



TOWN OF WHITE SPRINGS
"On the Banks of the Suwannee River"

AGENDA

WHITE SPRINGS TOWN COUNCIL
BUDGET COUNCIL Workshop Meeting

White Spring Library

Tuesday, August 12, 2025 – 6:00 PM

1. **Call to Order, Invocation, and Pledge of Allegiance - Mayor**
2. **Roll Call - Mayor**
3. **Additions, Deletions, and/or Amendments to the Agenda - Mayor**
4. **Approval of Minutes:** July 8, 14, and 28 July 2025 (Amend to delete approval of June 10, 2025, which were erroneously approved but had not been printed)
5. **Budget/Financial:** Approve Accounts Payable. Note: Mr. Richard Powell of Powell Consulting will be absent and will give financial reports on August 19, as part of budget workshop.
6. **Citizens from the floor:** (Request form needed - 5min. limit)
7. **Department Reports:**
 - a. Town Manager
 - b. Public Works Director
 - c. Fire Department
 - d. Town Attorney
8. **New Business: RESOLUTION NO. 2025-16** - Consider request to waive fees for recent re-zoning actions due to failure of the Town to have schedule posted and to notify applicants of such fees. This would be a one-time only waiver for the re-zonings referenced in resolution.
9. **Council Comments:**
 - a. Vice-Mayor Williams

- b. Councilmember Gamsby**
- c. Councilmember McCall**
- d. Councilmember Aldridge**
- e. Mayor Brown**

Adjourn:

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COUNCIL, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR PURPOSE THAT PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA) PERSONS NEEDING SPECIAL ACCOMODATIONS TO PARTICPATE IN THE COUNCIL PROCEEDINGS SHOULD CONTACT THE TOWN CLERK'S OFFICE NOT LATER THAN THREE DAYS PRIOR TO THE MEETING.



TOWN OF WHITE SPRINGS

"On the Bank of the Suwannee River"

MINUTES

WHITE SPRINGS TOWN COUNCIL REGULAR COUNCIL MEETING

White Springs Library 16403 Jewett St. White Springs, FL 32096
Tuesday, July 8, 2025 – 6:30 p.m.

1. **Call to Order, Invocation, and Pledge of Allegiance** – Mayor Brown called the meeting to order at 6:30 p.m.
2. **Roll Call – Members present:** Mayor Brown, Vice Mayor Williams, Councilwoman McCall, and Councilman Gamsby.

Absent, Councilwoman Alridge

Councilman Gamsby made motion to accept Roll Call and Vice Mayor Williams seconded. Motion passed 4-0.

3. **Additions, Deletions, and/or Amendments to the Agenda** – Additions, (D) to New Business

(D) Resolution 2025-12 – A Resolution of the Town Council of White Springs, Florida, Establishing an Emergency Preparedness and Response Committee.

Councilman Gamsby made the motion to add listing D and Vice Mayor Williams seconded. Motion passed 4-0.

4. **Approval of Minutes: June 10, 2025, and June 26, 2025**
Vice Mayor Williams made the motion to approve the Minutes for June 10, 2025, and June 26, 2025, and Councilwoman McCall seconded. Motion passed 4-0.
5. **Financial Report:** Richard Powell of Powell Consulting:
See the attached report. Councilwoman McCall had several questions for Mr. Powell. Questions asked are attached to this report. Mr. Powell suggested that the town has a brief budget workshop on finances. Maybe one week after the regular council meeting. **The Budget Primarily workshop is scheduled for July 15, 2025, at 11:30 a.m.** (location will be the Library or Town hall not sure at this time).

Mr. Powell discussed the Milage Rate. The Milage Rate must be agreed upon by the council members no later than the end of July. The current mileage rate is 6. Mr. Powell also discussed the fire truck payments, loans, Duke Energy, Health Insurance, road and streets allocations, portable office, and utilities services.

Mr. Powell also stated that the bank statement for June was not available and if we had it, it would provide a more accurate report on finances.

• Mr. Garner and Mr. Powell will work together closely on finances.

6. Administrative/Departmental Reports:

a) Town Manager

Mr. Garner was happy to announce that he had finally completed the bank requirements, He is officially legal to handle banking for the Town of White Springs. He thanked everyone for hiring him. He was happy to be here and ready to work. He also told everyone briefly about what the position of Town Manager entails: He is the Chief Executive Officer in charge. He has the responsibilities of hiring and firing. He will try to make White Springs a better place than how he found it.

He is ready to take on all the responsibilities of the Town Manager.

Mr. Garner shared the information regarding the FLC dinner scheduled for July 24, 2025. Also, that he had registered each council members with the FLC – Florida League of Cities.

Mr. Garner asked the town to approve Resolution 2025-11 – A Resolution of the Town Commissioners of the Town of White Springs, Florida, Adopting the 2025 Hamilton County Local Mitigation Strategy (LMS).

Councilman Gamsby read the resolution. Councilwoman McCall made the motion to approve Resolution 2025-11, and Vice Mayor Williams seconded. Motion passed 4-0.

Mr. Garner asks Mayor Brown to sign the Red Ribbon Week Proclamation on behalf of the town. Proclamation dated October 23-31, 2025.

He also discussed working hours and changing part-time employees to full-time. This process will cost the town approximately \$26,000 and benefits for each employee. At this time, he only observed several people coming to Town Hall, and he feels at this time between the two employees we can handle the working schedule. Mayor Brown asks that we table this concern until the Budget Workshop.

Mr. Garner discussed the Fire Department. The Fire Department of White Springs, Florida, is validated. Homeowners insurance can be insured.

Mr. Garner discussed Public Records requests. He asked the council members to appoint him as the custodian of Records requests. Attorney Jean-Bart reminded everyone that public records requests do not have to be in writing. You can come by the office during working hours and verbally request one or call the office during working hours. But please do not approach someone in the street and request one.

Motion made by Councilman Gamsby to make Mr. Garner the Custodial of Record Requests and seconded by Councilwoman McCall. Motion passed 4-0.

b) Public Works, Ray Vaughn:

Side by Side has been ordered. The truck is in the repair shop for the motor.

Ray had two requests for approval:

Bridge street lift station needs a new Transfer Switch. He had two quotes: Graham & Sons Electric, Inc. (\$12,300) and Holly Electric, Inc (\$3070.21). The switch is required because if we lose power the backup generator will start.

Second request blower for lift station. Two quotes – Barney's Pumps (\$3,377) and Estimate DW Industrial, LLC (\$7,143) Ray will install the blower himself.

Motion made by Vice Mayor Williams to approve Holly Electric for the transfer switch and Barney's Pumps for the blower. Motion seconded by Councilman Gamsby. Motion passed 4-0.

AC – replacing AC in Town Hall Building, Three quotes: Cooks (\$10,335), Donnie Skipper (\$8,650), and A.C.E. Heat and Air (\$10,8750).

Citizen George Tudor suggested Wilson AC Services out of Lake Butler, Florida. He used them and had no complaints.

Mold issues – Mr. Garner, Mayor Brown and Ray Vaughn agreed that they saw very little mold, but we hire Servpro to come and inspect for the mold.

It was agreed that Mr. Garner would call Servpro and schedule a meeting and that Mr. Garner will be allocated no more than \$11,000 for the AC installation and Servpro services. Motion made by Vice Mayor Williams, that Mr. Garner will be approved for \$11,000 for the AC and Servpro services. Motion seconded by Councilwoman McCall. Motion passed 4-0.

c) Fire Chief Steve Stith:

The Fire Chief gave his report and stated that he is working closely with Mr. Garner and Henry Land. EMS should report to the fire station within the next two weeks. The fire Department is ready to work with them. Fire fighters are working a total of 113 hours a week. – Hours use to be 168 hours a week. But due to budget cuts they are now 113 hours a week. (Vice Mayor Williams gave Fire Chief Steve Stith a memo regarding the citizen safety and working hours). Memo is attached.

Mr. Thomas Brazil asked if we had coverage for July 4th, 2025. Mr. Stith said no. There were issues with not having coverage, because a 15-year-old lost his life on an ATV, and the White Springs Fire Department did not respond to the call.

Mr. Brazil told everyone the difference between a Fire Fighter 1 and a Fire Fighter 2. Fire Chief said this was a call for EMS, they could not have done anything. Citizens disagreed. Citizens also agreed that the volunteer fire department went out on more calls.

Mr. Brazil and others agreed that the volunteer fire department did more for the citizen of White Springs, than the existing fire department. He also indicated that the previous Town Manager, Vanessa George, closed the fire department and dismissed the volunteer fire fighters.

Mr. Stith left the building during the discussion regarding the fire department.

The Vice Mayor was upset that the Fire Chief walked out during his report and suggested that we call Hamilton County Fire Department, Jasper Florida and try to see if we can join their fire department and close the existence one for White Springs. Mr. Garner stated, let's not jump and make any hasty decisions at this time, he is working with Mr. Henry Land, in fact he called him yesterday. But he will call again and there are legal ways to handle this situation.

The use of ATV, Gold Carts and Side by Side were discussed. Mr. Garner insured everyone that he was working with the State Trooper who was handling the case and that we will revisit this concern and address the issues.

Annetjie Hutchinson, Citizen who lives on Deer Run, was upset about the gun shots during the 4th of July.

Citizens suggested starting permits again for Golf Carts, ATV and Side by Side. Everyone agrees – Do something make it Safe.

Mr. Garner assured everyone that he will work on these issues.

Motion made by Councilman Gamsby to allow Mr. Garner to work on the Fire Department. Motion seconded by Councilwoman McCall and Motion passed 4-0.

7. Presentations: Update on Diamond Subdivision – Brandon Stubbs/NFPS

Mr. Stubbs shared his report regarding the updates on Diamond Subdivision. He stated that the previous administration was going to sign off on the Diamond Subdivision project, however before he could get their signatures the administration changed. The subdivision was to include 5 homes; the homes would have wells and septic tanks. He indicated that all permits have been approval and that Mr. Garner could sign off on this project.

Mr. Garner wants to meet with Mr. Brandon Stubbs and discuss this project in more detail.

8. Citizens from the floor: (Request form needed – 5 min. limit).

George Tudor – 16511 Jewett Street – dangerous trees. He contacted Duke Energy, and they came and cut the trees down. But the debris is still there on the road, he is asking the assistance from the Town dump truck to remove the debris.

Standing water in the ditch. Ditch full of water – causing mosquitoes problems.

He also spoke about a gentleman and his wife who pull a trailer behind a minibike and that they are homeless and we do not need to start having people sleeping on the street, it is against the law.

Mr. John Wagner – River Street – had a few concerns: Video why are we paying for the council meetings to be video taped is we are not able to view them. Mr. Ricky Brown tried to explain that the town's website would not support the videos. He suggested that the town create a U-tube account, Facebook account or flash drives. We will address this issue.

He had concerns about vacant homes, sewer and water use. Ms. Williams told him to come to the office, and she will give him reports regarding these issues.

Clog ditch near his home. He tried to clear it but with no luck. Ray will look at the clog ditch.

Gretchen Fouchecourt – 11888 Third Street. – Concern about how long the council meetings is held. She suggested 3 min limited. Keep the meeting flowing.

Annetje Hutchinson – 10251 Deer Run. Concern about sewer hookup – she was told to call the office tomorrow and there would be an answer for her.

9. Old Business: Discuss upcoming Public Hearing for Re-zoning.

Mr. Garner provided the dates for the Re-zoning hearings: (three properties) July 14, 20205 and July 28, 2025, at 6 p.m... Library or the town hall.

Mr. Thomas Brazil had some concerns. He stated that maybe we should wait until we have a zoning committee and that there were several steps you must take to do a rezoning.

Mr. Garner and Attorney Jean-Bart assured him that they did all the steps. He asked had a notice been placed in the yards and the answer was yes.

10. New Business

a) Accept audit report for FY 23-24. Need motion, second and vote

Councilman Gamsby addressed the audit report. Concerns, Table for later.

Motion made by Councilwoman McCall and seconded by Mayor Williams.

Motion passed 4-0.

b) Appoint Comprehensive Land Use Plan Committee (5 members)

Mr. Brazil expressed his interest in becoming a member of the Comprehensive Land Use Plan Committee. The committee will consist of Councilman Gamsby, Tracy Woodard, Thomas Brazil, Ivan Udell, and Town Manager, Mr. Garner.

Motion was made by Mayor Williams to accept the Councilman Gamsby, Tracy Woodard, Thomas Brazil, Ivan Udell, and Mr. Garner, Town Manager as the members of the Comprehensive Land Use Plan Committee. Motion seconded by Councilwoman McCall and motion passed 4-0.

Councilman Gamsby indicated that the Comprehensive Plans are overdue. There are plans to meet with Clay Sweger, our planner, on July 10, 2025, at 5:00 p.m. in the portable building.

c) Adopt Resolution No. 2025-11 – Adopting 2025 Hamilton County LMS Strategy

Resolution No. 2025-11 was addressed earlier and approved.

d) Adopt Resolution No. 2025-12 – A Resolution of the Town Council of White Springs, Florida, Establishing an Emergency Preparedness and Response Committee.

After discussing Resolution No. 2025-12, a motion was made by Councilman Gamsby and seconded by Councilwoman McCall. Motion passed 4-0.

11. Council Comments:

Mayor Brown shared with everyone that she attended a County Commissioner meeting in Jasper, Florida. She enjoyed it and the County Commissioner is ready to work with The Town of White Springs, and she is ready to work with them.

Meeting adjourned at 9:35 p.m.

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TOWN MANAGER, TOWN CLERK OR DESIGNEE

DATE

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TOWN OF WHITE SPRINGS

"On the Bank of the Suwannee River"

MINUTES

WHITE SPRINGS TOWN COUNCIL

White Springs Library 16403 Jewett St. White Springs, FL 32096

Tuesday, July 14, 2025 – 6:00 p.m.

