  
15 authorizing an allocation for each program or activity; and

16

17 **(c)** if relevant to the budget under consideration, authorizing new revenues or amending the rates  
18 or other features of existing taxes or other revenue sources.

19

20 **Section 5.07. Amendments after Adoption.**

21 **(a) Supplemental Appropriations.** If during the fiscal year the town manager certifies that there  
22 are excess revenues available for appropriation, the council by ordinance may make  
23 supplemental appropriations for the year up to the amount of such excess.

24

25 **(b) Emergency Appropriations.** To address a public emergency affecting life, health, property  
26 or the public peace, the council may make emergency appropriations. Such appropriations may  
27 be made by emergency ordinance in accordance with the provisions of section 2.14. To the  
28 extent that there are no available unappropriated revenues or a sufficient fund balance to meet  
29 such appropriations, the council may by such emergency ordinance authorize the issuance of  
30 emergency notes, which may be renewed from time to time, but the emergency notes and  
31 renewals of any fiscal year shall be paid or refinanced as long term debt not later than the last

1 day of the fiscal year next succeeding that in which the emergency appropriation was made.

2  
3 **(c) Reduction of Appropriations.** If at any time during the fiscal year it appears probable to the  
4 town manager that the revenues or fund balances available will be insufficient to finance the  
5 expenditures for which appropriations have been authorized, the town manager shall report to the  
6 council without delay, indicating the estimated amount of the deficit, any remedial action taken  
7 by the town manager and recommendations as to any other steps to be taken. The council shall  
8 then take such further action as it deems necessary to prevent or reduce any deficit and for that  
9 purpose it may by ordinance reduce or eliminate one or more appropriations.

10  
11 **(d) Transfer of Appropriations.** At any time during or before the fiscal year, the council may  
12 by resolution transfer part or all of the unencumbered appropriation balance from one  
13 department, fund, service, strategy or organizational unit to the appropriation for other  
14 departments or organizational units or a new appropriation, to the extent permitted by law. The  
15 town manager may transfer funds among programs within a department, fund, service, strategy,  
16 or organizational unit and shall report such transfers to the council in writing in a timely manner.

17  
18 **(e) Limitation; Effective Date.** No appropriation for debt service may be reduced or transferred,  
19 except to the extent that the debt is refinanced, and less debt service is required, and no  
20 appropriation may be reduced below any amount required by law to be appropriated or by more  
21 than the amount of the unencumbered balance thereof. The supplemental and emergency  
22 appropriations and reduction or transfer of appropriations authorized by this section may be  
23 made effective immediately upon adoption.

24  
25 **Section 5.08. Administration and Fiduciary Oversight of the Budget.** The council shall  
26 provide by resolution the procedures for administration and fiduciary oversight of the budget.

27  
28 **Section 5.09. Capital Program.**

29 **(a) Submission to Town Council.** The town manager shall prepare and submit to the council a  
30 multi-year capital program no later than three (3) months before the final date for submission of  
31 the budget.

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**(b) Contents.** The capital program shall include:

- (1) A clear general summary of its contents;
- (2) Identification of the long-term goals of the community as expressed through the council;
- (3) A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the fiscal years next ensuing, with appropriate supporting information as to the necessity for each;
- (4) Cost estimates and recommended time schedules for each improvement or other capital expenditure;
- (5) Method of financing upon which each capital expenditure is to be reliant;
- (6) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired;
- (7) A commentary on how the plan addresses the sustainability of the community and the region of which it is a part; and
- (8) Methods to measure outcomes and performance of the capital plan related to the long-term goals of the community.

The time frame for the above shall cover no less than three years and no more than five years and shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

**Section 5.10. Town Council Action on Capital Program.**

**(a) Notice and Hearing.** The council shall publish the general summary of the capital program and a notice stating:

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(1) The times and places where copies of the capital program are available for inspection by the public, and

(2) The time and place, not less than two (2) weeks after such publication, for a public hearing(s) on the capital program.

**(b) Adoption.** The council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before the 30th day of September of the current fiscal year.

**Section 5.11 Independent Audit.**

(a) The council shall provide for an independent annual audit of all town accounts and may provide for more frequent audits as it deems necessary. An independent certified public accountant or firm of such accountants shall make such audits. Such audits should be performed in accordance with Generally Accepted Auditing Standards (GAAS) and Generally Accepted Government Auditing Standards (GAGAS).

(b) The Council shall designate no fewer than three (3) of its members to serve as an Audit Committee. This Committee shall:

(1) Lead the process of selecting an independent auditor;

(2) Direct the work of the independent auditor as to the scope of the annual audit and any matters of concern with respect to internal controls; and

(3) Receive the report of the internal auditor and present that report to the council with any recommendations from the Committee.

(c) The council shall, using competitive bidding, designate such accountant or firm annually, or for a period not exceeding five (5) years, but the designation for any particular fiscal year shall

1 be made no later than thirty (30) days after the beginning of such fiscal year. The standard for  
2 independence is that the auditor must be capable of exercising objective and impartial judgment  
3 on all issues encompassed within the audit engagement. No accountant or firm may provide any  
4 other services to the town during the time it is retained to provide independent audits to the town.  
5 The council may waive this requirement by a majority vote at a public hearing. If the state makes  
6 such an audit, the council may accept it as satisfying the requirements of this section.

7

8 **Section 5.12. Public Records.** Copies of the budget, capital program, independent audits, and  
9 appropriation and revenue ordinances shall be public records.

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1 **Article 6**  
2 **ELECTIONS**

3  
4 **Section 6.01. Town Elections.**

5 **(a) Regular Elections.** The regular town election shall be held on the first Tuesday after the first  
6 Monday in March of each year during the hours established by state law; unless it is necessary to  
7 adjust the date due to a conflict with a presidential preference primary in order to coincide with  
8 the presidential preference primary date, or the election cannot be held due to a force majeure  
9 event, in which case the election may be held as soon as practicable after the regular election day  
10 in accordance with state law.

11  
12 **(b) Registered Voter Defined.** All citizens legally registered under the constitution and laws of  
13 the state of Florida to vote in the town shall be registered voters of the town within the meaning  
14 of this charter.

15  
16 **(c) Conduct of Elections.** The provisions of the general election laws of the state of Florida shall  
17 apply to elections held under this charter. All elections provided for by the charter shall be  
18 conducted by the election authorities established by law. Candidates shall run for office without  
19 party designation. The council shall adopt ordinances consistent with law and this charter for the  
20 conduct of town elections, for the prevention of fraud in such elections and for the recount of  
21 ballots in cases of doubt or fraud, and the election authorities may adopt further regulations  
22 consistent with law and this charter and the ordinances of the council. Such ordinances and  
23 regulations pertaining to elections shall be publicized in the same manner as all other town  
24 ordinances.

25  
26 **(d) Canvassing Board.** The town shall convene a canvassing board to certify the result of the  
27 election as set forth in general law, which shall be comprised of three (3) board members and one  
28 (1) alternate. The council shall establish the members of the canvassing board by resolution or  
29 ordinance, but in all regular or special elections, the council members, other than those whose  
30 names appear on the election ballot, shall serve on the canvassing board unless they have been  
31 expressly excused from serving by a vote of the council expressed in the resolution or ordinance

1 establishing the canvassing board or it is necessary to assign the duties of the canvassing board  
2 established by the Putnam County Board of County Commissioners to canvass a presidential  
3 preference primary.

4  
5 **(e) Beginning of Term.** The terms of council members shall begin three (3) days after the  
6 election is certified by the canvassing board.

7  
8 **Section 6.02. Methods of Electing Council Members.** For the first regular election following  
9 the adoption of this charter the election shall be held to select two (2) members to succeed those  
10 members whose terms on the council are expiring under the established election schedule in  
11 place immediately prior to adoption of this charter. The two (2) candidates receiving the highest  
12 number of votes shall serve for a two-year term. In the year following the first election held after  
13 the adoption of this charter, an election shall be held to elect members to succeed those members  
14 who were not subject to the election in the prior year; and the two (2) candidates receiving the  
15 highest number of votes shall serve for a two-year term. The mayoral election shall be held in  
16 accordance with section 2.03(b) of this charter. Each and every year thereafter an election shall  
17 be held to elect members to succeed those whose terms expire that year.

18  
19 **6.03. Determination of Person Elected.** The persons receiving the highest number of votes cast  
20 in a general or special election to elect council members to fill the seats up for election shall be  
21 elected to the office. The single person receiving the highest number of votes cast in a general  
22 election or special election of the mayor shall be elected to the office. In case two or more  
23 persons receive an equal and highest number of votes for the same office, such persons shall  
24 draw lots to determine who shall be elected to the office.

25  
26 **Section 6.04. Recall, Referendum and Citizen Initiatives.** The powers of recall, citizen  
27 initiatives and referendums shall be reserved to the council and the electors of the town  
28 consistent with the provisions of state law; and to ensure and maintain the uniquely local nature  
29 of such actions, only the electors of the town, members of the council, officers and employees of  
30 the town acting in their official capacity, or state and local election officials may carry out the  
31 official obligations and responsibilities of the recall, referendum or initiative proceedings.



1 **Section 6.05. Matters Initiated by Petition.** For matters that may be presented to the town’s  
2 electorate for a vote at an election by a petition, except where preempted by state law, the  
3 following shall govern.

4 **(a) Commencement of Proceeding; Petitioners' Committee; Affidavit.** It shall require five (5)  
5 registered voters to commence a referendum initiative, recall or charter amendment, which shall  
6 be done by filing with the local elections official an affidavit executed by all five (5) voters that  
7 will constitute the petitioners' committee and be responsible for circulating the petition and filing  
8 it in proper form, stating their names and addresses and specifying the committee member who  
9 shall act as chair of the committee to which all notices to the committee are to be sent and setting  
10 out in full the proposed initiative or charter amendment, or in the case of a recall, stating the  
11 name and title of the elected officer sought to be recalled accompanied by a statement, not to  
12 exceed two hundred (200) words, of the reasons for the recall.

13  
14 **(b) Petitions - Generally.**

15 **(1) Number of Signatures.** Unless otherwise mandated by state law or this charter,  
16 matters initiated by petition pursuant this Article must be signed by at least one hundred  
17 (100) electors or ten percent (10%) of the total number of registered electors of the town  
18 as of the preceding regular town election, whichever is greater.

19  
20 **(2) Form and Content.** All papers of a petition shall be uniform in size and style and  
21 shall be assembled as one (1) instrument for filing. Each signature shall be executed in  
22 ink or indelible pencil and shall be followed by the address of the person signing.  
23 Initiatives and charter amendment petitions shall contain or have attached thereto  
24 throughout their circulation the full text of the ordinance or charter amendment proposed.  
25 Recall petitions shall contain the name and title of the official sought to be recalled, the  
26 statement of grounds for the recall, and the response of the official sought to be recalled,  
27 if any. If no response was filed, the petition shall so state.

28  
29 **(3) Affidavit of Circulator.** Each paper of a petition shall have attached to it when filed  
30 an affidavit executed by the person circulating it stating that he or she personally  
31 circulated the paper, the number of signatures thereon, that all the signatures were affixed

1 in his or her presence, that he or she believes them to be the genuine signatures of the  
2 persons whose names they purport to be and that each signer had an opportunity before  
3 signing to read the full text of the ordinance proposed or sought to be reconsidered.  
4

5 **(4) Time for Filing.** Unless a different time is prescribed by state law, all the signed  
6 petition forms must be filed no later than thirty (30) days after the date on which the first  
7 signature is obtained on the petition.  
8

9 **(c) Procedure After Filing - Certificate of Elections Official.** Unless otherwise mandated by  
10 state law, within thirty (30) days after the petition is filed, the clerk shall complete a technical  
11 sufficiency review, with the advice and consent of the town attorney, and if there are technical  
12 insufficiencies, shall issue a notice of insufficiency specifying the particular deficiencies and  
13 send a copy to the petitioner's committee by registered mail or verified email address for  
14 purposes of notice. Such a technical review shall not determine the legal sufficiency of what is  
15 proposed by the petition and is only intended to make certain the submitted petition(s) is  
16 properly verified and meets the technical submittal requirements of this charter. Upon  
17 completion of this review, the clerk shall submit such petitions to the local elections official to  
18 verify the signatures in accordance with state law. The local elections official shall be paid by the  
19 persons or committee seeking verification in accordance with state law.  
20

21 If the local elections official determines that the requisite number of valid signatures has  
22 not been obtained, this determination shall be submitted in writing to the clerk who shall  
23 certify this determination to the council, and the proceedings shall be terminated, and the  
24 petitions shall be kept as part of the public record but shall not be used again. If the local  
25 elections official determines that the requisite number of qualified electors signed the  
26 petition, this determination shall be submitted in writing to the clerk indicating the  
27 percentage of qualified electors who signed and the clerk shall immediately upon receipt  
28 of such written determination certify and deliver same to the governing body; and in the  
29 case of a petition for recall, immediately serve notice of that determination upon the  
30 person sought to be recalled. The officer that is the subject of the recall shall have the  
31 option to submit a written response as provided by state law which shall be included with

1 the petition to be circulated for the signatures necessary to place it on the ballot, and in  
2 the absence of direction from state law, said statement shall be submitted within five (5)  
3 business days and shall not be more than two hundred (200) words.  
4

5 **(d) Council Action on Petitions.**

6 **(1) Action by Council – Initiative Ordinance.** When an initiative petition has been  
7 determined sufficient, the council shall promptly consider the proposed initiative in the  
8 manner provided in Article 2. If the council fails to adopt a proposed initiative ordinance  
9 without any change in substance within sixty (60) days or fails to repeal the referred  
10 ordinance within thirty (30) days after the date the petition was finally determined  
11 sufficient, it shall submit the proposed or referred ordinance to the voters of the town.  
12

13 **(2) Action by Council – Recall.** The town shall hold a recall election in accordance with  
14 state law, and in the absence of direction from state law as to the timing of the recall  
15 election, it shall be held no less than sixty (60) and no more than one hundred twenty  
16 (120) days of the date the recall petition was determined sufficient.  
17

18 **(3) Action by Council – Charter Amendments.** When a petition to amend the charter  
19 has been determined sufficient, the charter amendment process outlined in Florida  
20 statutes and in Article 8 hereof shall ensue.  
21

22 **(e) Submission to Voters.** The vote of the town on a proposed or referred ordinance shall be  
23 held not less than sixty (60) days and not later than one (1) year from the date of the final council  
24 vote thereon. If no regular town election is to be held within the period prescribed in this  
25 subsection, the council shall provide for a special election; otherwise, the vote shall be held at the  
26 same time as such regular election, except that the council may in its discretion provide for a  
27 special election at an earlier date within the prescribed period. Copies of the proposed or referred  
28 ordinance shall be made available at the polls.  
29

30 **(f) Withdrawal of Petitions.** An initiative, referendum, or recall petition may be withdrawn at  
31 any time prior to the fifteenth day preceding the day scheduled for a vote of the town by filing

1 with the town clerk, with a copy to the local elections official, a verified request for withdrawal  
2 signed by at least two-thirds of the petitioners' committee. Upon the filing of such request the  
3 petition shall have no further force or effect and all proceedings thereon shall be terminated.  
4

5 **(g) Results of Elections.**

6 **(1) Initiative.** If a majority of the registered voters voting on a proposed initiative  
7 ordinance vote in its favor, it shall be considered adopted upon certification of the  
8 election results and shall be treated in all respects in the same manner as ordinances of  
9 the same kind adopted by the council. If conflicting ordinances are approved at the same  
10 election, the one receiving the greatest number of affirmative votes shall prevail to the  
11 extent of such conflict. If there is an equal number of votes approving conflicting  
12 ordinances at the same election, both shall be considered to have failed for lack of a  
13 majority.  
14

15 **(2) Referendum.** If a majority of the registered voters voting on a referred ordinance  
16 vote against it, it shall be considered repealed upon certification of the election results. If  
17 there are an equal number of votes for and against the ordinance, it shall be considered to  
18 have failed for lack of a majority.  
19

20 **(3) Recall.** Ballots used at recall elections shall read in the form required by state law and  
21 in the absence of direction from state law as to the ballot form, it shall read in the form  
22 of the following question: “Shall [name of recall official] be recalled (removed) from the  
23 office of \_\_\_\_\_ by recall?”; which shall be followed by the following two  
24 propositions:  
25

26 “[name of person] should be removed from office.”

27  
28 “[name of person] should not be removed from office.”  
29

30 If a majority of the registered voters voting on a proposed recall vote in its favor, the  
31 official is removed and the winning candidate for successor, if any, shall be elected as a

1 replacement for the duration of the unexpired term. Otherwise, the vacancy shall be filled  
2 in accordance with § 2.06 (c).

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1 **Article 7**

2 **GENERAL PROVISIONS**

3 **INTRODUCTION**

4  
5 **Section 7.01. Conflicts of Interest; Code of Conduct and Ethics; Investigation.**

6 **(a) Conflicts of Interest.** The use of public office for private gain is prohibited. To the extent  
7 certain conduct that violates this prohibition is not already governed by law, the council may  
8 implement this prohibition by ordinance, the terms of which shall include, but not be limited to:  
9 acting in an official capacity on matters in which the official has a private financial interest  
10 clearly separate from that of the general public; the acceptance of gifts and other things of value;  
11 and acting in a private capacity on matters dealt with as a public official.

12  
13 **(b) Code of Conduct and Ethics.** The council shall, by ordinance, establish a code of conduct to  
14 include ethics for elected and appointed officials, appointed board members and town employees  
15 which shall, at a minimum, address the following: discriminatory conduct, fraud, bribery,  
16 maintenance of the non-party affiliation of the town elections, and the conduct of appointed  
17 officials and employees with regard to local elections.

