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# CITY COUNCIL WORKSHOP

## CITY OF LAKE CITY

November 02, 2020 at 5:00 PM

Venue: Columbia County School Board Administrative Complex Auditorium

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## AGENDA

Due to the COVID-19 social distancing requirements, the City of Lake City will meet at the Columbia County School Board Administrative Complex Auditorium located at 372 West Duval Street, Lake City, FL 32055. The meeting will also be available via communications media technology.

**CMT instructions are located at the end of this agenda.**

**Call to Order**

**Roll Call**

**Items for Discussion**

- [1.](#) Lien Amnesty PowerPoint
- [2.](#) Council Rules

**Public Comments**

**Adjournment**

### Zoom CMT Information

Members of the public may attend the meetings **online** at: <https://us02web.zoom.us/j/85143910809> or

**Telephonic by toll number (no cost to the city), audio only:** at 1-346-248-7799

**Meeting ID:** 851 4391 0809#

Then it will ask for Participant id, just press #.

**Telephonic by toll-free number (cost per minute, billed to the city, zero cost to the caller), audio only:** at 1-888-788-0099

**Meeting ID:** 851 4391 0809#

Then it will ask for Participant id, just press #.

### **Public Participation**

The public may participate at the appropriate time via: (i) video conference by utilizing the software chat function or raise hand function to request to speak; or (2) telephonically by dialing \*9 to raise hand. The Chair will allow for sufficient time for all participants to be heard.

Those attendees wishing to share a document must email the item to **submissions@lcfla.com** no later than noon on the day of the meeting.

Instructions for meeting attendance and participation are also available at [www.lcfla.com](http://www.lcfla.com) under the calendar entry for the corresponding City Council Meeting.

To receive a copy of the agenda packet with supporting documentation, please contact the City Clerk's Office at **clerk@lcfla.com** or **386-719-5826**.

### **Contingency Information**

**Contingency Plan Meeting:** This will be activated and held if the City experiences connection or web conferencing failure. Any meeting taking place via the contingency plan will be held and/or reconvened via a conference call utilizing the information provided below.

**The public may attend the contingency plan meeting as follows:**

1-844-992-4726 (toll free)

**Enter access code:** 173 541 6832#

Then it will ask for attendee ID number, just press #

The public may participate in the contingency plan meeting at the appropriate time when the chair requests public comment. The Chair will allow for sufficient time for all participants to be heard.

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**Pursuant to 286.0105, Florida Statutes,** *the City hereby advises the public if a person decides to appeal any decision made by the City with respect to any matter considered at its meetings or hearings, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.*

**SPECIAL REQUIREMENTS:** *Pursuant to 286.26, Florida Statutes, persons needing special accommodations to participate in these meetings should contact the **City Manager's Office at (386) 719-5768.***



# Lien Amnesty

Joseph Helfenberger  
Lake City – City Manager  
November 2, 2020

## Discussion Topics

- Terms of the lien Amnesty Program
- lien Amnesty Application Process
- Terms of Eligibility for lien Amnesty
- Application Process for Code Enforcement liens

## Lien Amnesty Terms

- Program Duration: December 1, 2020 – December 31, 2021
- Applications accepted during this time period
- Return applications to Growth Management Department
  - In-person or by registered mail
  - \$100 Non-refundable application
- If Multiple violations are present:
  - Apply for amnesty on each lien simultaneously
  - Each lien is subject to the application fee

## Ineligible liens

- Utility liens are NOT eligible
- Code Enforcement liens under \$1,000 are NOT eligible
- Special Assessment liens are NOT eligible
- Payments for code abatement actions are NOT eligible
  - Lot mowing
  - Debris removal
  - Demolition

Such liens must be paid in full prior to requesting for a reduction



## Eligibility Criteria

- Property must be in compliance with all city codes/ordinances
- Both commercial and residential properties are eligible
- Municipal Special Assessments & Code Abatement Costs
  - Must be paid in full

## Lien Application

- Who can apply?
  - Violator or successor with ownership interest in encumbered property
  - Prospective purchaser
- How to apply? Written application to Growth Management
  - Typed or hand-written
  - Sworn in presence of a notary public



## Applications Shall Include the following:

- Copy of order imposing the lien, including case number
- Date property brought into compliance
- Factual basis to grant the lien waiver
- Terms under which to grant the lien waiver
- Reasons compliance did not happen sooner
- Verifying whether a title policy was issued
- \$100 non-refundable payment
- Other reasons such as circumstances justifying amnesty

## Processing Application

- Growth Management confirms violation has been brought into compliance
- If violations are satisfied and no new violations:
  - Code Enforcement Special Magistrate holds a hearing
- If enough information is given:
  - Special Magistrate decides

## Special Magistrate Considerations

- Administrative/Out-of-Pocket costs incurred by City
- Gravity and number of violations
- Current Property Value Compared to Amount of lien
- Whether Applicant was Responsible for the Violation
- Whether Applicant is a bona fide Purchaser
- Did Applicant know about lien before purchasing property
- Title Insurance: failed to identify a lien - No Waiver
- How much time it took to comply
- Cost considerations



## Factors to Consider

- Amount of fine versus Profit to gain
- Previous or Subsequent code violations PERTAINING TO THE PROPERTY unless order is under appeal
- Previous or Subsequent code violations PERTAINING TO OTHER PROPERTIES OWNED WITHIN CITY unless order is under appeal
- Relevant information in a Title Policy
- Financial Hardship
- Other Circumstance(s)

## Special Magistrates Options

- Approve lien Waiver
- Approve lien Waiver with Conditions
  - 30-days to comply with conditions
- Deny lien Waiver

## Appeal Process

- If denied amnesty, applicant must wait 30-days to reapply
- Applicant may appeal to City Council
  - File a written appeal within 30 days of decision
    - State Grounds for Appeal
    - Summary of Relief Sought
    - \$100 non-refundable filing fee
  - City Manager places appeal on agenda of next regular City Council meeting
  - City Council renders final decision
    - Sworn Application, Special Magistrate Determination, Applicant Testimony,
    - City Manager information, Other interested Parties information



## Other lien Releases

- Mayor is authorized to Execute Release of Code Compliance
- or Code Enforcement lien when:
- lien is over 20 Years Old
- lien was properly foreclosed by Circuit Court
- lien was property discharged by Bankruptcy Court
- Other Reasons determined by City Attorney establishing
  - Legal Unenforceability
  - Uncollectibility of a lien

**CITY COUNCIL ORDINANCE NO. 2020-0333**

**A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AMENDING THE CITY OF LAKE CITY CODE OF ORDINANCES, CHAPTER 22 - ARTICLE VI, WITH THE ADDITION OF DIVISION 6. - CODE ENFORCEMENT LIEN AMNESTY, SEC. 22-206 THROUGH SEC. 22-211, CODE ENFORCEMENT LIEN AMNESTY PROGRAM.**

**WHEREAS,** pursuant to and under the provisions of the Constitution of the State of Florida, Florida, herein referred to as the "City", is authorized by Resolution of the City Council to establish the Code Enforcement Lien Amnesty to be adopted; and

**WHEREAS,** the subject of the new Division 6. Code Enforcement Lien Amnesty, Sec. 22-206 through Sec. 22-211 - Code Enforcement Lien Amnesty Program will benefit the city

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:**

**Section 1.** The above recitals are all true and accurate and are hereby incorporated hereto and made a part of this ordinance.

**Section 2.** The following revised section is hereby adopted for use by the City for all code enforcement inspections:

**ARTICLE VII. - MINIMUM STANDARDS CODE**

**DIVISION 6. - Code Enforcement Lien Amnesty**

**Sec. 22-206. - Code Enforcement Lien Amnesty Program duration: acceptance of applications; applications fee; multiple violations.**

(a) *Program duration.* Duration of the code enforcement lien amnesty program shall be from December 1, 2020 to November 30, 2021 unless extended by resolution adopted by the City Council.

(c) *Acceptance of Applications.* Property owner applying to the Code Enforcement Lien Amnesty Program must complete a Code Enforcement Lien Amnesty Program application. Applications will be accepted between December 1, 2020 until November 30, 2021 by the Growth Management Department. Applications are available at City Hall. Completed applications (with application fee) may be returned in person or via registered mail to the Growth Management Department.



**Application for Amnesty of Code Enforcement Liens**

All information fields must be completed before this application can be processed. Requests are not scheduled for the Lien Release Agents until the application has been reviewed for completeness.

An application fee of \$100.00 is required pursuant to City Code Section 22-208(c) for the initial application made by the property owner for the same property. Any second or subsequent requests require a \$100.00 resubmission fee. For more details, please see the Lien Release Process, which is provided with this application.

CASE NUMBER(S) <small>(see page 2)</small>		LIEN ADDRESS (Property subject to the lien(s))	
APPLICANT'S NAME		PHONE	
MAILING ADDRESS		STATE	
CITY		ZIP	
AUTHORIZED REPRESENTATIVE'S NAME		WRITTEN AND NOTARIZED AUTHORIZATION FROM OWNER?	
		YES <input type="checkbox"/> NO <input type="checkbox"/>	
HAS THE APPLICANT APPLIED FOR LIEN RELEASE/REDUCTION FOR THIS PROPERTY BEFORE?			
YES <input type="checkbox"/> NO <input type="checkbox"/> IF YES, WHEN? <small>(Month and Year)</small>			
OWNER OF LIEN ADDRESS WHEN LIEN(S) WERE PLACED			
CURRENT OWNER OF LIEN ADDRESS			
CURRENT OWNER'S RELATIONSHIP OR AFFILIATION WITH ENTITY/PERSON NAMED IN LIEN(S)			
OTHER PROPERTY LOCATED IN LAKE CITY BELONGING TO CURRENT OWNER - # _____			
VIOLATION(S) AT LIEN ADDRESS WHEN LIEN(S) WERE PLACED			
WHO LIVED AT THE PROPERTY WHEN THE LIEN(S) WERE PLACED?			
REASON(S) VIOLATION(S) NOT CORRECTED BEFORE LIEN(S) PLACED			
IS MONEY BEING HELD?		YES <input type="checkbox"/> NO <input type="checkbox"/>	
IF YES		MONEY IS BEING HELD BY: TITLE CO <input type="checkbox"/> ATTORNEY <input type="checkbox"/>	
WHO WILL RECEIVE MONEY IF THE LIEN(S) IS/ARE REDUCED/RELEASED?			
REASON(S) YOU ARE REQUESTING A REDUCTION OR RELEASE OF LIEN(S)			

Continued on Next Page

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CITY COUNCIL ORDINANCE NO. 2020-XXXX

**A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AMENDING THE CITY OF LAKE CITY CODE OF ORDINANCES, CHAPTER 22 – ARTICLE VII, WITH THE ADDITION OF DIVISION 6. – CODE ENFORCEMENT LIEN AMNESTY, SEC. 22-208 THROUGH SEC. 22-211, CODE ENFORCEMENT LIEN AMNESTY PROGRAM.**

**WHEREAS**, pursuant to and under the provisions of the Community Planning Act, the City of Lake City, Florida, hereinafter referred to as the "City", is authorized by Resolution of the City Council to establish the Code Enforcement Lien Amnesty to be adopted; and

**WHEREAS**, the adoption of the new Division 6. – Code Enforcement Lien Amnesty, Sec. 22-208 through Sec. 22-211 – Code Enforcement Lien Amnesty Program will benefit the city

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:**

**Section 1.** The above recitals are all true and accurate and are hereby incorporated herein and made a part of this ordinance.

**Section 2.** The following revised section is hereby adopted for use by the City for all code enforcement inspections:

**ARTICLE VII. - MINIMUM STANDARDS CODE**

**DIVISION 6. – Code Enforcement Lien Amnesty**

**Sec. 22-206. – Code Enforcement Lien Amnesty Program duration; acceptance of applications; application fee; multiple violations.**

- (a) *Program duration.* Duration of the code enforcement lien amnesty program shall be from December 1, 2020 to November 30, 2021 unless extended by resolution adopted by the City Council.
- (b) *Acceptance of Applications.* Property owners applying to the Code Enforcement Lien Amnesty Program must complete a Code Enforcement Lien Amnesty Program application. Applications will be accepted between December 1, 2020 until November 30, 2021 by the Growth Management Department. Applications are available at City Hall. Completed applications (with application fee) may be returned in person or via registered mail to the Growth Management Department.