1. **Call to Order, Invocation, and Pledge of Allegiance** – Mayor Brown called the meeting to order at 6:00 p.m.
2. **Roll Call – Members present:** Mayor Brown, Vice Mayor Williams, Councilwoman McCall, Councilman Gamsby and via phone, Councilwoman Alridge.

Councilman Gamsby made motion to accept Roll Call and Vice Mayor Williams seconded. Motion passed 5-0.

3. **Additions, Deletions, and/or Amendments to the Agenda –**

4. **Citizens from the floor:** (5 min. limit)

5. **New Business:**

- a) Resolution 25-13: Appointing Land Development Regulation Administrator and Administrative Authority (pages 3-4) **(See attached Resolution 25-13)**. Councilman Gamsby made the motion to pass Resolution 25-13 and Vice Mayor Williams seconded the motion. Motion passed 5-0.
- b) Resolution 25-14: Appointing of Local Planning Agency and Planning and Zoning Board (pages 5-6) **(See attached Resolution 25-14)**. Vice Mayor Williams made the motion to pass Resolution 25-14 and Councilman Gamsby seconded the motion. Motion passed 5-0.
- c) Resolution 25-15: Waiving Requirement of Resolution 07-13 for RZ-2025-0, RZ 2025-02, and RZ 2025-03 (pages 7-11). **(See attached Resolution 25-24)** Councilwoman McCall had several questions regarding Resolution 25-15. Amendment required. Each RZ application would be charged a fee of \$1,000.00, due within sixty (60) days. Each applicant agreed to pay the fee. Motion was made by Councilman Gamsby to set the fee for \$1,000.00 for each RZ application and that the fee would be due within sixty (60) days. Vice Mayor Williams seconded the motion. Motion passed 5-0.

6. **Adjournment** – 6:55 p.m. (5 Minutes break)

MINUTES

PLANNING AND ZONING BOARD MEETING

Monday, July 14, 2020

1. **Call to Order – Mayor Brown at 7:00 p.m.**
2. **Roll Call – Members Present:** Mayor Brown, Vice Mayor Williams, Councilman Gamsby and Councilwoman McCall.
Absent – Councilwoman Alridge
3. **Addition, Deletions, and/or Amendments to the Agenda**
Motion made by Vice Mayor Williams to accept the agenda as is. Motion seconded by Councilwoman McCall, motion passed 4-0.
4. **Citizens from the floor: (5 min. limit) -None**
5. **Election of Chairman and Vice Chairman.** Councilman Gamsby elected himself for Chairman and Councilwoman McCall was elected for Vice Chairman. Motion was made by Vice Mayor Williams that Councilman Gamsby be elected as Chairman and Councilwoman McCall as Vice Chairman. Motion seconded by Councilwoman McCall and passed 4-0.
6. **PZB Resolution 25-01 Adoption of Rules and Regulations (pages 12-23). (See attached PZB Resolution 25-01).** Motion made by Vice Mayor Williams to pass PZB Resolution 25-01 Adoption of Rules and Regulations (pages 12-23). Motion seconded by Councilman McCall and passed 4-0.
7. **Disclosures of Ex-parte Communication and Conflicts of Interest**
8. **Old Business – None**
9. **New Business**
QUASI-JUDICIAL—Public Hearings
 - a) RZ-2025-01 – Application by Michael Hutchinson and Annetje Hutchinson to rezone Parcel 8077-000 from CN to RSF/MH-1; First Reading of Ordinance 2025-01 (pages 24-41)
 - b) RZ 2025-02 – Application by Michael Hutchinson and Annetje Hutchinson to rezone Parcel 8076-000 from CN to RSF/MH-1 First Reading of Ordinance 2025-02 (pages 24-29)
 - c) RZ-2025-03 Application by Cynethia Williams and Donsha Brown to rezone Parcel 8259-000 from RSF to RSF/MH2; First Reading of Ordinance 2025-03 (pages 56-73)

Michael Hutchinson and Annetje Hutchinson presented their application regarding Parcel 8077-000 and Parcel 8076-000. Rezone the property from Commercial to RSF/MH-1, which will allow them to place two (2) mobile homes adjacent to their home. Mobile homes will be used for LRB&B until their parents are unable to take care of themselves.

Michael Hutchinson and Annetje answered questions from the citizens

Chairman Gambusy called Mr. Lowell Garrett, Senior Analyst EDA Consultant, Planner for the Town of White Springs to share the staff analysis findings for applications for Parcel 8077-000 and 8076-000

Mr. Garrett addressed 16.2.2 Article Sixteen Amendments – Nature and Requirements of Planning and Zoning Board Report. When pertaining to the rezoning Board of the Town Council required by Section 16.2.1 above shall show that the Planning and Zoning Board has studied and considered the proposed change in relation to the 16th findings (See attached Article Sixteen Amendments)

Mr. Garrett stated that it was based on the 16.2.2. The zoning requests are consistent with the Comprehensive Plan. Plan that is based on the 16.2.2. reflects the housing conditions and trends in the community and meets all applicable rezoning criteria.

Mr. Garrett answered questions from the citizens.

Motion was made by Councilwoman McCall to rezone Parcel 8077-000 and Parcel 8076-000. Motion seconded by Vice Mayor Williams - Motion passed 4-0.

Before Cynethia Williams and Donsha Brown presented their application, Mr. Lowell Garrett shared his findings regarding Parcel #8259-000

Mr. Garrett addressed 16.2.2 Article Sixteen Amendments – Nature and Requirements of Planning and Zoning Board Report. When pertaining to the rezoning Board of the Town Council required by Section 16.2.1 above shall show that the Planning and Zoning Board has studied and considered the proposed change in relation to the 16th findings (See attached Article Sixteen Amendments)

Mr. Garrett stated that it was based on the 16.2.2. The zoning requests are consistent with the Comprehensive Plan. Plan that is based on the 16.2.2. reflects the housing conditions and trends in the community and meets all applicable rezoning criteria.

Cynethia Williams and Donsha Brown presented their application regarding Parcel 8259-000. RZ-2025-03 – Application by Cynethia Williams and Donsha Brown to rezone 8259-000 from RSF to RSF/MH-2; First Reading of Ordinance 2025-03.

Cynethia Williams and Donsha Brown answered questions from the citizens.

Citizens from the floor gave their agreement/disagreement or support regarding the RZ of Parcel 8259-000.

Mr. Scott Gay had several concerns regarding rezoning Parcel 8259-000. He said the application was fraud. He gave several documents to the councils.

Mr. Brazil had concerns.

Mr. Roger Greene had concerns.

Ms. Williamson – Church of God agreed to rezone. She told the council members that the entire Church of God, which is located directly in front of the Mobil home, that every member of the church agreed to rezone Parcel 8259-000.

Mr. Paul Brenenstall adjacent to the mobile home said he agreed for the mobile home to be rezoned and said that it made the neighborhood look good. He welcomes the home. He also stated that no where did he see that the land was zone as RFS-2.

Ms. Kathy Brewer who lives on First Street. Said that she welcomes the mobile home to the community and the home is a beautiful home.

Mr. Corey Bryant agreed that the home should be rezoned.

Ms. Williams also provided several support letters from neighbors, and citizens from White Springs Florida supporting the rezoning of Parcel 8259-000. Letter from Pastor Charles Graham and wife Brenda Graham, who lives on First Street, letter from the Pastor Ford, Church of God, Djuan Graham, joint owner of property 16632 Mill Street, adjacent to the rear of the mobile home and other supporting letters.

Cynethia Williams and Donsha Brown answered questions from the citizens

Motion was made by Vice Mayor Williams to rezone Parcel 8077-000 and Parcel 8076-000. Motion seconded by Mayor Brown - Motion passed 3-1. Councilwoman McCall did not agree to the motion.

10. Adjournment – 9:45 p.m.

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TOWN MANAGER, TOWN CLERK OR DESIGNEE

DATE



TOWN OF WHITE SPRINGS

"On the Bank of the Suwannee River"

MINUTES OF PUBLIC HEARING – REZONING

JULY 28, 2025 – WHITE SPRINGS PUBLIC LIBRARY

Mayor Brown called the meeting to order at 6:00 PM, Monday, July 28, 2025, and led in the invocation and Pledge of Allegiance. All members of the council were present, except Councilmember Aldridge who is still suffering from surgery. It was noticed that the Town Attorney was in heavy traffic, and it would be about 30 minutes before she arrived. It was suggested that the council continue with the agenda until the quasi-judicial hearings were scheduled, to provide for the Town Attorney to be present, then recess for a brief time. The agenda was approved, and the floor was open for public comment.

Mr. George Tudor addressed the council regarding the derelict properties throughout the town and what could we do about them. Seeing these as you ride through the town does not give a good opinion. He was assured that these would become more of a priority and code enforcement action would be taking place. He thanked the council for what they are doing so far.

Mayor Brown noted that the Town Attorney was still not here, and the meeting would be recessed until 6:30 PM.

At 6:30 pm, the Town Attorney arrived, and the council was called back in session. The mayor turned over chairing of the meeting to Council member Robert Gamsby.

The Town Attorney provided an overview of the quasi-judicial hearing and asked each council member to disclose exparte communications.

Each council member disclosed exparte communications and completed a disclosure form. Council members Williams and Brown disclosed communications from Patrick Krechowski. Council member McCall disclosed communications with Scott Gay, Patrick Krechowski, and Tom Brazil. Council member Gamsby disclosed communications with Patrick Krechowski and Tom Brazil. All stated that the communications did not influence their decision in any way.

The Town Attorney swore in the witnesses.
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**RZ-2025-01 – Application by Michael Hutchinson and Annetje Hutchinson to rezone Parcel 8077-000 from CN to RSF/MH-1; PZB Recommended Approval 4-0
Second Reading of Ordinance 2025-01**

Second Reading of Ordinance 2025-01 by title.

Staff Report: Lowell Garrett, City Planning Consultant, from EDA presented the staff analysis by requesting his report and testimony from the July 14, 2025, public hearing be accepted into evidence. Council agreed.

Applicant Presentation: Michael and Annetje Hutchinson read and presented a letter into evidence requesting that the \$1,000 fee assessed for each rezoning application be waived. Council advised that it would consider this request during its regular meeting. The Hutchinsons requested their evidence and testimony from the July 14, 2025, public hearing be accepted into evidence. Council agreed.

Public Comment: None.

Rebuttal and Closing Statements: None

Council Decision: Vice-Mayor Williams moved to approve Ordinance 2025-01 rezoning parcel 8077-000 from CN to RSF/MH-1. Mayor Brown seconded. Motion passed with 4 yeas and 0 nays.

**RZ-2025-02 – Application by Michael Hutchinson and Annetje Hutchinson to rezone Parcel 8076-000 from CN to RSF/MH-1; PZB Recommended Approval 4-0
Second Reading of Ordinance 2025-02**

Second Reading of Ordinance 2025-02 by title.

Staff Report: Lowell Garrett, City Planning Consultant, from EDA presented the staff analysis by requesting his report and testimony from the July 14, 2025, public hearing be accepted into evidence. Council agreed.

Applicant Presentation: Michael and Annetje Hutchinson requested their evidence and testimony from the July 14, 2025, public hearing be accepted into evidence. Council agreed.

Public Comment: None.

Rebuttal and Closing Statements: None

Council Decision: Vice-Mayor Williams moved to approve Ordinance 2025-02 rezoning parcel 8076-000 from CN to RSF/MH-1. Mayor Brown seconded. Motion passed with 4 yeas and 0 nays.

**RZ-2025-03 – Application by Cynethia Williams and Donsha Brown to rezone Parcel 8259-000 from RSF to RSF/MH-2; PZB Recommended Approval 3-1
Second Reading of Ordinance 2025-03**

Second Reading of Ordinance 2025-03 by title.

Staff Report: Lowell Garrett, City Planning Consultant, from EDA presented the staff analysis by requesting his report and testimony from the July 14, 2025, public hearing be accepted into evidence. Council agreed.


Applicant Presentation: Cynethia Williams read and presented a letter into evidence. Williams requested her evidence and testimony from the July 14, 2025, public hearing be accepted into evidence. Council agreed.

Public Comment: Angelia Henderson spoke in support of the ordinance. Scott Gay spoke against the ordinance. Mr. Gay requested his exhibits and testimony from the July 14, 2025, public hearing be accepted into evidence. Council agreed.

Rebuttal and Closing Statements: Cynethia Williams and Donsha Brown provided rebuttal and closing statements.

Council Decision: Vice-Mayor Williams moved to approve Ordinance 2025-03 rezoning parcel 8259-000 from RSF to RSF/MH-2. Mayor Brown seconded. Motion passed with 4 yeas and 0 nays.

The public hearing was closed and the Mayor resumed chair of the meeting. Community updates were read. There being no further business, the meeting adjourned at 7:53 PM.


ELMON LEE GARNER
TOWN MANAGER

August 7, 2025

MEMO TO: Mayor and Council

SUBJECT: Town Manager's Report to Council – August 2025

1. To correct the minutes of July 8, 2025, meeting, a motion should be made to delete approval of minutes from June 10, 2025, as they were not attached nor can we locate any written minutes. When we have time, we can listen to the recording and make a copy of the record.
2. Unless something occurs prior to the council, the Town Attorney and I had a conversation with the County Attorney regarding the MOU regarding fire and EMS for the town. We are waiting for them to set up a joint meeting with the Town Council and County Commission to further discuss the subject.
3. We submitted a grant application in the amount of \$38,000 to the Department of Commerce of Florida for community planning technical assistance for the Town to support our upgrade of Comprehensive Plan. We also obtained an extension of the due date to April 2026.
4. In looking over grant closeout from prior to 2018 damages, I found we had not requested final payment in the amount of over \$26,000 from FEMA for disaster 4337. I have since completed the required documents and submitted for reimbursement sometime in the future.
5. The week of October 20-26, 2025, is designated as Florida City Government Week. That would be a wonderful week to have activities within the community and help us make some positive comments about what we are doing.
6. Attached is a copy of the minutes from Mayor Brown's and my phonecon with representatives from FDOT on July 16th regarding planned improvements to SR136 in late 2026 or 2027. The work will result in the loss of 5 parking spaces as noted in the diagram.