18  
19 **(c) Power to Investigate.** Subject to state law, the council may issue opinions, conduct  
20 investigations on its own initiative and on referral or complaint from officials or citizens,  
21 subpoena witnesses and documents, refer cases for prosecution, impose administrative action,  
22 and hire independent counsel.

23  
24 **Section 7.02. Campaign Finance.** In order to protect the ability of town residents to be informed  
25 and combat the potential for, and appearance of, corruption, and to preserve the ability of all  
26 qualified citizens to run for public office, the council may, to the extent permitted by state and  
27 federal law, adopt local campaign finance laws that govern disclosure and reporting of campaign  
28 contributions as well as limit campaign contributions and expenditures in connection with local  
29 elections.

1 **Article 8**

2 **CHARTER AMENDMENT**

3  
4 **Section 8.01. Proposal of Amendment.** This charter may be amended in a manner consistent  
5 with state law by an ordinance properly read and adopted by no less than a majority of the  
6 council then in office, or by registered electors of the town in the last preceding municipal  
7 general election. Where such an amendment is proposed by the registered electors, it shall be by  
8 petition containing the full text of the proposed amendment signed by registered voters of the  
9 town equal in number to at least ten percent (10%) of the total number of those registered to vote  
10 at the last regular town election. The clerk with the advice and consent of the town attorney shall  
11 review the petition proposing an amendment to this charter for technical sufficiency and submit  
12 to the local election authority responsible for the local electorate role who shall verify the  
13 signatures in the manner prescribed by law.

14  
15 **Section 8.02. Election.** Upon delivery by the town clerk of an adopted ordinance or a petition  
16 determined technically sufficient proposing a charter amendment pursuant to section 8.01, the  
17 local election authority shall submit the proposed charter amendment to the voters of the town at  
18 the next scheduled general election, or special election called for such purpose. Such election  
19 shall be announced by a notice containing the complete text of the proposed amendment and  
20 published in accordance with state law, but no later than thirty days (30) prior to the date of the  
21 election. The election shall be held not less than sixty (60) and not more than one hundred twenty  
22 (120) days after the adoption of the ordinance or the final determination by the local election  
23 authority that there is a sufficient number of valid signatures on the petition proposing the  
24 amendment. If no regular election is to be held within that period, the council shall provide for a  
25 special election on the proposed amendment.

26  
27 **Section 8.03. Adoption of Amendment.** If a majority of those voting upon a proposed charter  
28 amendment vote in favor of it, the amendment shall become effective at the time fixed in the  
29 amendment or, if no time is therein fixed, thirty (30) days after its adoption by the voters.

1 **Article 9**

2 **TRANSITION AND SEVERABILITY**

3  
4 **Section 9.01. Officers and Employees.**

5 **(a) Rights and Privileges Preserved.** Nothing in this charter except as otherwise specifically  
6 provided shall affect or impair the rights or privileges of persons who are town officers or  
7 employees at the time of its adoption.

8  
9 **(b) Continuance of Office or Employment.** Except as specifically provided by this charter, if at  
10 the time this charter takes full effect, a town administrative officer or employee who holds any  
11 office or position which is or can be abolished by or under this charter, he or she shall continue  
12 in such office or position until the taking effect of some specific provision under this charter  
13 directing that he or she vacate the office or position.

14  
15 **(c) Personnel System.** An employee holding a town position at the time this charter takes full  
16 effect, who was serving in that same or a comparable position at the time of its adoption, shall  
17 not be subject to competitive tests as a condition of continuance in the same position but in all  
18 other respects shall be subject to the personnel system provided for in section 4.02 and  
19 established personnel policies consistent therewith.

20  
21 **Section 9.02. Departments, Offices, and Agencies.**

22 **(a) Transfer of Powers.** If a town department, office or agency is abolished by this charter, the  
23 powers and duties given it by law shall be transferred to the town department, office or agency  
24 designated in this charter or, if the charter makes no provision, designated by the council.

25  
26 **(b) Property and Records.** All property, records and equipment of any department, office or  
27 agency existing when this charter is adopted shall be transferred to the department, office or  
28 agency assuming its powers and duties. In the event that the powers or duties are to be  
29 discontinued or divided between units or in the event that any conflict arises regarding a transfer,  
30 such property, records or equipment shall be transferred to one or more departments, offices or  
31 agencies designated by the council in accordance with this charter.



1 **Section 9.03. Pending Matters.** All rights, claims, actions, orders, contracts, and legal  
2 administrative proceedings shall continue except as modified pursuant to the provisions of this  
3 charter and in each case shall be maintained, carried on or dealt with by the town department,  
4 office, or agency appropriate under this charter.

5  
6 **Section 9.04. State and Municipal Laws.** All town ordinances, resolutions, orders, and  
7 regulations which are in force when this charter becomes fully effective are repealed to the  
8 extent that they are inconsistent or interfere with the effective operation of this charter. To the  
9 extent that the constitution and laws of the state of Florida permit, all laws relating to or affecting  
10 this town or its agencies, officers or employees which are in force when this charter becomes  
11 fully effective are superseded to the extent that they are inconsistent or interfere with the  
12 effective operation of this charter.

13  
14 **Section 9.05. Schedule.**

15 **(a) Adoption.** Within forty-five (45) days after adoption of the Charter, the council shall meet  
16 for the purpose of adopting ordinances and resolutions necessary to affect the transition of  
17 government under this charter and to maintain effective town government during that transition,  
18 if any such ordinances or resolutions are needed; at which time the charter shall be in full effect.

19  
20 **(b) Temporary Ordinances.** In adopting ordinances as provided in section 9.05(a), the council  
21 shall follow the procedures prescribed in section 2.12, except that at its first meeting or any  
22 meeting held within sixty days (60) thereafter, the council may adopt temporary ordinances to  
23 deal with cases in which there is an urgent need for prompt action in connection with the  
24 transition of government and in which the delay incident to the appropriate ordinance procedure  
25 would probably cause serious hardship or impairment of effective town government. Every  
26 temporary ordinance shall be plainly labeled as such but shall be introduced in the form and  
27 manner generally prescribed for ordinances. A temporary ordinance may be considered and may  
28 be adopted with or without amendment or rejected at the meeting at which it is introduced. After  
29 adoption of a temporary ordinance, the council shall cause it to be printed and published as  
30 prescribed for other adopted ordinances. A temporary ordinance shall become effective upon  
31 adoption or at such later time preceding automatic repeal under this subsection as it may specify,

1 and the referendum power shall not extend to any such ordinance. Every temporary ordinance,  
2 including any amendments made thereto after adoption, shall automatically stand repealed as of  
3 the ninety-first day following the date on which it was adopted, renewed, or otherwise continued  
4 except by adoption in the manner prescribed in section 2.12 for ordinances of the kind  
5 concerned.

6  
7 **Section 9.06. Severability.** If any article, section, subsection, sentence, clause, or provision of  
8 this charter is held to be invalid for any reason, such holding shall not be construed to affect the  
9 remainder of this charter or any ordinances made thereunder. If the application of the charter or  
10 any of its provisions to any person or circumstance is held invalid, the application of the charter  
11 and its provisions to other persons or circumstances shall not be affected.

12

1 TOWN OF WELAKA ORDINANCE 2023-~~1209~~

2  
3 AN ORDINANCE AMENDING THE RULES AND REGULATIONS FOR THE  
4 OPERATIONS OF THE CENTRAL WATER AND SEWER SYSTEM OF THE TOWN OF  
5 WELAKA; PROMULGATING A SCHEDULE OF RATES AND SERVICE CONNECTION  
6 FEES; ESTABLISHING THE PROCEDURE FOR COLLECTING PAYMENTS FOR  
7 SERVICE; ESTABLISHING PROCEDURES FOR ENFORCEMENT OF VIOLATIONS  
8 HEREOF AND PENALTIES FOR VIOLATION; AND PROVIDING FOR REPEAL OF ALL  
9 PRIOR ORDINANCES IN CONFLICT, INCLUDING ORDINANCE 2011-10.

10  
11 WHEREAS, the Town of Welaka has, by prior Ordinance, set forth established rules,  
12 regulations and fees applicable to and governing the provision of sewer and water services to the  
13 residents and citizens of the Town of Welaka; and

14  
15 WHEREAS, the Town Council deems it necessary and appropriate to amend and modify the  
16 currently applicable ordinance relating to the provision of public sewer and water services,  
17 namely, Ordinance 2011-10 and to supersede the same by this ordinance provided however that  
18 nothing herein contained shall be construed to modify, amend, reduce, eliminate or supersede  
19 any pre-existing violation of the aforesaid prior ordinance or any obligation or liability of any  
20 person whatsoever which may exist under said prior ordinances as of the effective date hereof.

21  
22 NOW, THEREFORE, be it ordained by the Town Council of the Town of Welaka, Florida,  
23 that:

24  
25 SECTION 1. CONNECTION WITH THE WATER AND SEWER SYSTEM.

26  
27 The owner of each lot or parcel of land within the Town of Welaka, and every gathering, and  
28 governmental building being within the limits of the Town of Welaka, Florida that requires  
29 potable water shall be required, within thirty (30) days after placing the central water system or  
30 any portion thereof in operation and available for service, or within thirty (30) days after  
31 construction of any improvements or uses that require potable water services, shall connect to  
32 the water system and cease to use any other water source, except that a personal well for non-  
33 potable uses such as lawn and garden watering and irrigation, personal vehicle washing (but not  
34 commercial vehicle washing services), and the like may be allowed, subject to the requirements  
35 of state laws and regulations. The failure and/or refusal of any owner of property within the  
36 Town of Welaka to connect to the existing municipal water system where available shall  
37 constitute a violation of this ordinance and shall be subject to the enforcement provisions  
38 provided for herein.

39  
40 The owner of each lot or parcel of land within the Town of Welaka, and every gathering, and  
41 governmental building being within the limits of the Town of Welaka, Florida that requires  
42 sewage disposal and treatment services shall be required to connect to the Town’s municipal  
43 sewage system within thirty (30) days after placing the municipal sewage system in operation  
44 and available for service to such lot or parcel, or within thirty (30) days after construction of any  
45 improvements or uses that require sewage services; and shall properly abandon the use of any  
46 other means of disposal or treatment of sewage. The failure and/or refusal of any owner of  
47 property within the Town of Welaka to connect to the existing municipal sewage system where  
48 available shall constitute a violation of this ordinance and shall be punishable, and this  
49 ordinance enforceable, as hereinafter provided.

50 Certificates of occupancy (CO) shall not be issued until such time as the facility or use requiring  
51 the CO properly connects to the municipal water and/or sewage services.

52  
53 In the event of any extension of existing municipal water and/or sewage services after the  
54 effective date of this ordinance, the owner of each lot or parcel of land in all areas where such  
55 new services shall become available, shall receive written notification of the installation of the  
56 water and/or sewage service or any portion thereof in operation, and must join said sewage  
57 extension within 90 days of notification or within thirty (30) days after the construction of any  
58 new building within such service area.

59  
60 **Master Meter for Residential Development.** In cases where multiple residential dwelling units  
61 are receiving water from the Town's water system through a single meter, the owner of record of  
62 the multiple residential dwelling unit or the property owner's association, as the case may be,  
63 shall be responsible for paying the monthly water bills in an amount equal to the minimum  
64 monthly charge times the number of units served by the single meter, plus ~~a pro-rata portion~~  
65 any usage over the cumulative minimum.

66  
67 **Master Meter for Commercial Development Prohibited.** In cases where multiple commercial  
68 units are receiving water from the Town's water system, each commercial unit shall be required  
69 to have a single meter installed. However, the owner or record on the commercial unit will be  
70 responsible for paying the monthly water and sewer bills.

71  
72 **Individual Meters Required. Unless expressly provided otherwise herein, E**each residential or  
73 commercial unit whether occupying one or more lots and whether it shall occupy any lot or  
74 parcel jointly with any other residential or commercial unit shall be considered a separate unit  
75 for the payment of the water fees, the sewage disposal fees, and separate connections and meters  
76 will be required for each of such units.

77  
78 **Owner to Request New Services.** All original tie-ins for use of municipal water and/or sewer  
79 shall be made by the owner of the house, apartment, property, or other facility requiring such  
80 services, with separate connections being required for each separate unit and/or facility.  
81 Application and specific arrangements for utility services must be made with the Town prior to  
82 first use. The Town shall require, among other things, satisfactory proof of ownership of the  
83 property to which the service is requested, and, in the event application for service is made by  
84 any person other than the record owner, the owner shall be required to cosign the application for  
85 service and agree to guarantee payment for all services and charges incurred on the account.

86  
87 **Security Deposit Required.** Each individual applicant for connection shall pay to the Town of  
88 Welaka a security deposit to be applied for payment of any delinquency on the account. Such  
89 security deposit shall be in an amount equal to two months minimum billing for the applicable  
90 account. The Town may, in its discretion, require an additional deposit up to a total maximum  
91 deposit equal to three months average of actual billing history if a customer's account has been  
92 turned off or locked off for non-payment. Such security deposits are to be maintained in a non-  
93 interest-bearing bank account; until such time as service is terminated on the account and all  
94 sums due on such account are paid in full or until the same is drawn upon for payment in  
95 accordance with the further terms of this Ordinance. In the event of any default in payment upon  
96 a utility account, such security deposit may be forthwith applied by the Town Utility Clerk for  
97 payment of or against such delinquency. Within 15 days of final billing after closing of any  
98 utilities account, the Town of Welaka shall ~~notify-forward by mail any remaining deposit money~~  
99 to the principal party upon such named on the account by mail of any remaining deposit monies.

100 ~~, and it~~ shall be that person's responsibility to provide the Town with a forwarding address for  
101 that purpose. If no forwarding address is provided ~~to the Town within thirty (30) days after such~~  
102 ~~written notice and request~~, the Town shall mail the remaining deposit monies at the last known  
103 address on file with the Town. ~~and s~~Should the mailing be returned to the Town unclaimed, the  
104 amount shall be kept in the utility deposit account for a period of 1 year. If it is not claimed  
105 within that 1-year period, it shall be deposited with the Florida Department of Finance as  
106 unclaimed funds. ~~be deemed unclaimed and be deposited into the Utility Account of the Town~~  
107 ~~of Welaka and will be used for the regular operation and maintenance of the system.~~ Any such  
108 deposit Refunds ~~to any customer requesting service cut off will~~ shall only be made after a final  
109 meter reading has been taken, and whatever charges due to the Town are will be deducted from  
110 the ~~meter deposit refund~~.

111  
112 SECTION 2. TIME EXTENSIONS/EXEMPTIONS TO CONNECTION

113  
114 Notwithstanding the foregoing, the Town Council of the Town of Welaka may grant time  
115 extensions and/or exemptions to the foregoing requirements subject to the following:

116  
117 A. The Town Council of the Town of Welaka may, in a public meeting, in its sole discretion  
118 based on the particular facts and circumstances ~~and by majority vote~~, grant an extension of the  
119 thirty (30) day time requirements specified in Section I., above, upon petition in writing by an  
120 affected party, ~~upon a~~ showing ~~of~~ special or unusual circumstances or compelling hardship-  
121 ~~circumstances~~.

122  
123 B. The Town Council by majority vote may grant an exemption from the mandatory  
124 connection requirement of the Ordinance to that business or commercial establishments where  
125 the use of chlorinated water would create a business hazard. Examples of such exemptions  
126 would include, but not limited to, fernery and other commercial agricultural use, marine culture,  
127 live bait and worm farm operations, etc., to be granted an exemption from mandatory  
128 connection, the individual business owner or his agent must petition the Town Council for said  
129 exemption in writing and be granted said exemption in a public meeting. The Town reserves the  
130 right to revoke any special exemption should said business change its basic operation at any  
131 future date.

132  
133 SECTION 3. WATER MAINS, SERVICE LINES, WATER METERS, AND OTHER  
134 EQUIPMENT.

135  
136 The Town of Welaka shall be responsible for the maintenance of all water mains and other  
137 service lines, water meters, cut-off valves, fire hydrants, and other distribution equipment or  
138 structures within the public right-of-way or on public property, and on any private property up  
139 to ~~and in~~ the water meter. Maintenance of water service lines beyond the discharge side of the  
140 water meter shall be the responsibility of the water customer.

141  
142 A. The Town shall purchase and install a corporation stop, curb stop, and a water meter for  
143 each service. Such corporation stop shall be installed at or near the Town's distribution system.  
144 The curb stop shall be installed on the Town's side of the meter. The Town shall have exclusive  
145 right to use such curb stop valve and water meter. The customer shall not place shrubbery,  
146 fencing, mailboxes, or other obstructions within a three- (3) foot radius of the meter.