- (c) *Application fee.* Property owners applying to the Code Enforcement Amnesty Program must, in addition, to completing a Code Enforcement Amnesty Program application, submit a \$100.00 nonrefundable application fee.
- (d) *Procedure when multiple violations present.* Property owners with multiple code enforcement liens must apply for amnesty on each lien on the property simultaneously under the program with each lien being subject to the application fee.

**Sec. 22-207 Ineligible liens.**

- (a) Utility liens are not eligible for the amnesty program.
- (b) Special Assessment liens or payments due for code enforcement abatement actions, such as lot mowing, debris removal, or demolition are not eligible for the amnesty program and such liens must be paid in full prior to a property owner requesting a lien reduction under the terms of this article.
- (c) Code Enforcement liens of less than or equal to one thousand (1,000.00) dollars are not eligible for the amnesty program.

**Sec. 22-208 Eligibility criteria.**

- (a) Property must be in compliance with all city codes and ordinances in order to be eligible for the Code Enforcement Amnesty Program.
- (b) Both commercial and residential properties are eligible to participate in the program.
- (c) Any municipal special assessment liens or other code enforcement abatement costs must be paid in full.

**Sec. 22-209. Application for satisfaction, reduction or release of code enforcement liens.**

- (a) Where a certified copy of an order imposing a penalty or fine, as described in this division, has been recorded in the public records of Columbia County, Florida, and has become a lien against the land or property of the violator, such violator, or the violators successors or assigns, who has an ownership interest in the encumbered property, or a prospective purchaser (collectively the “applicant”) may apply for amnesty or satisfaction, of such lien as follows:
  - (1) Upon full payment by the applicant of the fine or penalty imposed in accordance with this division, the City Clerk is hereby authorized to execute and record on behalf of the city a satisfaction of lien in the public records of Columbia County, Florida. The applicant shall be responsible for paying all costs of recording.

- (2) Upon request for amnesty of a fine or penalty imposed in accordance with this division, the applicant shall submit a written application to the Growth Management Department.
- (b) The application for amnesty of the lien shall be in written form, typed or handwritten, by the applicant, on a City provided application, and shall be submitted to the Growth Management Department. The application shall be executed under oath and sworn to in the presence of a notary public, and shall include, but may not be limited to, the following:
- (1) A copy of the order imposing a lien upon the property including the code enforcement case number;
  - (2) The date upon which the applicant brought the subject property into compliance with the Code;
  - (3) The factual basis upon which the applicant believes the application for amnesty of the lien should be granted;
  - (4) The terms upon which the amnesty of the lien should be granted;
  - (5) The reasons, if any, compliance was not obtained prior to the order of penalty or fine being recorded;
  - (6) A statement verifying whether the applicant was issued any title policy or policies for the subject property encumbered by the lien after the date the lien was recorded in the public records of Columbia County, Florida. If such a policy or policies were issued to the applicant, a copy of any such title policy shall be submitted with the application;
  - (7) Any other information which the applicant deems pertinent to the request, including but not limited to, the circumstances that exist which would warrant the amnesty of the penalty or fine.
- (c) The applicant shall submit, at the time of application, payment of \$100.00 to the city to reimburse the city for its costs associated with recording the order imposing a penalty or fine and the requested reduction or release of lien. These costs are nonrefundable, without regard for the final disposition of the application.
- (d) Upon receipt of the application for amnesty of the lien and payment provided above, the Growth Management Department shall confirm that the violation which resulted in the order imposing penalty or fine has been brought into compliance. If the violation has been brought into compliance and there is no current code violation upon the property in question, the Growth Management Department shall review and schedule the application to be presented to the Code Enforcement Special Magistrate at the next scheduled Code Enforcement Hearings. Additional information shall also be required to support the application if the Growth Management Department deems such information is relevant and necessary for the Code Enforcement Special Magistrate to make the final decision on the application. The City Council hereby delegates to the Code Enforcement Special Magistrate the authority to review and consider applications for amnesty of the liens and make determinations as provided herein.



- (e) The Code Enforcement Special magistrate shall review and consider the following factors in making a determination amnesty of the lien.
- (1) The amount of any administrative and out-of-pocket costs incurred by the city which are directly associated with the underlying code enforcement case and lien including, but not limited to, code enforcement staff and attorney time, postage, advertising and recording costs, and other city expenses related to any measure taken by the Code Enforcement Special Magistrate or city to abate a nuisance caused by the violation;
  - (2) The gravity and number of violations;
  - (3) The current property value compared to the amount of the lien;
  - (4) Whether the applicant was responsible for the violation which caused the lien;
  - (5) Whether the applicant is or will be a bona fide purchaser of the subject property and is filing or has filed for a homestead exemption evidencing a desire to reside within the city on a non-transient basis, or whether the property is or will be acquired for investment or other purposes;
  - (6) Whether the applicant acquired the subject property with knowledge, or should have had knowledge, of the subject lien;
  - (7) If the title insurance policy was issued upon the purchase of the property and the title insurance policy failed to identify or consider the lien, a waiver for amnesty of the lien shall not be granted. In such cases the lien should have been discovered by the title insurer and providing amnesty of the fines and lien would place the City in the position of indemnifying the title insurer against its losses, which losses should be reflected in premium charges;
  - (8) The time in which it took to bring the property into compliance and associated expenses incurred;
  - (9) The accrual amount of the code enforcement fine and lien as compared to the current market value of the property;
  - (10) With respect to the speculator, non-homestead purchaser of the subject property, the accrued amount of the code enforcement fine or lien as compared to the investment and profit that will be gained as a result of the purchase or sale of the property and the amnesty or satisfaction;
  - (11) Any previous or subsequent code violations pertaining to the property unless an order finding a violation is under appeal at the time of determination;

- (12) Any previous or subsequent code violations of the applicant pertaining to other properties owned within the city, unless an order finding a violation is under appeal at the time of determination;
  - (13) Any relevant information contained in any title policy required to be submitted to the city under this section;
  - (14) Any financial hardship;
  - (15) Any other mitigating circumstance which may warrant the amnesty of the penalty or fine; and
  - (16) Any other administrative review criteria relevant to whether it is equitable to preapprove amnesty of a lien which are adopted by the City Council, in writing, and are intended to be applied to all applications on a uniform basis.
- (f) The Code Enforcement Special magistrate may, in writing, approve, approve with conditions, or deny the application amnesty of the lien. To the maximum extent feasible, the Code Enforcement Special Magistrate shall collect, at minimum, all administrative and out-of-pocket costs incurred by the city as specified in subsection (e)(1). If the Code Enforcement Special Magistrate approves the application and the approval is conditioned upon the applicant amnesty, the amnesty of the lien shall not be prepared or recorded until the condition(s) placed by the Code Enforcement Special Magistrate have been satisfied.
- (g) The applicant shall have thirty (30) days in which to comply with the conditions imposed by the Code Enforcement Special Magistrate or submit a written appeal as provided herein. Failure of the applicant to comply or timely appeal will result in the automatic denial of the application and the original amount of the fine, including costs, shall be automatically reinstated. After the appeal time period has run or is waived by the applicant, in writing, the Code Enforcement Special Magistrate may, for good cause shown, grant additional time in the form of a written estoppel letter to a closing agent for purposes of facilitating a pending closing of the subject property.
- (h) If the application is denied, or if the application is automatically denied due to failure of the applicant to comply with the conditions imposed by the Code Enforcement Special Magistrate or timely appeal, the applicant shall thereafter be barred from applying for a subsequent amnesty of the lien for a period of thirty-days (30 days) from the date of denial. During the thirty-day (30 day) period, the lien may only be satisfied and released upon full payment of the fine or penalty imposed in accordance with this division.
- (i) The applicant may appeal the Code Enforcement Special Magistrate's decision to the City Council, by filing a written appeal within thirty (30) days of the date of the decision with the City Clerk. The notice of appeal shall state the decision that is being appealed, the grounds for appeal, and a brief summary of the relief being sought. A nonrefundable filing fee of \$100.00 shall accompany the notice of appeal. Upon submittal of a timely appeal and filing fee, the City Manager shall place the appeal of the determination upon the

agenda of the next regularly scheduled City Council meeting to the extent practicable. The City Council shall render a final decision on the application based upon the sworn application and determination of the Code Enforcement Special Magistrate and any other relevant information or testimony provided to the City Council at the meeting by the applicant, City Manager, or any other interested party. Any decision made by the City Council pursuant to this section shall be deemed final and not subject to any further administrative review by the city. The applicant shall have thirty (30) days in which to comply with any decision of or condition imposed by the City Council or the application shall be deemed automatically denied and thereafter, the applicant shall be barred from applying for a subsequent reduction or release of lien for a period of thirty (30) days from the date of the City Council's decision. During the thirty (30) day period, the lien may only be satisfied and released upon full payment of the fine or penalty imposed in accordance with this division.

- (j) When a lien is satisfied as a result of amnesty as ordered by the Code Enforcement Special Magistrate, the City Clerk is hereby authorized to execute and record in the public records of Columbia County, Florida, a satisfaction of lien on behalf of the city. The \$100.00-dollar application fee shall be utilized for all costs incurred by the city.

**Sec. 22-211. Other lien releases.**

- (a) In addition to the release of liens described above, the mayor shall be authorized to execute a release of a code compliance or code enforcement lien which has been deemed in writing by the City Attorney to be legally unenforceable or uncollectable as described below:
  - (1) The lien is more than twenty (20) years old; or the statute of limitations relating to the lien has otherwise expired;
  - (2) The lien was properly foreclosed by order of the Circuit Court of the Third Judicial Circuit in and for Columbia County, Florida;
  - (3) The lien was properly discharged in a bankruptcy proceeding by the order of a bankruptcy court;
  - (4) The property encumbered by the lien is currently owned by the city;
  - (5) Any other reason as determined by the City Attorney that establishes the legal unenforceability or uncollectibility of a lien

**Section 3.** It is the declared intent of the City Council of the City of Lake City that, if any section, sentence, clause, phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by a court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this ordinance, and the remainder of this ordinance after the exclusion of such part or parts shall be deemed to be valid.

**Section 4.** This ordinance shall be filed in the Office of the City Clerk of the City of Lake City, and in the Office of the Growth Management Director of the City of Lake City.

**Section 5.** All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

**Section 6.** This ordinance shall be effective as of the date of its adoption.

PASSED upon first reading this xx day of xxxxxxxx, 2020.

PASSED AND DULY ADOPTED, upon second and final reading, in regular session with a quorum present and voting, by the City Council this xx day of xxxxxxxx, 2020.

ATTEST

\_\_\_\_\_  
Audrey Sikes,  
City Clerk

\_\_\_\_\_  
Stephen M. Witt,  
Mayor

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
Frederick L. Koberlein Jr.,  
City Attorney



**Application for Amnesty of Code Enforcement Lien(s)**

**All information fields must be completed before this application can be processed. Requests are not scheduled for the Lien Release Agenda until the application has been reviewed for completeness.**

An application fee of \$100.00 is required pursuant to City Code Section 22-206(c) for the initial application made by the property owner for the same property. Any second or subsequent requests require a \$100.00 reapplication fee. For more details, please see the Lien Release Procedures, which is provided with this application.