7. I would like the council to consider installing Water Conservation Meters for customers who want them to assist with charges connected with the filling of pools and large irrigation plots. This is a meter that the customer would pay to have installed on their property to be used and pay the normal rate for water that flows through the meter but not charged for sewer on this amount. We would still get revenue from water sales and upfront installation charges. I just wanted to have a preliminary discussion and if you think it is something we can do, I will produce a change and plan for our current procedure.
8. There has been some concern regarding the Town applying Phosphate in the water system, but it is required by DEP and is part of our testing data. This occurred when a resident filled their pool with city water and had an extremely high percentage of phosphate, they had to control with other chemicals to meet pool requirements.
9. The town has been notified by Waste Pro that they will no longer provide recycling service to the town because of its supplier, Lake City, getting out of the recycling business. This has been a free service to the town by having the dumpster for cardboard and small bins for other recycling material. This will become effective September 1, 2025.
10. I attended an Animal Control workshop between the Sheriff's Office and County Commission on August 4. A draft ordinance was presented and accepted by the commission with a couple of minor edits and will be advertised so that the ordinance can be approved and placed in effect upon adoption. Each municipality is requested to adopt the ordinance by reference once it is adopted by the county. The draft ordinance contains a lot of information, but due to recent changes approved by the State of Florida, many changes have been added to State Statute that offers more protection for animals. This ordinance only affects animals that are placed with the shelter or are found in violation of running loose in or on public property and animal control officers make a case. It does not affect your pets at home; the owner has the option to have their pets spayed or neutered. A copy of the ordinance is attached to this memo.
11. I attended the County Commission meeting on August 5th. Also at the meeting was the Manager of Government Affairs for Nutrien requesting approval to bore under a couple of roadways so they could continue mining in other locations. She informed me that they had plans to mine for at least the next ten years. I have a meeting scheduled with her on August 19th to further discuss the relationship with Nutrien and the Town. Other

business discussed at the commission meeting was all the county entering into Fire/EMS joint agreements. The current holdup is Fire Chief continuing to work on the wording in the agreement to be signed by the unincorporated and incorporated entities. A special workshop will be scheduled for all the entities to attend and further discuss this matter. I informed the commission that the Town was extremely interested in the new proposal and needed assistance as soon as possible.

12. Councilmember Gamsby has asked that consideration be given to repealing Ordinance No. 2022-001 regarding simulated gambling devices and game promotions. The Town Attorney has prepared Ordinance No. 2025-04 for consideration. A copy of the proposed ordinance is attached for your review and consideration. If this is the desire of council, we can advertise and have first reading at September meeting.
13. Mayor Brown, Vice-Mayor Williams, Commissioner McCall, and I will be attending the Florida League of Cities Annual Conference in Orlando on August 14,15 & 16.
14. Work is on-going at Town Hall to get it ready to occupy again. Hopefully, everything will be completed and we will be back in Town Hall by end of August.


ELMON LEE GARNER
TOWN MANAGER

CC: Town Attorney

City Manager White Springs

From: Leslie Jean-Bart <Jean-Bart@terrellhogan.com>
Sent: Wednesday, August 6, 2025 4:26 PM
To: annetje.hutchinson@gmail.com; City Manager White Springs
Cc: 'Mike Hutchinson'
Subject: Re: Request for Waiver of Rezoning Fees Due to Procedural Irregularities

We are in receipt of your request. The waiver will be considered at next week's regular meeting.



TERRELL · HOGAN
— LAW —

LESLIE SCOTT JEAN-BART

Personal Injury, Wrongful Death, Government Relations, and Elections

Phone: 904-356-7842
Fax: 904-647-6514
Email: jean-bart@terrellhogan.com
Connect: via [LinkedIn](#)
www.terrellhogan.com

The Blackstone Building
233 East Bay Street, 8th Floor
Jacksonville, FL 32202

Confidentiality Notice: The material in this transmission is intended only for the use of the individual to whom it is addressed and may contain information that is confidential. If you have received this transmission in error, please immediately notify us by return email at crichmond@terrellhogan.com or by phone at 904-356-7842.

From: annetje.hutchinson@gmail.com <annetje.hutchinson@gmail.com>
Sent: Wednesday, August 6, 2025 10:47 AM
To: manager@whitespringsfl.us <manager@whitespringsfl.us>; Leslie Jean-Bart <Jean-Bart@terrellhogan.com>
Cc: 'Mike Hutchinson' <mike.hutchinson772@gmail.com>
Subject: Request for Waiver of Rezoning Fees Due to Procedural Irregularities

Good morning Mr. Garner & Ms. Jean-Bart,

Just wanted to send an email to both of you. I did drop off the following letter from myself and my husband regarding the fees for rezoning and wanted to make sure you have a copy. Please let me know what the next step is. Thank you for your time.

We are writing to formally request a waiver of the \$2,000 in rezoning fees paid for the properties located at 10351 Deer Run, White Springs, FL 32096 and parcel 8077-000, which my husband and I own and recently had rezoned.

We were asked to pay \$1,000 per property at the direction of the Town Council during our rezoning process, despite the Town Attorney having initially suggested the fees be waived as a one-time courtesy due to the late discovery of the fee schedule just prior to our hearing and the fact that it is not posted.

During the town council meeting on July 14, 2025, another citizen informed us that a large development company that recently rezoned approximately 60 acres was not charged any rezoning fees and did not follow the proper

application procedures that we were required to meet. At no point during our process were we offered the same courtesy or flexibility, even though our properties are far smaller, and our request was straightforward and initiated in good faith.

Further complicating matters is the fact that our zoning was misrepresented by the town in prior correspondence with our mortgage company, which was told the property at 10351 Deer Run was residentially zoned. We relied on that representation in good faith and only later were told the properties were zoned commercial neighborhood, which prompted the need for rezoning, a need that would not have existed but for the town's own error.

These actions, charging us while waiving fees for others, failing to publish or disclose a fee schedule in advance, and miscommunicating our zoning status, create a serious concern regarding fairness, equal treatment under the law, and 14th amendment due process. It appears that we were held to a different standard than other applicants and penalized for administrative oversights outside of our control.

Therefore, we respectfully request a waiver of the \$2,000 rezoning fee we are required to pay.

Furthermore, granting a waiver in this case would not set a precedent requiring the Town to waive or refund future fees. Rather, it acknowledges a unique and irregular situation: the fee schedule was not publicly available or properly communicated at the time of our application; our zoning status was misrepresented by the Town; and a significantly larger applicant was granted a full waiver without following standard procedure. Addressing our situation on its merits would reflect fairness and administrative accountability, not a blanket policy change. It demonstrates that the Town is willing to rectify discrepancies when they arise from procedural inconsistencies or errors, not that it is eliminating or undermining its fee structure going forward.

If this matter cannot be resolved promptly, we are prepared to pursue additional remedies, including formal complaints to the appropriate oversight bodies and possible legal action. We hope, however, that the Town will recognize the inequity and inconsistency in how these fees have been handled and make this right without the need to consider other remedies.

Thank you for your attention to this matter. We look forward to your response.

Sincerely,
Michael & Annetje Hutchinson

**TOWN OF WHITE SPRINGS, FLORIDA
TOWN COUNCIL RESOLUTION NO. 2025-16**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
WHITE SPRINGS, FLORIDA, WAIVING THE REQUIREMENTS,
FEES, AND CHARGES ADOPTED IN RESOLUTION 2025-15 FOR
APPLICATIONS RZ-2025-01, RZ-2025-02, and RZ-2025-03,
LIMITING SAID WAIVER TO ONLY THESE APPLICATIONS, AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Section 1.7.1 of the Land Development Regulations, as amended states that "[r]easonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants... for zoning amendments.... The amount of the fees charged shall be established by resolution of the Town Council filed in the office of the Town Clerk;" and

WHEREAS, the Town Council of the Town of White Springs, Florida adopted Resolution 07-13 on July 10, 2007, establishing a schedule of fees to be paid along with petitions, appeals, or applications under the Comprehensive Plan or Land Development Regulations; and

WHEREAS, Resolution 07-13 states that "[u]ntil the following applicable fees and charges have been paid in full, no action of any type or kind shall be taken on a petition, appeal or application" and that the "schedule of fees and charges shall be posted in the Office of the Land Development Regulation Administrator; and

WHEREAS, the Town was provided with a copy of Resolution 07-13 several weeks after rezoning applications RZ-2025-01, RZ-2025-02, and RZ-2025-03 were submitted to the Town for consideration and a few days before the first public hearing was scheduled to be held on July 14, 2025; and

WHEREAS, the applicants for RZ-2025-01, RZ-2025-02, and RZ-2025-03 were not provided with a schedule of fees as outlined in Resolution 07-13 nor was the schedule of fees posted in the Office of the Land Development Regulation Administrator prior to submission of these applications; and

WHEREAS, on July 14, 2025, the Town Council adopted Resolution 2025-15 allowing the applicants for RZ-2025-01, 2025-02, and 2025-03 sixty (60) days to pay the \$1,000.00 fee for each rezoning application; and

WHEREAS, the applicants for RZ-2025-01 and RZ-2025-02 have submitted a request for waiver of the \$1,000 fee for each rezoning application based on lack of

proper notice and posting as well as the fact that erroneous zoning information was initially provided by the clerk.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WHITE SPRINGS, FLORIDA:

Section 1. The above "Whereas" clauses are hereby incorporated by reference as though fully set forth herein.

Section 2. The Town Council waives all fees, and charges outlined in Resolution 07-13 as they apply to RZ-2025-01, RZ-2025-02, and RZ-2025-03.

Section 3. The Town Council waives the fees and charges outlined in Resolution 2025-15, Section 3 as they apply to RZ-2025-01, RZ-2025-02, and RZ-2025-03. The remainder of Resolution 2025-15 remains in full force and effect.

Section 4. The applicants for RZ-2025-01, RZ-2025-02, and RZ-2025-03 are to be charged \$0.00 for these rezoning applications

Section 5. This waiver of fees and charges only applies to these three (3) applications due to their unique circumstances. All applications submitted after July 14, 2025, must comply with the requirements of Resolution 07-13 or any subsequent resolution enacted to establish such requirements, fees, and charges.

Section 6. This Resolution shall take effect immediately upon adoption.

PASSED AND DULY ADOPTED by the Town Council, Town of White Springs, Florida, this 12th day of August, 2025.

TOWN COUNCIL
TOWN OF WHITE SPRINGS, FLORIDA

Tonja Brown, Mayor

ATTEST: _____
Elmon Lee Garner, Town Manager

APPROVED as to Form and Legality

Leslie Scott Jean-Bart, Town Attorney



July 23, 2025

Florida Commerce
Bureau of Community Planning and Growth
Division of Community Development
CPTAgrants@Commerce.fl.gov
107 East Madison Street, MSC 160
Tallahassee, FL 32399-4120

Subject: CPTAG Application – Comprehensive Plan Compliance Update

Dear Florida Commerce Review Committee:

On behalf of the Town of White Springs, I respectfully submit this application for the **Community Planning Technical Assistance Grant (CPTAG)** for fiscal year 2025–2026. This funding will support our initiative to update the Town's Comprehensive Plan and bring it into full compliance with Florida Statutes §§163.3177 and 163.3191.

As a municipality designated within a Rural Area of Opportunity, White Springs faces unique planning challenges tied to staffing limitations, infrastructure constraints, and resilience needs. The grant funding will allow us to engage professional planning consultants to assist in evaluating the existing plan, revising statutory elements, updating our Future Land Use Map, and assisting the Town throughout the process to completion (ordinance adoption).

We are requesting \$38,000 to complete this important project. A full Scope of Work and budget estimate are included in the attached proposal.

We appreciate Florida Commerce's commitment to supporting communities like ours and look forward to the opportunity to strengthen our planning framework.

Sincerely,

Elmon Lee Garner
Interim Town Manager
Town of White Springs
manager@whitespringsfl.us

Town of White Springs

CPTAG Application Cover Sheet – Fiscal Year 2025–2026

Project Overview

Project Title	Comprehensive Plan Compliance Update
Funding Requested	\$38,000
Project Timeline	August 2025 – May 2026
RAO Designation	Yes (Rural Area of Opportunity)

Applicant Contact

Municipality	Town of White Springs
FEID	59-6002640
Mailing Address	10363 Bridge Street, White Springs, FL 32096
Contact Person	Elmon Lee Garner, Interim Town Manager
Email	manager@whitespringsfl.us
Phone	(386) 397-2310

Enclosed Documents

- ✓ Executive Summary
- ✓ Project Background & Overview
- ✓ Scope of Work (Deliverables/Tasks)
- ✓ Project Timeline & Fees
- ✓ Consultant Profile
- ✓ Funding Request Letter from Town

TOWN OF WHITE SPRINGS

Community Planning Technical Assistance Grant Proposal

Fiscal Year: 2025–2026
Project Title: Comprehensive Plan Compliance Update
Date Submitted: July 24, 2025
Applicant Contact: Elmon Lee Garner, Interim Town Manager
10363 Bridge Street, White Springs, FL 32096
manager@whitespringsfl.us | (386) 397-2310

Executive Summary

The Town of White Springs seeks funding through Florida Commerce’s CPTAG program to update its Comprehensive Plan and ensure full compliance with Florida Statutes §§163.3177 and 163.3191. As a Rural Area of Opportunity (RAO) community, White Springs faces resource constraints that make outside technical assistance essential for a full-scale planning update as indicated by the Florida Commerce Bureau of Community Planning and Growth Objections, Recommendations and Comments (ORC) Report issued to the Town on April 14, 2025. Upon receipt by the Town of these comments, Bureau staff suggested that the Town prepare a CPTA grant application to provide the Town the financial support necessary to complete this scope of work.