147  
148 B. All water meters, meter boxes, and cut-off valves shall be furnished by the Town and  
149 shall belong to the Town. The Town reserves the right to remove any meter at any time from

150 any premises when it is deemed necessary. Meters may be located either on or adjacent to the  
151 customer's property in a position or location as determined by the policies of the Town and/or  
152 the recommendations of the engineering firm, contractor, ~~or subcontractor,~~ or property  
153 owner~~ete.~~, that may be responsible for the installation. With the exception of any backflow  
154 prevention device required under this Section, ~~T~~the customer shall not place or install any fitting  
155 or device on or in the service line on his side of the meter within three (3) feet of the meter.  
156

157 C. All connections on the customer's side of the meter are the responsibility of the customer  
158 and shall ~~to~~ be made in an acceptable manner by either a licensed plumber or the individual  
159 property owner or his agent. Any installation will be required to pay a \$50.00 inspection fee for  
160 water and a \$50.00 inspection fee for sewer and pass an inspection by an authorized  
161 representative of the~~the~~ Town's Utility Inspector~~Town~~ before being backfilled, and prior to  
162 turning on of the service. If upon inspection any deficiencies are noted, the ~~Town's Utility~~  
163 ~~Inspector~~Town shall give written notice of the nonconformity and shall require that corrections  
164 be made within a reasonable, specified period of time.  
165

166 D. It shall be unlawful for any customer to have a cross connection on his property, or to  
167 supply water to another residence by any other means.  
168

169 E. ~~It shall be required that all~~All residential and commercial customers shall install an  
170 approved backflow prevention assembly device on their service connection wherever the  
171 following conditions exist:  
172

- 173 (1) ~~Having~~They have access to an auxiliary water supply i.e. river, pools, ponds and  
174 sprinkler system.
- 175  
176 (2) ~~In the case of~~There is on the premises ~~on which~~ any industrial fluids or any other  
177 objectionable substance ~~is~~ handled in such a fashion as to create an actual or potential  
178 hazard to the public water system, ~~the public system shall be protected against backflow~~  
179 ~~from the premises by installing an approved backflow prevention assembly in the service~~  
180 ~~line commensurate with the degree of hazard.~~
- 181  
182 (3) Internal cross-connections that cannot be permanently corrected.  
183

184 The backflow prevention device shall be commensurate with the degree of hazard created by the  
185 conditions noted above, shall be installed on the customer's side of the meter no further than  
186 three (3) feet from the meter, and shall be subject to ~~the approval and~~ annual inspection and  
187 testing by ~~Hydro Designs, Inc~~ a properly certified and approved third party backflow preventer  
188 inspector, and shall be no further than three (3) feet from the meter. The cost of installation and  
189 annual inspection of ~~the required baeldlow~~backflow prevention devices shall be the  
190 responsibility of the ~~Customer~~customer. ~~The customer's system shall include those parts of the~~  
191 ~~facilities beyond the termination of the water purveyor's distribution system which are utilized~~  
192 ~~in conveying potable water to points of use.~~ Service of water to any premise shall be  
193 discontinued by the ~~water purveyor~~Town if a backflow prevention assembly required by this  
194 Policy~~Section~~, is not installed, tested and maintained, or if it is found that a backflow prevention  
195 assembly has been removed, bypassed, or if an unprotected cross-connection exists on the  
196 premises. Service will not be restored until such conditions or defects are corrected. The  
197 customer's system should be open for inspection at all reasonable times to authorized  
198 representative of the Policy to determine whether unprotected cross-connections or other  
199 structural or sanitary hazards, \*including violations of these regulations, exist. When such a

200 condition becomes known, the Town shall deny or immediately discontinue service to the  
201 premises by providing for a physical break in the service line until the customer has corrected  
202 the condition(s) in conformance with the State of Florida statutes relating to plumbing and water  
203 supplies and the regulations adopted pursuant thereto.

204  
205 SECTION 4. CONNECTIONS MAY BE MADE BY TOWN.

206  
207 If any owner of any lot or parcel or land within the Town shall fail or refuse to connect with and  
208 use the facilities of the water and sewer system of the Town after notification by the Town  
209 Utility Clerk, as provided herein, the Town of Welaka shall be authorized to make such  
210 connections, entering on or upon any such lot or parcel of land for the purpose of making such  
211 connection. The Town of Welaka shall thereupon be entitled to recover the cost of making such  
212 a connection, together with reasonable penalties and interest and attorney's fees, by suit in any  
213 court of competent jurisdiction. In addition, and as an alternative means of collecting such costs  
214 of making such connections, the Town of Welaka may place and record a lien on such lot or  
215 parcel of land for such cost, together with interest and attorney's fees, which lien shall be equal  
216 dignity with the lien of state, county, and municipal taxes. Such a line may be foreclosed by the  
217 Town of Welaka in the same manner provided by the laws of Florida for the foreclosure of  
218 mortgages upon real estate.

219  
220 A. EMERGENCY SHUT-OFFS. The Town reserves the right to shut off water supplies in  
221 any or all service areas temporarily whenever necessary for the purpose: of making alterations  
222 or repairs to the system. It is expressly stipulated by and between the Town and the water  
223 customer that no claim shall be made against the Town for, or as a result of, temporary  
224 interruption of water service, down time for necessary repairs, low pressure, the bursting or  
225 breaking of any main or service line, or on account of accidental failure of supply.

226  
227 B. UNLAWFUL TAMPERING. It shall be unlawful for any unauthorized person to tamper  
228 with, break a water meter or its seal or to turn it or tamper with the cut-off valve, or to molest in  
229 any manner whatsoever with any equipment, materials, or apparatus used and/or owned by the  
230 Town in connection with the water or sewer system. Tampering that results in damage shall  
231 result in the costs of repair being billed to the person responsible for the utility account, in  
232 addition any other code enforcement action that may be deemed necessary.

233  
234 SECTION 5. UNLAWFUL CONNECTION.

235  
236 No person shall be allowed to connect into any water line or sewer line owned by the Town of  
237 Welaka without written consent of the Town of Welaka, and then the connection with such line  
238 shall be made only under the direction and supervision of the Town of Welaka. Any person,  
239 property owner or plumber who shall make any connection without such consent of the Town of  
240 Welaka, shall upon conviction be subject to the penalties hereinafter provided.

241  
242 SECTION 6. UNLAWFUL CONSTRUCTION.

243  
244 No person, group of persons, firm or corporation shall build or remodel or cause to be built or  
245 remodeled any structure used for human habitation ~~of or~~ occupancy within the Town of Welaka  
246 which is within two hundred feet of public potable water line or sanitary sewer line, unless it is  
247 provided with water-carried sewerage facilities by a connection to said potable water or sanitary  
248 sewer line.

249

250 SECTION 7. CONNECTING OLD PLUMBING.

251

252 Whenever it is desirable to connect an existing older plumbing system withto the Town of  
253 Welaka sewer main and/or water line, the owner or plumber contemplating doing such work  
254 shall notify the Town ~~of Welaka's Utility Inspector who will and the Town shall be entitled to~~  
255 inspect said ~~old~~-plumbing and notify the owner or plumber what alterations will be necessary to  
256 place said ~~old~~-plumbing in an acceptable condition for ~~such~~-connection. Any owner or plumber  
257 who shall make any connection without the prior written approval of the Town's ~~Utility-~~  
258 ~~Inspector~~ shall, upon conviction, be subject to the penalties hereinafter provided.

259

260 SECTION 8. SANITARY REQUIREMENTS.

261

262 Every residence and building in which human beings reside, are ~~employed~~employed, or are  
263 congregated, shall be required to have a sanitary method of disposing of human excrement,  
264 namely either a sanitary water closet that is connected with the Town of Welaka water and  
265 sewer system, or when the Town's sewer is not available, an approved type of septic tank onsite  
266 sewage disposal system approved and permitted by the Florida Department of Health. An septic-  
267 tank onsite sewage disposal system will be used only if the property is more than two hundred  
268 (200) feet from an available ~~municipal centralized~~ sewer line and only after written confirmation  
269 by the Town's ~~Utility director Inspector~~ that connection to the municipal system cannot be  
270 made.

271

272 SECTION 9. DISPOSAL REQUIREMENTS.

273

274 It shall be unlawful for any person, persons, firm or corporation owning or leasing any premises  
275 in the Town of Welaka to permit the disposal of any human excrement on any property, leased  
276 or rented by any such person, firm or corporation or the agent of any such person, firm or  
277 corporation, except in a sanitary water closet meeting the requirements of Section 8 above, where  
278 sewage lines are available as defined above.

279

280 SECTION 10. ONSITE SEWAGE DISPOSAL SYSTEM OR SEPTIC TANK.

281

282 No onsite sewage disposal system, septic tank other than ~~those a system~~ approved by the Florida  
283 Department of Health or the Florida Department of Environmental Protection, as appropriate,  
284 State Department of Pollution Control shall be constructed within the corporate limits of  
285 Welaka, Florida and then only .~~No septic tank shall be constructed if there is no available Town~~  
286 sewer line to tie into within two hundred (200) feet of the property requiring sewage disposal  
287 services. the sewer line, and in the event that such septic tank installation is approved by the  
288 Town Council, such approval will be subject to the prior approval of the proposed septic system-  
289 by all such other governmental agencies having jurisdiction thereof.

290

291 SECTION 11. MAINTENANCE OF PLUMBING SYSTEM.

292

293 The owner of the property shall be responsible for maintaining and keeping clean the water and  
294 sewer pipes leading and connecting from the plumbing system to the Town of Welaka  
295 distribution lines and main sewers.

296

297 SECTION 12. FAILURE TO MAINTAIN PLUMBING SYSTEM.

298

299 Failure by the property owner or utility customer to keep their sewer pipes (i.e. the pipes leading



300 ~~from the plumbing system to the Town's sewer main) to keep the sewer pipes, i.e. the pipes~~  
301 ~~leading from the plumbing system to the Town of Welaka main, clean and maintained repaired~~  
302 ~~in a proper manner~~ will give the Town of Welaka the right to cut off the water connection,  
303 which shall not be reconnected until such time as the sewer pipe is cleaned and repaired as  
304 needed ~~maintained properly~~. Cleanout connections or any other openings in the sewer line must  
305 be closed at all times, except for cleaning and other maintenance. In those instances where the  
306 owner is connect to the Town's sewer but has his/her own private water ~~another authorized~~  
307 source for the water supply, the Town of Welaka shall have the right to cut off such water  
308 supply to the plumbing system, until such time as the sewer pipe is cleaned and repaired as  
309 needed. ~~the sewer pipe leading from the plumbing system to the Town of Welaka main has been~~  
310 ~~maintained and cleaned and in proper condition. Any~~ It shall be a violation of this provision ~~by~~  
311 ~~to reconnecting the private water supply or the connection from the Town of Welaka water line,~~  
312 prior to completing the necessary clean out and repairs until such sewer pipes are cleaned and  
313 maintained properly, shall be considered a violation of this Ordinance and subject to the  
314 penalties hereinafter provided.

315  
316 **SECTION 13. FIRE HYDRANTS AND FIRE PROTECTION SYSTEM.**

317  
318 All fire hydrants shall be used exclusively for fire protection and suppression ~~purposes~~  
319 ~~exclusively~~, unless under ~~the~~ special conditions ~~as~~ stated elsewhere in this ordinance. All use of  
320 fire hydrants for lawn watering, filling of trucks (other than those of the fire department), or any  
321 other unauthorized, ~~or un~~ permitted, or unmetered use shall be unlawful and punishable as  
322 provided in this ordinance and/or as provided by applicable Florida Statutes.

323  
324 A. Malicious or willful damage, tampering with, or otherwise incapacitating a fire hydrant  
325 with the intent of preventing or obstructing the extinguishing of a fire shall constitute a felony of  
326 the third degree, punishable under Florida Statutes.

327  
328 B. It shall be unlawful for any person, firm, or corporation to obtain water from any fire  
329 hydrant without first obtaining permission in writing from both the Town and the Welaka Fire  
330 Department. Special purposes such as filling of swimming pools, large volume flushing,  
331 construction use, etc., ~~will~~ may be permitted based on either an estimated gallon basis or  
332 through the use of a hydrant meter furnished by the Town, and subject to whatever usage fee  
333 rate and meter deposit is established by the Town and whatever time, and hose rental charges as  
334 may be established by the fire department.

335  
336 C. No person, firm, or corporation, except the chief of the fire department, his authorized  
337 deputies, maintenance employees of the Town of Welaka, or others with prior or special  
338 permission shall operate any fire hydrant, standpipe, or other fire suppression device.

339  
340 D. Any person, firm, or corporation damaging or destroying any fire hydrant either  
341 accidentally or intentionally shall pay for the cost of such repair or replacement as determined  
342 by the Town. Failure to do so after notification will result in action under the penalties section of  
343 this ordinance.

344  
345 E. Obstruction of any fire hydrant either by bushes, shrubbery, fence structures, or by any  
346 other means of physical interference with the access and proper use of the fire hydrant is  
347 specifically prohibited, and any person doing so will be given written notice to remove said  
348 obstruction within forty-eight (48) hours of receipt of such notice. Failure to comply as provided  
349 in such notice shall constitute a violation punishable as provided in the penalty section of this

350 ordinance.

351

352 F. Parking, stopping or standing of any vehicle within ten (10) feet of any fire hydrant is  
353 prohibited in ~~Section 2263(4) of the~~ Welaka's Municipal Code of ~~Ordinances as adopted by~~  
354 ~~the Town of Welaka in 1954~~, and violations of this prohibition shall be enforced by the Welaka  
355 Police Department or the Putnam County Sheriff's Office.

356

357 ~~After passage of this Ordinance, all future~~All large area commercial construction, and multiple  
358 occupancy housing over two stories in height shall be required to install an appropriate  
359 standpipe and/or sprinkler system to comply with the National Fire Protection Association  
360 Standards, ~~National Fire Codes 13, 13D, 14-15-16, and others that may become effective or~~  
361 ~~apply~~. Any such sprinkler or standpipe system shall may be subject to periodic inspection and  
362 testing by the fire department.

363

364 SECTION 14. RATES: WATER AND SEWER RATES AND CONNECTION FEES

365

366 A. Rates Inside the Town Limits. The rate schedules herein adopted shall apply to all  
367 system users inside the Town limits of the Town of Welaka, as of the effective date of this  
368 Ordinance. The Town of Welaka reserves the right to set other differing rates as may be  
369 appropriate for all other applicants for connection.

370

371 The following rate schedule is adopted in association with and providing for the following  
372 residential and commercial user rates:

373

374 SEE ATTACHED EXHIBIT A

375

376 B. Rates Outside the Town Limits. The rate schedules herein adopted shall apply to all  
377 system users outside the Town limits of the Town of Welaka, as of the effective date of this  
378 Ordinance. The Town of Welaka reserves the right to set other differing rates as may be  
379 appropriate for all other applicants for connection.

380

381 The following rate schedule is adopted in association with and providing for the following  
382 residential and commercial user rates:

383

384 25% above in-town water rate ~~for potable water for water using the same consumption~~ and 25%  
385 above in-town sewer rate for sewer ~~using the same consumption per 1,000 gallons~~.

386

387 ~~Additionally all bills shall receive a plant replacement charge of 20% per Resolution 2006-20R~~  
388 ~~and Resolution 2006-17R of the user's water and sewer charge~~

389

390 Hook-Up Fees (Non-Refundable)

391

	<u>Water</u>	<u>Sewer</u>
Residential	\$750.00	\$750.00
Commercial	\$2,000.00	\$2000.00
<del>Special</del> <u>Improvement</u>	<del>Properties* \$750.00</del>	<del>\$5,800.00</del>

392

393 ~~\*Special Improvement Properties are those specific properties identified in exhibit "A" attached~~  
394 ~~hereto~~. The Town Council of the Town of Welaka ~~has found~~reserves the right to determine and

395 ~~determined that whether the nature of the proposed use will result the in~~ additional costs  
396 ~~exceeding the standard hook-up fees such that additional fees may be required to complete the~~  
397 ~~hook up. of new capital improvements to provide sewer services to the special improvement~~  
398 ~~properties requires- If the additional fees are significant enough, the customer may pay such fees~~  
399 ~~through a payment plan or an the~~ assessment ~~against the property of sewer hookup fees that is~~  
400 calculated to reimburse the town for such capital improvements, ~~until fully satisfied. APPLIED-~~  
401 ~~TO THE UNFUNDED RESERVE OF PRIOR PERIODS, UNTIL FULLY SATISFIED.~~

402  
403 SEWER CREDITS. A sewer credit may be issued to customers for such items as refilling a  
404 pool that was completely drained (routine filling of commercial pool is excluded), pool fills,  
405 pressure washing and car washing for fund raising events if requested in advance and the  
406 requesting customer pays a following a \$20.00 fee for verification of reading by a Town  
407 employee during business hours. The request must come from the customer of record.  
408 Additionally, sewer credits may also be requested when there is a verified leak on the  
409 customer's side of the meter and the customer provides verification that the leak has been  
410 properly repaired, as well as permitted and inspected by the Town's building official where  
411 required.

412  
413 No water shall be furnished free of charge to any person, firm or corporation  
414 whatsoever. Each residence, firm or corporation will pay a monthly minimum bill  
415 whether property is occupied or not. The Town of Welaka, and each agency, department  
416 or instrumentality of the Federal government which uses the water system shall therefore  
417 pay at the rates established and/or fixed by this Ordinance.

418  
419 BULK CONTRACTS AND OTHER SPECIAL ARRANGEMENTS. The Town  
420 reserves the right to enter into ~~either~~ bulk rate contracts, master meter contracts, special  
421 metered contracts, or agreements with ~~sub~~-developers, commercial firms, or other water  
422 supply agencies outside of the Town limits, provided those contracts and/or agreements  
423 ~~being are~~ subject to the provisions of this Ordinance and state law, but in all cases shall  
424 not be less than the average residential and commercial customer is required to pay,  
425 depending on whether the nature of the proposed use is residential or commercial, and  
426 such agreements shall be subject to the same standard increases provided for herein or  
427 pursuant to any amendments hereto. The purpose of selling and determining a monthly  
428 charge or rate for the use of such services may be computed upon a different basis than  
429 set forth in Section 14, provided such computation does not result in paying less than the  
430 average residential or commercial customer as required above. All contractors will pay tap  
431 in fee and have approved back flow preventer, and all water will be metered and charged.

432  
433 Water customers requesting temporary service disconnection will be required to pay a  
434 \$30.00 turn on/turn off fee, plus the minimum monthly bill. If at the discretion of the  
435 customer, the customer desires further protection against water leak problems that may arise  
436 on or beyond their own property, the customer may request shut-off ~~meter at the corporation~~  
437 stop, if possible, which may be turned off by the Town for the disconnection charge of  
438 \$30.00. Reconnection or restoration of service will require the same service fee as stated  
439 above. Temporary service disconnection must be required either in writing or in person at  
440 the Welaka Town Hall.