<b>CASE NUMBER(S)</b> (see page 2)	<b>LIEN ADDRESS (Property subject to the lien(s))</b>		
<b>APPLICANT'S NAME</b>		<b>PHONE</b>	
<b>MAILING ADDRESS</b>			
<b>CITY</b>	<b>STATE</b>	<b>ZIP</b>	
<b>AUTHORIZED REPRESENTATIVE'S NAME</b>		<b>WRITTEN AND NOTARIZED AUTHORIZATION FROM OWNER?</b> YES <input type="checkbox"/> NO <input type="checkbox"/>	
<b>HAS THE APPLICANT APPLIED FOR LIEN RELEASE/REDUCTION FOR THIS PROPERTY BEFORE?</b> YES <input type="checkbox"/> NO <input type="checkbox"/> IF YES, WHEN? _____ (Month and Year)			
<b>OWNER OF LIEN ADDRESS WHEN LIEN(S) WERE PLACED</b>			
<b>CURRENT OWNER OF LIEN ADDRESS</b>			
<b>CURRENT OWNER'S RELATIONSHIP OR AFFILIATION WITH ENTITY/PERSON NAMED IN LIEN(S)</b>			
<b>OTHER PROPERTY LOCATED IN LAKE CITY BELONGING TO CURRENT OWNER - # _____</b>			
<b>VIOLATION(S) AT LIEN ADDRESS WHEN LIEN(S) WERE PLACED</b>			
<b>WHO LIVED AT THE PROPERTY WHEN THE LIEN(S) WAS/WERE PLACED?</b>			
<b>REASON(S) VIOLATION(S) NOT CORRECTED BEFORE LIEN(S) PLACED</b>			
<b>IS MONEY BEING HELD? YES <input type="checkbox"/> NO <input type="checkbox"/></b>			
<b>IF YES</b>	<b>MONEY IS BEING HELD BY: TITLE CO <input type="checkbox"/> ATTORNEY <input type="checkbox"/> _____ <input type="checkbox"/></b>		
	<b>WHO WILL RECEIVE MONEY IF THE LIEN(S) IS/ARE REDUCED/RELEASED?</b>		
<b>REASON(S) YOU ARE REQUESTING A REDUCTION OR RELEASE OF LIEN(S)</b>			



**Application for Amnesty of Code Enforcement Lien(s)**

**Applicants are required to complete the Applicant's Request table below and to provide copies of any lien(s) they want considered in this Lien Release/Reduction Request Application.** To obtain information on liens contact Columbia County Clerk of Court or visit the Official Records Department at the County building located at 135 NE Hernando Ave. Suite 238, Lake City, Florida. You may also access Official Records via the internet at: <https://myfloridacounty.com>

**Note:** The Growth Management Department does not conduct Title or Lien searches, but will try to identify any additional liens that may pertain to this request based on the case number(s) provided by the applicant on Page 1 of this application. The Department is not responsible for any outstanding liens that may be omitted from this request.

Applicant is requesting the below lien(s) be:

- Released in its/their entirety
- Reduced
- Released from the property located at \_\_\_\_\_ only. Lien(s) to remain in the name of the owner at time of lien.
- Other: \_\_\_\_\_

Applicant's Request			
Lien Amount	Date/Month Certified	OR Book	OR Page
\$			
\$			
\$			
\$			
\$			
\$			

For City of Lake City Use Only			
Additional lien(s) found by the Codes Compliance Assistance Department not included on original application			
Lien Amount	Date/Month Certified	OR Book	OR Page
\$			
\$			
\$			





**Application for Amnesty of Code Enforcement Lien(s)**

Under penalty of perjury, the undersigned:

- swears or affirms that the information provided on this three (3) page Application for Amnesty of Code Enforcement Lien(s) is true and correct;
- acknowledges that he/she has read the Lien Release Procedures; and
- further acknowledges that he/she was given an opportunity to ask questions regarding the procedures.

**Applicant must provide an initialed copy of the Lien Release Procedures as acknowledgement of the above in order for application to be accepted.**

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

State of Florida  
County of Columbia

The foregoing was sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_. He or she is personally known to me, or provided \_\_\_\_\_ as identification and did appear before me at the time of notarization or by in person \_\_\_ or online \_\_\_.

Stamp:

Notary Public:

\_\_\_\_\_

***For City of Lake City Use Only***

- Application completed in its entirety
- Application properly notarized
- Initialed Lien Release Procedures page
- Application fee included (\$100.00 – current owner)
- Verification made of no active code cases at Lien Address
- Copy of lien(s) attached

Date Submitted
----------------

Application accepted by (initial): \_\_\_\_\_

Scheduled for Code Enforcement Hearing On: \_\_\_\_\_

## CITY OF LAKE CITY- CODE ENFORCEMENT LIEN RELEASE PROCEDURES

The Code Enforcement Special Magistrate have the discretionary authority to reduce fines and liens, pursuant to Florida Statutes Chapter 162 as amended. An entity requesting a release of lien has no right to the reduction or release of a fine or lien. **Applications will not be accepted if the Lien Address (property subject to the lien(s)) has any active codes cases.** In evaluating requests for liens to be released or reduced, the Special Magistrate will consider the following:

1. Whether the entity requesting the release owns other properties in the City, and how many have active code cases or Code Enforcement liens;
2. Whether the entity requesting the release owned the property for which the lien was placed at the time the lien was placed;
3. Whether the entity requesting the release took proactive action to correct the violations for which the lien was placed;
4. Whether the violations have been corrected or will be corrected, with such assurances as the Special Magistrate deems appropriate;
5. Any other specific information which is available about the property or the entity requesting the release;
6. Any other factor which may show a hardship on the entity requesting the release or which may provide a reasonable basis for the requested relief.

Lien release requests heard by the Special Magistrate will not be re-heard for a 180-day period, unless the property ownership changes or unless there is sufficient documentation of new information not previously available. An application fee of \$100.00\* is required pursuant to City Code Section 22-206(c) for each application made by the property owner for the same property. An application fee of \$100.00\* is required for each application made by any other entity for the same property.

Entities who have requested a lien release hearing, but are unable to attend the scheduled meeting, must request re-scheduling in accordance with the deadlines listed below. **Any entity that does not cancel by the established deadlines and does not appear for the scheduled meeting must wait 180 days to be re-scheduled for a hearing and must pay an application fee of \$100.00\* for this second or any successive lien release hearing request(s).** The Special Magistrate may waive the cancellation deadline if the failure to appear was the direct result of physical incapacity of the principal representative that is beyond his or her control and that could not have been anticipated prior to the cancellation deadline.

\* Payments must be made payable to the City of Lake City. Personal checks, cash and/or credit cards will be accepted.

**Applications and cancellations must be submitted prior to 3:00pm on or before the deadline.**

**Only the first twelve requests received by the Growth Management may be processed for each meeting.** To be placed on the hearing agenda, an applicant makes a request to the Growth Management Department (Growth Management, 205 N Marion Ave. Lake City, FL 32055 Attn: Code Enforcement). The Growth Management Department will provide a confirmation letter by mail to the applicant confirming the meeting date and time. Staff prepares a report which is provided to the Special Magistrate prior to the meeting.

Applicants check in with staff prior to the meeting. The order in which applicants check in determines the order the cases are heard. Applicants must be present for the case to be heard. When the case is called, the applicant will be asked to speak about their request and the status of the property. The Special Magistrate may ask questions. The Special Magistrate may enter an order to reduce the lien, or take no action, leaving the lien in place. The Growth Management Department will complete the paperwork to release the lien after the conditions imposed by the order are met.

***If you are a person with a disability who needs an accommodation in order to participate in this proceeding, please contact the City Clerk's Office (386) 752-2031, at least 24 hours prior to the meeting and we will provide that accommodation for you.***

For any additional information, please contact a Growth Management Department at (386) 719-5750

*Initial and Include this Copy with Application*

\_\_\_\_\_ Initials

# AUTHORIZATION TO REPRESENT PROPERTY OWNER

If a property owner desires to have an authorized representative discuss his/her case, present evidence, or to agree to compliance terms on the property owner's behalf, this form must be completed and returned to the Growth Management Department prior to the start of the Code Enforcement Special Magistrate meeting.

**RETURN COMPLETED FORM TO:** Growth Management  
Code Enforcement  
205 N Marion Ave.  
Lake City, FL 32055

I, \_\_\_\_\_, as owner of the

(Print Name)

property located at \_\_\_\_\_ in Lake City, FL,

(Address)

hereby appoint \_\_\_\_\_, who can be contacted at

(Print Name)

(Address and Phone Number)

to represent me, and is authorized to testify and to agree to compliance terms on my behalf for case numbers (s):

number(s) \_\_\_\_\_, at the Code Enforcement Special Magistrate

meeting to be held \_\_\_\_\_, and any subsequent meetings where the foregoing case(s)

(Date)

is/are on the agenda.

WITNESS:

OWNER:

DATE:

DATE:

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, who is personally known to me/or who has produced \_\_\_\_\_ as identification and appeared before me at the time of notarization in person \_\_\_ or on-line \_\_\_.

Commission No:

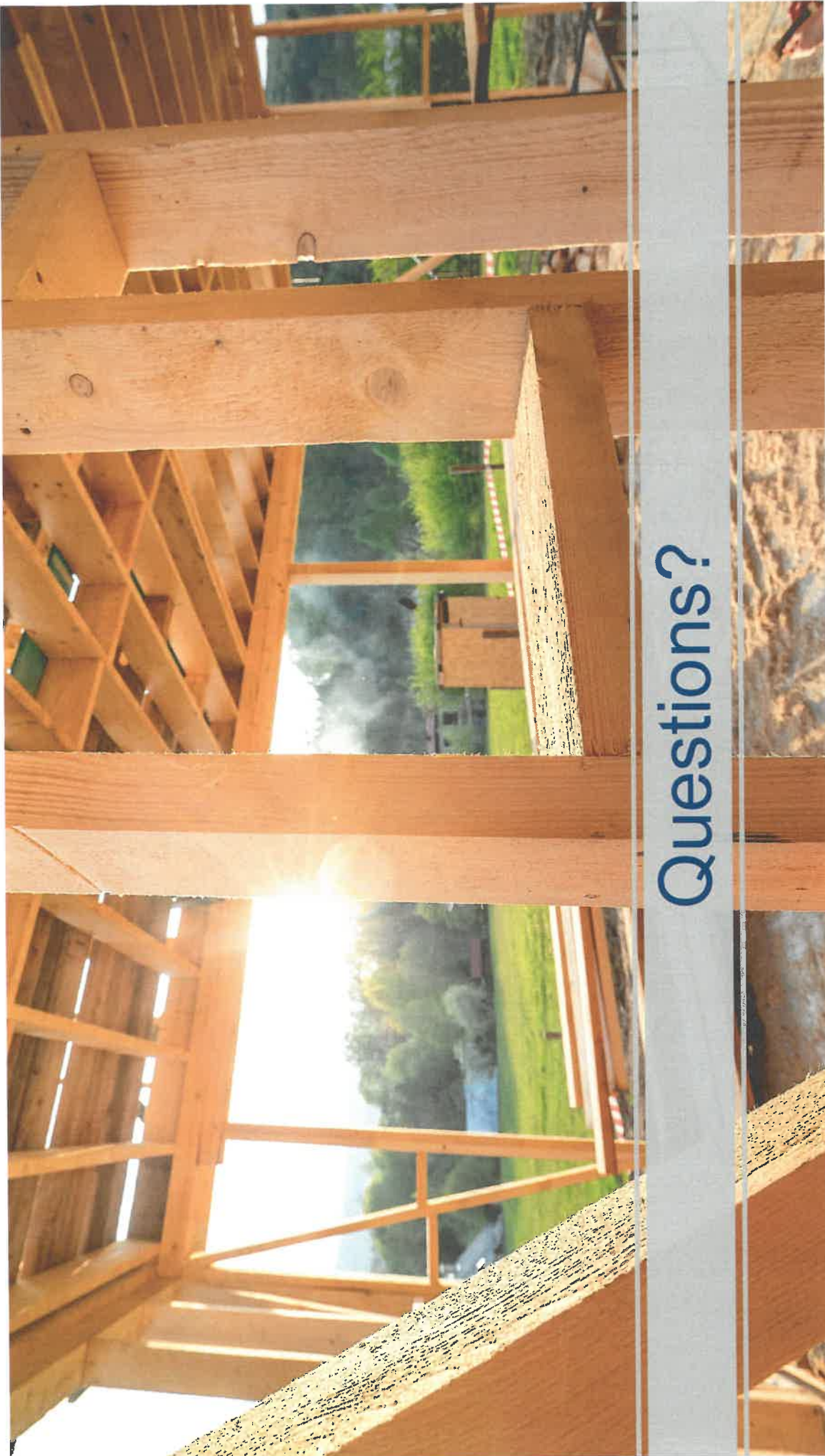
\_\_\_\_\_

Notary Public - Signature

My commission expires:

\_\_\_\_\_

Notary Public – Print Name



Item 1.