Requested Grant Amount: \$38,000

Project Duration: August 2025 – April 2026

Project Deliverables: Updated Comprehensive Plan, Data & Analysis, Future Land Use Map, adoption ordinance.

Project Background & Overview

The Town of White Springs seeks Community Planning Technical Assistance Grant (CPTAG) funding to revise its Comprehensive Plan in alignment with Florida Statutes §§163.3177 and 163.3191. This initiative will strengthen statutory compliance, update the Future Land Use Map, update multiple Plan Elements including Future Land Use, Housing, Transportation and Infrastructure and will integrate the required Private Property Rights Element.

In December 2024, the Town prepared an Evaluation and Appraisal Report (EAR) and the Town subsequently transmitted a Comprehensive Plan amendment package to Florida Commerce on February 11, 2025 for review. These proposed EAR-based Plan amendments were limited to what the Town understood would be required for statutory compliance and only included a proposed Private Property Rights Element.

On April 14, 2025, Florida Commerce issued an Objections, Recommendations and Comments (ORC) Report which included an Objection (with several components) that require the Town to make several more substantial amendments to the Comprehensive Plan (and associated Data & Analysis, GIS mapping, etc.) than what was originally understood by the Town. In addition, this scope of work will include assisting the Town in preparing a Water Supply Facilities Work Plan (WSFWP) and the associated Comprehensive Plan amendment language to reflect the Work Plan.

The expanded scope of work is beyond the technical expertise of Town staff and as such will require professional consulting services to prepare the data and analysis and Plan amendments required by the state.

The project scope associated with this grant request leverages outside consultant expertise which will result in Plan compliance based on statutory provisions and supports improved planning outcomes in a region (Rural Area of Opportunity) facing infrastructure constraints, limited technical capacity, and economic development needs.

Scope of Work (Deliverables / Tasks)

Deliverable/Task 1 –Data & Analysis

- Prepare updated Data & Analysis Report to address the Objections, Recommendations and Comments (ORC) report issued by Florida Commerce on April 14, 2025 and that support the proposed Plan amendments. Updated Report will include augmented information to address requirements of Section 163.3177, FS. In addition, new base maps will be prepared in GIS for inclusion in the Report.
- Maps will be provided in PDF format with ArcGIS compatible shapefiles, as applicable.
- Final Report document provided to Town and Florida Commerce in MS Word or PDF format.

Deliverable/Task 2 – Water Supply Facilities Work Plan (WSFWP)

- Prepare Water Supply Facilities Work Plan (WSFWP) per requirements in Florida Statutes.
- Final WSFWP Report document provided Town and Florida Commerce in MS Word or PDF format.

Deliverable/Task 3 – Draft Comprehensive Plan Amendments

- Update GOP's, FLUM and integrate required statutory elements.
- Prepare draft Comprehensive Plan amendments (in strike-thru/underline format) to the Town of White Springs Comprehensive Plan that are required to bring the Plan into statutory compliance, including updates to several Elements.
- Amendment document provided Town and Florida Commerce in MS Word or PDF format.

Deliverable/Task 4 – Final Comprehensive Plan Amendments / Adoption

- Prepare final draft Comprehensive Plan amendments based on revisions to draft amendments provided by the Town and coordination with Florida Commerce.
- Adoption Support – Attend town council hearing(s), assist with ordinance drafting & proposed Plan packaging.
- Final Amendment document provided Town and Florida Commerce in MS Word or PDF format.
- Updated Maps will be provided in PDF format with ArcGIS compatible shapefiles, as applicable.

Deliverable/Task 5 – Final Reporting

- Submission of CPTAG documentation and final summary / Grant Report
- Provide documents to Florida Commerce in MS Word or PDF format.

Project Timeline & Fees

Deliverable Tasks	Description	Deadline	Payment Not to Exceed
1	Data & Analysis	Dec. 1, 2025	\$20,000
2	Water Supply Facilities Work Plan (WSFWP)	Dec. 1, 2025	\$5,000
3	Draft Comprehensive Plan Amendments	Jan. 30, 2026	\$7,000
4	Final Comprehensive Plan Amendments/Adoption	Mar. 24, 2026	\$5,000
5	Final Reporting	Apr. 30, 2026	\$1,000
		Total	\$38,000

Note that the proposed schedule above assumes that the CPTA grant notification is issued by August 31, 2025. If grant issuance is later than that date, the proposed schedule would be extended by an equivalent length of time.

Funding Request Letter

See attached cover letter from Town Manager Elmon Lee Garner.

Consultant Profile

Firm: eda consultants, inc.
Contact: Clay Sweger, AICP, LEED AP, Director of Planning
Email: csweger@edafl.com
Phone: (352) 373-3541
Website: www.edafl.com

Experience Highlights (eda)

- Firm includes three AICP certified planners with over 75 combined years of Florida land use and comprehensive planning experience.
- Experienced local government planning consultants, currently providing public comprehensive and current planning services for the municipalities of Hawthorne and Waldo in Alachua County, Dunnellon in Marion County and White Springs in Hamilton County.
- Expertise in rural planning, resilience integration, statutory compliance.
- GIS and visualization capabilities using ESRI ArcGIS and CADD.
- Strong community engagement track record in public planning using a variety of platforms.

Statement of Qualifications available upon request.

SMALL PROJECT COMPLETION & CERTIFICATION FORM

The purpose of this form is to certify small project completion. All Subrecipients that have open small projects for disasters declared after September 29, 2022, are required to use this form.

DEFINITIONS:

Authorized Representative: The person or persons designated by the Subrecipient's Authorized Agent as the point of contact for transactions involving PA projects and funding as indicated on the Subrecipient's Request for Public Assistance.

Small Project: A project for which the eligible (Federal and non-Federal) amount is less than the annually adjusted cost threshold for small project grants.

Small Project Netting: Subrecipient may request additional funding if the total actual cost of all its Small Projects combined exceeds the total amount obligated for all the Small Projects. FEMA refers to this as Net Small Project Overrun (NSPO) appeal. Subrecipient must request the appeal within 60 days of work completion of its last Small Project. Subrecipient must provide complete documentation supporting all project's actual costs with the appeal request.

INSTRUCTIONS:

Please review & complete the bottom portion of this form and have the Authorized Representative sign and date. Upload signed form to FloridaPA.org in the Small Project Completion/Closeout Workflow. Once you have executed and returned this form for all Small Projects the request for small project closeout will be sent to FEMA. Applicant can submit for small project netting within 60 days of the latest small project work completion date.

Disaster Number: 4337 Subrecipient: White Springs, Town of

REF #	PW #	PW CAT	SOW Complete	Work Complete Date	POP End Date	Time Extension End Date /NA	Eligible Obligated Amount	EHP REC Met (Y,N,N/A)	O&M Insurance Met (Y,N,N/A)
8306	1025	A	YES	3/10/2018	3/10/2018	N/A	\$4,149.28	N/A	N/A
8308	1030	A	YES	3/10/2018	3/10/2018	N/A	\$2,836.84	N/A	N/A
8302	1034	A	YES	3/10/2018	3/10/2018	N/A	\$1250.31	N/A	N/A
8309	1968	B	YES	3/10/2018	3/10/2018	N/A	\$18,383.51	N/A	N/A

By signing below, I, Elmer L. Garner, certify that:

- Scope of Work (SOW) for all small projects for this disaster are 100% complete.
- All eligible small projects are listed and were completed in the Period of Performance (POP)
- A Time Extension (TEX) was submitted and approved for projects completed outside the POP.
- All applicable Environmental and Historic Preservation (EHP) requirements were met
- All applicable Obtain and Maintain (O&M) Insurance requirements were met.

I understand it is my responsibility to maintain records for a period of 5 years past the Account Closeout of this Disaster. **Florida Statute: Sections 119.021(2) and 257.36 and the State of Florida General Records Schedule GS1-SL for State and Local Government Agencies, dated November 1, 2006.**

- I wish to request Net Small Project Overrun (NSPO appeal): YES ☐ NO ☒

*If yes, please provide cost analysis for all small projects, the eligible amount vs the actual cost.

Authorized Representative: Elmer L. Garner Date: 7-24-2025
(Signature) TOWN MGR (Date Signed)

MEETING MINUTES**On-Street Parking Review with the Town of White Springs**

Meeting Date and Time: July 16, 2025 from 1:30pm to 2:00pm

Project ID: 208371-4-52-01

Project Description/ Items of Work: The primary scope of the project is milling & resurfacing 2.94 miles of the SR 136 corridor from I-75 (SR 93) in Suwannee County, through Columbia County, and to SR 25 (US 41) in Hamilton County.

Let Date: September 2026

1. Attendees

- Eric Shimer – FDOT District 2 PM, 904-360-5661, eric.shimer@dot.state.fl.us
- Danielle Slaton – Ebbstone Design PM and Roadway EOR, 904-625-0755, slatond@ebbstone.com
- John Sliger – Ebbstone Assistant PM, sligerj@ebbstone.com
- Kevin Green – Ebbstone Signing & Pavement Markings EOR, greenk@ebbstone.com
- Lee Garner – Town Manager, manager@whitespringsfl.us
- Tonya Brown – Town of White Springs Mayor, t.brown1965@yahoo.com
- Amy Roberson – FDOT District 2 Planning Supervisor, amy.roberson@dot.state.fl.us
- Brian Brooker – FDOT District 2 Arterial Corridor Project Engineer, brian.brooker@dot.state.fl.us

2. Discussion Items

Mr. Shimer opened the meeting with a brief overview of the project limits and the design and construction schedule. The project is scheduled for letting in September 2026, with construction anticipated to begin in early 2027.

On-Street Parking Discussion:

Ms. Slaton shared her screen to present the On-Street Parking Figure (attached), which outlined both existing and proposed parking configurations. Due to current Florida Design Manual (FDM) requirements, the number of on-street parking spaces will be reduced from 10 to 5.

Mr. Garner and Ms. Brown expressed that the proposed configuration is acceptable to the Town, noting that the existing 10 spaces are rarely used and that ample alternative parking is available at the adjacent Visitor Center. Based on this input, Ebbstone will proceed with showing on-street parking per the allowable FDM configuration.

Town Entry Sign Discussion:

Ms. Slaton then navigated to Google Maps imagery at the intersection of SR 136 and River Street, where a "Welcome to the Town of White Springs" sign was previously located. The sign has been removed due to damage.

Ms. Slaton asked whether the Town intends to replace the sign. Both Mr. Garner and Ms. Brown confirmed that the Town does plan to replace the sign. The existing solar light that previously illuminated the sign will remain in place.

DISCUSS AT 8-12-25 MEETING

Outside city limits. The charges to be assessed and collected from all customers of water furnished by Chattanooga, FL the city outside the city limits shall be equal to 150 percent of the inside city monthly service charge and Municode Codification gallonage charges.

- K
- (5) *Water Conservation Meters.* Any residential or commercial customer may have a $\frac{1}{2}$ inch meter installed adjacent to their regular meter for a connection fee of \$150.00, plus the cost to the city of a proper backflow preventer for the purpose of irrigation. Water flowing through this meter shall be charged a monthly service charge of \$3.00 plus gallonage charge in effect for all other customers of the city.
 - (6) *Bulk Water Sales.* Any contractor or other user desiring to make bulk purchase of water, must utilize a city furnished and installed meter, and shall be charged a rate of \$10.00 per 1000 gallons. In addition, the user shall place on deposit with the city, the sum of \$150.00 as meter deposit, said deposit to be refunded upon confirmation that meter has been returned, and payment of all water consumed as measured by the meter. User is also required to furnish billing information to city at time of payment of meter deposit.
 - (c) *Charges for multifamily dwellings.* For each single-family dwelling duplex, apartment, or other multifamily complex, both inside and outside the city limits, which is not separately metered for water service, the monthly service charge for a five-eighths-inch service meter shall be charged and collected for each single-family dwelling which is occupied. The accumulated total of service charges per unit at the five-eighths-inch service meter rate shall, however, be not less than the monthly service charge rate for the meter actually installed in the single-water service line; in which case the larger of the two charges will be applied to the customer's water bill.
 - (d) *Tax adjustments.* The rate and charges set forth in this section shall be subject to proportional increases to compensate for any applicable taxes or increases in existing taxes which after the effective date may be imposed by any state or federal taxing body.
 - (e) *Billing cycle.* All rate increases shall actually become effective at the start of the next billing cycle immediately following the effective date.

(Code 1966, § 27-16; Ord. No. 493, § 1, 12-5-00; Ord. No. 509, § 1, 10-5-04; Ord. No. 513, § 1, 10-4-05; Ord. No. 517, § 1, 10-3-06)

Sec. 58-118. - Sewer service rate schedule.

- (a) *Availability.* The following sewer service rates shall have applicability to all sewer service within the territory served by the city, except that the city may, at its option, refuse to accept sewage into its system having unusual, dangerous or difficult to treat characteristics, as determined by the city including, but not limited to: volatile or explosive materials; radioactive isotopes;

City Manager White Springs

From: RVaughn White Springs
Sent: Tuesday, July 22, 2025 4:43 AM
To: City Manager White Springs
Cc: Donsha Brown
Subject: Phosphate

Just a FYI:

The Town of White Springs Water Treatment Plant utilizes Aqua Gold 170 Poly Orthophosphate as part of the treatment process. The Aqua Gold contains Phosphate and is used for the following:

- **Corrosion control:** Forming a protective film on pipes to prevent corrosion and the release of metals.
- **Scale inhibition:** Preventing the formation of mineral deposits (like calcium carbonate) in pipes and equipment.
- **Metal sequestration:** Binding to metal ions (like iron and manganese) to prevent discoloration of water.