441  
442 SECTION 15. BILLING. FAILURE TO PAY THE BILL, SERVICE FEE, PENALTIES,  
443 ETC.

444

445 It shall be unlawful for any person to refuse or prevent entry upon a water or sewer utility  
446 customer's property by a Town employee, provided that the purpose of such requested entry  
447 is for meter reading, service line approval or inspection, or investigation of a violation of  
448 this Ordinance. Any violation of this subsection shall be punishable as provided in the  
449 Penalties Section of this Ordinance.

450  
451 A. Water meters will be read monthly as close to the 20<sup>th</sup>-15<sup>th</sup> of each month as  
452 possible and water service bills will be sent monthly to all customers and will state the net  
453 amount due to the Town by the water and sewer customers.

454  
455 B. In the event that a water and sewer customer believes the bill to be in error and he or  
456 she is not able to resolve the matter with the utility department staff, he or she may shall  
457 present this claim at the Town Hall office to be put on the agenda to appear before the  
458 Town Council of Welaka at the next scheduled regular meeting before said bill has become  
459 delinquent. Such claim, if made after the bill has become delinquent shall not be effective in  
460 preventing cut-off service as heretofore provided for. The water customer must pay such  
461 bill under protest, and such payment shall not prejudice his-the claim, and if the Town  
462 Council finds in favor of the customer, the customer shall be refunded to the appropriate  
463 amount in accord with the Town Council's findings or it may be applied as a credit to the  
464 next bill.

465  
466 C. Bills ~~for monthly charge and fees herein mentioned shall be submitted and~~ shall be  
467 payable on or before the 15th day of each month and if any such monthly bill shall ~~be and~~  
468 remain unpaid after the 15th day of such month for such service, a penalty of 5% or a  
469 minimum \$5.00 shall be imposed and be added to said month's said bill. If on the 23rd day  
470 of the month the arrearage has not been satisfied, a notice of cutoff shall be delivered  
471 providing five (5) working days for payment. If payment is not timely received after  
472 delivery of the notice of cutoff in Welaka Town Hall within the time specified in such  
473 notice, service shall be immediately terminated by shutoff of services. ~~provided, however,~~  
474 ~~that~~ The Town shall make every effort to insure that shut-off shall not occur on any Friday  
475 but shall be deferred and shall be accomplished on the next following Monday. A  
476 reconnection will not be permitted until all past due and current water and sewage bills are  
477 paid in full. ~~amount.~~

478  
479 ~~D. In the event that~~ If a water and/or sewer customer whose water and sewer services  
480 have been disconnected because of a delinquent bill, desires to have his/her water and sewer  
481 services restored, they shall pay the entire amount of said delinquent water bill, current  
482 charges, plus late charges and an additional charge of thirty dollars (\$30.00) for restoring  
483 said service. ~~The thirty dollars (\$30.00) fee will be charged when service can~~ Service shall  
484 be restored during the normal working hours of eight a.m. (8:00 a.m.) and three thirty p.m.  
485 (3:30p.m.) Monday through Friday, except holidays. If the customer requests that the  
486 service be restored outside of the aforesaid normal working hours, Said a double fee will  
487 ~~double to of~~ sixty dollars (\$60.00) shall be charged for restoring service. ~~after the above~~  
488 ~~hours, weekends, or holidays.~~

489  
490 F. In the event a meter has been locked off, or removed due to non-payment for services  
491 or at the ~~discretion request~~ of the customer, the customer shall pay an amount equal to the  
492 monthly revenue that would have been derived per month but no greater than \$500.00 for  
493 residential dwellings in Town, \$1500.00 for commercial properties in Town, \$750.00 for  
494 residential dwelling out of Town and \$2000.00 for commercial properties out of Town will

495 be charged as a ~~reactivation~~reconnection fee.

496  
497 ~~G. — In the event the meter has been removed due to non-payment for services or at the~~  
498 ~~discretion of the customer, the amount of \$500.00 for residential dwellings and \$ 1500.00~~  
499 ~~for commercial properties will become due and payable for reconnection charges for all~~  
500 ~~customers within the Town limits and \$750.00 for residential dwellings and \$2000 for~~  
501 ~~commercial properties outside the Town limits.~~

502  
503 SECTION 16. RENTER AND APARTMENT DWELLER DEPOSITS

504  
505 ~~AT ALL TIMES THE OWNER OF AN APARTMENT UNIT OR RENTAL PROPERTY~~  
506 ~~IS THE FINAL RESPONSIBLE PARTY FOR UTILITY BILLS.~~

507  
508 ~~Due to the inherent nature of all rental or apartment leases; due to the nonpermanent and~~  
509 ~~possible high turnover of rentals and/or apartment leasing; due to the need in which to~~  
510 ~~secure payment for water and sewer bills incurred by those who do not own the structure in~~  
511 ~~which they dwell; and due to the Town of Welaka, Florida having no other less intensive~~  
512 ~~means of securing payment for water and sewer utility services provided in advance of~~  
513 ~~payment, the Town of Welaka, Florida hereby requires an advance deposit for water and~~  
514 ~~sewer utility services. The Town will provide renters or apartment dweller services as more~~  
515 ~~specifically set forth below. All original hook-ups to the Town of Welaka's municipal water~~  
516 ~~and/or sewer utility system shall be the responsibility of the rental or apartment owner. For~~  
517 ~~each individual living unit within the rental property or apartment, the owner shall be~~  
518 ~~responsible for separate connections thereto and the payment of the appropriate hook-up~~  
519 ~~fees set forth in the applicable rate schedule. Prior to any use of the water and/or sewer~~  
520 ~~utility system by the renter or tenant, such renter or tenant shall present to the Town Utility~~  
521 ~~Clerk a deposit equal to the amount of the normal charges for a two-month period for the~~  
522 ~~particular dwelling or unit; and application for service shall be signed by the owner of the~~  
523 ~~property, who shall join in the application, consent thereto, and who shall be jointly~~  
524 ~~financially responsible for the payment thereof. The Town of Welaka, Florida shall keep~~  
525 ~~utility deposits in a separate non-interest-bearing account in a Florida Banking institution for~~  
526 ~~the benefit of the tenant, until such time as the renter or tenant shall vacate the premises for~~  
527 ~~the termination of the rental agreement or lease. Upon vacation of the premises, the renter~~  
528 ~~or tenant shall notify the Town of Welaka, Florida in writing by certified mail, along with a~~  
529 ~~copy of the original receipt, that they are vacating the premises and shall demand a return of~~  
530 ~~the deposit, minus any amount due and payable on the account.~~

531  
532 ~~Should the renter or tenant fail to make such demand within ONE YEAR after termination~~  
533 ~~of services, the deposit will be presumed abandoned pursuant to Section 717.108, Florida~~  
534 ~~Statutes (1996). Any customer who is already hooked up and consistently pays said water~~  
535 ~~and sewer bills late will be required to pay such a deposit, THE ONLY EXCEPTION~~  
536 ~~BEING SUGAR MILL WOODS APARTMENTS, BY PRIOR CONTRACT WITH~~  
537 ~~RURAL DEVELOPMENT.~~

538  
539 SECTION 1716. WATER AND SEWER SYSTEM REVENUE. MAINTENANCE  
540 EXPANSION. ETC.

541  
542 All revenue from the operation of the water and sewer system shall be used for all operation  
543 expenses connected with the system such as maintenance repairs, expendable materials and  
544 equipment necessary to operate the systems, salaries and benefits of water utility system

545 employees, insurance, capital improvements and utility expansion, and the like, and to make  
546 required payments on any and all loans, bonds or other obligations of the Town in regard to  
547 the water and sewer system.

548  
549 **Debt Service Reserve.** A special reserve account, separate from all other accounts of the  
550 Town, will be established, and shall accumulate a percentage of the water and waste water  
551 service revenue at a rate of one-tenth (1/10) of the annual loan payment or at a rate as  
552 required by the terms of any outstanding loan or bond issue until the said special reserve  
553 account reaches an amount equal to one annual payment. This account shall remain in force  
554 during the full term of the loan and shall not be expended for any other purpose other than  
555 to make the annual loan payment cannot be made from other water and sewer system  
556 revenue.

557  
558 **Renewal and Replacement Reserve.** A restricted fund will be created beginning FY 24-25 for the  
559 sole purpose of a renewal and replacement (R&R) reserve to be used for limited purpose of  
560 refurbishing or replacing of Water and Sewer assets when they reach the end of their useful  
561 life. This amount will be budgeted annually by the town council and based on the replacement value  
562 and design life of all assets in the system at the beginning of each Fiscal Year. The council holds the  
563 right to adjust this figure for any given year, but never below ten percent (10%) of the budgeted  
564 revenue unless the council makes a specific finding in the adoption of the annual budget that there is  
565 a need of an urgent allocation for other than the R&R reserve that necessitates a lower contribution to  
566 the R&R Reserve. Nothing herein shall be interpreted to prevent the town council from making  
567 needed adjustments to the budget to address unanticipated expenditures within the utility operations.

568  
569 **Utility Operating Reserve.** Any funds available after payment of operating expenses and properly  
570 funding the loan payment reserve (if applicable) as well as the R&R Reserve shall be deposited in an  
571 unrestricted Utility Operating Reserve for the purpose of creating stand-by funding to cover no less  
572 than 3 months of utility operating expenses in the event regular revenue streams used to cover such  
573 expenses are interrupted.

574  
575 **Surpluse to General Fund.** Once the Utility Operating Reserve reaches a level sufficient to cover 3  
576 months of utility operating expenses in the manner specified above, should there be any surplus  
577 revenue, the town council may elect to transfer such additional surplus revenue to the town's general  
578 fund to use at it sees fit for the benefit of the public interest or to further build any of the above-listed  
579 reserves.

580  
581 **Use of Other Public/Private Resources.** The Town of Welaka reserves the right to enter  
582 into agreements, contracts, or other actions with governmental and private sources for  
583 additional funds for the expansion or upgrading of the water and sewer system subject to the  
584 provisions of the Town Charter.

585  
586 **SECTION 1817. BUSINESS OPERATIONS. RECORDS. AUDITS ETC.**

587  
588 The Town Council shall meet no less than quarterly, at the time of budget review, and  
589 review any and all past due accounts. In addition, at that time, or at such other time upon  
590 legal advice, severely delinquent accounts ~~shall~~may be referred to the process of property  
591 lien.

592  
593 The Town of Welaka, shall keep records and accounts regarding the water and sewer  
594 system, separate from all other records and account of the Town operations, with separate

595 reporting systems, all of which will be available for public inspection in accordance with  
596 the requirements of law.

597  
598 The Town shall enter a contract with an independent certified public accountant to conduct  
599 an annual audit of records, accounts and operations of the water and sewer system and said  
600 annual audit shall be made available for public inspection.

601  
602 All expenses, charges, premiums, and the like arising out of water and sewer system  
603 operations will be paid from water and sewer system revenues. Where equipment, vehicles  
604 or employees are used jointly by the Town for both the water and sewer system and other  
605 Town operations or purposes, then a pro-rated charge system will be established, subject to  
606 approval by the Town auditing firm.

607  
608 Fidelity bond coverage in the amount of FORTY THOUSAND DOLLARS (\$40,000.00)  
609 shall be required on the position of the Town Utility Clerk, ~~and/or Chief Financial-~~  
610 ~~Officer~~ the Town Clerk, and ~~or all~~ other employees who shall handle collections and  
611 disbursements of any revenue derived from the water system.

612  
613 A. Public liability and property damage insurance will be maintained as recommended  
614 by the Town's Attorney on any trucks, tractors, or other vehicles that frequently will be  
615 driven over public streets and highways, and used by the Town either exclusively or  
616 partially for maintenance or other purposes in conjunction with the water and sewer system.

617  
618 B. Workman's compensation coverage will be maintained on water and sewer system  
619 employees as required by the Florida State Statutes.

620  
621 SECTION ~~19~~18. CODE ENFORCEMENT BOARD

622  
623 The provisions of this Ordinance may be enforced by the Code Enforcement Board of the  
624 Town of Welaka, in accordance with ~~the provision of Town of Welaka Ordinance 97-11-~~  
625 ~~and~~ Chapter 162, Florida Statutes. As provided in Section 162.13, Florida Statutes,  
626 enforcement activities by the Code Enforcement Board shall be an additional and  
627 supplemental means available for obtaining compliance with this Ordinance.

628  
629 SECTION ~~20~~19. ENFORCEMENT: PENALTIES AND SUPPLEMENTAL REMEDIES

630  
631 It is the expressed intent and purpose of the Town Council of the Town of Welaka that all  
632 the provisions for enforcement of this Ordinance, and the penalties and remedies hereinafter  
633 provided shall be cumulative in nature, and that resort to one shall not constitute a bar or  
634 limitation upon the right of the Town of Welaka to employ another, either sequentially or in  
635 combination, individually or simultaneously, without limitation.

636  
637 Any person, firm, corporation, association or other group or body who shall violate any  
638 provision of this Ordinance, or any of the restrictions, limitation or mandates herein set  
639 forth, shall upon conviction thereof in a court of law, be punished by a fine not to exceed  
640 \$500 or by imprisonment in the County Jail not to exceed 60 days or by both such fine and  
641 imprisonment. Each day that an offense or violation of this Ordinance continues shall be  
642 deemed a separate offense and shall be punishable accordingly. Notwithstanding this  
643 section, any violation of this Ordinance, which constitutes a violation of any provision of  
644 State law, shall be punishable under such state law as a separate offense.

645  
646 SECTION ~~21~~20. LIENS FOR SUMS DUE THE TOWN OF WELAKA

647  
648 The Town Council of the Town of Welaka, Florida shall be and is hereby authorized to file in  
649 the public records of Putnam County, Florida, a Claim of Lien for any sums due to the Town of  
650 Welaka pursuant to the terms, conditions, and provisions of this ordinance and state law. Such  
651 claims of lien shall constitute a lien upon the property to which unpaid utilities services have  
652 been furnished and/or against which penalties have been assessed hereunder and such claims or  
653 lien shall be enforceable ~~in the same manner as liens arising under Chapter 713, Florida~~  
654 ~~Statutes~~in the manner prescribed by law. In addition to recovery of sums otherwise due pursuant  
655 to the terms of this ordinance, the Town of Welaka shall be entitled to the recovery of its costs  
656 and reasonable attorney’s fees incurred in the filing and enforcement of claims of lien  
657 hereunder.

658  
659 SECTION ~~22~~21. JUDICIAL RELIEF

660  
661 Any violation of this Ordinance, including any failure to comply with the requirements hereof,  
662 including the failure to comply with any of the restrictions and limitations herein contained,  
663 May be enforced by injunction, including mandatory injunction, or otherwise judicially enforced  
664 in any other manner provided by law, and any such suit or action may be instituted and  
665 maintained by the Town Council of the Town of Welaka, Florida. In the event such an action is  
666 initiated, the Town of Welaka shall be entitled to recovery of its costs and reasonable attorney's  
667 fees incurred in and about such proceeding.

668  
669 THIS ORDINANCE SHALL NOT BE CONSTRUED TO RELIEVE ANY PROPERTY OR  
670 BUSINESS OWNER OF UTILIZING MUNICIPAL UTILITIES SERVICES WHERE SUCH  
671 SERVICES ARE AVAILABLE.

672  
673 EFFECTIVE DATE

674  
675 This Ordinance shall be effective as of the first billing cycle following the date of  
676 adoption.

677  
678 PASSED by the Town Council of the Town of Welaka, Florida, on First Reading this 12th day -of  
679 December, 2023.

680  
681 Adopted by the Town Council of the Town of Welaka, Florida, on Second Reading this \_\_\_\_ day -of  
682 \_\_\_\_\_, 202~~3~~4.

683  
684  
685 **ATTEST**

**SIGNED**

686  
687 \_\_\_\_\_  
688 Meghan E. Allmon, Town Clerk

\_\_\_\_\_  
Jamie D. Watts, Mayor

689  
690  
691 **Approved as to form:**

692  
693 \_\_\_\_\_  
694 Patrick Kennedy, Town Attorney

\_\_\_\_\_  
Jessica Finch, Council President



695  
696  
697  
698

EXHIBIT A  
WELAKA UTILITY RATES – IN TOWN CUSTOMERS  
Ordinance 2023-

Rate Table	2024	2025	2026
<b>Drinking Water</b>			
<b>Residential</b>			
Base Charges (including 0-2000 gallons)	\$24.20	\$26.62	\$29.28
Usage Charges Inside City			
2,001 to 5,000 gallons (per thousand)	\$8.09	\$8.89	\$9.78
5,001 gallons or more (per thousand)	\$9.74	\$10.71	\$11.78
<b>Commercial</b>			
Base Charges (including 0-2000 gallons)	\$27.50	\$30.25	\$33.28
Usage Charges			
2,001 to 5,000 gallons (per thousand)	\$9.17	\$10.09	\$11.10
5,001 gallons or more (per thousand)	\$10.27	\$11.30	\$12.43
<b>Wastewater</b>			
<b>Residential</b>			
Base Charges (including 0-2000 gallons)	\$31.25	\$35.00	\$39.20
Usage Charges Inside City			
2,001 to 5,000 gallons (per thousand)	\$10.42	\$11.67	\$13.07
5,001 gallons or more (per thousand)	\$12.49	\$13.99	\$15.66
<b>Commercial</b>			
Base Charges (including 0-2000 gallons)	\$37.50	\$42.00	\$47.04
Usage Charges Inside City			
2,001 to 5,000 gallons (per thousand)	\$12.50	\$14.00	\$15.68
5,001 gallons or more (per thousand)	\$14.58	\$16.33	\$18.29
Customers <b>Outside the city limits</b> will be charged 25% above the inside rates.			
Customers having a <b>Master Meter</b> will be charged based on the same rates as customers inside and outside the town limits, as applicable for each unit/apartment/home/lot serviced by the master meter for both Water and Sewer. The entity responsible for the Master Meter shall be responsible for payment of the monthly bill and required deposits.			