# Questions?



### Memorandum

Date: October 28, 2020  
 To: City Council Members  
 From: Joseph Helfenberger, City Manager  
 Re: City of Lake City Council Rules



On July 1, 2019, the City Council voted to postpone consideration of the final reading of Ordinance 2019-2118, which proposed an amendment to the rules of City Council meetings. Due to the postponement, Resolution 2019-074 was removed from the agenda. I am enclosing copies of the minutes, ordinance and resolution.

Proposed Ordinance 2019-2118 would have allowed the City Council the option to establish rules governing its own proceedings by ordinance or resolution. This proposed ordinance also:

- Clearly defines the role of the presiding officer.
- The presiding officer, or a majority of the City Council, shall preserve strict order and decorum at all regular and special meetings of the Council.
- Requires every question coming before the City Council to be stated and the decision of the Council would be announced at the meeting.
- Specifies how the City Clerk will follow State Law in recording and storing of records.
- Removes language from the ordinance regarding the agenda, presiding officer, call-to-order, roll call, quorum, order of business, reading of minutes, rules of debate, and addressing the Council. These items were in Resolution 2019-074.
- Covers the Standing Committees
- Changes public notice of Committee Meetings from 3 calendar days to 5 calendar days prior to the meeting.
- Removes Committee-of-the-Whole language.
- Expands the ability to prepare an ordinance or resolution to the entire City Council.

Under the current ordinance, the time limit for public comment is 15 minutes. While the City is under a state of emergency, the time limit is temporarily at 3 minutes for public comment. The three-minute limit has worked well.

Based upon past comments regarding Council Rules, I am recommending the following:

- Three-minute (3) time limit for public comments
- Two-minute (2) time limit for public hearings
- Two-minute (2) time limit for agenda topics

Currently, the ordinance only allows public comment one time during a City Council meeting or under public hearings. The change recommended would allow public comment under every item on the agenda.



The City Council in and for the citizens of the City of Lake City, Florida, met in Regular Session, on July 1, 2019 beginning at 6:00 P.M., in the City Council Chambers, located at City Hall 205 North Marion Avenue, Lake City, Florida.

PLEDGE OF ALLEGIANCE

INVOCATION – Mayor Stephen M. Witt

1. ROLL CALL

Mayor/Council Member  
Vice Mayor/Council Member  
City Council

Stephen M. Witt  
Eugene Jefferson  
Chris Greene-Absent  
Jake Hill, Jr.  
Melinda Moses  
Frederick Koberlein, Jr.  
Joseph Helfenberger  
Chief Argatha Gilmore  
Audrey E. Sikes

City Attorney  
City Manager  
Sergeant-at-Arms  
City Clerk

2. PROCLAMATIONS  
None

3. MINUTES  
None

4. APPROVAL OF AGENDA  
**Ms. Moses made a motion to approve the agenda as presented. Mr. Hill seconded the motion. The motion carried unanimously on a voice vote.**

5. PERSONS WISHING TO ADDRESS COUNCIL

1. Jordan Cool (Emerald Data Partners), 4813 NW 42<sup>nd</sup> Rd Gainesville, FL, addressed council regarding Emerald Data Partners Information Technology Services.
2. Evan Leslie, 676 SE Camp St. Lake City, FL, addressed members thanking the City for the police presence in the Camp Street neighborhood. Mr. Leslie also requested for the City to increase the debris allotment.

6. APPROVAL OF CONSENT AGENDA  
None

7. PRESENTATIONS  
None

8. OLD BUSINESS  
A. ORDINANCES

**At this time Mayor Witt closed the regular session and opened a public hearing for the purpose of hearing comments on City Council Ordinance No. 2019-2118. City Council Ordinance No. 2019-2118 was read by title. Mayor Witt asked if anyone wanted to be heard regarding City Council Ordinance No. 2019-2118.**

- 1. Stew Lilker, Fort White, FL, addressed Council speaking against City Council Ordinance No. 2019-2118.
- 2. Glenel Bowden, 1156 NE Bascom Norris Dr., Lake City, FL addressed Council regarding three-minute time limit for public comments.
- 3. Vanessa George, 930 Joe Coney Terrace, Lake City, FL addressed Council regarding a workshop to discuss the rules of meetings.
- 4. Sylvester Warren, 832 NE Richardson Terrace, Lake City, FL, addressed Council regarding his concern for public comment at public meetings.

**Upon conclusion of the public comments Mayor Witt closed the public hearing.**

- 1. **Ordinance No. 2019-2118 (final reading), if adopted, will amend the Rules of Meetings of the City Council as stated in Chapter 2, Article 2, titled "City Council", of the City Code of Ordinances; providing for severability; providing for codification; and providing an effective date. Mr. Hill made a motion to postpone City Council Ordinance No. 2019-2118 on final reading, amending the Rules of Meetings of the City Council as stated in Chapter 2, Article 2, titled "City Council", of the City Code of Ordinances. Mr. Jefferson seconded the motion. A roll call vote was taken and the motion passed.**

<b>Mr. Hill</b>	<b>Aye</b>
<b>Mr. Jefferson</b>	<b>Aye</b>
<b>Ms. Moses</b>	<b>Nay</b>
<b>Mr. Greene</b>	<b>Nay</b>
<b>Mayor Witt</b>	<b>Aye</b>

**At this time Mayor Witt closed the regular session and opened a public hearing for the purpose of hearing comments on City Council Ordinance No. 2019-2120. City Council Ordinance No. 2019-2120 was read by title. Mayor Witt asked if anyone wanted to be heard regarding City Council Ordinance No. 2019-2120, no one asked to be heard regarding City Council Ordinance No. 2019-2120, therefore Mayor Witt closed the public hearing.**

- 2. **Ordinance No. 2019-2120 (final reading), if adopted, will amend Chapter 34 of the Code Titled "Elections"; amending the Election Process; providing for severability, providing for codification; and providing for an effective date. Ms. Moses made a motion to adopt City Council Ordinance No. 2019-2120 on final reading, amending Chapter 34 of the Code Titled "Elections"; amending the Election Process. Mr. Hill seconded the motion. A roll call vote taken and the motion passed.**

<b>Ms. Moses</b>	<b>Aye</b>
<b>Mr. Hill</b>	<b>Aye</b>
<b>Mr. Jefferson</b>	<b>Aye</b>
<b>Mr. Greene</b>	<b>Aye</b>
<b>Mayor Witt</b>	<b>Aye</b>

**At this time Mayor Witt closed the regular session and opened a public hearing for the purpose of hearing comments on City Council Ordinance No. 2019-2121. City Council Ordinance No. 2019-2121 was read by title. Mayor Witt asked if anyone wanted to be heard regarding City Council Ordinance No. 2019-2121.**

1. Glenel Bowden, 1156 NE Bascom Norris Dr., Lake City, FL, spoke against a vote by mail only referendum election.

**Mayor Witt asked if anyone else wanted to be heard regarding City Council Ordinance No. 2019-2120, no one asked to be heard therefore Mayor Witt closed the public hearing.**

3. Ordinance No. 2019-2121 (final reading), if adopted, will authorize the submission of amendments to the City Charter, amending the City's Election Process, to the citizens through a Special Election; and providing for an effective date. **Ms. Moses made a motion to adopt City Council Ordinance No. 2019-2121, authorizing the submission of amendments to the City Charter, amending the City's Election Process, to the citizens through a Special Election. Mr. Greene seconded the motion. A roll call vote was taken and the motion passed.**

<b>Ms. Moses</b>	<b>Aye</b>
<b>Mr. Greene</b>	<b>Aye</b>
<b>Mr. Jefferson</b>	<b>Aye</b>
<b>Mr. Hill</b>	<b>Nay</b>
<b>Mayor Witt</b>	<b>Aye</b>

**9. NEW BUSINESS**

**A. RESOLUTIONS:**

1. City Council Resolution No. 2019-072, if adopted, will authorize the execution of a contract with CareerSource Florida Crown for the implementation of a program titled "Summer Youth Program" which will include training and employment opportunities with the City between June 24, 2019 through August 2, 2019. **Ms. Moses made a motion to adopt City Council Resolution No. 2019-072, authorizing the execution of a contract with CareerSource Florida Crown for the implementation of a program titled "Summer Youth Program" which will include training and employment opportunities with the City between June 24, 2019 through August 2, 2019. Mr. Hill seconded the motion. A roll call vote was taken and the motion passed.**

<b>Ms. Moses</b>	<b>Aye</b>
<b>Mr. Hill</b>	<b>Aye</b>
<b>Mr. Jefferson</b>	<b>Aye</b>
<b>Mr. Greene</b>	<b>Aye</b>
<b>Mayor Witt</b>	<b>Aye</b>

2. City Council Resolution No. 2019-073, if adopted, will authorize the execution of a revised Lease-Purchase Contract with Motorola Solutions, Inc. for the procurement of routine and emergency public-safety related equipment and services related to communications between the agencies within Columbia County, Florida.

1. Stew Lilker, Fort White, FL, addressed Council regarding the special meeting held with the Motorola item on the agenda.

Mr. Koberlein stated that meeting wasn't properly noticed and it was in the public's best interest to call this item back before Council at a regular meeting.

**Mr. Moses made a motion to adopt City Council Resolution No. 2019-073, authorizing the execution of a revised Lease-Purchase Contract with Motorola Solutions, Inc. for the procurement of routine and emergency public-safety related equipment and services related to communications between the agencies within Columbia County, Florida. Mr. Hill seconded the motion. A roll call vote was taken and the motion passed.**

<b>Ms. Moses</b>	<b>Aye</b>
<b>Mr. Hill</b>	<b>Aye</b>
<b>Mr. Jefferson</b>	<b>Aye</b>
<b>Mr. Greene</b>	<b>Nay</b>
<b>Mayor Witt</b>	<b>Aye</b>

3. City Council Resolution No. 2019-074, if adopted, will establish Rules of Meetings of the City Council; providing for severability; and providing an effective date.

**\*This item was removed from the agenda as a result of City Council Ordinance No. 2019-2118 being postponed.**

4. City Council Resolution No. 2019-075, if adopted, will authorize the execution of an amendment to the State Highway Lighting, Maintenance and Compensation Agreement with the State of Florida, Department of Transportation, amending the annual compensation the City will receive from the State of Florida to \$149,205.45. **Mr. Greene made a motion to adopt City Council Resolution No. 2019-075, authorizing the execution of an amendment to the State Highway Lighting, Maintenance and Compensation Agreement with the State of Florida, Department of Transportation, amending the annual compensation the City will receive from the State of Florida to \$149,205.45. Mr. Jefferson seconded the motion. A roll call vote was taken and the motion passed.**

<b>Mr. Greene</b>	<b>Aye</b>
<b>Mr. Hill</b>	<b>Aye</b>
<b>Mr. Jefferson</b>	<b>Aye</b>
<b>Ms. Moses</b>	<b>Aye</b>
<b>Mayor Witt</b>	<b>Aye</b>

5. City Council Resolution No. 2019-076, of adopted, will call for a Referendum Mail Ballot Election to be held on September 10, 2019, for the submission of proposed amendments to the City Charter related to the City's Election Process; and directing the City Clerk to coordinate arrangements for said election with the Columbia County Supervisor of Elections; and directing the publication of Notice of the Election.

1. Glenel Bowden, 1156 NE Bascom Norris Dr., Lake City, FL addressed Council regarding mail in only ballots for referendum election and stated this would cause a burden and hardship on the voters.

2. Vanessa George, 930 Joe Coney Terrace, Lake City, FL addressed Council regarding how citizens that are unable to read will be able to vote in the election.

3. Sylvester Warren, 832 NE Richardson Terrace, Lake City, FL, addressed Council regarding having a referendum election so quickly.