Water treatment plant operators are not responsible for managing phosphates in pools in Florida.

Here's why:

- **Water Treatment Plant Operators:** Their focus is on treating the *public water supply* to make it safe for drinking and other uses, following regulations set by organizations like the Environmental Protection Agency (EPA).
- **Certified Pool Operators (CPOs):** CPOs are responsible for maintaining the safety and sanitation of swimming pools and spas, which includes managing water chemistry (like phosphates), cleaning, and equipment maintenance, according to local health codes and regulations like those in Florida.
- **Phosphate Sources in Pools:** Phosphates enter pools from a variety of sources, including:
 - **Fill water:** Municipalities sometimes add phosphates to drinking water to prevent corrosion in pipes.
 - **Environmental factors:** Rainwater runoff, decaying vegetation (leaves, pollen), and fertilizers can introduce phosphates.
 - **Bathers:** Sweat, urine, and even some cosmetic products can contribute phosphates.
 - **Other Pool Chemicals:** Certain sequestering agents or stain removers may contain phosphates.

In summary: While the water supply provided by a water treatment plant might contain phosphates, it's the certified pool operator's responsibility to manage these levels within the swimming pool itself to prevent problems like algae growth and ensure a safe swimming environment.

City Manager White Springs

From: Cehryl McCall <cherylforwscouncil@yahoo.com>
Sent: Tuesday, July 15, 2025 8:14 PM
To: City Manager White Springs
Cc: Leslie Jean-Bart; Tonja Brown; msebonychampagne@aol.com; Robert Gamsby; linkluke16@gmail.com
Subject: Next meeting

7/15/25

Dear City Manager White Springs,

Bus Agenda
Discuss During Comment member McCall's
Comments

This email concerns the formation of an Events Committee to effectively plan and execute our upcoming holiday celebrations: the Christmas Parade and Christmas on Bridge Street. Given our current meeting schedule, I would appreciate your assistance in identifying a suitable time to discuss this proposal further.

Effective coordination with various stakeholders is crucial for the success of these events. This includes establishing contact with the Sheriff's office, securing vendors, and confirming participant involvement.

Don Wilson of Suwannee Hardware has a proven track record of successfully organizing community events, including past Christmas parades and other significant celebrations. While his expertise would be invaluable, past limitations on his participation have been noted. Therefore, I propose including Mr. Wilson on the Events Committee. He has graciously offered his assistance, though he prefers not to serve as chair due to his existing commitments.

Mr. Wilson suggests December 12th as the date for the Christmas Parade, aiming to avoid conflicts with similar events in Live Oak, Jasper, and Lake City. His proposed date warrants consideration to ensure optimal community engagement.

I look forward to discussing this further at your earliest convenience.

Sincerely,

Cheryl McCall

(man... I have to figure out what I'm hitting when I'm proofreading my emails. This must be AI because I don't write this way. It really sound good though, so I'm going to leave it.)

Sent from Yahoo Mail for iPhone

City Manager White Springs

From: Donsha Brown
Sent: Thursday, July 24, 2025 8:42 AM
To: City Manager White Springs
Subject: Fw: Town Of White Springs - Overpayment MUT & Franchisee Fee's [duke secure]
Attachments: Amended White Springs Franchise Payable Letters.pdf

From: Gardner, Kathleen M <Kathleen.Gardner@duke-energy.com>
Sent: Wednesday, March 22, 2023 3:39 PM
To: Donsha Brown <bookkeeper@whitespringsfl.us>
Cc: Michael J. Whitehead <michael@jnstax.com>
Subject: FW: Town Of White Springs - Overpayment MUT & Franchisee Fee's [duke secure]

From: Vogel, Debbie <Debbie.Vogel@duke-energy.com>
Sent: Wednesday, March 22, 2023 3:30 PM
To: clerk@whitespringsfl.us
Cc: Gardner, Kathleen M <Kathleen.Gardner@duke-energy.com>
Subject: Town Of White Springs - Overpayment MUT & Franchisee Fee's [duke secure]

Good afternoon All,

Please see attached Amended franchise fee letters for September through November. These letters show a refund due to Duke in total \$503,912.85 which is the total of these two amounts - Sept \$262,089.74 and Oct \$241,823.11. November was included in the attachments even though no amount is due.

Check made payable to: Duke Energy

Send check to:
Duke Energy
Attn: Corporate Tax Department
526 South Church Street
Charlotte, NC 28202

Please let me know if you have any questions or need additional information.

Thank you,

Debbie Vogel | Customer Account Specialist |

Florida Large Account Management

727-523-4359 | debbie.vogel@duke-energy.com



DUKE ENERGY ACCOUNTS

Outage # 866-570-59

After Hrs # 800.419.63

ACCOUNT NUMBER:	METER #	LOCATION:
77717 -61022	2636114	US Highway 41 Pump, New
83824- 59125	2804253	8652 SE US Hwy 41 Waste Water Treatment Pl.
08977- 24480	2640836	10457 Kendrick Street Lift, 500' North of Suwai
81510 -92276	8731678	11767 County Road 135, Water Plant
33230 -23028	19622792	10357 1st Street Lift
59082- 87155	6119509	Adams Memorial Drive, Recreation Center
75753-25402	6167892	16539 E Hamilton Avenue
76620-32034	5826465	12797 Roberts Street - Delegal Bldg.
41981- 22560		SUMMARY OF ACCOUNTS LISTED BE
51489- 87950		Street Lights
11574- 62444	6233057	Bridge Street, *NE Tower
51479-79883	6136094	Adams Memorial Drive
51481-23894	2671597	Bridge Street Lift
51482-67908	1443519	16552 Spring Street, Fire Dept
82241-5514		16552 Spring Street, Fire Dept Siren (not Bille
51484-11915	5826316	12760 Roberts Street- Club Bldg
51485-55921	6136088	North US Highway 41, Turner Park
51486-99937	6532801	Adams Memorial Drive, Recreation Bathrooms
51491-31961	2662833	North US Highway 41, Old Sewer Plant
51492-75977	2090475	North US Highway 41, Water Works
56895-73041		Bridge Street, *NE
85086-69474	7213069	10363 Bridge Street, Town Hall
130084-3128	6233496	12760 Roberts Street - Band Shelter
027224-4229	6211250	11767 CR 135 - CR 135 Lift Station
50078-52016	7215593	10351 Jackson Street Lift

DUKE ENERGY FLORIDA, LLC
550 SOUTH TRYON STREET, DEC41A
CHARLOTTE, NC 28202

TOWN OF WHITE SPRINGS

AMENDED FRANCHISE FEE

November 2022

Revenue from All Retail Electric Sales	63,754.85
Less: Exempt Revenue	<u>0.00</u>
Taxable Revenue	63,754.85
Franchise Fee Rate	<u>6.0%</u>
Franchise Fee	3,825.29
Misc. Adjustments	<u>0.00</u>
Franchise Fee Payable	3,825.29
Less: Amount Previously Paid	<u>(3,825.29)</u>
Amended Franchise Fee Due (Overpaid)	<u><u>0.00</u></u>

R. MORGAN KERSNER
SIGNATURE

3/22/2023

I CERTIFY THAT THIS REPORT HAS BEEN EXAMINED BY ME AND THAT THE INFORMATION
CONTAINED HEREIN IS COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE

DUKE ENERGY FLORIDA, LLC
550 SOUTH TRYON STREET, DEC41A
CHARLOTTE, NC 28202

TOWN OF WHITE SPRINGS

AMENDED FRANCHISE FEE

October 2022

Revenue from All Retail Electric Sales	66,499.86
Less: Exempt Revenue	<u>0.00</u>
Taxable Revenue	66,499.86
Franchise Fee Rate	<u>6.0%</u>
Franchise Fee	3,989.99
Misc. Adjustments	<u>0.00</u>
Franchise Fee Payable	3,989.99
Less: Amount Previously Paid	<u>(245,813.10)</u>
Amended Franchise Fee Due (Overpaid)	<u><u>(241,823.11)</u></u>

R. MORGAN KERSNER
SIGNATURE

3/22/2023

I CERTIFY THAT THIS REPORT HAS BEEN EXAMINED BY ME AND THAT THE INFORMATION
CONTAINED HEREIN IS COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE

DUKE ENERGY FLORIDA, LLC
550 SOUTH TRYON STREET, DEC41A
CHARLOTTE, NC 28202

TOWN OF WHITE SPRINGS

AMENDED FRANCHISE FEE

September 2022

Revenue from All Retail Electric Sales	84,973.54
Less: Exempt Revenue	<u>0.00</u>
Taxable Revenue	84,973.54
Franchise Fee Rate	<u>6.0%</u>
Franchise Fee	5,098.41
Misc. Adjustments	<u>0.00</u>
Franchise Fee Payable	5,098.41
Less: Amount Previously Paid	<u>(267,188.15)</u>
Amended Franchise Fee Due (Overpaid)	<u><u>(262,089.74)</u></u>

R. MORGAN KERSHNER

3/22/2023

SIGNATURE

I CERTIFY THAT THIS REPORT HAS BEEN EXAMINED BY ME AND THAT THE INFORMATION
CONTAINED HEREIN IS COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE

ORDINANCE NO. 2025-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, FLORIDA, ESTABLISHING AN ANIMAL CONTROL ORDINANCE WITHIN THE UNINCORPORATED AREAS OF HAMILTON COUNTY, PERTAINING TO ANIMAL CARE AND CONTROL RE-ESTABLISHING AND PROVIDING A COUNTY-WIDE SYSTEM FOR THE CARE, CONTROL, MANAGEMENT AND REGULATION OF ANIMALS; PROVIDING FOR THE INCORPORATION OF RECITALS; PROVIDING THAT THIS ORDINANCE SHALL BE DESIGNATED AND MAY BE CITED AS THE "HAMILTON COUNTY ANIMAL CARE AND CONTROL ORDINANCE"; AUTHORIZING THE BOARD TO ENACT RULES AND REGULATIONS; PROVIDING THE STATUTORY AUTHORITY FOR THIS ORDINANCE; PROVIDING FOR DEFINITIONS; REQUIRING COLLARS AND IDENTIFICATION FOR DOGS AND CATS; PROHIBITING PUBLIC NUISANCE ANIMALS; PROVIDING THE REMOVAL AND DISPOSAL OF ANIMAL WASTE; PROVIDING FOR RABIES CONTROL; PROVIDING FOR THE CLASSIFICATION AND CONTROL OF DANGEROUS ANIMALS; PROVIDING FOR THE HANDLING OF ANIMAL CRUELTY COMPLAINTS; AUTHORIZING PROPERTY OWNERS AND TENANTS TO RESTRAIN ANIMALS FOUND IN VIOLATION OF THIS ORDINANCE ON THEIR PROPERTY; PROVIDING FOR THE HOLDING AND DISPOSITION OF STRAY ANIMALS; PROVIDING FOR THE ANIMAL CONTROL DEPARTMENT'S RIGHT OF ENTRY; PROVIDING FOR THE DESIGNATION OF THE COUNTY'S ANIMAL SERVICES DEPARTMENT AND ANIMAL SERVICES OFFICERS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR THE ISSUANCE AND DISPOSITIONS OF CITATIONS; PROVIDING FOR EXEMPTIONS FROM PUBLIC RECORDS LAWS; PROVIDING FOR FEES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND FOR THE REPEAL OF ORDINANCE NOS. 94-61, 96-80, 99-100 AND 99-105 IN THEIR ENTIRETY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, Hamilton County (hereinafter the "County") is a political subdivision of the State of Florida and a non-charter county as that term is used in Article VIII, Section 1(f), Florida Constitution; and,

WHEREAS, the County is given its home rule powers by the Florida Constitution, Section 125.01, Florida Statutes, and other provisions of Florida Law; and,

WHEREAS, the Board of County Commissioners of the County, (hereinafter the "Board") is the governing body of the County; and,

WHEREAS, the Board wishes to provide a comprehensive ordinance for the care, control, management and regulation of animals within the County; and,

WHEREAS, the Board finds that the citizens of the County will benefit from the establishment of such a comprehensive ordinance for the care, control, management and regulation of animals within the County; and,

WHEREAS, the Board finds that the benefit to be enjoyed by citizens of the County will outweigh the costs associated with the enactment of this ordinance and thus the enactment of this ordinance will be in the best interest of the citizens of the County; and,

WHEREAS, the Board has complied with all other requirements imposed by Florida law for the enactment of this ordinance.

WHEREAS, the Board finds that ownership of an animal carries with it responsibilities to the county and the general public with regard to care and control of the animal. In interpretation and application, the provisions of this Ordinance shall be construed to impose a primary responsibility for compliance herewith on the owner of an animal. The Board concludes that it is advisable to enact this animal control ordinance in the interest of protecting public health and safety, promoting the welfare of animals within the county and providing for the orderly and uniform administration of the provisions governing animal welfare and control; and

WHEREAS, the Board finds that the presence of dangerous dogs, as defined in this chapter, within the county creates an increased danger to public health and safety and to the welfare of other animals and people; and

WHEREAS, the Board finds that it is inhumane to mistreat, neglect or abandon an animal. It is the intent of this chapter to impose penalties of significance in order to deter such action and to reduce the possibility of repeat violations by rendering the violators ineligible to adopt pets from county animal shelters; and

WHEREAS, the Board finds that proposed penalties for abandonment, permanent identification, breeding and spay/neuter requirements are fair, reasonable and commensurate with the severity of the respective violations categorized herein; and

WHEREAS, the Board finds that (i) a pet overpopulation continues to have a negative impact on our communities by threatening the ecosystem and requiring enhanced animal control services, (ii) pets that find egress from fenced yards and other enclosures in order to seek out other animals are predominantly unaltered and become a nuisance by uncontrolled breeding and running at large, (iii) violations of the state statutes governing the treatment of animals are more likely to be addressed if this Ordinance incorporates some of the statutory provisions to enable enforcement of such laws by local government officers; and

WHEREAS, it is the Board's intent that this Ordinance shall (i) make provisions for penalties and contesting citations uniform; (ii) eliminate inconsistencies and errors in any existing Ordinances; (iii) make the enacted provisions regarding animals easier to understand and apply; (iv) provide incentives to those demonstrating responsible pet ownership; (v) impose penalties of significance in order to deter abandonment, mistreatment, and other inhumane action and to reduce the possibility of repeat violations by rendering the violators ineligible to adopt pets from county animal shelters; and (v) require pet owners to be fully responsible for their pets, to have them neutered or to take extraordinary precautions to prevent the pets from having further negative impacts caused by uncontrolled breeding, and requiring an exemption license, forfeitable for noncompliance.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Hamilton County:

1. GENERAL PROVISIONS AND GRANT OF AUTHORITY.

1.1 Recitals.

The above recitals are hereby incorporated into this ordinance as if restated herein and constitute the legislative findings and intent of the Board of County Commissioners (hereinafter the "Board") of Hamilton County, Florida (hereinafter the "County").