699

**PUBLIC NOTICE**

**TOWN OF WELAKA**

The Town of Welaka Town Council will hold a Public Hearing for the FIRST READING on December 12, 2023, at 6:00 p.m., concerning the adoption of:

**ORDINANCE 2023-09: AN ORDINANCE AMENDING THE RULES AND REGULATIONS FOR THE OPERATIONS OF THE CENTRAL WATER AND SEWER SYSTEM OF THE TOWN OF WELAKA; PROMULGATING A SCHEDULE OF RATES AND SERVICE CONNECTION FEES; ESTABLISHING THE PROCEDURE FOR ENFORCING PAYMENTS FOR WATER AND SEWER SERVICE AND ESTABLISHING PENALTIES FOR VIOLATION AND PROCEDURES FOR ENFORCEMENT; SUPERSEDING AND REPLACING IN ITS ENTIRETY ORDINANCE 2011-10 AND ALL PRIOR ORDINANCES IN CONFLICT HEREWITH.**

A copy of the proposed ordinance in its entirety is available at Town Hall located at 400 4<sup>th</sup> Avenue, Welaka, Florida 32193.

The meeting will be held live and in person at the Town Hall located at 400 4<sup>th</sup> Avenue, Welaka, Florida 32193. All interested persons are invited to attend this meeting. Entry will be on a first come, first serve basis. You must be present to participate.

PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT TOWN HALL AT (386) 467-9800 OR AT WELAKA TOWN HALL 400 4<sup>th</sup> AVENUE, WELAKA, FLORIDA 32193 AT LEAST 24 HOURS IN ADVANCE TO REQUEST ACCOMMODATIONS.

**ORDINANCE NO. 2023-10**

**AN ORDINANCE OF THE TOWN COUNCIL FOR THE TOWN OF WELAKA AMENDING THE ZONING MAP TO CHANGE THE ZONING DESIGNATION ON APPROXIMATELY 0.46 ACRES OF REAL PROPERTY MORE FULLY DESCRIBED BELOW, FROM COMMERCIAL C-1 ZONING TO COMMERCIAL C-2 ZONING; AND SETTING FORTH AN EFFECTIVE DATE.**

**BE IT ENACTED** by the Town Council for the Town of Welaka, Florida that:

**WHEREAS**, it appears to the Town Council for the Town of Welaka that all legal notice requirements have been met and a public hearing has been held before the Zoning Board to consider the rezoning of the property described in the Property Appraiser Records as:

Legal Description: Lots 2 and 3, Block 31, TOWN OF WELAKA, according to plat thereof recorded in Map Book 1, Pages 51 and 52 of the Public Record in and for Putnam County, Florida.

911 Address: 413 ELM ST, WELAKA, FLORIDA

Parcel Nos.: 41-12-26-9200-0310-0020 and 41-12-26-9200-0310-0030

; and

**WHEREAS**, the Town of Welaka Zoning Board has recommended approval of said application, finding that the application as presented is compatible with the surrounding land uses and consistent with the Town's Comprehensive Plan; and

**WHEREAS**, the Town Council has held a duly noticed public hearing to consider said application and the facts and evidence presented by all interested parties.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF WELAKA, FLORIDA AS FOLLOWS:**

**Section 1. Map Amendment.** That the zoning district for land described above will be amended from its current classification of C-1 to the Town of Welaka's C-2 zoning district.

**Section 2. Conflict and Repeal.** This Ordinance shall serve to repeal prior ordinances in conflict herewith.

**Section 3. Effective Date.** That this Ordinance shall take effect within 31 days from the final adoption date set forth below.

**Section 4. Authorization for the Town Clerk.** That the Town Clerk be, and is hereby, authorized and directed to change the Zoning Map for the Town of Welaka, Florida, to reflect the rezoning of the above-described land.

**Passed** by the Town Council for the Town of Welaka on First Reading on the 12<sup>th</sup> day of December 2023

**Passed and Adopted** by the Town Council for the Town of Welaka on Second Reading on the \_\_\_ day of \_\_\_\_\_ 2024.

**ATTEST**

**SIGNED**

\_\_\_\_\_  
Meghan E. Allmon, Town Clerk

\_\_\_\_\_  
Jamie D. Watts, Mayor

**Approved as to form:**

\_\_\_\_\_  
Patrick Kennedy, Town Attorney

\_\_\_\_\_  
Jessica Finch, Council President

**ORDINANCE NO. 2023-11**

**AN ORDINANCE OF THE TOWN COUNCIL FOR THE TOWN OF WELAKA AMENDING THE ZONING MAP TO CHANGE THE ZONING DESIGNATION ON APPROXIMATELY 5.11 ACRES OF REAL PROPERTY MORE FULLY DESCRIBED BELOW, FROM COMMERCIAL C-1 ZONING TO COMMERCIAL C-2 ZONING; AND SETTING FORTH AN EFFECTIVE DATE.**

**BE IT ENACTED** by the Town Council for the Town of Welaka, Florida that:

**WHEREAS**, it appears to the Town Council for the Town of Welaka that all legal notice requirements have been met and a public hearing has been held before the Zoning Board to consider the rezoning of the property described in the Property Appraiser Records as:

Short Property Description: GOVT LOT 5 E OF HWY BK194 P439, (EX BK244 P122RD OR639 P1287)  
911 Address: 580 3rd AVE, WELAKA, FLORIDA  
Parcel No. 33-11-26-0000-0120-0000

A more detailed legal description is set forth in attached Exhibit A and incorporated herein by reference; and

**WHEREAS**, the Town of Welaka Zoning Board has recommended approval of said application, finding that the application as presented is compatible with the surrounding land uses and consistent with the Town's Comprehensive Plan; and

**WHEREAS**, the Town Council has held a duly noticed public hearing to consider said application and the facts and evidence presented by all interested parties.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF WELAKA, FLORIDA AS FOLLOWS:**

**Section 1. Map Amendment.** That the zoning district for land described above will be amended from its current classification of C-1 to the Town of Welaka's C-2 zoning district.

**Section 2. Conflict and Repeal.** This Ordinance shall serve to repeal prior ordinances in conflict herewith.

**Section 3. Effective Date.** That this Ordinance shall take effect within 31 days from the final adoption date set forth below.

**Section 4. Authorization for the Town Clerk.** That the Town Clerk be, and is hereby, authorized and directed to change the Zoning Map for the Town of Welaka, Florida, to reflect the rezoning of the above-described land.

**Passed** by the Town Council for the Town of Welaka on First Reading on the 12<sup>th</sup> day of December 2023

**Passed and Adopted** by the Town Council for the Town of Welaka on Second Reading on the \_\_\_ day of \_\_\_\_\_ 2024.

**ATTEST**

**SIGNED**

\_\_\_\_\_  
Meghan E. Allmon, Town Clerk

\_\_\_\_\_  
Jamie D. Watts, Mayor

**Approved as to form:**

\_\_\_\_\_  
Patrick Kennedy, Town Attorney

\_\_\_\_\_  
Jessica Finch, Council President

**EXHIBIT A  
Rezoning of 580 3<sup>rd</sup> Avenue  
Legal Description**

All that part of the Southeast 1/4 of Section Thirty-Three (33), Township Eleven (11) South, Range Twenty-Six (26) East, situated at Welaka, Putnam County, State of Florida, which lies East of Third Avenue (commonly known as the Satsuma to Welaka hard surface County Road) and North of Welaka Blocks numbered 52 and 53. Excepting therefrom a strip of land for road purposes Twenty (20) feet in width for the entire length along the Eastern Boundary. Also excepting therefrom that part conveyed for right of way as described in deed recorded in Deed Book 244, page 122 of the public records of Putnam County, Florida.

**LESS AND EXCEPT AND FOLLOWING DESCRIBED PROPERTY:**

Part of the Southeast 1/4 of Section 33, Township 11 South, Range 26 East, Putnam County, Florida. and being part of Official Records Book 580, Page 370 and more particularly described as follows:

From a 6" x 6" concrete monument marking the Southeast Corner of said Section 33, Bear Thence North 6 degrees 31'40" West along the East lines of Section 33, a distance of 412.60 feet: Thence North 74 degrees 33'23" West leaving said section line a distance 21.57 feet to the West line of a 20.00 foot road Right-of-Way and to the POINT OF BEGINING of the description.

Thence continue North 74 degrees 33'23" West a distance of 467.60 feet to the East Right-of-Way line of County Road 309 (R/W 80'), thence North 35 degrees 46'37" East along the East Right-of-Way line a distance of 345.21 feet to the POINT OF CURVATURE, Thence Northeasterly along a curve to the left 393.94 feet, having a radius of 995.37 feet, a Central Angle of 22 degrees 40'33", a chord distance of 391.37 feet and a chord bearing of North 24 degrees 26'2" East to the West line of a 20.00 foot road Right-of-Way line, thence South 6 degrees 31 '40" East along the West Right-of-Way line a distance of 765.88 feet to the POINT OF BEGINNING of this description.

## Town Clerk

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**From:** Town Clerk  
**Sent:** Wednesday, December 6, 2023 10:10 AM  
**To:** Kim Dugger  
**Subject:** FW: CORRESPONDENCE FROM COUNCILWOMAN KIMBERLY DUGGER

Good Morning Councilwoman Dugger,

Please see Chief's email below.  
Thank you and have a great day!

Very Best Regards,

*Meghan E. Allmon*

*Town Clerk*  
*Town of Welaka*  
400 4<sup>th</sup> Avenue  
Welaka, FL 32193  
(386) 467-9800 ext. 102  
[TownClerk@welaka-fl.gov](mailto:TownClerk@welaka-fl.gov)  
[www.Welaka-fl.gov](http://www.Welaka-fl.gov)



**Welaka, FL**  
*River of Lakes*

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**From:** Mike Porath <mporath@welaka-fl.gov>  
**Sent:** Tuesday, December 5, 2023 12:25 PM  
**To:** Town Clerk <townclerk@welaka-fl.gov>; Pauline Kinney <pkkinney@welaka-fl.gov>; Town Attorney <townattorney@welaka-fl.gov>  
**Cc:** Jamie Watts <jwatts@welaka-fl.gov>  
**Subject:** RE: CORRESPONDENCE FROM COUNCILWOMAN KIMBERLY DUGGER

Meghan,

I went out to the property in question and met with the property owner Donald Wingate. He explained to me that he still owns part of the parcel between Sportsman Condos and Sportsman Harbor. Mr. Wingate stated that he hired the tree company to cutdown the following trees:

- (3) Golden Raintrees
- (1) Water Oak Tree

Also they trimming some trees and palmettos on the property.

I also spoke to Tim Roux from the tree company who told me that once he got back into the office tonight he would email me the paperwork for this job. Once I receive his report I will forward it to you.

We also need to make it a priority to have the Tree Ordinance updated and completed.

**Michael L. Porath**

Chief of Police

Town of Welaka

Office: 386-467-2303

Cell: 386-329-3191

Fax: 386-467-8811

Email: [mporath@welaka-fl.gov](mailto:mporath@welaka-fl.gov)

---

**From:** Town Clerk <[townclerk@welaka-fl.gov](mailto:townclerk@welaka-fl.gov)>

**Sent:** Tuesday, December 5, 2023 11:19 AM

**To:** Christopher Bryant <[cbryant@welaka-fl.gov](mailto:cbryant@welaka-fl.gov)>; Jamie Watts <[jwatts@welaka-fl.gov](mailto:jwatts@welaka-fl.gov)>; Jessica Finch <[jfinch@welaka-fl.gov](mailto:jfinch@welaka-fl.gov)>; Kathy Washington <[kwashington@welaka-fl.gov](mailto:kwashington@welaka-fl.gov)>; Kim Dugger <[kdugger@welaka-fl.gov](mailto:kdugger@welaka-fl.gov)>; Mike Porath <[mporath@welaka-fl.gov](mailto:mporath@welaka-fl.gov)>; Patrick Kennedy <[patrickkennedypa@gmail.com](mailto:patrickkennedypa@gmail.com)>; Tonya Long <[tonyalong@welaka-fl.gov](mailto:tonyalong@welaka-fl.gov)>; Town Attorney <[townattorney@welaka-fl.gov](mailto:townattorney@welaka-fl.gov)>; Town Clerk <[townclerk@welaka-fl.gov](mailto:townclerk@welaka-fl.gov)>

**Subject:** CORRESPONDENCE FROM COUNCILWOMAN KIMBERLY DUGGER

Hello Town Council,

**CORRESPONDENCE FROM COUNCILWOMAN KIMBERLY DUGGER**

Today, November 5, 2023, I observed trees being cut down on the property at the end of Sportsman's Drive. Specifically, on the lot for the proposed town houses.

At the last town council meeting I did bring up the property but have not heard anything else yet. I know we all do not want a repeat of what happened on 309 with leaving the land bare.

If anyone knows about the status of the property in Sportsman Harbor, please share. I really appreciate it!!

Kim

Very Best Regards,

*Meghan E. Allmon*

***Town Clerk***

***Town of Welaka***

400 4<sup>th</sup> Avenue

Welaka, FL 32193

(386) 467-9800 ext. 102

[TownClerk@welaka-fl.gov](mailto:TownClerk@welaka-fl.gov)

[www.Welaka-fl.gov](http://www.Welaka-fl.gov)



**The Law Offices of Patrick J Kennedy, PA**


PO Box 298

Welaka, Florida 32193

[patrickjkennedypa@gmail.com](mailto:patrickjkennedypa@gmail.com)

**MEMORANDUM**

To: Welaka Zoning Board

From: Patrick Kennedy 

Date: November 6, 2023

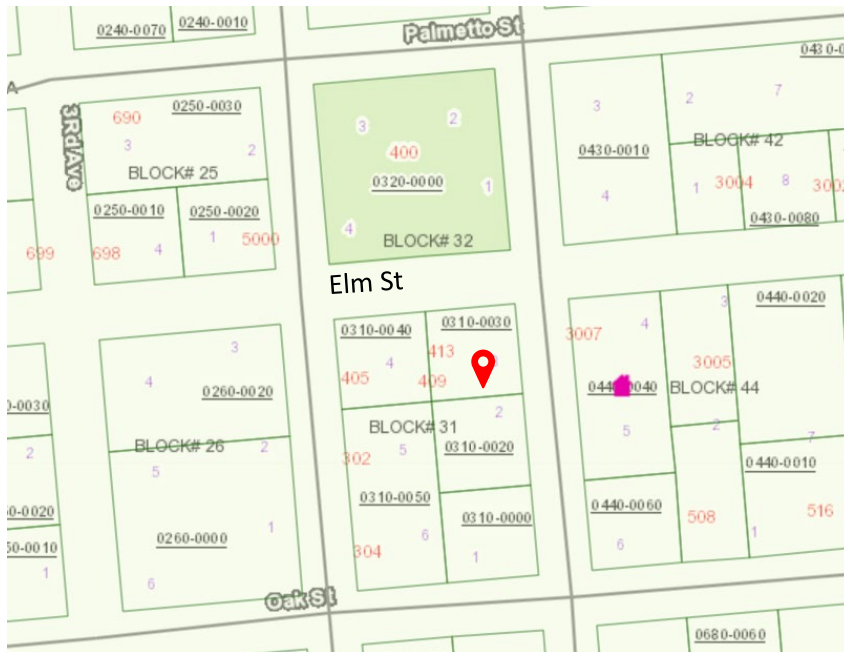
RE: Proposed Rezoning and Conditional Use Permit for 413 Elm St

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**The Property:** Parcel No.: 41-12-26-9200-0310-0030  
41-12-26-9200-0310-0020  
911 Address: 413 Elm St, Welaka, Florida

**Acreage:** 0.46 Acres

**Location Map:**



**The Parties:** Owner – Michelle Bomba  
Agent – AJ Flateau

**The Request:**

Rezoning the Property from its current zoning of C-1 to C-2 and a companion request for a conditional use permit for the express purpose of being able to sell beer and wine for on premise consumption in connection with the current use as a barbeque restaurant.

**Attachments:**

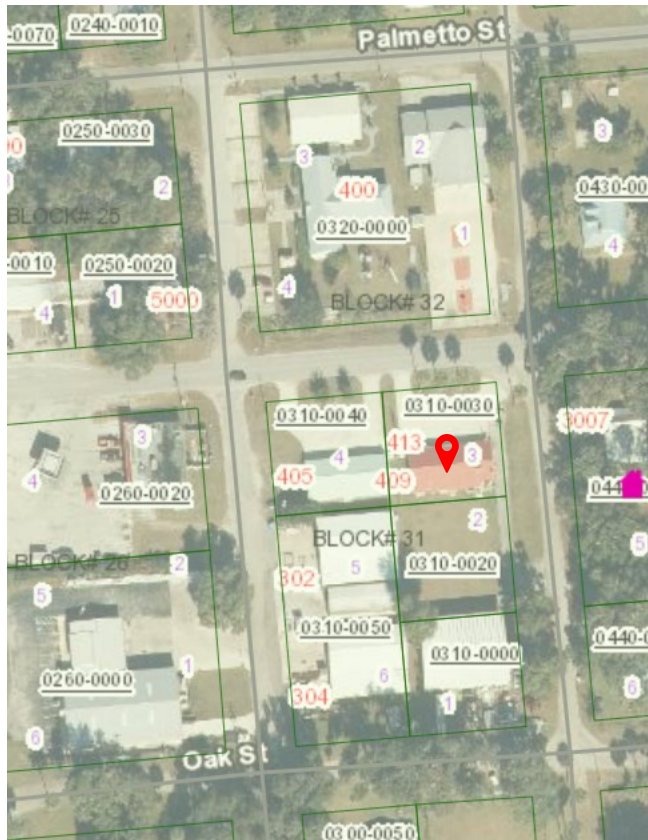
Rezoning Application and Conditional Use Permit Application  
Warranty Deed showing legal description of the property and verifying ownership.