4. Sandra Smith, 350 SW St. Johns, Lake City, FL, addressed Council regarding mail in ballot only referendum election.

**Ms. Moses made a motion to postpone the referendum election items until July 8<sup>th</sup>, 2019 at 5 p.m. at which time the City Council will hold a special meeting. Mr. Hill seconded the motion. A roll call vote was taken and the motion passed.**

<b>Ms. Moses</b>	<b>Aye</b>
<b>Mr. Hill</b>	<b>Aye</b>
<b>Mr. Jefferson</b>	<b>Aye</b>
<b>Mr. Greene</b>	<b>Aye</b>
<b>Mayor Witt</b>	<b>Aye</b>

6. City Council Resolution No. 2019-077, if adopted, will authorize the execution of a Memorandum of Agreement for cost share assistance with the Suwannee River Water Management District to restore Gwen Lake to a natural condition and reimburse the City for costs associated with labor, materials and equipment up to \$200,000.00. Sandra Smith addressed members and stated there is not a start date or end date on the Gwen Lake project. **Mr. Greene made a motion to adopt City Council Resolution No. 2019-077, authorizing the execution of a Memorandum of Agreement for cost share assistance with the Suwannee River Water Management District to restore Gwen Lake to a natural condition and reimburse the City for costs associated with labor, materials and equipment up to \$200,000.00. Mr. Hill seconded the motion. A roll call vote was taken and the motion passed.**

<b>Mr. Greene</b>	<b>Aye</b>
<b>Mr. Hill</b>	<b>Aye</b>
<b>Mr. Jefferson</b>	<b>Aye</b>
<b>Ms. Moses</b>	<b>Aye</b>
<b>Mayor Witt</b>	<b>Aye</b>

- B. Consider Unbudgeted Funds for Special Election (Vote By Mail) called by the City of Lake City and conducted by the Columbia County Elections Office per F.S.101.6102 (3) to be held on September 10, 2019. At this time the cost of this Special Election is not expected to exceed \$20,000.00.

**\*This item was removed from the agenda.**

10. DEPARTMENTAL ADMINISTRATION

A. Consider Werner Trucking Annexation

Mr. Helfenberger discussed the draft letter dated July 2, 2019 relating to the voluntary annexation of the property. **Mr. Greene made a motion to authorize the City Manager to proceed with the Werner Trucking Annexation letter approving annexation and stating the following incentives:**

- 1. **The City shall retain the current Columbia County zoning of this property as Industrial-Light and Warehousing (I-LW).**
- 2. **The City shall refund to you 50% of the City portion of the Lake City's assessed property taxes on this property for a period not to exceed five (5) years commencing on the date the property listed above is annexed into the City.**
- 3. **The City shall not charge you any fees for the voluntary annexation of this property into the City of Lake City or any of the fees for changing the zoning from County I-LW to City I-LW.**
- 4. **The City agrees to reduce construction permitting fees forty-five (45%) percent.**
- 5. **The City agrees to reduce your impact fees for water and sewer by twenty-five (25%).**

**Mr. Hill seconded the motion. A roll call vote was taken and the motion passed.**

<b>Mr. Greene</b>	<b>Aye</b>
<b>Mr. Hill</b>	<b>Aye</b>
<b>Mr. Jefferson</b>	<b>Aye</b>
<b>Ms. Moses</b>	<b>Aye</b>
<b>Mayor Witt</b>	<b>Aye</b>

11. COMMENTS BY COUNCIL MEMBERS

Mr. Hill thanked the citizens that attended this meeting for coming and participating.

12. ADJOURNMENT

**All matters having been handled, the meeting adjourned at 7:31 p.m. on a motion made and duly seconded.**

  
 Audrey E. Sikes, MMC City Clerk

  
 Stephen M. Witt, Mayor/Council Member

**ORDINANCE NO. 2019-2118**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AMENDING THE RULES OF MEETINGS OF THE CITY COUNCIL AS STATED IN CHAPTER 2, ARTICLE 2, TITLED "CITY COUNCIL", OF THE CITY CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council adopted rules of meetings of the City Council during 1968, and said rules were codified in the City Code of Ordinances and from time to time said rules have been amended; and

**WHEREAS**, the City Council finds that it is in the best interests of the citizens of the City of Lake City that the rules of meetings are updated; and

**WHEREAS**, the City Council finds that section 2-34, City Code of Ordinances ("Compensation of the mayor and councilmembers"); was enacted during 1988 and the law has not been implemented as intended; and

**WHEREAS**, the City Council finds it to be in the best interests of the citizens of the City of Lake City that any increases in the compensation of the mayor and councilmembers that have not been implemented shall be rescinded; and

**WHEREAS**, the City Council finds that future amendments to the compensation of the mayor and councilmembers should require consideration during a public meeting to allow for public input; and

**WHEREAS**, the City Council finds that it is in the best interests of the citizens of the City of Lake City to minimize the expenses and delays associated with future amendments via ordinance.

**NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:**

**Section 1.** The above recitals are true and accurate and adopted and incorporated herein.

**Section 2.** Chapter 2, Article 2, of the City Code of Ordinances titled "City Council" is amended as follows (words ~~stricken~~ are deletions; words underlined are additions):

**Article II. City Council**

~~Sec. 2-31. Regular meetings.~~



- ~~(a) **Time.** The city council shall hold regular meetings on the first and third Monday of each month, commencing at 6:00 p.m., or at such other hour of said day as may be designated by the mayor or written notice given to the council members, city manager, city clerk, city attorney and local news media at least 24 hours prior to said meeting. However, when the day fixed for any regular meeting of the city council falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding day that is not a holiday.~~
- ~~(b) **Place.** All regular or special meetings of the city council shall be held in the city council's chambers at the City Hall in Lake City, Florida.~~

**Sec. 2-31. Meetings of the City Council.**

- (a) The city council shall determine and establish by ordinance or resolution the rules governing its own proceedings and the time and place for holding its meetings.
- (b) The presiding officer of the city council shall be the mayor or, in his absence, the vice-mayor. The presiding officer, or a majority of the city council, shall preserve strict order and decorum at all regular and special meetings of the council. The presiding officer shall vote on all questions, their name to be called last. The presiding officer shall sign all ordinances and resolutions adopted by the council during his presence.
- (c) Every question coming before the city council shall be stated and the decision of the council shall be announced.
- (d) In the event of the absence of the mayor, the vice-mayor shall sign ordinances or resolutions as then adopted.
- (e) The city clerk, or a designee, shall be present at all meetings of the city council and shall keep a record of the proceedings of the city council as required by law. The city clerk shall also enter in full in an ordinance book and resolution book to be provided and kept for those purposes, all ordinances and resolutions, and said books shall be deemed to be a public record and each ordinance and resolution so recorded shall be signed by the mayor, city clerk, and city attorney. Furthermore, the city clerk shall cause all ordinances to be codified in the Code of the City of Lake City, Florida.

**Sec. 2-32. Special meetings.**

~~The mayor, the city manager or three or more members of the city council may call special or emergency meetings of the council; provided, however, that each member shall be given at least 12 hours' written notice, which notice shall be served personally upon each member or left at his usual place of residence. Whenever practicable, each member shall receive 12 hours' notice. The notice calling the special meeting shall state the date and hour of the meeting and the purpose for which such meeting is called, and no business shall be transacted at such meeting, except such as is stated in the notice.~~

**Sec. 2-33. Meetings open to public.**

~~All meetings of the city council shall be open to the public, and any visitors shall have access to the minutes and records of such meetings at all reasonable times.~~

~~Sec. 2-34. Agenda.~~

~~All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the city council shall, at least six business hours prior to each council meeting, be delivered to the city clerk, whereupon the city clerk shall immediately arrange a list of such matters according to the order of business and furnish each member of the city council and the city attorney with a copy of the agenda prior to the council meeting and as far in advance of the meeting as time for preparation will permit. No matter shall be considered by the city council at any meeting unless it shall have been first submitted to the city clerk and placed upon the agenda as provided in this section; unless, for emergency matters, such requirement is waived by the unanimous consent of the councilmembers.~~

~~Sec. 2-35. Presiding officer.~~

- ~~(a) The presiding officer of the city council shall be the mayor or, in his absence, the vice mayor. The presiding officer shall preserve strict order and decorum at all regular and special meetings of the council. He shall state every question coming before the city council, announce the decision of the council on all subjects and decide all questions of order, subject, however, to an appeal to the council, in which event a majority vote of the council shall govern and conclusively determine such question of order. He shall vote on all questions, his name to be called last. He shall sign all ordinances and resolutions adopted by the council during his presence.~~
- ~~(b) In the event of the absence of the mayor, the vice mayor shall sign ordinances or resolutions as then adopted.~~

~~Sec. 2-36. Call to order; presiding officer.~~

~~The mayor, or in his absence, the vice mayor shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the council to order. In the absence of the mayor, the mayor may appoint one of the other members of the council as vice mayor during his absence. If the mayor fails to appoint a vice mayor to preside during his absence, the remaining members of the council shall select and designate one of the councilmembers to act as mayor during the absence of the mayor. The vice mayor shall preside at the meetings and shall assume all the duties of the mayor during the mayor's absence.~~

~~Sec. 2-37. Roll call.~~

~~Before proceeding with the business of the city council, the city clerk shall call the roll of the members, and the names of those present shall be entered in the minutes. The roll call shall include the city attorney and sergeant at arms.~~

~~Sec. 2-38. Quorum.~~

~~Three members of the city council shall constitute a quorum at any regular or special meeting of the city council. In the absence of a quorum, the presiding officer, shall, at the insistence of any members present, adjourn the meeting from day to day until such time as a quorum may be present. A member of the city council may be compelled to attend any meeting of the council upon unanimous vote of those attending the meeting. The presiding officer shall instruct the chief of police or his designated officer to bring such absent member or members to said meeting forthwith; provided, however, that no member shall be compelled to attend any meeting if such member is sick or ill or otherwise incapacitated and unable to physically be present.~~

~~Sec. 2 39. Order of business.~~

~~Promptly at the hour set by the city council, on the day of each regular meeting the members of the city council, the city clerk, the city attorney, and the chief of police shall take their regular stations in the council chambers, and the business of the council shall be taken up for consideration and disposition in the following order:~~

- ~~(1) Roll call.~~
- ~~(2) Approval of minutes of previous meeting.~~
- ~~(3) Petitions, remonstrances and communications.~~
- ~~(4) Introduction and adoption of resolutions and ordinances.~~
- ~~(5) Report of department heads and committees.~~
- ~~(6) Unfinished business.~~
- ~~(7) New business.~~
- ~~(8) Miscellaneous.~~
- ~~(9) Appropriations.~~
- ~~(10) Adjournment.~~

~~Sec. 2 40. Reading of minutes.~~

~~Unless a reading of the minutes of a council meeting is requested by a member of the council, such minutes may be approved without reading if the city clerk has previously furnished each member with a synopsis thereof. At least three days prior to each meeting, the city clerk shall furnish each member of the city council and the city attorney with a copy of the minutes of the preceding meeting.~~

~~Sec. 2 41. Rules of debate.~~

- ~~(a) Debate from chair. The mayor or vice mayor or such other member of the city council as may be presiding may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of the councilmember by reason of his acting as the presiding officer.~~

- (b) ~~Getting the floor; improper references to be avoided.~~ Every member desiring to speak shall address the chair, and, upon recognition by the presiding officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.
- (c) ~~Interruptions.~~ A member, once recognized, shall not be interrupted when speaking unless it be to call him to order, or as otherwise provided in this section. If a member, while speaking, is called to order, he shall cease speaking until the question of order be determined, and, if in order, he shall be permitted to proceed.
- (d) ~~Privilege of closing debate.~~ The councilmember moving the adoption of an ordinance or resolution or any motion shall have the privilege of closing the debate.
- (e) ~~Motion to reconsider.~~ A motion to reconsider any action taken by the council may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session of the council. Such motion shall be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing in this section shall be construed to prevent any member of the council from making or remaking the same or any other motion at a subsequent meeting of the council.
- (f) ~~Remarks of councilmember; entry in minutes.~~ A councilmember may request, through the presiding officer, the privilege of having an abstract of his statement on any subject under consideration by the councilmember entered in the minutes. If the city council consents thereto, such statement shall be entered in the minutes.
- (g) ~~Synopsis of debate; entry in minutes.~~ The clerk may be directed by the presiding officer, with consent of the council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the council.
- (h) ~~Rules of order.~~ Except in conflict with the provisions of this section, Robert's Rules of Order, Newly Revised, shall govern the deliberations of the council.