1.2 Short Title.

This ordinance shall be designated and may be cited as the "Hamilton County Animal Care and Control Ordinance."

1.3 Rules and Regulations.

The Board may, by resolution, enact reasonable rules and regulations to implement and carry out the provisions of this ordinance and state law.

1.4 Delegation of Animal Control to Hamilton County Sheriff.

The County has delegated to the Sheriff in and for Hamilton County, Florida, the sole and complete animal control function for Hamilton County, Florida, and authorizes the Sheriff and his deputies, and designated employees and representatives, the enforcement of this Ordinance. In the

enforcement of this Ordinance, the Board hereby grants the Office of the Sheriff in and for Hamilton County, Florida, the exclusive use, occupation and possession of that portion of Parcel Number 3852-000, at 946 Oak Street, Jennings, Florida 32053, necessary for the operation of the animal control facilities. Prior to the consideration and adoption of the County's annual budget, the Sheriff shall submit a funding request for the monies necessary for the operation of the Hamilton County Animal Control Facility, employment of workers therein and animal control operation for the next fiscal year beginning October 1. By his endorsement of this Ordinance, the Sheriff in and for Hamilton County, Florida, accepts the responsibility for animal control subject to the Board providing adequate funding for animal control operations.

1.5 Statutory Authority.

This ordinance is an exercise of authority pursuant to Chapters 381, 474, 585, 588, 767, 823, 828, Florida Statutes (FS) and the Board's home rule authority as provided in Chapter 125, FS.

1.6 Definitions.

As used in this ordinance the following words and terms shall have the meaning set forth in this section, unless the context clearly indicates otherwise.

1.6.1 *Abandon* means to forsake an animal entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner, or to leave an animal unattended for more than 24 hours, or to release the animal upon public roads or public or private lands, or to fail to provide adequate food, water, exercise or medical care.

1.6.2 *Aggressive Animal*: any animal which has injured or killed a domestic animal in a first unprovoked attack while off the premises of the owner.

1.6.3 *Animal*: any domesticated animal apart from domesticated livestock or any captive wild animal.

1.6.4 *Animal at large* means any animal, other than a cat, not on the owner's property and not under the direct control of the owner or other responsible person.

1.6.5 *Animal Control Officer*: The Sheriff and his deputies and any other person employed or appointed by the Sheriff who is authorized to investigate, on public or private property, violations relating to animal services or cruelty to animals pursuant to state law and this ordinance.

1.6.6 *Animal Control*: the Office of the Sheriff of Hamilton County, Florida, is designated by the County to enforce the ordinances and laws pertaining to animal services.

1.6.7 *Animal Shelter*: the facility located at and described as Parcel Number 3852-000, at 946 Oak Street, Jennings, Florida 32053, for the purpose of housing and caring for animals held under the authority of this ordinance or state law.

1.6.8 *Animal fighting* means fighting between roosters or other birds or between dogs, or between other animals of the same species.

1.6.9 *Bait* means to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals. In addition, the "baiting" means the use of live animals in the training of racing greyhounds,

1.6.10 *Cat* means any member of the species *felis catus*.

1.6.11 *Charging instrument* means a writing or document that recites the mode of committing an offense.

1.6.12 *At Large/Stray*: any animal (excluding domestic livestock) which is off of the premises of the owner while not under the supervision of the owner.

1.6.13 *Attack*: the act by any animal of approaching a domestic animal or a person in such a manner that hostile contact with the other animal or a person occurs.

1.6.14 *Board*: the Board of County Commissioners of the County of Hamilton.

1.6.15 *Citation*: a written notice issued to a person by an Animal Services Officer stating that the Officer has probable cause to believe that the person has committed a civil infraction in violation of a duly enacted ordinance and that the county court will hear the charge. The citation must contain the following:

- a. The date and time of issuance;
- b. The name and address of the person;
- c. The date and time the civil infraction was committed;
- d. The facts constituting probable cause;
- e. The ordinance(s) violated;
- f. The name and authority of the officer;
- g. The procedure for a person to follow in order to pay the civil penalty, to contest the citation or to appear in court as required hereunder;
- h. The applicable civil penalty if the person elects to contest the citation;
- i. The applicable civil penalty if the person elects not to contest the citation;

- j. A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he/she, shall be deemed to have waived rights to contest the citation and that, in such case, judgement may be entered against the person for an amount up to the maximum civil penalty; and
- k. A conspicuous statement that if the person is required to appear in court as mandated by this ordinance, he/she does not have the option of paying a fine in lieu of appearing in court.

1.6.16 *Commercial kennel or cattery* means a facility that offers the services of a kennel or cattery for a profit.

1.6.17 *Cruelty* means any act of neglect, torture, or torment that causes unjustifiable pain or suffering of an animal, and includes, but is not limited to, any omission of a duty to provide food and water, shelter, and health care which omission causes unjustifiable pain or suffering of an animal, and allowing pain or suffering to continue when there is reasonable remedy or relief.

1.6.18 *County*: Hamilton County, Florida.

1.6.19 *County Health Department*: the public health department created under Part I, Chapter 154, F.S., serving the County.

1.6.20 *Dangerous Animal*: any animal that has, when unprovoked, bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property; has more than once injured or killed a domestic animal while off the owner's property; has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the appropriate authority; or, in the case of a dog, has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting.

1.6.21 *Exposure to Rabies*: contact by any person or domestic or captive wild animal with the saliva, brain tissue or body fluids of a rabid animal or of an animal suspected to be rabid due to its apparent ill health, or which is of a species commonly recognized to be a carrier/reservoir of rabies, such as, but not limited, to raccoons, foxes, bats, skunks, or bobcats.

1.6.22 *Feral Animal*: any wild cat or dog, whether it was born in the wild or reverted to a wild state due to abandonment or lack of domestication.

1.6.23 *Impoundment*: the taking up and confining of an animal-by-animal services in a manner consistent with professionally recognized standards of humane treatment.

1.6.24 *Neutered/Sterilization*: rendered permanently incapable of reproduction or permanently incapable of reproduction because of physiological sterility, but only where the neutered condition has been certified by a veterinarian licensed in any state.

1.6.25 *Direct control* means immediate and continuous physical control of an animal at all times such as by means of a leash, secured fence or other means of confinement.

1.6.26 *Dog* means any member of the species *canis familiaris*.

1.6.27 *Domesticated companion animal* means an animal that has traditionally, through a long association with humans, lived in a state of dependence upon humans or has been traditionally kept as a household pet, including, but not limited to: dogs, cats, hamsters, gerbils, ferrets, mice, rabbits, parakeets, parrots, cockatiels, cockatoos, canaries, love birds, finches and tropical fish.

1.6.28 *Effective voice command* means voice control within 20 feet by a competent person which at all times prevents the animal subject to the voice control from running at large or otherwise violating the provisions of this chapter.

1.6.29 *Ferret* means any member of the species *mustela furo*.

1.6.30 *Keeper* means any person possessing or having custody of an animal.

1.6.31 *Kennel or cattery* means any establishment, except a pet shop or animal protection shelter, wherein or whereon animals are kept for boarding, training, care and grooming, breeding, or stud services for remuneration, or sales of offspring or adult animals, but does not include a veterinarian hospital.

1.6.32 *Leash* means a cord, strap or other like apparatus that is of such strength to humanely restrain the animal it is attached to, and which is controlled by a person capable of restraining the animal

1.6.33 *Owner*: any person or corporation owning, harboring, or keeping any animal, or in the case of a person under the age of eighteen (18) years of age, that person's parent or legal guardian. This definition shall not apply to any veterinary clinic or boarding kennel.

1.6.34 *Police/Fire Dog*: any dog the service of which is employed, by a Federal, state or local law enforcement agency, correctional agency, fire department, special fire district, or the State Fire Marshal for the principal purpose of aiding in the detection of criminal activity, flammable materials, or missing persons; the enforcement of laws; the investigation of fires; or the apprehension of offenders.

1.6.35 *Person*: any individual, firm, corporation, limited liability company, partnership, organization or association.

1.6.36 *Potential Rabies Carrier/Reservoir*: any species commonly recognized to be a carrier of rabies, such as, but not limited to, raccoons, foxes, bats, skunks, or bobcats.

1.6.37 *Proper Enclosure of a Dangerous or Vicious Dog*: shall mean, while on the owner's property, a dangerous or vicious dog is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the

animal from escaping. Such pen or structure shall have a concrete floor, secure sides which will include a chain length fence and secure top to prevent the dog from escaping over, under or through the structure and shall also provide protection from the elements.

1.6.38 *Public Nuisance*: any animal which chases vehicles or molests passersby; or any animal which causes unsanitary or dangerous conditions to exist; or any feral animal.

1.6.39 *Service Animal*: any animal meeting the definition of "service animal" provided in Section 413.08, F.S.

1.6.40 *Severe Injury*: any physical injury that results in broken bones, multiple bites, deep puncture wounds or disfiguring lacerations requiring sutures or cosmetic surgery.

1.6.41 *Sheriff*: the duly elected and serving Sheriff of Hamilton County, Florida, is deputy sheriffs and such other employees and representatives as he shall designate.

1.6.42 *Unprovoked*: shall mean a victim who has been conducting himself or herself peacefully and lawfully but was bitten or chased in a menacing fashion or attacked by a dog.

1.6.43 *Veterinarian*: a person who is licensed to engage in the practice of veterinary medicine as provided for in Chapter 474, FS.

1.6.44 *Veterinary Hospital or Clinic*: any place or facility owned or operated by a licensed veterinarian and used for the practice of veterinary medicine in the diagnosis, treatment, and care of diseases of and injuries to animals, or used for the boarding of animals during such diagnosis, treatment or care, or used for the temporary boarding of animals belonging to the veterinarian's clients.

1.6.45 *Vicious/Dangerous Dog*: shall be any dog that has:

- a. Aggressively bitten, attacked or endangered or has inflicted severe injury on a human being on public or private property;
- b. Has more than once severely injured or killed a domestic animal while off the owner's property;
- c. Has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting; or
- d. Has, when provoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the appropriate authority.

1.6.46 *Quarantine* means strict confinement by leash, closed cage, paddock, or in any other manner, and in a place as approved by the animal control supervisor of all animals specified in the order.

1.7 Scope of Restrictions.

The Board may place such restrictions in effect on a temporary or permanent basis, covering the whole or any defined part of the County, as the exigencies of the situation may require.

1.8 Running at Large/strays.

1.8.1 Generally prohibited. It shall be unlawful for any animal to run or remain at large on any public street, road, alley, park or other public place. It shall be unlawful for any animal to run or remain at large upon any private property without the consent of the owner of such private property. The owner or keeper of any animal found running or remaining at large shall be responsible for any violation of this ordinance.

1.8.2 Dogs and cats in estrus. The owner of any female dog or cat in estrus shall keep such dog or cat confined in a building or secure enclosure, veterinary hospital, or boarding kennel in such manner that such female dog or cat cannot come in contact with a male dog or cat, except for intentional breeding purpose.

1.8.3 Exceptions. Subsections (1) and (2) shall not apply to:

- a. Any dog actually engaged in a legal sport, including supervised hunting within an authorized area.
- b. Any dog or cat being professionally/officially showed or trained.
- c. Service animals.
- d. Police/Fire/Military animals.
- e. Domestic Livestock.


✍ 1.9 Collar and Identification Required. + chip

All dogs and cats in the County shall wear a properly fitted collar with either a current identification tag or a current identification plate securely attached to the collar, containing the owner's name, address and phone number. The collar shall be placed on the animal so as not to interfere with the animal's breathing and shall not be allowed to become so tight that the collar cuts into the animal's neck. No collar shall be placed on an animal such that when exposed to the elements the leather or other leash material shrinks and cuts into the animal's neck.

1.10 Public Nuisance Prohibited.

1.10.1 It shall be unlawful for any person to allow his or her dog or cat to become a public nuisance.

1.10.2 The owner of any dog or cat which is a public nuisance shall be subject to the procedures and penalties set forth in Section 10.1.

 1.10.3 Any dog or cat which is feral shall be classified as a public nuisance and shall be impounded and humanely euthanized. Feral animals shall not be required to be held for a minimum period of time as is required for stray animals.

1.11 Animal Waste.

Any person who owns or has custody or control of a dog or cat must immediately remove any feces deposited by such animal on:


1.11.1 Public Property, including, without limitation by enumeration, public roads (including the entire right-of-way), lawns, building grounds, walks, recreation areas, parks and school grounds, except for those areas designated and marked by appropriate signage to be for that purpose, if any;

1.11.2 Any swale, ditch or other structure serving to convey surface water to a canal, lake, or other receiving water body; or

1.11.3 Any private property for which permission has not previously been given by the owner thereof.


Any person removing feces as set out above shall ensure that such feces are disposed of in a lawful and sanitary manner.