**Surrounding Land Uses and Zoning:**

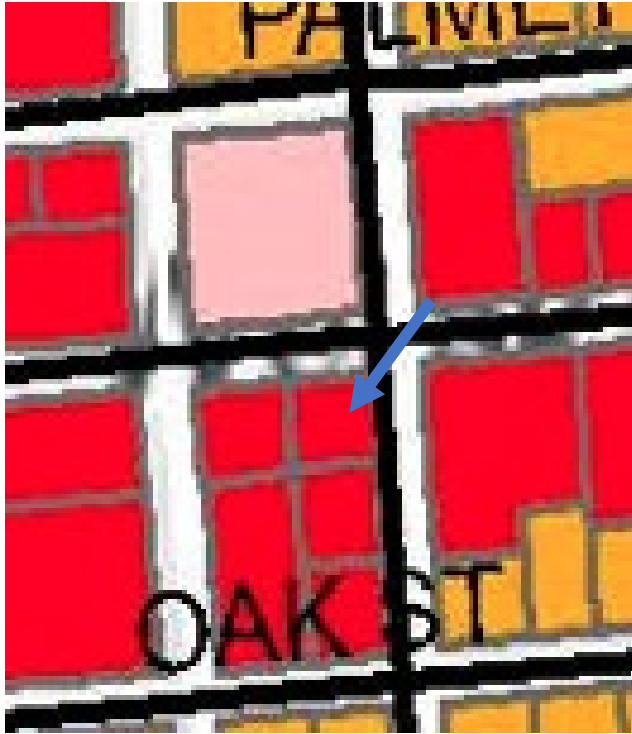
Direction	Land Use	Zoning	Future Land Use
North	Government Offices/Recreation/residential	P-1/C-1	Public Facilities/Commercial
East	Residential	C-1	Commercial
South	Commercial	SR-1	Commercial
West	Medical Office	C-1	Commercial

**Map Series:**

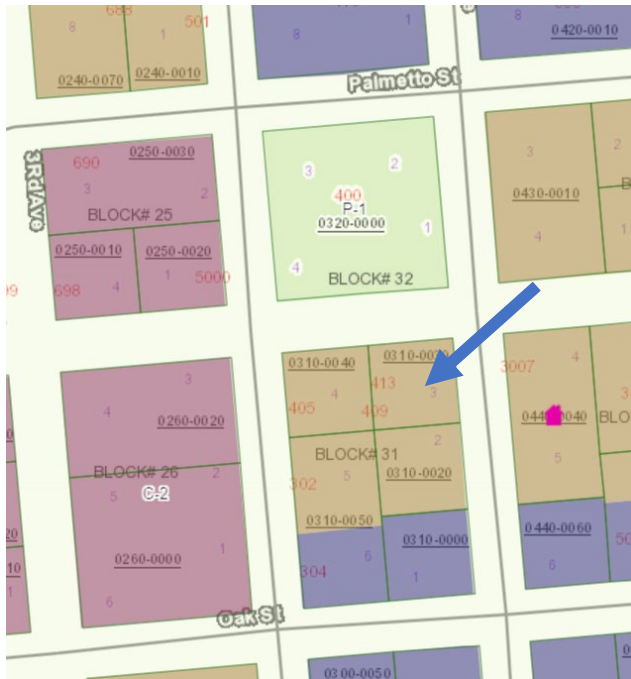
Aerial



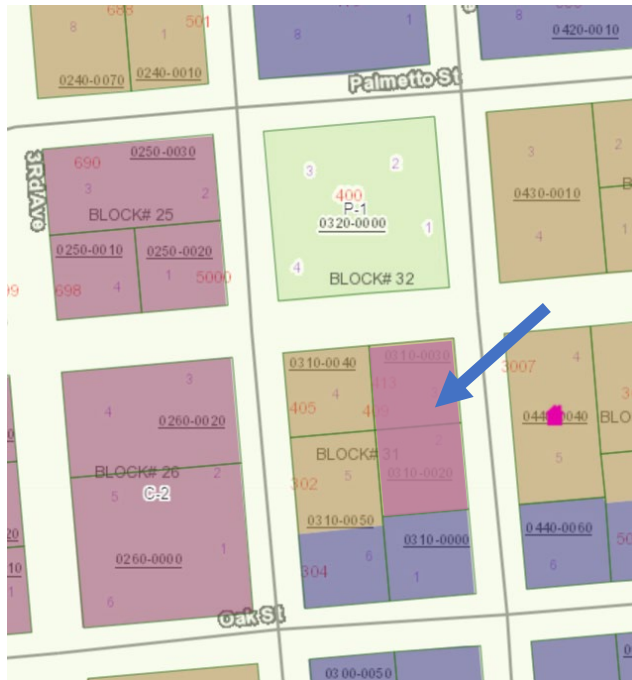
Future Land Use Map



**Current Zoning:** C-1



**Proposed Zoning: C-2**



**Background**

The property under consideration for the proposed rezoning and conditional use permit is currently comprised of two parcels, each 0.23 acres in size. Both are currently zoned C-1, which allows for restaurants and the front parcel has a history of being used as a restaurant. However, C-1 does not allow for the consumption of alcohol products on premise; this requires a C-2 zoning and a conditional use permit. (See Ordinance 90-11)

There are currently two occupants in the building shown in the application submittals – a coffee shop/roastery in the western half of the building and a BBQ restaurant in the eastern half. It is the operator of the BBQ restaurant operation that desires to add the sale of beer and wine to the operation. For this to occur, the Town Council must approve the application to rezone the property and the Planning and Zoning Board (PZB) must approve the conditional use permit.

**Analysis**

Technically, we are addressing two different applications, and while we are addressing them concurrently, it is necessary to address the rezoning first. If, after hearing the evidence presented, the PZB determines that the rezoning is not appropriate, the conditional use permit is, by default, denied.

**Should Parcels 41-12-26-9200-0310-0030 and 41-12-26-9200-0310-0020 be rezoned from C-1 to C-2?**

It is not difficult to conclude that the Commercial future land use designation does permit C-2 zoning. However, this does not mean that a C-2 zoning designation must be approved at this location. The PZB and then the Town Council must determine that C-2 zoning designation is compatible with the surrounding land uses and can be supported by the infrastructure (water, sewer, road, stormwater). Without belaboring a lengthy analysis, this section of CR308 is a part of the core commercial corridor in the Town of Welaka. The additional uses that may allowed by the proposed C-2 will not result in any noticeable impacts to the infrastructure – at least not above and beyond what C-1 already allows. As a result, primary question for this case is - will uses allowed by C-2 be compatible with the surrounding land uses.

This list of uses allowed by C-1 and C-2 are attached as an addendum to this report. The lists for each zoning district should be reviewed to understand what uses are allowed now and what will be allowed if rezoned to C-2. Several of the allowed uses under C-2 would not be allowed to develop at this location simply because of the size and configuration of the property. For example, a bowling alley or a drive through restaurant are highly unlikely given the size and shape of the property.

Perhaps the most concerning uses that might be allowed if the property is rezoned to C-2 are the conditional uses. However, the potential compatibility issues are precisely why these uses require a conditional use permit before they can be established, and it is not automatic that they would be approved.

Of course, a compatibility analysis requires observation of the surrounding uses as well as the proposed uses. In this case, the surrounding land uses abutting this property and within one block include auto detailing and repair, metal roofing supply, gas station, medical clinic, coffee shop, town hall, town park and some residential. And while the residential might normally cause some pause, these residential properties along Elm St are zoned commercial (C-1). The Town of Welaka has a somewhat unique approach to its commercial zoning districts, in that both C-1 and C-2 allow for single family residential uses.

Based on the forgoing, it appears that the C-2 zoning at this location would be consistent with the Town of Welaka Comprehensive Plan and compatible with the surrounding land uses.

**Does the proposed sale of alcohol for on premise consumption meet the criteria necessary for approve the conditional use permit application?**

The only guidance provided in the Town’s land develop regulations for reviewing conditional use permits is found in the C-2 zoning provisions quoted in the addendum to this report:

*When, after review of an application and plan appurtenant thereto, the Planning and Zoning Commission finds as a fact that the following proposed use or uses are consistent with the general zoning and other appurtenant municipal ordinances and with the public*

*interest, the Planning and Zoning Commission is hereby authorized to approve special permits for the following uses as permitted uses-in the C-2 District....*

The general zoning requirements and the requirements of other ordinances, at a minimum, require a proposed land use to be consistent with the comprehensive plan, compatible with the surrounding land use and able to meet the basic zoning requirements for C-2. If the PZB has concerns that the use will not meet this test as proposed, it might consider whether certain conditions would address those concerns (i.e., buffering, landscaping, limited hours of operation, noise controls, etc.). Thus, if the PZB finds that the sale of alcoholic beverages for onsite consumption is consistent with the general zoning and related ordinances, which means finding the proposed use to be consistent with the comprehensive plan, compatible with the surrounding properties and serving the public interest (or at least does not go against the public interest), then the PZB should approve the proposed use.

It is my opinion and recommendation that the proposed use for onsite consumption of alcohol will be consistent the general zoning for this area and the related ordinances, and it will not conflict with the public interest if approved with the following conditions:

1. The Town Council must approve the proposed rezoning to C-2.
2. The permit is limited to the sale of malt beverages and wine-based beverages as currently defined by a 2COP license from the Division of Alcoholic Beverages and Tobacco.
3. The proposed use for the sale and consumption of beer and wine is limited to the interior of the existing building. Any expansion of the use either by expanding the existing structure or providing outside seating for customers shall require a new application for a conditional use permit to expand the use. (The biggest concerns with expansion is parking and stormwater management.)
4. The PZB should set the permissible hours of operation. Staff would recommend that the use not be open to the public any earlier than 11 am so that it does not create a parking problem with the coffee shop already operating at this location (which is only open in the morning). I would suggest a 10 pm closing for patrons Sunday – Thursday and no later than 11 pm on Friday – Saturday and holiday weekends.
5. The two parcels that make up the property under consideration must be combined into one parcel prior to establishing the use. The conditional use permit does not represent a separate permission for each parcel.
6. Failure to meet the conditions of approval shall be subject to code enforcement wherein the Code Enforcement Board may determine to revoke the conditional permit if the failure is significant enough, continues despite notice to correct, or repeated more than once.

## ADDENDUM

### C-1 General Commercial.

Uses Permitted. Land uses and structures shall only be used for the following purposes:

1. Single family dwelling, but not mobile homes.
2. Multi-family residential uses conforming to the requirements of MR-1 zoning.
3. Art Museums
4. Bakeries where all goods are sold on the premises at retail.
5. Drug Stores
6. Electrical appliance sale and repair
7. Florist shops and greenhouses for retail trade only.
8. Funeral homes
9. Grocery, fruit or vegetable stores.
10. Hotels and motels
11. Indoor theaters and auditoriums
12. Laundromats and laundrettes
13. Meat markets and poultry stores if no slaughter or stripping involved.
14. Municipal buildings, excluding garages, shops, jails and correctional facilities.
15. Offices
16. Photographers' or artists' studios.
17. Professional offices
18. Radio and television sales and services shops.
19. Radio and televisions broadcasting studios
20. Signs conforming to the requirements of the Town's sign Ordinance.
21. Tailor and dressmaking shops.
22. Telephone exchange buildings
23. Temporary building incidental only to construction of a permitted use.
24. Restaurants, except drive-in and fast food restaurants.

Conditional Uses Permitted. When after review of an application and development plan pursuant thereto, the Planning and Zoning Commission finds as a fact that the proposed use is consistent with the General Development Plan for the Town of Welaka, the following uses may be permitted:

1. Shopping Centers
2. Banks

## USES PERMITTED

Land and structures shall be used only for the following purposes:

1. Athletic' Clubs and Health Studios.
2. Self-service and coin operated car wash establishments where no gasoline or service is provided.
3. Bowling Alleys
4. Business, music, dance, or commercial schools.
5. Dry cleaning plants only using automatic self-contained cleaning machines with a capacity of 40 pounds or less per load and using non-inflammable toxic dry-cleaning solvents.
6. Pet shops or animal hospitals when conducted wholly within the enclosed building, provided no boarding facilities are provided.
7. Drive-in and fast-food restaurants.
8. Retail sale of alcoholic beverages for consumption off the premises.
9. Any uses permitted in C-1 zone.

## CONDITIONAL USES PERMITTED IN C-2

When, after review of an application and plan appurtenant thereto, the Planning and Zoning Commission finds as a fact that the following proposed use or uses are consistent with the general zoning and other appurtenant municipal ordinances and with the public interest, the Planning and Zoning Commission is hereby authorized to approve special permits for the following uses as permitted uses-in the C-2 District:

1. Gasoline Service Stations.
2. Automotive, new and used, sales and service.
3. Drive-in Theaters.
4. Automotive body, repair and paint shops.
5. Sale of Alcoholic Beverages for consumption on the premises.





# Welaka, FL

River of Lakes

## CONDITIONAL USE PERMIT APPLICATION

1. Name of property owner(s): Michelle Bomba Address(es): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

911 Address: (Street) 413 Elm St. W<sup>th</sup> R<sup>oad</sup>  
(City) Welaka (State) FL (Zipcode) 32193

2. Parcel ID number(s): 41-12-26-9200-0310-0030-97860

3. Subdivision name: 9200/ (If applicable)

4. Driving directions to property: Heading South on Hwy 17 from Palatka; Right turn on CR 309, Left turn on CR 308B (Elm St) Right turn into parking lot (413 Elm St, Welaka FL 32193)

5. Size property to be covered by the Special Use Permit: < 1 acres

6. Zoning Designation: C2 Future Land Use designation: Restaurant/Brewery

7. Current Use: RESTAURANT

8. Proposed Conditional Use: Restaurant / Brewery w/ on premises consumption  
Applicable Ordinance Section(s) \_\_\_\_\_

9. Prior zoning actions on this property (include case number): Rezone C1 → C2

10. Attach the following to the Application Form:

- Application Fee
- Site Plan
- Agent Designation Form
- Legal Description(s)
- Recorded Deed(s)

**YOUR SIGNATURE BELOW AFFIRMS THAT YOU HAVE READ AND AGREE TO THE TERMS OF THIS APPLICATION IN ITS ENTIRETY.**

10. Signature(s) of Property Owner(s):

Michelle Bomba  
\_\_\_\_\_  
\_\_\_\_\_

Telephone Number(s):

904 383-9759  
\_\_\_\_\_  
\_\_\_\_\_

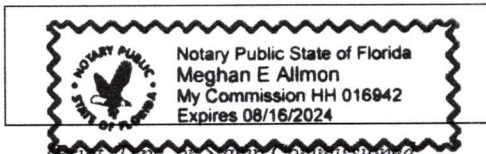
STATE OF FLORIDA

COUNTY OF PUTNAM

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization.

this 24<sup>th</sup> day of October 2023, by Michelle Bomba  
*(Print Name of Person(s) Acknowledging)*

Meghan E. Allmon  
Signature of Notary Public



*(Print, Type, or Stamp Commissioned Name of Notary Public)*

Personally Known  OR Produced Identification \_\_\_\_\_ Type of Identification Produced

## CONDITIONAL USE PERMIT APPLICATION

### WHAT IS A CONDITIONAL USE PERMIT?

In certain cases, a particular use is deemed conditional in certain zoning designation(s). The only way to conduct the desired special use legally is for the owner(s) to obtain a Conditional Use Permit.

### PROCESS

1. Call Staff at (386) 467-9800 about your interest in a Conditional Use Permit, as well as to schedule your pre-application meeting.
2. Submit all required materials to the Town Clerk complete and correct.
3. The application will be given a case number and scheduled for a hearing with the Planning and Zoning Board (PZB).

Note: The current schedule for the PZB is on the Town's website.

4. Staff will:
  - a. Notify all property owners within 400 feet of the subject parcel(s) via US Mail.
  - b. Post advertisement in the local newspaper with the case number, purpose of the case, 911 address, and the hearing dates.
5. Staff will conduct at least one site visit to the parcel that is the subject of the application. While staff will only be reviewing the site as it pertains to the rezoning, you may request that you be present when the site visit occurs. Site visits will be conducted during regular business hours (8:30 am to 5:00 pm Monday through Friday) between the date of submittal of a completed application and the date of the hearing. The express purposes of the site visit is to place signs noticing the hearing, verify information submitted with this application and complete an analysis of the proposed use for consistency with the Comprehensive Plan and compliance with Town ordinances.

**Note:** Submittal of a completed application represents express permission to Town staff to enter onto the property to conduct a site visit. Denial or refusal to grant such access shall be grounds rejecting the application.
6. You will receive a copy of a staff report, prior to the PZB public hearing, which analyzes the application for consistency with the applicable objectives and policies of the Town's Comprehensive Plan and ordinances, and makes a recommendation to the PZB.

**Note:** Once the application has been advertised for public hearing, if you withdraw the application or cause the hearing to be postponed, you are responsible for payment of the original application fee and any cost incurred by the Town for additional public notices.

7. There will be one hearing before the PZB for Conditional Use Permit. The PZB hearing is conducted in the following fashion:
  - a) The case number will be called for discussion.
  - b) Staff will present the staff report to the Board.
  - c) Those who are in favor will be given the opportunity to share their views and evidence. The applicant will be given the first opportunity to speak in favor of their application.
  - d) Those who are in opposition of the application are given the opportunity to speak.
  - e) The Board will close public comments and deliberate.
  - f) After deliberation, the Board will vote. If the PZB denies the application, the applicant will be notified of their right to appeal.