**Sec. 2-42. Addressing the council.**

~~Any person desiring to address the council shall first notify the city clerk of such desire and state the purpose or matter he desires to bring before the council. The city clerk shall place the request upon the agenda under its proper heading of business, provided the person seeking to address the council has made his request of the city clerk six hours prior to the meeting; provided, however, that under the following headings of business, unless the presiding officer rules otherwise, any qualified person may address the council without securing such prior permission:~~

- ~~(1) *Written communications.* Interested parties or their authorized representatives may address the council by written communications in regard to matters then under discussion.~~
- ~~(2) *Oral communications.* Taxpayers or residents of the city, or their authorized legal representatives, may address the council by oral communication on any matter concerning the city's business, or any matter over which the council has control; provided, however, that preference shall be given to those persons who may have notified the city clerk in advance of their desire to speak in order that the same may appear on the agenda of the council.~~
- ~~(3) *Reading of protests, petitions or communications.* Interested persons or their authorized representatives may address the council by reading of protests, petitions, or communications relating to zoning, sewer and street proceedings; hearings on protests, appeals and petitions; or similar matters, in regard to matters then under consideration.~~

~~Sec. 2 43. Addressing the council after motion made.~~

~~After a motion is made by the council, no person shall address the council without first securing the permission of the presiding officer so to do.~~

~~Sec. 2 44. Manner of addressing council; time limit.~~

~~Each person addressing the council shall take a seat in front of the council, shall give his name and address in an audible tone of voice for the records, and unless further time is granted by the council, shall limit his address to 15 minutes. All remarks shall be addressed to the council as a body and not to any member. No person, other than the council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the council, without the permission of the presiding officer.~~

~~Sec. 2 45. Silence constitutes affirmative vote.~~

~~Unless a member of the council states that he is not voting, his silence shall be recorded as an affirmative vote.~~

~~Sec. 2 46. Decorum.~~

- ~~(a) *By councilmembers.* While the council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the council nor disturb any member while speaking or refuse to obey the orders of the council or its presiding officer, except as otherwise provided in this section.~~
- ~~(b) *By persons.* Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the council shall be barred by the presiding officer from further audience before the council, unless permission to continue is granted by a majority vote of the council.~~

~~Sec. 2 47. Enforcement of decorum.~~

~~The chief of police, or such members of the police department as he may designate, shall be sergeant at arms of the council meetings. He, or they, shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the council meeting. Upon instructions of the presiding officer, it shall be the duty of the sergeant at arms to place any person who violates the order and decorum of the meeting under arrest, and cause him to be prosecuted under the provisions of this article, the complaint to be signed by the presiding officer. It shall also be the duty of the sergeant at arms to compel absent members of the council to attend any meetings upon instructions from the presiding officer or other members of the council as provided in this section.~~

Sec. 2-48 32. - Special standing committees.

(1) *Findings.* The city hereby finds that it can best provide for the safety, welfare, health needs and development of the city and make the most effective use of its powers and provide services and facilities to the community by creating and establishing various committees of city council members and non-city council members who shall study, evaluate and recommend to the city council the various services and facilities needed to provide the citizens of the city the most efficient and effective government. To that end, the following standing advisory committees of the city council are established:

a. *Airport advisory committee.*

1. There is hereby created and established an airport advisory committee (the "airport committee") which shall consist of two city council members, together with three non-council members, consisting of the city manager, executive director of administrative services and the airport manager.
2. Functions and responsibilities of airport committee. The airport committee shall:
  - i. Study, investigate, develop, assist, advise and recommend to the city council on any and all matters pertaining to the needs of the airport and the promotion of the airport for both aviatational and non-aviational purposes;
  - ii. Study the needs of and develop plans for the maintenance of all airport facilities including runways;
  - iii. Coordinate activities at the airport including special events, lease negotiations, landlord-tenant issues, Federal Aviation Administration and Florida Department of Transportation project activities;
  - iv. Coordinate the development and preparation of five-year work programs, airport master plans, timber management to avoid height obstructions; and
  - v. Provide city council with recommendations regarding airport master plans, obtain grants, budgeting, staffing, airport

improvements, economic development of the airport industrial park and plans to promote the airport.

b. *Beautification advisory committee.*

1. There is hereby created and established a beautification advisory committee (the "beautification committee") which shall consist of two city council members, together with such non-council members appointed by the mayor with the consent and approval by resolution of the city council.
2. *Functions and responsibilities of the beautification committee.* The beautification committee shall:
  - i. Study, investigate, develop, assist, advise and recommend to the city council any and all matters pertaining to beautification, sanitation, environment and citizens' participation relating thereto;
  - ii. Advise and recommend plans to organizations and groups in the city and promote public interest in the general improvement of the appearance of the city;
  - iii. Participate with and serve as the city's representative on the joint city-county beautification committee;
  - iv. Develop plans and make preparations for the annual Florida Arbor Day, National Arbor Day (tree give away program), and for the City to be designated each year as Tree City USA;
  - v. Prepare, locate sites, and install and erect appropriate, "Welcome to Lake City" signs.
  - vi. Initiate, promote and assist in the implementation of general community beautification.
  - vii. Promote, cooperate with and coordinate the activities of individuals, agencies, organization and groups, public or private, whose plans, activities and programs bear on the appearance of the city.
  - viii. Prepare both general and specific proposals for improving the appearance of the city. such proposals may include suggested goals and standards for the aesthetic enhancement of the city or any part thereof, including public ways and areas, open spaces, and public and private buildings and projects.
  - ix. Participate in appropriate ways in the implementation of such proposals. This participation may includeing making studies of the visual assets and liabilities of the community, including surveys and inventories of an appropriate nature, with particular attention to the appearance of properties along the major streets and thoroughfares of the city.



- x. Develop and supervise programs of the city and citizens cooperation to protect and upgrade such properties, consisting of, but not limited to contacts and discussions with citizen groups, business groups and individuals to encourage cooperative improvement of the city's appearance.
- 3. The two council members of the beautification committee shall represent the city at the city-county joint beautification committee, as it may exist from time to time.
- c. *Community redevelopment advisory committee.*
  - 1. There is hereby created and established a community redevelopment advisory committee (herein "CRAC") of the city council, which shall consist of the mayor and one city council member ("council members"), a member ("county board member") representing the Columbia County Board of County Commissioners (the "county board"), a member ("chamber member") representing the Lake City Columbia County Chamber of Commerce (the "chamber"), and seven non-council members ("non-council members"). The council members and seven non-council members shall be appointed by the mayor by resolution with the consent and approval of the city council. The county board member shall be a person designated from time to time in writing by the county board and whose designation shall be ratified and confirmed by resolution of the city council. The initial designated chamber member shall serve an initial term ending December 31, 2014. On January 1, 2015, and annually thereafter, the chamber member shall be ~~the duly elected and acting president of the chamber whose name shall be certified to the city~~ a person designated from time to time in writing by the chamber and whose designation shall be ratified and confirmed by resolution of the city council. The seven non-council members shall be either a resident of the city and/or operate a business in the city (preferably within the CRA area).
  - 2. *Functions and responsibilities of the community redevelopment advisory committee.* The community redevelopment advisory committee shall:
    - i. Study, investigate, develop, assist, advise and recommend to the city community redevelopment agency ("CRA") in all matters pertaining to the promotion and development of the city's commercial and residential CRA areas through use of tax increment financing ("TIF") funds.
    - ii. Advise and recommend plans to organizations and groups in the city and promote public interest in the general improvement of the appearance of the city.
    - iii. Study, develop, and recommend amendments to the CRA plan and for the expenditure and growth of CRA tax increment funds.

- iv. Study, investigate, develop and recommend to the CRA various ways to promote the development of the city's downtown and neighborhoods, including, but not limited to, work with the beautification committee to resolve the on-going challenge of landscape maintenance and improvements of the appearance of major intersections in the city.
  - v. To study and recommend to the CRA amendments to the city codes and ordinances to address vacant and dilapidated housing, commercial buildings and unsightly vacant lots and developing a master list of such identifiable properties.
  - vi. Review and study of zoning and land use regulations relating to the downtown district and making recommendations to the planning and zoning board for amendments to the zoning regulations which would improve and promote new development in the downtown and CRA area.
  - vii. Perform periodic review of the community redevelopment plan and when appropriate submit recommendations to the CRA for changes.
  - viii. Make written recommendations to the CRA on plan implementation, including developing an annual work program, setting project priorities, and developing incentives to further CRA efforts.
  - ix. Hold public meetings for the purpose of receiving citizen input related to the CRA area and to report such information to the CRA.
  - x. Evaluate and provide recommendations to the CRA on the expenditure or use of local, state and/or federal funds for redevelopment activities within the CRA area
- d. *Utility advisory committee.*
- 1. There is hereby created and established the utility advisory committee (the "utility committee") which shall consist of two city council members, together with non-council members to be appointed by the mayor with the consent and approval by resolution of the city council.
  - 2. *Functions and responsibilities of the utility committee.* The utility committee shall:
    - i. Study, investigate, develop, assist, advise and recommend to the city council any and all matters pertaining to the city utility systems;
    - ii. Recommend from time to time to the city council action on establishing new kinds of utility services, preserving and expanding existing utility services, on the financial needs of the utility systems, on making any changes in the utility rates and charges and on making any changes in service which may be beneficial to the public;

- iii. Initiate and review utility master planning efforts in the areas of water, sewer, natural gas and stormwater projects. Review and recommend approval of projects and requests for extension of water, sewer and gas lines for new development. Provide recommendations regarding major annual maintenance programs, i.e., lift station rehabilitation, leak detection programs, water tank refurbishment, systems enhancements, pilot programs to explore new or innovative operational techniques, utility standards, outside engineering proposals involving engineering services for water, sewer, gas and drainage projects.
- ~~iv. Except as otherwise provided for herein or in the City Code, the city council shall take no action with respect to making major improvements to the existing utility systems, extending and providing new developments and subdivisions with utility services, or make any changes in the utility rates and charges, without first receiving from the utility committee its recommendations relating to such changes.~~
- (2) *Appointment of advisory committee members.* Except as otherwise provided for herein, both city council and non-council members on each of the respective advisory committees created herein shall be appointed by the mayor with the consent and approval by resolution adopted by the city council. The mayor shall designate the chairperson of each of the respective advisory committees. Members of all advisory committees created herein shall serve without compensation.
- (3) *Mayor to be ex-officio member of committees.* The mayor may serve as an ex-officio member of each committee created in this section.
- (4) *Role of non-council advisory committee members.* The role of the non-council members on each of the advisory committees shall be to act in an advisory capacity to the council members of each respective advisory committee with staff support, recommendations, suggestions and such data and information relating and pertaining to the functions, responsibilities and duties of the respective advisory committees to assist and help the city council members of the respective advisory committees in reaching prudent decisions and recommendations to city council and to the CRA as to the CRAC. Said members shall be entitled to make motions and vote on all matters coming before the respective advisory committees.
- (5) *Role of advisory committees.* The role of each advisory committee created herein is advisory only and all of the recommendations and decisions of each respective advisory committee shall be forwarded to the city council, ~~or to the CRA as to the CRAC, for its discussions and considerations at a regular or special meeting and shall be subject to the approval or disapproval of or modification by the city council, or CRA as to the CRAC.~~
- (6) *Creation of additional committees.* The city council may, from time to time, by resolution, establish and create additional advisory committees of the city council or other citizens' committees. The number of members, the purpose,

function and responsibilities of any such additional committees or boards shall be stated in the resolution creating any additional committee. The members of any such additionally created committee shall be appointed by the mayor with the consent and approval by resolution adopted by the city council with one of such members being appointed chairperson thereof by the mayor.