1.12 Humane Care Required Responsibilities.

 1.12.1 No owner shall fail to provide personal animal(s) with sufficient and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment, including sufficient exercise space.

1.12.2 No person shall overload, overwork, torture, or torment, deprive of necessary sustenance, beat, mutilate or inhumanely kill or otherwise abuse any animal or cause or permit the same to be done.

1.12.3 No person shall abandon any animal by forsaking the animal entirely or neglecting or refusing to provide or perform the legal obligations for care and support of the animal.

 1.12.4 No person shall have an animal in public areas off private property unless on a controlled lead or leash and wearing a collar, tag and proper documentation.

2. RABIES CONTROL.

2.1 Animal Bites

2.1.1 When any animal bites or wounds a human or when a human or domestic or captive wild animal is bitten by or exposed to rabies by a suspected or known rabid animal, the owner shall comply fully with Chapter 64D-3, FAC, Communicable Disease Control.

2.1.2 It shall be the duty of any person having knowledge that an animal has bitten or otherwise exposed a person or domestic or captive wild animal to rabies, to report the incident immediately to the County Health Department, law enforcement officer, or animal control for investigation, or for the supervised quarantine of the animal at the expense of the owner.

2.1.3 Any dog, cat, ferret or other domestic animal that has bitten or exposed a human to the potential transmission of rabies shall be quarantined for a period of not less than ten days.

2.1.4 The procedures for the investigation of animal bites inflicted by animals other than dogs, cats or ferrets shall be followed in accordance with the provisions set forth in Chapter 64D-3, FAC.

2.1.5 The location and conditions of examination or quarantine of animals which have bitten or otherwise exposed a person to the possible transmission of rabies shall be approved by the County Health Department.

2.1.6 It shall be unlawful for any person to hide, conceal or refuse to surrender any animal for examination or quarantine upon lawful demand to do so by the County Health Department, any law enforcement officer, or other lawful animal services agency.

2.1.7 Any person having knowledge that a domestic animal has been bitten by or otherwise exposed to rabies by a wild animal of a species commonly recognized to be a carrier of rabies, such as, but not limited to, raccoons, foxes, skunks, bats or bobcats, shall immediately report such bite or exposure to the County Health Department, a law enforcement officer, or animal control.

2.2 Rabies Vaccination for Dogs, Cats and Ferrets Required.

2.2.1 Frequency; exception.

Every dog, cat or ferret four months of age or older shall be vaccinated at intervals recommended by the rabies vaccine manufacturer against rabies with a United States Government-approved vaccine. Such vaccination is excused for bona fide racing greyhound kennels or if a licensed veterinarian certifies in writing that a vaccination would be injurious to the dog, cat or ferret's health. In either case the dog, cat or ferret shall be confined in an enclosed building or kennel.

2.2.2 Proof of vaccination; tags.

Proof of vaccination shall consist of a rabies vaccination certificate signed by the licensed veterinarian administering the vaccination and a rabies vaccination tag. The rabies vaccination tag shall be displayed about the dog or cat's neck at all times. A rabies vaccination certificate and a rabies vaccination tag issued for an animal shall not be valid for any other animal. Rabies vaccinations by licensed veterinarians outside of the County shall be recognized as current rabies vaccinations in the County.

2.2.3 Removal of tag.

It is unlawful for any person to remove the rabies vaccination tag of any currently vaccinated dog or cat unless:

- a. The dog or cat is participating in any organized exhibition or field trial, or is training for these events, or is engaged in a legal sport under competent supervision; or
- b. A licensed veterinarian directs in writing that the rabies vaccination tag be removed for reasons of the dog or cat's health. In such an event, the dog or cat shall be confined until the veterinarian permits the tag again to be placed on the dog or cat; or
- c. The animal is securely confined in an enclosure.

2.2.4 Display of proof.

It is unlawful for the owner of a dog, cat or ferret to refuse to show proof of current vaccination of such dog, cat or ferret by the end of the next business day if such information is requested by the County Health Department, any law enforcement officer, or animal control.

2.2.5 Unlaw Transfer or Use.

It is unlawful to transfer and attach to one animal a rabies vaccination tag issued to a different animal.

2.2.6 Rabies information.

For rabies investigations, any veterinarian administering a rabies vaccination to a dog, cat or ferret within the county shall furnish the information contained therein to the County Health Department or to animal control upon written request.

3. DANGEROUS ANIMALS.

3.1 Petition for Classification - Generally:

3.1.1 Any adult person may request under oath that an animal be classified as dangerous or aggressive as defined in this ordinance by submitting a "petition for classification of a dangerous or aggressive animal," hereinafter called the "petition", to animal control.

3.1.2 Upon receipt of a petition, animal control shall notify the owner of the animal that a petition has been filed with the Office of the Sheriff, and that an investigation into the allegations as set forth in the petition will be conducted.

3.1.3 Upon completion of the Sheriff's, a classification committee appointed by the Sheriff consisting of a County Health Department official, a law enforcement official and a concerned citizen, shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous or aggressive and shall afford the owner an opportunity for a hearing prior to making a final determination. The animal services authority shall provide written notification of the sufficient cause finding to the owner, by registered mail, certified hand delivery, or service in conformance with the provisions of Chapter 48, FS, relating to service of process. The owner may file a written request for a hearing within 7 calendar days from the date of receipt of the notification of the sufficient cause finding and, if requested, the hearing shall be held as soon as possible, but not more than 21 calendar days and no sooner than 5 days after receipt of the request from the owner. If the classification committee finds sufficient cause to classify the animal dangerous or aggressive, the classification committee shall determine the classification and disposition of the animal based upon Chapter 767, FS. In hearings before the classification committee, formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings. The classification committee shall decide the issues based upon the preponderance of the evidence, and its decision shall be final. Where a disposition of permanent confinement has been determined by the classification committee, the committee shall reserve jurisdiction to alter the disposition should the classified animal, subsequent to the determination by the committee, bite, wound, attack or kill or assist in biting, wounding, attacking, or killing a person or domestic animal. Thereafter, the director of animal control shall notify the animal owner and the petitioner in writing by registered mail or certified hand delivery of the findings of the investigation, the proposed disposition of the animal and the review process.

3.1.4 If the owner or keeper cannot appear at any hearing scheduled by the classification committee, he or she shall contact the division of animal control no later than 24 hours prior to the hearing, requesting a continuance to the next available date. If the owner or keeper fails to appear at the rescheduled classification hearing, the owner or keeper of such animal shall be deemed to have waived his or her right to appear at such hearing. In such case, the division of animal control shall proceed with the hearing and shall notify the owner or keeper in writing of the findings of the committee.

3.2 Owner's Right to Contest.

3.2.1 If the owner or keeper of an animal classified as dangerous or aggressive disputes the order of the classification committee, he or she may within ten business days following the date of receipt of the order apply to a court of competent jurisdiction for any remedies which may be available. A copy of the action seeking relief shall be served upon the County.

3.2.2 If the owner or keeper of the animal is unable to or fails to or refuses to confine the animal in a securely enclosed area, complying with Section 3.8, until the conclusion of the judicial proceeding, the animal classified as dangerous or aggressive shall be impounded by animal control at the owner's sole expense pending the disposition of the hearing in accordance with the rules and regulations established by the Board.

3.2.3 If no legal action has been served upon the County within the time period specified above, or if the owner or keeper fails to appear at the judicial proceeding scheduled pursuant to the foregoing sub-part, the owner or keeper of such animal shall be deemed to have waived his or her right to protest such classification order to permanently confine or to destroy the animal. In such case, animal services shall proceed with the disposition of the animal.

3.2.4 If a court of competent jurisdiction finds that the animal is not dangerous or aggressive as defined in this chapter, the animal shall be released to the custody of the owner or keeper. In such case, the owner shall first pay all impoundment fees and costs no later than the close of the following business day following the date of the court's finding denying the classification.

3.3 Citation Authority.

An animal control officer or law enforcement officer shall issue a citation to any owner or keeper of a dangerous or aggressive animal found in violation of any of the provisions of this ordinance. In addition to the issuance of a citation, an animal services officer may impound the animal when it is found in violation of any of the provisions of this ordinance.

3.4 Impoundment - Permit and Tag Required for Dangerous or Aggressive Animals.

3.4.1 An animal control officer shall impound any animal which, subsequent to its classification as a dangerous or aggressive animal, bites, wounds, attacks or kills, or assists in biting, wounding, attacking, or killing, any person or domestic animal. Such animal shall remain impounded pending a rehearing on the determination of the disposition of the animal by the classification committee pursuant to Section 3.1(3). The impoundment shall be at the owner's expense.

3.4.2 The owner or keeper of a dangerous or aggressive animal shall, within fourteen (14) days of the classification of the animal as dangerous or aggressive or upon the acquisition of such an animal, obtain a permit from the division of animal control to harbor the animal. The fee for the annual permit shall be \$100.00.

3.4.3 At the time the permit is issued, a red circular tag shall be issued to the owner or keeper of the dangerous or aggressive animal. Such tag shall be worn at all times by the animal to clearly and easily identify it as a dangerous or aggressive animal.

3.4.4 The permit for maintaining a dangerous or aggressive animal shall be presented to any animal control officer or to any law enforcement officer upon demand.

3.4.5 The permit shall be valid for a period of one year from the date of classification.

3.5 Notification of Change of Status.

3.5.1. The owner or keeper of a dangerous or aggressive animal shall notify animal control immediately if the animal escapes from its enclosure or restraint and is at large, or if it bites or attacks a person or domestic animal, or if it dies. If the animal dies, satisfactory proof of such death must be provided to animal services within 24 hours. Satisfactory proof shall be either verification from an animal shelter or veterinary hospital that the animal was euthanized, or verification from an animal control officer or a law enforcement officer that he or she has seen the dead body of the animal.

3.4.2 If the owner or keeper of a dangerous or aggressive animal intends to change his or her address, or sell, give away, or trade any dangerous or aggressive animal, he or she shall notify animal services prior to such change of address, sale, transfer, or trade. The owner or keeper shall provide animal control with the new name, address, and phone number of the person receiving the animal, as well as the location at which the animal will be maintained. Further, it shall be the responsibility of the owner to notify the person receiving the dangerous or aggressive animal in writing of the classification of the animal as dangerous or aggressive.

3.4.3 Any person receiving an animal classified as dangerous or aggressive must obtain the required permit, tag, and enclosure prior to the acquisition of the animal. Any person obtaining an animal classified as dangerous or aggressive shall comply fully with the provisions of this ordinance pertaining to the maintenance, control and ownership of dangerous or aggressive animal(s).

3.6 Neutering/sterilization.

Any animal classified as dangerous or aggressive shall not be used for breeding. Animals classified as dangerous or aggressive shall be neutered by a licensed veterinarian within thirty (30) days of such classification unless:

3.6.1 A licensed veterinarian certifies in writing that the animal is incapable of reproduction; or,

3.6.2 A licensed veterinarian certifies in writing that neutering the animal would be injurious to the animal's health, provided, however, that if the health condition of the animal is of a temporary nature, then the animal shall be neutered immediately after the health condition has been corrected.

3.6.3 Copies of correct documentation must be turned into the county animal control, no later than the thirty (30) day timeframe.

3.7 Enclosure Required.

3.7.1 All dangerous or aggressive animals that are not humanely destroyed shall be confined in an enclosure as defined in Section 767.11(4) FS.

3.7.2 It shall be unlawful for any owner or keeper of a dangerous or aggressive animal to maintain said animal upon any premises which does not have a proper enclosure in which to confine the animal. This enclosure must be childproof.

3.7.3 The enclosure shall be approved by the division of animal control prior to its usage for confinement.

3.8 Owner Additional Responsibility.

The owner shall immediately notify the appropriate animal control authority when an animal that has been classified as dangerous/vicious:

- a. Is loose or unconfined;
- b. Has bitten a human being or attacked another animal;
- c. Is sold, given away, or dies;
- d. Is relocated to another address.

3.9 Muzzle.

3.9.1 It shall be unlawful for any owner or keeper to allow a dangerous or aggressive animal to be outside of the enclosure unless it is necessary for the animal to receive veterinary care or exercise. In the case of dangerous animals, the animal shall wear a properly fitted muzzle, restrained by an adult capable of controlling the animal and shall be on a leash of sufficient tensile strength no more than 3 feet in length to prevent it from biting humans or other animals. Such muzzle shall not interfere with the animal's breathing.

3.9.2 However, it shall be lawful for an owner to exercise a dangerous or aggressive animal within a securely fenced or enclosed area that does not have a top, without a muzzle, if the animal remains within the owner's sight and only members of his or her immediate household, or persons 18 years of age or older, are allowed in the enclosure when the animal is present.

3.10 Signs - Dangerous Animals Only.

The owner or keeper of a dangerous animal shall display clearly visible warning signs on all entry points to the premises on which a dangerous animal is maintained warning that a dangerous animal is being harbored on such property. In addition, at least one sign shall be posted on the enclosure in which the dangerous animal is maintained.

3.11 Exemptions.

3.11.1 Hunting dogs are exempt from these provisions of this section when engaged in any legal hunt or training procedure. Dogs engaged in training or exhibiting in legal sport; such as obedience trials, confirmation shows, field trials, hunting/retrieving trials, and herding trials are exempt from the provisions of this section when engaged in any legal procedures. However, such dogs at all other times, in all other aspects, shall be subject to this and local laws. Dogs that have been classified as dangerous shall not be used for hunting or sporting purposes.

3.11.2 This section does not apply to law enforcement and military working dogs, while engaged in lawful working duties.

3.12 Penalties and Procedures.

Any person who violates any provision of this section is guilty of a non-criminal infraction, punishable by a fine not exceeding \$500.00.