## **REQUIREMENTS**

1. Completed application, one that is correct, signed and notarized.
2. Application fee.

**Note:** Fees are subject to change at any time by resolution of the Town Council. In addition to the application fee, the applicant will be responsible for any fees incurred by the use of third party experts/consultants which are necessary to review and analyze technical submittals. (e.g. environmental assessments, housing studies, traffic studies, level of service analysis, etc.)

1. SITE PLAN – Site plan must be provided on a sheet of paper no smaller than 11" x 17" and must be legible. Failure to provide a site plan with all required details will result in a finding that the application is insufficient. Insufficient applications will not be scheduled for public hearings until they are made sufficient. The site plan shall include the following:
  - a) Name, location and owner.
  - b) Present zoning.
  - c) Location of the site in relation to surrounding properties, including the means of ingress and egress to such properties and any screening or buffers on such properties.
  - d) Date, north arrow and graphic scale.
  - e) Location, number, dimension and surface type of all proposed parking areas and loading areas.
  - f) Location, size and design of landscaped areas and building screens or architectural enclosures.

g) The location of all existing and proposed structures and major features and complete dimensions of same. Also included shall be setbacks, distances between structures, floor areas, width of driveways, property or lot lines and the percentage of the property covered by structures.

h) Location and acreage of open space, recreational, recharge and landscaped areas.

2. AGENT DESIGNATION FORM – This form is applicable if the applicant(s) choose to designate an agent other than an applicant to represent them at the public hearings.
3. RECORDED DEED - A copy of the recorded deed(s) to the property involved in the request must be provided.
4. LEGAL DESCRIPTION - A legal description of the area for the rezoning must be provided, if the area is different from the legal description in the deed to the property.

**Note:** All owners of record must sign the application. If all owners are unable to appear before the notary public, then a duplicate completed application must be signed by each owner and notarized. All signatures submitted must be originals. If the owner is a corporation or a business entity, all officers/partners must sign, or one officer may sign if written proof in a form acceptable to the Town is provided establishing that the one person has been delegated authority to represent the corporation or business entity.

**AGENT DESIGNATION FORM**

The applicant(s) does (do) hereby appoint and designate Andrew Fiteau  
as agent in fact for the owner(s) of parcel(s) 413 Elm St Weiraka Fl 32193

Parcel #  
to present an application for a vesting determination for all or a portion of the referenced parcel(s)  
and to present all evidence in support thereof to the Planning and Zoning Board, and to respond to  
and furnish all information and data requested by said Board.

Print name of property owner(s):  
Michelle Bomba  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

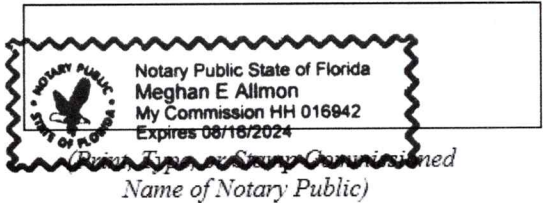
Signature(s) of property owner(s):  
Michelle Bomba  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF FLORIDA

COUNTY OF PUTNAM

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization,  
this 24<sup>th</sup> day of October 2023, by Michelle Bomba  
*(Print Name of Person(s) Acknowledging)*

Meghan E. Allmon  
Signature of Notary Public



Personally Known  OR Produced Identification \_\_\_\_\_ Type of Identification Produced

**AGENT OATH AND SIGNATURE:**

The undersigned Andrew J. Fiateau, being duly appointed as agent in fact for the above named owner(s) of the property whereby said owners are seeking a rezoning and the undersigned does hereby accept said appointment and will faithfully and truly carry out the request of said owner(s).

Signature of Agent: [Handwritten Signature]

Address: 413 Elm St Welaka Fl 32193

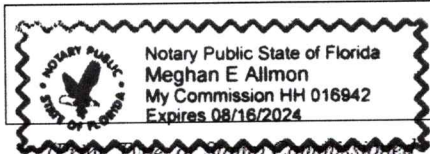
Telephone Number: (386)268-1381 Fax Number: \_\_\_\_\_

Email Address: Andrew.fiateau@icloud.com

STATE OF FLORIDA  
COUNTY OF PUTNAM

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 24<sup>th</sup> day of October 20 23, by Andrew Fiateau  
*(Print Name of Person(s) Acknowledging)*

[Handwritten Signature]  
Signature of Notary Public

  
*(Print Name, Type, or Stamp Commissioned Name of Notary Public)*

Personally Known  OR Produced Identification \_\_\_\_\_ Type of Identification Produced

The Law Offices of Patrick J Kennedy, PA

PO Box 298

Welaka, Florida 32193

[patrickjkennedypa@gmail.com](mailto:patrickjkennedypa@gmail.com)

MEMORANDUM

To: Welaka Zoning Board

From: Patrick Kennedy

Date: November 6, 2023

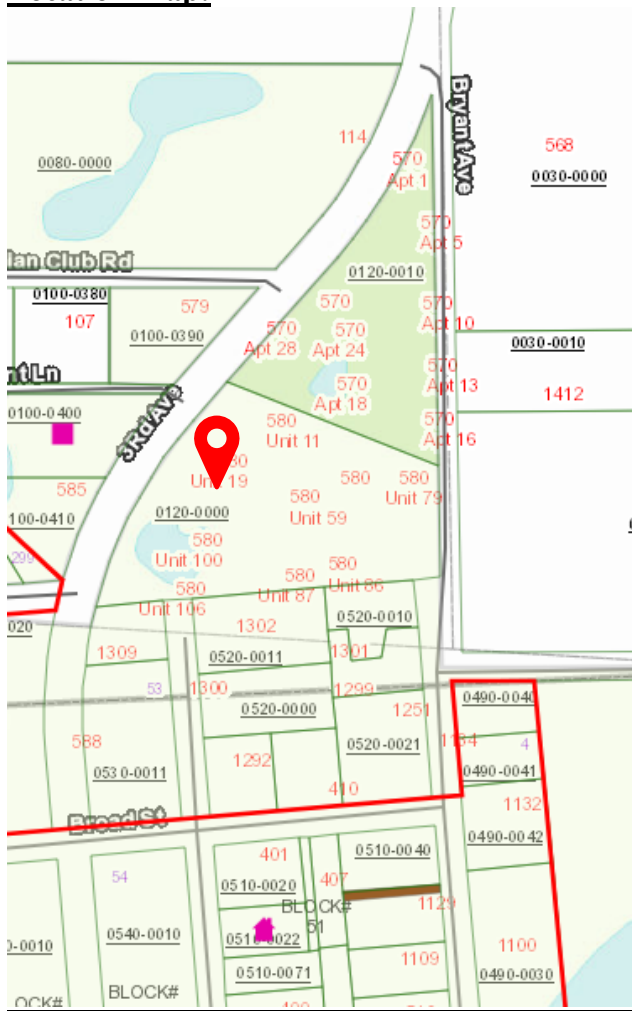
RE: Proposed Rezoning and Conditional Use Permit for 580 3<sup>rd</sup> Ave

---

**The Property:** Parcel No.: 33-11-26-0000-0120-0000  
911 Address: 580 3<sup>rd</sup> Ave, Welaka, Florida

**Acreage:** 5.11 Acres

**Location Map:**





**The Parties:** Owner – Leslie Smith  
Agent – Chad Hutchinson

**The Request:**

Rezone the Property from its current zoning of C-1 to C-2 and a companion request for a conditional use permit for the express purpose of being able to set up prefabricated shed displays in order to market these buildings for sale.

**Attachments:**

Rezoning Application and Conditional Use Permit Application  
Warranty Deed showing legal description of the property and verifying ownership.

**Surrounding Land Uses and Zoning:**

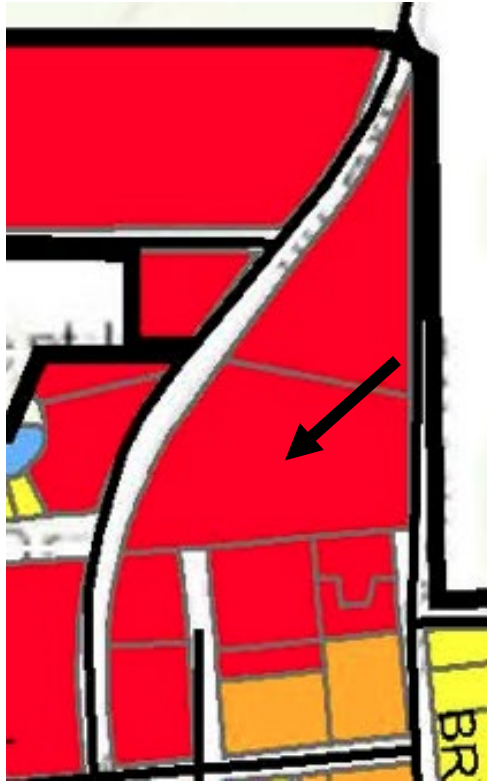
Direction	Land Use	Zoning	Future Land Use
North	Multi-family residential	C-1	Commercial
East	Large lot residential (10 acres)	AG(County)	County AG
South	Vacant Commercial/Residential	C-2/SR-1	Commercial/Res. Med. Density
West	Vacant/Residential	C-1	Commercial

**Map Series:**

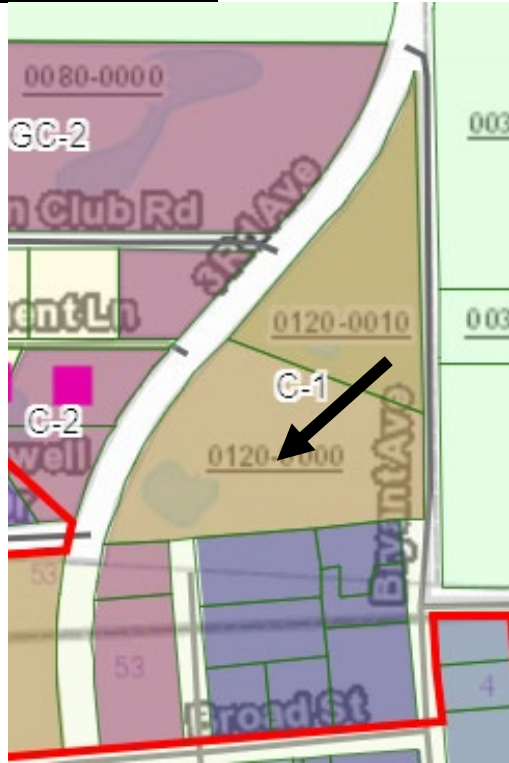
Aerial



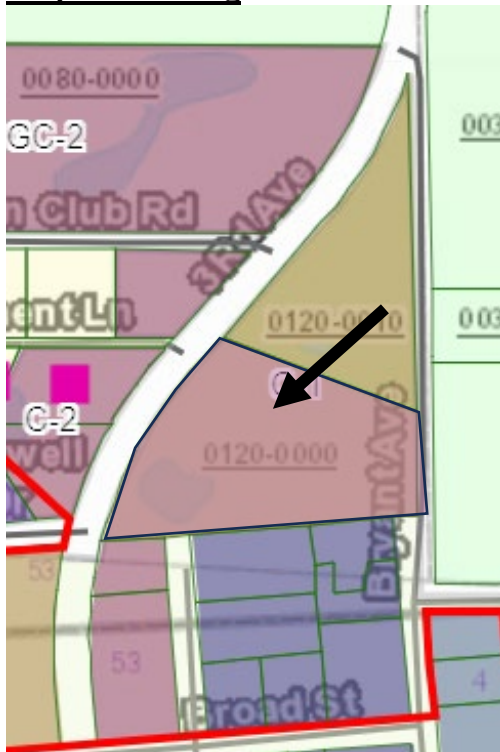
**Future Land Use**



**Current Zoning: C-1**



**Proposed Zoning: C-2**



## **Background**

The property under consideration for the proposed rezoning and conditional use permit is a little over 5 acres in size and currently zoned C-1. The applicant came before the Planning and Zoning Board (PZB) to seek an interpretation of the C-1 and C-2 zoning to determine whether portable building sales may be permitted in either zoning category. The PZB determined that because C-2 allows for the outdoor display and sale of vehicles by conditional permit, the outdoor display of portable sheds was similar enough to at least allow them to consider an application for conditional use permit for the use if the property was zoned C-2. This interpretation did not constitute approval – just an opportunity for a conditional use permit to be heard.

There are currently multiple uses on the property, including mini-storage and a marina parts and equipment dealership. The aerial above gives an idea of the current intensity of the development this location.

## **Analysis**

We are addressing two different applications and while we are addressing them concurrently, it is necessary to address the rezoning first. If, after hearing the evidence presented, the Planning and Board determines that the rezoning is not appropriate, the conditional use permit is, by default, denied. There is also an added wrinkle to the conditional use permit approach to this matter – if approved by the PZB, the Town Council is going to be required to approve the interpretation that sheds might be allowed by conditional use permit before it can move forward.

### **Should Parcel 33-11-26-0000-0120-0000 be rezoned from C-1 to C-2?**

The Commercial future land use designation does permit C-2 zoning. However, this does not mean that a C-2 zoning designation must be approved at this location. The PZB and the Town Council must determine that C-2 zoning designation is compatible with the surrounding land uses and can be supported by the infrastructure (water, sewer, road, stormwater). They must also determine that the uses that could result from the C-2 zoning would be compatible with the surrounding uses.

C-2 will not result in any noticeable impacts to the infrastructure – at least not above and beyond what C-1 already allows. As a result, the key question is whether the uses allowed by C-2 will be compatible with the surrounding land uses. This list of uses allowed by C-1 and C-2 are attached as an addendum to this report and these lists should be reviewed so that you can understand what uses could be allowed to ascertain the compatibility.

In addition to understanding what C-2 will allow on the property, we must look at the surrounding area. The property is located at the north entry into the town on 3<sup>rd</sup> Avenue (CR309), and it is part of the core commercial corridor in the Town of Welaka. There is also C-2 zoning immediately south of this property and across 3<sup>rd</sup> Avenue to the west. Thus, C-2 uses are already allowed in much of the surrounding area. The property to the north is zoned C-1

being used as multi-family. To the west is unincorporated, large lot residential with agriculture zoning that is located across Bryant Ave. This use does not have access from Bryant and is sufficiently buffered from these properties to the east.

The only potential concerns would be related to the residential uses at the southeast corner of the property. However, if the property owner maintains the existing vegetative buffer this should not present a real impact to those properties. That said, any proposed changes to the use or facilities would require PZB approval and a demonstration that there is adequate protection, separation and buffering for nearby properties (Ordinance 83-02 Art VIII, pg. 31).

Based on the forgoing, it appears that the C-2 zoning at this location would be consistent with the Town of Welaka Comprehensive Plan and compatible with the surrounding land uses.

**Does application submittal for approval of the display and sale portable storage buildings at this location meet the criteria for approval of the requested conditional use permit?**

The only guidance provided in the Town's land develop regulations for reviewing conditional use permits is found in the C-2 zoning provisions quoted in the addendum to this report:

*When, after review of an application and plan appurtenant thereto, the Planning and Zoning Commission finds as a fact that the following proposed use or uses are consistent with the general zoning and other appurtenant municipal ordinances and with the public interest, the Planning and Zoning Commission is hereby authorized to approve special permits for the following uses as permitted uses-in the C-2 District....*

If the PZB maintains that the display and sale of storage buildings is similar enough to the display and sale of vehicles to consider this request for a conditional use permit, then to approve the proposed use, the PZB also find that, **as proposed by the applicant**, it is consistent with the general zoning and related ordinances; and that it serves the public interest (or at least does not go against the public interest). The general zoning requirements and the requirements of other ordinances, at a minimum, require a proposed land use to be consistent with the comprehensive plan, compatible with the surrounding land use and able to meet the basic zoning requirements for C-2.

The applicant has provided a site plan illustrating the proposed layout for displaying the sheds. As of the writing of this report, there were no dimensions provided and no detail for the landscape plan. A new site plan showing dimensions and scale, as well as a description of the landscape plan must be provided prior to the hearing to make a final determination. The applicant has been advised and is planning to have this completed in time.

It is my opinion and recommendation that the proposed display and sale of portable storage buildings will be consistent the general zoning for this area and the related ordinances, and it will not conflict with the public interest, if approved with the following conditions:

1. The Town Council must approve the proposed rezoning to C-2.

2. The Town Council must confirm that the display and sale of portable storage buildings is substantially like the sale of vehicles so that it may be considered for a conditional use permit.
3. The number of sheds stored or displayed at any one time shall be limited to eight.
4. The location of the sheds shall be as shown on the approved site plan.
5. Sheds shall be delivered from the supplier/manufacturer directly to the customer and should not be delivered to the property except to replace one of the eight display sheds.
6. There will be no ingress or egress to the subject property from Bryant Avenue.
7. A 6 ft chain link fence shall be maintained along the perimeter of the property as shown in the site plan.
8. No existing trees will be removed to accommodate the use and the property owner will maintain this existing, natural vegetated buffer along the east and southern boundaries, and as well as the 3<sup>rd</sup> Avenue right of way.
9. Failure to meet the conditions of approval shall be subject to code enforcement wherein the Code Enforcement Board may determine to revoke the conditional permit if the failure is significant enough, continues despite notice to correct, or repeated more than once.