- (7) *Term.* Except as provided for herein, the members of each of the standing advisory committees herein created and established shall be appointed for a term of two years and, subject to being reappointed by the mayor may serve on an advisory committee for one or more consecutive terms. Members reappointed to serve on an advisory committee may be reappointed by the mayor with the consent and approval by resolution of the city council. Vacancies occurring on an advisory committee for reasons other than the expiration of terms shall be filled in the same manner that the original appointments are made and shall be filled for the unexpired term of the member whose place has become vacant. The initial members of each advisory committee shall be appointed for a period terminating September 30, 2013. Thereafter the term of all members shall be for two years commencing October 1, 2013.
- (8) *Committee rules.* Each advisory committee herein created and established ~~may adopt rules~~ shall adhere to the same rules adopted by the city council for the transaction of business and shall keep minutes of its discussions, findings, and recommendations, all of which shall be open to public inspection. Robert's Rules of Order, newly revised, as amended from time to time shall govern the deliberations of each advisory committee.
- (9) *City attorney.* The city attorney shall render each committee legal advice when and as needed.
- (10) *Committee secretary.* The city clerk, or designee, shall serve as the secretary to each committee created by the city council, with the duty to:
- a. Provide notice of each meeting of the committee to all members of the committee, members of the city council, city attorney and local news media at least twenty-four (24) hours (excluding Saturday, Sunday and holidays) prior to the meeting;
  - b. Record and make, or cause to be made, the minutes of each committee meeting;
  - c. Within no less than seven (7) days prior to each meeting furnish copies of the minutes of each preceding committee meeting to all members of the committee, the city manager, city council members and the city attorney.
- (11) *Committee meetings.* Each advisory committee herein created shall hold meetings when and as needed as determined by its respective chairperson, the mayor, or the city manager. The chairperson of each committee shall establish the time and place of any meeting which shall be noticed in writing at least ~~five~~ three (3) days prior to the meeting and shall be open to the public

3 days  
5 calendar

and shall comply with and abide by the requirements of the laws of Florida regarding public meetings, including the provisions and requirements of F.S. Chs. 112, 119 and 286 F.S. § 286.

- (12) *Committees advisory to council, or CRA as to the CRAC.* Committees herein created and established by the city council shall act only in an advisory capacity to the city council, or the CRA as to the CRAC, and shall have no authority to legally obligate the city or CRA in any way whatsoever. Each committee shall report its recommendations to the city council, or the CRA as to the CRAC, at a regular or special meeting of the city council so that the city council or CRA may determine if the recommendations of the committee should be accepted in whole or part and implemented by formal action of the city council, or CRA as to the CRAC.

Notwithstanding any provision in this section to the contrary, the committee of the whole shall have the right to consider and make recommendations to the city council on any and all matters without first having received recommendations from any of the respective committees.

None of the respective advisory committees shall have the authority to enter into contracts for and on behalf of the city which financially obligates the city or CRA for the expenditure of either CRA or city funds.

~~Sec. 2-49. Committee of the whole council.~~

- ~~(a) Committee of the whole council. There is hereby created and established the committee of the whole, which shall consist of all members of the city council. The mayor shall be the chairman of the committee.~~
- ~~(b) Functions and responsibilities of the committee of the whole council. The committee of the whole council shall:~~
- ~~(1) Schedule and conduct workshop meetings to consider any matter pertaining to the functioning of the city, including any of the functions and responsibilities assigned to any of the special committees created in section 2-48 of this article;~~
  - ~~(2) Represent the city and serve on any joint city county committee composed of the members of the city council, the Columbia County Board of Commissioners and, when applicable, the Mayor of Fort White.~~
- ~~(c) The mayor, or in his or her absence, the vice mayor, shall preside at all meetings of the committee of the whole and the rules of proceedings of the council shall apply and be observed in all meetings of the committee of the whole as far as such rules may be applicable. The committee of the whole shall meet as often as is necessary to do so in order to carry out the business or matters referred to it by the council. The mayor or any two members of the council may call a meeting of the committee of the whole upon 24 hours written notice to all members, the city manager, the city attorney and the city clerk. All meetings shall be open to the public. The city clerk shall serve as the secretary of the committee of the whole.~~

~~Sec. 2-50. Members may file protests against council action.~~

~~Any member shall have the right to have the reasons for his dissent from, or protest against, any action of the council entered on the minutes.~~

Sec. 2-51 33. - Ordinances, resolutions, motions and contracts.

- (a) Preparation of ordinances. All ordinances shall be prepared by the city attorney. ~~No ordinance shall be prepared for presentation to the council unless ordered by a majority vote of the council, or requested in writing by the mayor, or requested by the city manager, or prepared by the city attorney on his own initiative.~~ Any individual member of the council, a majority of the council members, the city manager, or the city attorney may prepare, or have prepared, an ordinance or resolution for presentation to the council for its consideration, public hearing, and enactment. Each ordinance or resolution prepared for enactment shall, prior to presentation to the council, be approved by the city attorney for form and legal sufficiency.
- (b) Preparation of resolutions. All resolutions shall be prepared by the city attorney. Resolutions shall be prepared for presentation to the council by order of any council member, or by the city administration, or prepared by the city attorney on his own initiative.
- (~~b~~c) Approval by city attorney. All ordinances, resolutions and contract documents shall, before presentation to the council, have been approved as to form and legality by the city attorney.
- (ed) Introduction for passage or approval. Introduction for passage of ordinances, motions and contracts shall be as follows:
- (1) Ordinances, resolutions, and other matters or subjects requiring action by the council must be introduced and sponsored by a member of the council, the city manager, or the city attorney may present ordinances, resolutions, and other matters or subjects to the council, and any councilmember may assume sponsorship thereof by moving that such ordinances, resolutions, matters or subjects be adopted; otherwise, they shall not be considered.
  - (2) Every proposed ordinance or resolution shall be introduced in written or printed form and shall not contain more than one subject and matters properly connected therewith. The subject shall be clearly stated in the title.
  - (3) Except as provided in F.S. § 166.041(3)(c), a proposed ordinance may be read by title, or in full, on at least two separate days and shall, at least ten days prior to adoption, be noticed once in a newspaper of general circulation in the city.
  - (4) The city council may, by a two-thirds vote, enact an emergency ordinance without complying with the requirements of subsection (c)(3) of this section. However, no emergency ordinance or resolution shall be enacted which establishes or amends the actual zoning map designation of a

parcel of land or that changes the actual list of permitted, conditional, or prohibited uses within a zoning category.

- (5) All ordinances or resolutions passed by the council shall become effective ten days after passage or as otherwise provided therein.
- (6) The enacting clause of all ordinances shall be "be it enacted by the people of the City of Lake City, Florida." The affirmative vote of a majority of members present shall be necessary to adopt any ordinance or resolution, and the passage of all ordinances and resolutions shall be taken by yeas and nays and be entered upon the minutes.

~~Sec. 2-52. Adjournment.~~

~~A motion to adjourn shall always be in order and decided without debate.~~

Sec. 2-53 34. - Compensation of mayor and councilmembers.

- (a) The annual compensation paid to the mayor shall be ~~\$9,540.00~~ \$19,985.06, and the annual compensation paid to each city councilmember shall be ~~\$8,480.00~~ \$17,764.24. Such compensation shall be paid bi-weekly.
- (b) ~~Commencing fiscal year October 1, 1989, the annual compensation provided for herein shall be adjusted annually by that same percentage adjustment in annual compensation granted to general employees of the city. The annual compensation of the mayor and councilmembers shall be adjusted in an open meeting of the city council.~~

**Section 2.** Should any section, subsection, sentence, clause, phrase or other provision of this ordinance be held invalidity or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

**Section 3.** It is the intention of the City Council of the City of Lake City, Florida, that the provisions of this ordinance shall become and be made a part of the Code of the City of Lake City, Florida, and the sections may be renumbered in order to accomplish such intentions.

**Section 4.** This ordinance shall take effect upon its adoption.



**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2019 by the City Council of the City of Lake City, Florida.

**CITY OF LAKE CITY, FLORIDA**

By: \_\_\_\_\_  
Stephen M. Witt, Mayor

**ATTEST:**

**APPROVED AS TO FORM AND LEGALITY:**

By: \_\_\_\_\_  
Audrey E. Sikes, City Clerk

By: \_\_\_\_\_  
Frederick L. Koberlein, Jr.,  
City Attorney

**CITY COUNCIL RESOLUTION NO. 2019-074****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, ESTABLISHING RULES OF MEETINGS OF THE CITY COUNCIL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council adopted rules of meetings of the City Council during 1968, and said rules were codified in the City Code of Ordinances and from time to time said rules have been amended; and

**WHEREAS**, the City Council amended Article 2, City Code of Ordinances, via ordinance 2019-2118, which provided for the adoption of rules governing City meetings by either ordinance or resolution; and

**WHEREAS**, the City Council finds that it is in the best interests of the City to adopt rules of City meetings via resolution, a copy of said rules being attached hereto.

**NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:**

**Section 1.** The above recitals are true and accurate and adopted and incorporated herein.

**Section 2.** The Rules governing City meetings are hereby adopted by the City Council.

**Section 3.** Should any section, subsection, sentence, clause, phrase or other provision of this resolution be held invalidity or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this resolution.

**Section 4.** This resolution shall take effect upon its adoption.

**PASSED AND ADOPTED** this \_\_\_\_ day of July, 2019, by the City Council of the City of Lake City, Florida.

**CITY OF LAKE CITY, FLORIDA**

By: \_\_\_\_\_  
Stephen M. Witt, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

By: \_\_\_\_\_  
Audrey E. Sikes, City Clerk

By: \_\_\_\_\_  
Frederick L. Koberlein, Jr.,  
City Attorney

# **RULES OF THE CITY COUNCIL AND BOARDS**

## **CITY OF LAKE CITY, FLORIDA**

### **SECTION 1. DECLARATION OF PUBLIC POLICY**

It is the intent of these rules that the deliberations and actions of the City Council of the City of Lake City, Florida be conducted and taken openly in order that the members of the public may be fully informed. It is the finding of the Council that the members of the public must be fully informed if they are to be intelligently advised as to the conduct of public business by the Council. Furthermore, the Council finds that it is in the best interests of the City to provide opportunities for the public to be heard on propositions before the Council.

### **SECTION 2. DEFINITIONS**

For the purpose of these rules, the following definitions shall prevail:

- a) "Citizen" includes all individuals regardless of residency.
- b) "Council" refers to the City Council of the City of Lake City.
- c) "Councilmember(s)" refers to the Mayor and members of the City Council of the City of Lake City.
- d) A "meeting" is a gathering of a quorum of the membership of the Council for the purpose of receiving information relating to public business, for discussion of public business, or for final action upon public business.
- e) "Participation Card" means the document provided by the Clerk for individuals to express their desire to provide public input.
- f) A "regular meeting" is a meeting held pursuant to a schedule of such meetings as approved by the Council to enact ordinances and resolutions, conduct public hearings and otherwise discuss and act upon matters of public interest.
- g) A "special meeting" is a meeting held on the call of either the mayor, vice-mayor, City Manager, or three (3) or more members of the Council during a public meeting and, whenever practicable, upon no less than twelve (12) hours written notice to each member of the council.

### **SECTION 3. MEETINGS**

- a) Location. All meetings of the Council shall be held in City Hall, unless otherwise ordered by the Council, and shall be open to the public as required by law.
- b) Regular Meetings. Unless otherwise noticed, the Council shall hold regular monthly meetings on the first and third Monday of each month beginning in January of each year. Unless otherwise noticed, regular meetings shall commence at 6:00 p.m. When the day fixed for regular meetings falls on a day designated by law as a legal holiday, the meeting shall be held on the Tuesday following that Monday holiday or as otherwise designated by the Council. Three or more members of the Council, or City Manager and City Clerk working jointly, may cancel a regular meeting when appropriate.
- c) Special Meetings. A special meeting is held for the purpose of addressing matters requiring immediate attention of the Council or for the purpose of addressing matters which the council has determined are best addressed at a special meeting. When a special meeting is called the purpose of the meeting will be stated and the Council shall address only those matters for which the meeting was called. Three or more members of the Council, or City Manager and City Clerk working jointly, may cancel a regular meeting when appropriate.
- d) Public Notice. Annually, during the month of December, via resolution the Council shall give public notice of the schedule of meetings to be held during the following calendar year and shall state the dates, times and places for such meetings. Public notice of any special meeting, any reconvened meeting, or any cancelled meeting shall be given pursuant to Florida law. Public notice shall be given by posting a copy of the notice at City Hall. The City Clerk shall supply copies of the notices of its meetings to any local newspaper of general circulation, or any local radio or television station that has filed a formal request with the City Clerk for such notice.