Animal Control may confiscate any dog classified as dangerous/vicious for euthanasia as a result of the owner's failure to comply with any or all requirements of this ordinance. Should animal control confiscate an animal under this section, notice of sufficient cause to confiscate the animal shall be provided in writing to the owner in accordance with this ordinance. The animal shall be held for ten (10) business days after the owner is provided with the written notice and thereafter destroyed in an expeditious and humane manner. The 10-day time period shall allow the owner to request a hearing under this section.

4. CRUELTY TO ANIMALS.

Animal Cruelty complaints shall be handled pursuant to Chapter 828, Florida Statutes.

5. RESTRAINT BY PROPERTY OWNER.

A property owner or tenant may restrain, in a humane manner, any animal found in violation of this ordinance on his or her property. When such restraint is made the property owner or tenant shall immediately notify animal control or law enforcement. The property owner or tenant shall treat the animal humanely and shall exercise due care to ensure the animal's safety and well-being.

6. REDEMPTION.

6.1 Stray animals which are not suffering from illness or injury, or are not suspected of having an infectious disease, shall be held for not less than five (5) working days for non-chipped animals, and ten (10) working days for chipped animals, prior to animal being available for adoption, foster, or rescue foundations. This does not include counting day of intake nor day of disposition unless redeemed by the owner sooner than the allotted timeframe.

6.2 Ill or injured animals may be euthanized prior to the expiration of the five (5) day holding period in accordance with Section 828.05, FS.

6.3 In instances when the owner of an impounded animal can be determined, animal control shall make a reasonable attempt to contact the owner before disposing of the animal. A reasonable attempt to contact the owner shall be satisfied by a telephone call to the owner and should the telephone method fail by placing a notice in a conspicuous place on the owner's premises.

6.4 Once hold has lifted for the animal, the animal status change will be moved to adoptable, foster, and/or rescue outreach forums. If the animal is not ill, injured, or diseased, the option of adoption will be available.

6.5 No animal is to exceed a residence of more than 45 business days at the county animal control facility. Exhausting all efforts and resources necessary.

7. DISPOSITION OF ANIMALS.

7.1 Feral, diseased, injured or unweaned animals may be euthanized immediately upon impoundment. Other animals not claimed at the end of the holding period as described in Section 6.0 shall become the property of the County and shall be disposed of through adoption or euthanasia. Any animal relinquished by an owner shall not be required to be kept for any holding period. Any animal not adopted as a pet shall be humanely euthanized. In instances when the owner of an impounded animal can be determined, animal control shall make a reasonable attempt to contact the owner before disposing of the animal. A reasonable attempt to contact the owner shall be satisfied by a telephone call to the owner, and should the telephone method fail, by placing a notice in a conspicuous place on the owner's premises.

7.2 A fee shall be collected at time of redemption by owner or adoption to cover costs of neutering/sterilization and other basic health care costs. In addition, all animals will be identified by microchip or other means at time of neutering/sterilization. The fee shall be paid by the adopter prior to release of the animal. Before any animal may be adopted from the animal shelter, unless meeting the below listed exceptions, provision shall be made for such animal to be neutered per Section 823.15, Florida Statutes.

7.2.1 A dog or cat claimed by the owner shall not be required to be neutered before its release to the owner.

7.2.2 If the dog or cat is under the age of six: months, provisions shall be made to have it neutered at the age of six months.

7.2.3 Upon the request of a licensed veterinarian, and for a valid medical reason, such as the relative immaturity of a particular animal or breed at the required age of neutering or the presence of a medical problem or condition in a particular animal which makes surgery at the time inadvisable, animal control shall extend the time limits within which the animal must be neutered.

7.2.4 No wolf-hybrid, or animal which has been classified as dangerous, or which has been involved in an unprovoked bite or attack on a person or domestic animal, or which has endangered without provocation a person or domestic animal, shall be placed for adoption from

the animal shelter if the owner does not redeem the animal. An animal involved in a provoked bite or attack on a person or domestic animal shall be placed for adoption only with prior approval of animal control, to be determined on a case-by-case basis.

7.2.5 Signing an agreement within the adoption paperwork, agreeing to having animal spayed/neutered within 30 days of adopting animal as long animal is over age of 6 months. Providing completed documentation from licensed veterinarian for completion of procedure to animal control prior to 30-day deadline. If the procedure is not completed in the allotted timeframe, a fine will be applied to that individual, and animal control has the right to seize the animal.

8. RIGHT OF ENTRY.

8.1 Pursuant to Sections 828.27, 828.073, and 125.01, FS, any law enforcement officer or animal control officer shall have the authority to enter public or unfenced private property within the county to carry out the duties imposed by this ordinance.

8.2 Pursuant to Sections 828.27, 828.073, and 125.01, FS, any law enforcement officer or animal control officer shall have the authority to enter fenced private property, exclusive of buildings, when:

8.2.1 The owner or keeper of an animal which has bitten or otherwise exposed a human or domestic or captive wild animal to rabies refuses to surrender such animal for rabies quarantine.

8.2.2 The animal being sought was at large immediately prior to animal services receiving a complaint that the animal was at large chasing people or domestic animals or was causing the destruction or loss of personal property, but subsequently returned to its owner's fenced private property, provided, however, that the animal has the clear capability to leave the fenced property by climbing, jumping, or crawling under the fence and provided that an attempt to contact the owner, if known, was unsuccessful.

8.2.3 An animal services officer or law enforcement officer is taking possession of any animal found neglected or cruelly treated pursuant to Sections 828.27, 828.073 and 125.01, Florida Statutes.

8.3 Trapping cases allowed to be placed.

The animal control officer or law enforcement officer may place animal trapping cages on private property with the property owner's permission or on public property within the county. Any animal trapped or confined shall be in the custody of the County and its officers, and it shall be unlawful and a violation of this ordinance for any person to remove, disengage, release, relocate, alter, damage, or destroy, or cause to be removed, disengaged, released, relocated, altered, damaged, or destroyed; any trap case placed by the department of animal control, of any animal confined therein.

9. DESIGNATION OF ANIMAL CONTROL FACILITY AND ANIMAL CONTROL OFFICER.

9.1 All authorization and operational procedures for animal control services and personnel will be at the discretion of the Sheriff. The Sheriff may from time to time, assign and reassign his deputies to serve as animal control officers as he deems necessary.

9.2 Any animal control officer and any law enforcement officer shall have the authority to enforce this ordinance.

9.3 The training and qualifications of the animal control officer(s) shall be those required by Section 828.27, FS.

9.4 Enforcement Policies and Procedures.

The policies and procedures used in the enforcement of this ordinance shall be established by the Sheriff's office in accordance with professionally recognized standards of humane capture, care and disposal.

10. ENFORCEMENT.

10.1 Enforcement Generally - Penalties.

10.1.1 In addition to or in lieu of impounding an animal which any animal control officer or any law enforcement officer has probable cause to believe is in violation of this ordinance the officer may issue a citation to the owner or keeper of the animal.

10.1.2 Any person to whom a citation is issued shall pay the fine by the designated date or appear in county court at the time, date and location designated in the citation.

10.1.3 Civil penalties for violations of this chapter are as follows:

- a. First violation (minimum fine) \$25.00
- b. Second violation (minimum fine) \$50.00
- c. Thereafter (minimum fine) \$100.00

10.1.4 Civil penalties for violations which result in the destruction or loss of personal property are as follows:

- a. First violation (minimum fine) \$50.00
- b. Second violation (minimum fine) \$100.00
- c. Thereafter (minimum fine) \$150.00
(Plus mandatory court appearance)

10.1.5 Civil penalty for violations which result in the unprovoked, biting, wounding, or attacking of a domestic animal or person are as follows:

- a. First violation (animal) (minimum fine) \$100.00
- b. First violation (person) (minimum fine) \$250.00
- c. Thereafter (maximum fine) \$500.00
(Plus mandatory court appearance)

10.1.6 Any person electing to appear or required so to appear waives the right to pay the minimum civil penalties.

10.1.7 Penalties shall be in addition to court costs as established by the county court and shall include a surcharge of \$5 per violation to be used for animal control officer training pursuant to Section 828.27, Florida Statutes.

10.1.8 The maximum civil penalty for each violation of this ordinance shall be \$500.00.

10.1.9 If a person to whom a citation is issued does not contest the citation and elects to pay the applicable civil penalty in lieu of appearing in county court, the civil penalty shall be less than the maximum civil penalty.

10.2 Obstructing Enforcement.

No person shall:

10.2.1 Refuse to surrender an animal upon lawful demand by any animal control officer or law enforcement officer.

10.2.2 Interfere with any animal control officer or law enforcement officer who is lawfully performing his or her duties.

10.2.3 Hold, hide, or conceal any animal which any animal control officer or law enforcement officer has deemed to be in violation of this ordinance.

10.2.4 Take or attempt to take any animal from any animal control officer or from any law enforcement officer or from any vehicle used by him or her to transport animals in the legal performance of his or her duties.

10.2.5 Take or attempt to take any animal from an animal control facility, a humane live trap, or an animal carrier, without proper authority.

10.2.6 Refuse to provide information to any animal control officer or any law enforcement officer which is necessary to complete official documents, including, but not limited to, citations, bite reports, courtesy notices, or warnings.

10.3 Citation Issuance.

Any animal control officer or any law enforcement officer is hereby authorized to issue a citation to the owner or keeper of an animal found in violation of the animal services ordinance when the officer has probable cause to believe that a violation of the ordinance has occurred. In addition to the issuance of a citation, an animal control officer may impound the animal when it is found in violation of any of the provisions of this ordinance.

10.4 Procedure upon Citation.

10.4.1 Any person cited for violation of the animal control ordinance shall be deemed to be charged with a civil infraction and cited to appear in county court.

10.4.2 Any person cited for an infraction under this section must:

- a. Sign and accept a citation indicating a promise to appear in county court at the time, date, and place indicated in the citation, or, in lieu of appearing, pay the applicable civil penalty prior to the court date noted on the citation.
- b. Exception. No person to whom a citation has been issued which requires a mandatory court appearance may pay the civil penalty in lieu of appearing in county court.

10.4.3 Any person who willfully refuses to accept and sign the citation shall be in violation of state law and this ordinance and shall be punished in accordance with Sections 775.082, 775.083, or 828.27, FS.

10.4.4 If the person cited pays the applicable civil penalty in lieu of appearing in county court, he or she shall be deemed to have admitted the infraction and to have waived his or her right to a hearing on the issue of commission of the infraction.

10.4.5 Any person electing to appear or who is required to appear shall be deemed to have waived his or her right to pay the minimum civil penalty.

10.5 Contents of Citation.

A citation issued by an animal control officer or law enforcement officer under the provisions of this ordinance shall be in a form prescribed by the animal control department and shall include, at a minimum, the following:

- a. The date and time of issuance.
- b. The name and address of the person.
- c. The date and time the civil infraction was committed.

- d. The facts constituting probable cause.
- e. The ordinance violated.
- f. The name and authority of the officer.
- g. The time, date and place at which the person accused shall appear in county court;
- h. The signature of the person accused;
- i. The procedure for the person to follow in order to pay the civil penalty if the person elects not to contest the citation;
- j. The procedure for the person to follow in order to contest the citation;
- k. The applicable civil penalty if the person elects to contest the citation;
- l. The applicable civil penalty if the person elects to pay the citation;
- m. A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, then he or she shall be deemed to have waived his or her right to contest the citation and that in such case judgment may be entered against the person for an amount up to the maximum civil penalty;
- n. A conspicuous statement that if the person is required to appear in court he or she does not have the option of paying a fine in lieu of appearing in court, and other information as may be appropriate.

11. PUBLIC RECORDS EXEMPTION.

Pursuant to state law, the home addresses and home telephone numbers of the animal control officer(s) employed by the Sheriff in and for Hamilton County are confidential and exempt from the provisions of Section 119.07(1), FS, and the Florida Constitution, Article I, Section 24(a).

12. FEES.

Impoundment and other fees for animals under this ordinance shall be as self-supporting as possible and shall be collected prior to release of animals. Modification of fees shall be established by the Sheriff's office. Impound fees may be waived for any unaltered dog or cat if, prior to the release of the animal, the owner agrees in writing to have the animal neutered. If the impounded animal is neutered, the impoundment fee may be waived if the owner agrees in writing to neuter another animal belonging to him or her.

(1) Initial impoundment fee.....\$25.00

- (2) Repeat impoundment fee.....\$50.00
- (3) Daily kennel fee.....\$12.00
- (4) Owner requested capture fee without chemical immobilization\$5.00
- (5) Owner requested capture fee with chemical immobilization 40.00
- (6) Fee for surrender of each unwanted animal..... 25.00

13. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict here with are hereby repealed to the extent of such conflict. Ordinance Nos. 94-61, 96-80, 99-100 and 99-105 are specifically repealed in their entirety.

14. SEVERABILITY.

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is held for any reason to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

15. EFFECTIVE DATE.

This Ordinance shall take effect upon its passage by majority vote of the Board of county commissioners in and for Hamilton County, after due notice and publication, in the regular meeting on the _____ day of _____, 2025, and upon being filed with the Secretary of State.

APPROVED and ADOPTED by the Board of County Commissioners of Hamilton County, Florida, this _____ day of _____, 2025.

**BOARD OF COUNTY COMMISSIONERS
OF HAMILTON COUNTY:**

Attest:

Greg Godwin
Ex-Officio Clerk

Richie McCoy
Chair and Member

Travis Erixton
Member

Jimmy Murphy
Member

Robby Roberson
Member

James Howell
Member

* * * * *

Endorsement and Acceptance of Ordinance:

Honorable Brian S. Creech
Sheriff, Hamilton County, Florida

Approved as to Form and Legal Sufficiency:

Andrew J. Decker, III
Hamilton County Attorney