## ADDENDUM

### C-1 General Commercial.

Uses Permitted. Land uses and structures shall only be used for the following purposes:

1. Single family dwelling, but not mobile homes.
2. Multi-family residential uses conforming to the requirements of MR-1 zoning.
3. Art Museums
4. Bakeries where all goods are sold on the premises at retail.
5. Drug Stores
6. Electrical appliance sale and repair
7. Florist shops and greenhouses for retail trade only.
8. Funeral homes
9. Grocery, fruit or vegetable stores.
10. Hotels and motels
11. Indoor theaters and auditoriums
12. Laundromats and laundrettes
13. Meat markets and poultry stores if no slaughter or stripping involved.
14. Municipal buildings, excluding garages, shops, jails and correctional facilities.
15. Offices
16. Photographers' or artists' studios.
17. Professional offices
18. Radio and television sales and services shops.
19. Radio and televisions broadcasting studios
20. Signs conforming to the requirements of the Town's sign Ordinance.
21. Tailor and dressmaking shops.
22. Telephone exchange buildings
23. Temporary building incidental only to construction of a permitted use.
24. Restaurants, except drive-in and fast food restaurants.

Conditional Uses Permitted. When after review of an application and development plan pursuant thereto, the Planning and Zoning Commission finds as a fact that the proposed use is consistent with the General Development Plan for the Town of Welaka, the following uses may be permitted:

1. Shopping Centers
2. Banks

## USES PERMITTED

Land and structures shall be used only for the following purposes:

1. Athletic' Clubs and Health Studios.
2. Self-service and coin operated car wash establishments where no gasoline or service is provided.
3. Bowling Alleys
4. Business, music, dance, or commercial schools.
5. Dry cleaning plants only using automatic self-contained cleaning machines with a capacity of 40 pounds or less per load and using non-inflammable toxic dry-cleaning solvents.
6. Pet shops or animal hospitals, when conducted wholly within the enclosed building, provided no boarding facilities are provided.
7. Drive-in and fast-food restaurants.
8. Retail sale of alcoholic beverages for consumption off the premises.
9. Any uses permitted in C-1 zone.

## CONDITIONAL USES PERMITTED IN C-2

When, after review of an application and plan appurtenant thereto, the Planning and Zoning Commission finds as a fact that the following proposed use or uses are consistent with the general zoning and other appurtenant municipal ordinances and with the public interest, the Planning and Zoning Commission is hereby authorized to approve special permits for the following uses as permitted uses-in the C-2 District:

1. Gasoline Service Stations.
2. Automotive, new and used, sales and service.
3. Drive-in Theaters.
4. Automotive body, repair and paint shops.
5. Sale of Alcoholic Beverages for consumption on the premises.

**The Law Offices of Patrick J Kennedy, PA**

P.O. Box 298  
Welaka, Florida 32192  
[patrick@pjklawfirm.com](mailto:patrick@pjklawfirm.com)  
(386)524-4401

**MEMORANDUM**

To: Welaka Town Council

From: Patrick Kennedy, Town Attorney

Cc: Meghan Allmon, Town Clerk

Date: December 4, 2023

RE: Zoning Interpretation – Should Sale of Portable Storage Buildings Be Allowed in C-2 by Conditional Use Permit.

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The property owners and their tenant at 580 3<sup>rd</sup> Avenue (location of S&A Leisure) requested a zoning interpretation regarding a non-listed use. Specifically, they are asking that the Town allow the sale of portable storage buildings in C-2 zoning by conditional use permit. The basis for this request is that the allowance for the sale of vehicles in C-2 by conditional use permit is similar enough to portable building sales. The code provisions governing uses allowed in C-2 states as follows:

*USES PERMITTED*

*Land and structures shall be used only for the following purposes:*

- 1. Athletic' Clubs and Health Studios.*
- 2. Self-service and coin operated car wash establishments where no gasoline or service is provided.*
- 3. Bowling Alleys*
- 4. Business, music, dance, or commercial schools.*
- 5. Dry cleaning plants only using automatic self-contained cleaning machines with a capacity of 40 pounds or less per load and using non-inflammable toxic dry-cleaning solvents.*
- 6. Pet shops or animal hospitals when conducted wholly within the enclosed building, provided no boarding facilities are provided.*
- 7. Drive-in and fast-food restaurants.*
- 8. Retail sale of alcoholic beverages for consumption off the premises.*
- 9. Any uses permitted in C-1 zone.*

*CONDITIONAL USES PERMITTED IN C-2*

*When, after review of an application and plan appurtenant thereto, the Planning and Zoning Commission finds as a fact that the following proposed use or uses are consistent with the general zoning and other appurtenant municipal ordinances and with the public interest, the Planning and Zoning Commission is hereby authorized to approve special permits for the following uses as permitted uses-in the C-2 District:*



1. *Gasoline Service Stations.*
2. *Automotive, new and used, sales and service.*
3. *Drive-in Theaters.*
4. *Automotive body, repair and paint shops.*
5. *Sale of Alcoholic Beverages for consumption on the premises.*

Ordinance 2023-02, Section 3.a provides as follows:

*Uses not expressly listed as allowed under a specific zoning district shall not be permitted to be established within the Town of Welaka boundaries unless and until the Town allows for said uses through the revision of the land development regulations by ordinance or the Town Council, upon the recommendation of the Zoning Board, shall determine after a public hearing that proposed use is substantially similar to a listed use that it was clearly the intent of the governing ordinance to allow the proposed use.*

**RECOMMENDATION OF THE ZONING BOARD:** The Zoning Board heard the request of the property owner's and is recommending that the Town Council find the sale of portable building is substantially similar enough to the sale of vehicles so as to allow the proposed use in C-2 zoning by conditional use permit.

NOTE: This determination is tied to a proposed rezoning and conditional use permit application for the same property located at 580 3<sup>rd</sup> Avenue. This determination is a prerequisite to considering the proposed rezoning and conditional use permit. If you disagree with the Zoning Board and determine that the sale of portable buildings is not similar enough to vehicle sales and should not be allowed in C-2 either by right or by conditional use permit, then the proposed rezoning and conditional use permit cannot be approved at this time. However, you are under no obligation to agree with the Zoning Board simply because they have started the rezoning and conditional use permit concurrent with this request for a zoning interpretation. The interpretation question should be considered on its own merits.



# Welaka, FL

River of Lakes

## CONDITIONAL USE PERMIT APPLICATION

1. Name of property owner(s): Leslie Ann Smith Address(es): 185 Pinecrest Ct  
San Mateo Fl 32187

911 Address: (Street) 580 3rd Ave (1300 County Rd 309) Welaka  
(City) Welaka (State) Fl (Zipcode) 32193

2. Parcel ID number(s): 33-11-26-0000-0120-0000

3. Subdivision name: N/A (If applicable)

4. Driving directions to property: 17 E to 309 WELAKA

5. Size property to be covered by the Special Use Permit: \_\_\_\_\_ acres

6. Zoning Designation: C1 Future Land Use designation: C2

7. Current Use: C1

8. Proposed Conditional Use: sale of portable storage buildings  
Applicable Ordinance Section(s) \_\_\_\_\_

9. Prior zoning actions on this property (include case number): \_\_\_\_\_

10. Attach the following to the Application Form:

- Application Fee
- Site Plan
- Agent Designation Form
- Legal Description(s)
- Recorded Deed(s)

**YOUR SIGNATURE BELOW AFFIRMS THAT YOU HAVE READ AND AGREE TO THE TERMS OF THIS APPLICATION IN ITS ENTIRETY.**

10. Signature(s) of Property Owner(s):

Leslie A. Smith  
\_\_\_\_\_  
\_\_\_\_\_

Telephone Number(s):

586-643-5820  
\_\_\_\_\_  
\_\_\_\_\_

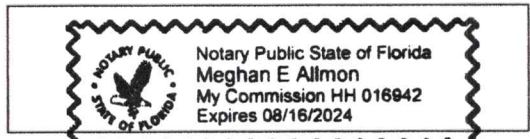
STATE OF Florida

COUNTY OF Putnam

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization.

this 20<sup>th</sup> day of October 2023, by Leslie A. Smith  
*(Print Name of Person(s) Acknowledging)*

Meghan E. Allmon  
Signature of Notary Public



*(Print, Type, or Stamp Commissioned Name of Notary Public)*

Personally Known  OR Produced Identification \_\_\_\_\_ Type of Identification Produced

# CONDITIONAL USE PERMIT APPLICATION

## WHAT IS A CONDITIONAL USE PERMIT?

In certain cases, a particular use is deemed conditional in certain zoning designation(s). The only way to conduct the desired special use legally is for the owner(s) to obtain a Conditional Use Permit.

## PROCESS

1. Call Staff at (386) 467-9800 about your interest in a Conditional Use Permit, as well as to schedule your pre-application meeting.
2. Submit all required materials to the Town Clerk complete and correct.
3. The application will be given a case number and scheduled for a hearing with the Planning and Zoning Board (PZB).

Note: The current schedule for the PZB is on the Town's website.

4. Staff will:
  - a. Notify all property owners within 400 feet of the subject parcel(s) via US Mail.
  - b. Post advertisement in the local newspaper with the case number, purpose of the case, 911 address, and the hearing dates.
5. Staff will conduct at least one site visit to the parcel that is the subject of the application. While staff will only be reviewing the site as it pertains to the rezoning, you may request that you be present when the site visit occurs. Site visits will be conducted during regular business hours (8:30 am to 5:00 pm Monday through Friday) between the date of submittal of a completed application and the date of the hearing. The express purposes of the site visit is to place signs noticing the hearing, verify information submitted with this application and complete an analysis of the proposed use for consistency with the Comprehensive Plan and compliance with Town ordinances.

**Note:** Submittal of a completed application represents express permission to Town staff to enter onto the property to conduct a site visit. Denial or refusal to grant such access shall be grounds rejecting the application.
6. You will receive a copy of a staff report, prior to the PZB public hearing, which analyzes the application for consistency with the applicable objectives and policies of the Town's Comprehensive Plan and ordinances, and makes a recommendation to the PZB.

**Note:** Once the application has been advertised for public hearing, if you withdraw the application or cause the hearing to be postponed, you are responsible for payment of the original application fee and any cost incurred by the Town for additional public notices.

7. There will be one hearing before the PZB for Conditional Use Permit. The PZB hearing is conducted in the following fashion:
  - a) The case number will be called for discussion.
  - b) Staff will present the staff report to the Board.
  - c) Those who are in favor will be given the opportunity to share their views and evidence. The applicant will be given the first opportunity to speak in favor of their application.
  - d) Those who are in opposition of the application are given the opportunity to speak.
  - e) The Board will close public comments and deliberate.
  - f) After deliberation, the Board will vote. If the PZB denies the application, the applicant will be notified of their right to appeal.

## **REQUIREMENTS**

1. Completed application, one that is correct, signed and notarized.
2. Application fee.

**Note:** Fees are subject to change at any time by resolution of the Town Council. In addition to the application fee, the applicant will be responsible for any fees incurred by the use of third party experts/consultants which are necessary to review and analyze technical submittals. (e.g. environmental assessments, housing studies, traffic studies, level of service analysis, etc.)

1. **SITE PLAN** – Site plan must be provided on a sheet of paper no smaller than 11" x 17" and must be legible. Failure to provide a site plan with all required details will result in a finding that the application is insufficient. Insufficient applications will not be scheduled for public hearings until they are made sufficient. The site plan shall include the following:
  - a) Name, location and owner.
  - b) Present zoning.
  - c) Location of the site in relation to surrounding properties, including the means of ingress and egress to such properties and any screening or buffers on such properties.
  - d) Date, north arrow and graphic scale.
  - e) Location, number, dimension and surface type of all proposed parking areas and loading areas.
  - f) Location, size and design of landscaped areas and building screens or architectural enclosures.

- g) The location of all existing and proposed structures and major features and complete dimensions of same. Also included shall be setbacks, distances between structures, floor areas, width of driveways, property or lot lines and the percentage of the property covered by structures.
- h) Location and acreage of open space, recreational, recharge and landscaped areas.

2. AGENT DESIGNATION FORM – This form is applicable if the applicant(s) choose to designate an agent other than an applicant to represent them at the public hearings.
3. RECORDED DEED - A copy of the recorded deed(s) to the property involved in the request must be provided.
4. LEGAL DESCRIPTION - A legal description of the area for the rezoning must be provided, if the area is different from the legal description in the deed to the property.

**Note:** All owners of record must sign the application. If all owners are unable to appear before the notary public, then a duplicate completed application must be signed by each owner and notarized. All signatures submitted must be originals. If the owner is a corporation or a business entity, all officers/partners must sign, or one officer may sign if written proof in a form acceptable to the Town is provided establishing that the one person has been delegated authority to represent the corporation or business entity.

**AGENT DESIGNATION FORM**

The applicant(s) does (do) hereby appoint and designate       n/a        
as agent in fact for the owner(s) of parcel(s) \_\_\_\_\_

to present an application for a vesting determination for all or a portion of the referenced parcel(s) and to present all evidence in support thereof to the Planning and Zoning Board, and to respond to and furnish all information and data requested by said Board.

Print name of property owner(s):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature(s) of property owner(s):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization.  
this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, by \_\_\_\_\_  
*(Print Name of Person(s) Acknowledging)*

\_\_\_\_\_  
Signature of Notary Public *(Print, Type, or Stamp Commissioned Name of Notary Public)*

Personally Known  OR Produced Identification \_\_\_\_\_ Type of Identification Produced

**AGENT OATH AND SIGNATURE:**

The undersigned n/A, being duly appointed as agent in fact for the above named owner(s) of the property whereby said owners are seeking a rezoning and the undersigned does hereby accept said appointment and will faithfully and truly carry out the request of said owner(s).

Signature of Agent: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization.

this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_. by \_\_\_\_\_  
*(Print Name of Person(s) Acknowledging)*

\_\_\_\_\_

*(Print, Type, or Stamp Commissioned Name of Notary Public)*

\_\_\_\_\_  
Signature of Notary Public

Personally Known  OR Produced Identification \_\_\_\_\_ Type of Identification Produced





**Town of Welaka**  
**BOARD VOLUNTEER APPLICATION**

**CODE ENFORCEMENT BOARD**

**ZONING BOARD**

**TREE BOARD**

**HISTORIC PRESERVATION BOARD**

*Please circle the Board you are interested in volunteering for. You may choose more than one.*

**Personal Contact Information**

Date: 11-22-23 Name: Kenneth Pagano

Current Address: 542 1st Avenue

Phone - Home: \_\_\_\_\_ Cell: 386-559-2462

Email Address: kennethpagano@yahoo.com

**Emergency Contact Information**

Name: Diane Pagano Relationship with Volunteer: Spouse

Phone: Home: \_\_\_\_\_ Cell: 904-412-9945

I have a Masters and Bachelors degree in Forestry which may be useful to the Tree Board.

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Education:

Employment History (Current employer or previously retired from, if applicable):

25 years as a Structural Engineer for Costa Corporation, Sebring FL 863-385-8242. Retired.

---

Which Council Member recommended you for this position? \_\_\_\_\_

Special training, skills, hobbies:

Professional engineer. Masters Degrees in Forestry and Civil Engineering. Wellington, FL Planning Zoning Board (late 1990's). Light framing building. Fishing and camping.

Groups, clubs, organizational memberships:

Committee on Framing Standards, Washington DC. Cold Formed Steel Engineers Institute. Advisor for the St Johns River State College Bass Fishing team.

Do you have a Driver's License?      Yes y No \_\_

**References:**

Please list 3 people who know you well and can attest to your character, skills, and dependability. Include your current or last employer.


Name/Organization	Relationship to You	Phone	Length of Relationship
<u>Robert Scott Turnbull</u>	<u>Brother in Law</u>	<u>904-210-6565</u>	<u>38 years</u>
<u>Bill Pickens</u>	<u>Freind/Colleague</u>	<u>386-538-6081</u>	<u>4 years</u>
<u>Scott Stanley</u>	<u>Employer</u>	<u>863-385-8242</u>	<u>25 years</u>

**Please read the following before signing this Application:**

Privacy Practice Statement: We protect your personal information and adhere to all legislative requirements with respect to privacy. We do not rent, sell, or trade our lists of volunteers. We use your personal information to keep informed and up to date activities of the organization and its specific programs including, but not limited to; opportunities to volunteer, upcoming events, educational opportunities, and seasonal greeting.

I understand that this is an application for and not a commitment or promise of

volunteer opportunity. I certify that I have and will provide information throughout the selection process, including on this application for a volunteer position and in interviews that is true, correct and complete to the best of my knowledge. I certify that I have and will answer all questions to the best of my ability and that I have not and will not withhold any information that would unfavorably affect my application for a volunteer position. I understand that information contained on my application will be verified. I understand that misrepresentations or omissions may cause for my immediate rejection as an applicant for a volunteer position or my termination as a volunteer.

Signature: 

Date: 10-10-23

## Town Clerk

---

**From:** Perez, Julio Christopher <pjulio@ufl.edu>  
**Sent:** Wednesday, December 6, 2023 1:15 PM  
**To:** Jamie Watts  
**Cc:** Town Clerk; Courtney Desouza; blake.josephson@fdacs.gov  
**Subject:** Arbor Day 2024

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Some people who received this message don't often get email from pjulio@ufl.edu. [Learn why this is important](#)

Hello,

I am just planning out programming for Jan 2024 and I was wondering if Welaka is planning on having an Arbor Day Celebration in Jan 2024? If so please let Blake and I know so we can plan accordingly.

Thank you,

**Julio Perez, M.S.**  
**Horticulture Agent I**  
ISA-certified Arborist, FNGLA FCHP, &  
Florida Water Star Accredited Landscape Professional  
**UF-IFAS Extension Putnam Co.**  
111 Yelvington Rd., Ste. 1  
East Palatka, FL 32131  
Email: [pjulio@ufl.edu](mailto:pjulio@ufl.edu)  
Phone: (386) 329-0318



[Join the UF IFAS Extension Putnam County Horticulture Facebook Page](#)



[Join the Putnam County Horticulture Newsletter \*The Root of the Matter\*](#)

**UF** | **IFAS Extension**  
UNIVERSITY of FLORIDA

An Equal Opportunity Institution