### **SECTION 4. AGENDAS, REPORTS, AND MINUTES**

- a) The City Manager shall prepare an agenda for all regular and special meetings of the Council. The agendas for all meetings will be prepared and made available to the public, the press and to each Councilmember no later than the Friday preceding each regular meeting providing; however, when Council meeting dates have been changed due to holidays, or otherwise, the preparation and distribution of the agenda shall be adjusted accordingly. Copies of the agenda shall be available for public distribution in the meeting room or place prior to the commencement of such meeting.

- b) Members of the public may request a specific item be placed on the agenda by following the procedures in Section 9.b) below. All requests shall be accompanied by any information or documentation supporting the subject matter of the request and shall indicate the approximate length of time required for any presentation to the Council.
- c) Except in unusual circumstances, no item shall be placed on the meeting agenda until the subject has been referred for comment to the appropriate City department, advisory board or combination of those having interest in the subject matter. Any such request shall be promptly considered and placed upon the agenda without undue delay.
- d) All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Council shall be delivered to the City Manager no later than ten (10) calendar days prior to the respective regular meeting. The City Manager shall appropriately agenda such matters according to the "Order of Business" as provided for in Section 6 herein. No matter shall be considered by the Council at any meeting unless it has first been submitted to the City Manager and placed upon the agenda; for urgent or emergency matters, such requirement may be waived by the Council.
- e) Minutes identifying all matters coming before the Council shall be promptly recorded and transcribed by the City Clerk. Minutes shall become the official record upon adoption by the Council.

## **SECTION 5. ORDER OF BUSINESS**

All meetings of the Council shall be open to the public promptly at the hour set on the date of each meeting. The members of the Council, City Manager, City Clerk, and City Attorney shall take their regular stations and the business of the Council during a regular meeting shall be taken up for consideration and disposition in substantially the following order:

- a) Meeting called to order
- b) Pledge of Allegiance
- c) Invocation
- d) Roll call
- e) Additions or deletions to agenda and approval of agenda
- f) Proclamations and special presentations
- g) Public Comment
- h) Approval of consent agenda
- i) Old Business
- j) New Business
- k) Departmental Administration
- l) Comments by Council Members



m) Adjournment

## **SECTION 6. PREPARATION OF ORDINANCES, RESOLUTIONS**

Any individual member of the Council, a majority of the Council members, the City Manager, or the City Attorney may prepare, or have prepared, an ordinance or resolution for presentation to the Council for its consideration, public hearing, and enactment. Each ordinance or resolution prepared for enactment shall, prior to presentation to the Council, be approved by the City Attorney for form and legal sufficiency.

## **SECTION 7. VOTING**

- a) When a motion that is in order has been made and seconded which requires a “roll call” vote, the Chair will formally place it before the Council by having the Clerk read the exact motion into the record. Thereafter the motion is open to debate and vote.
- b) Voting on all motions, resolutions and ordinances, except agenda, consent agenda and adjournment, shall be by “yes” and “no” upon call of the roll of members by districts. Any comments by Councilmembers as to the subject matter of a motion should be made during the debate thereon rather than at the time the Councilmember’s vote is cast so that other members of the Council may have the benefit of those comments during the debate and before their vote is cast.
- c) Unless a member of the council states that they are abstaining pursuant to law, their silence shall be recorded as an affirmative vote.

## **SECTION 8. CONDUCT OF MEETING**

- a) The presiding officer shall preserve order and decorum at all meetings.
- b) During council meetings, Councilmembers shall maintain order and decorum. Councilmembers desiring to speak shall address the presiding officer and, upon being recognized by the presiding officer, shall confine comments to the question under debate. Each Councilmember desiring to speak shall be recognized once before a Councilmember shall be recognized a second time. Councilmembers desiring to question the administrative staff shall address the question to the City Manager. During Council discussion, Councilmembers may also, with consent of the presiding officer, direct questions to others in attendance at the Council meeting. A Councilmember once recognized shall not be interrupted while speaking unless called to order by the presiding officer, unless a point of order is raised by another member, or unless the speaker chooses to yield to questions of another member.

- c) City staff and individuals must be recognized by the presiding officer before speaking or asking questions. All comments must be made from the podium which is located at the front of the Council Chambers or by other reasonable accommodations. Individuals that appear before the Council are required to state their name and address for the public record. The purpose of this requirement is so that there is order; comments are properly reflected in the Council minutes; and that the recording equipment will properly record all comments made by individuals.
- d) The Council shall follow the order of business as established by the agenda for that meeting; however, in the event a Council meeting continues past the hour of 9:00 o'clock p.m. it shall be the policy of the Council to complete, if possible, the item then under consideration and thereafter table all other agenda items scheduled for that meeting to a meeting to be scheduled by the Council for the purpose of completing those agenda items or, if the Council is unable to convene such a meeting, then the Council shall table the remaining agenda items to the next regularly scheduled Council meeting.
- e) The Council may reconsider an item, that is, bring back for further consideration, a motion which has already been voted on. To provide usefulness, and protection against abuse, the motion to reconsider can only be made by a Councilmember who voted on the prevailing side of the original motion.

## **SECTION 9. PUBLIC PARTICIPATION**

Avenues for Individuals to Participate in the decision-making process include: Public Comment, Citizen Agenda Items, and Public Hearings.

- a) Public Comment
  - i. The Council allocates time at the beginning of each Council meeting for individuals who wish to appear before the Council to make a request of the Council, voice a complaint or concern, express an opinion, or for some other type of recognition.
  - ii. Individuals are encouraged to provide their comments in writing to the City Clerk before or during meetings for inclusion into the public record. Individuals may also provide input to individual councilmembers via phone calls, letters, and e-mail that will become public record. In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be discouraged or even prohibited.
  - iii. In order to speak during Public Comment, the appropriate Participation Card must be completed prior to the beginning of the Council meeting and given to the City Clerk. The City Clerk will be

responsible for making sure that cards are located at the entrance to the Council Chambers (or other meeting room) thirty (30) minutes prior to the Council meeting. Citizens can also pick up cards during business hours prior to a Council meeting at the City Clerk's office.

- iv. The Presiding Officer will call to the podium the individuals who timely provided Participation Cards.
  - v. During Public Comments all individuals are limited to three (3) minutes per individual.
  - vi. During the Public Comment portion of the Council meeting, no dialogue will occur between Council members and the public. Council members may comment at the close of this item.
  - vii. During the Public Comment portion of the Council meeting individuals may not address matters scheduled for public hearings.
- b) Citizen Agenda Items - Items proposed by individuals may be placed on the Council Agenda under two (2) circumstances.
- i. The presiding officer or a Council member may request that an item brought up by a citizen during the Public Comment portion of the meeting be referred to the City Manager for consideration, placement on a future agenda for discussion and possible council action, or other action.
  - ii. An individual may request in writing to appear on the Council Agenda and file such request with the City Manager's Office. The request shall state the nature of the request and ask that the item be placed on an upcoming Council Agenda. A copy of the request will be provided to the Council members, but no action will be taken by the City Manager until said copy is endorsed or sponsored by at least one (1) council member. Thereafter, a copy of the request will be provided appropriately to the proper City Department so that research may be completed and information provided to the Council. The requestor will be informed of the Council meeting date upon which the item will be heard.

### c) Public Hearings

- i. Public Hearings are formal, legally-noticed hearings which the Council conducts pursuant to law. Some public hearings are advertised hearings for specific items scheduled on the Council Agenda. Some public hearings are quasi-judicial, while others are legislative in nature. Some public hearings have specific formats

that must be followed and are established by law. All readings of ordinances are conducted as formal public hearings.

- ii. When a public hearing is the result of a specific person's or entity's application or petition:
  - (a) The applicant may have as much time as necessary to make the presentation before the Council. City staff may have as much time as necessary to make a presentation related to the subject before the Council. As with all agenda items, persons wishing to address the issue should have completed an appropriate participation card prior to the beginning of the meeting.
  - (b) The order of a Public Hearing will generally be as follows:
    - (1) Presentation by the applicant, if applicable
    - (2) Questions of the applicant by the Council, if applicable
    - (3) Presentation by City Staff
    - (4) Questions of the City staff by the Council
    - (5) Public comments on the issue
    - (6) Questions of individuals by the Council or applicant
    - (7) Final Comments by applicant, if applicable
    - (8) Discussion by the Council (Councilmembers may request additional information from both the applicant and staff during this part of discussion)
    - (9) Decision by the Council
- iii. For all public hearings, the presiding officer will announce the proposition (i.e. have the title of an ordinance read), then open the public input portion of the meeting by announcing, "I declare the public hearing open." or words to similar effect.
- iv. During a public hearing all comments from the public are limited to three minutes and to the proposition being considered. One participant's allotted time for addressing the Council may not be donated to another participant.
- v. When all persons desiring to be heard have concluded, the presiding officer will close the public input portion of the meeting by announcing, "I declare the public hearing closed." or words to similar effect.
- vi. After the closing of the public hearing, the council shall conclude its deliberations and action, if any.

- vii. A majority of the Council may extend the time allowed for an individual to speak or to allow a speaker a single opportunity to rebut comments made by another speaker. Any such rebuttal shall be limited to three (3) minutes.

### **SECTION 10. DECORUM**

The presiding officer or a majority of the Council shall preserve strict order and decorum at all meetings.

- a) In conducting the public's business, the Council is committed to the principals of civility, honor, and dignity. Individuals appearing before the Council are required to observe the same principals when making comments on items and issues presented to the Council for their consideration.
- b) Staff members and the public are required to use proper language when addressing the Council or the audience. Staff members and the public shall not use profanity or cursing, aggressive or threatening behavior when addressing the Council or other participants. All comments shall be directed to the presiding officer and not to individual members of the Council or to the audience. Personal verbal attacks toward any individual will not be tolerated during the conduct of a Council meeting. The presiding officer, or a majority of the Council, may have individual(s) removed from the podium and Council Chambers if such conduct persists after a warning has been issued.
- c) All members of the Council shall accord the utmost courtesy to each other, the City employees and the public members appearing before the Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities. During Council meetings cell phones are to be turned off or silenced. Use of cell phones by Council members and City staff for unofficial business will not be allowed during meetings while at the dais.
- d) In addition to the prohibitions in (c), above, section 871.01, Florida Statutes, declares that any person who willfully interrupts or disturbs any assembly of people meeting for any lawful purpose shall be guilty of a misdemeanor of the second-degree and may be arrested by police officers present. This may be done in the absence of the conduct being noted or of the offender being called to order by the presiding officer.
- e) In the case that any person is declared out of order, by the presiding officer or a majority of the Council, and ordered expelled, and does not immediately leave the Council Chambers, the following steps shall be taken:
  - i. The presiding officer shall declare a recess.

- ii. The person shall be approached by a police officer and advised that he has been ordered expelled.
- iii. In case the person does not remove himself from the area he may be placed under arrest for violation of section 871.01, Florida Statutes, should the person continue to willfully interrupt or disturb the meeting.
- iv. In the event any person who is ordered expelled leaves the Council Chambers voluntarily or involuntarily and then returns to the same meeting, they will be subject to arrest for violation of section 871.01, Florida Statutes, should the person continue to willfully interrupt or disturb the meeting.

The City Manager shall, during all public meetings, have the Police Chief or a uniformed certified law enforcement officer present.

### **SECTION 11. ATTENDANCE**

A total of four (4) absences by a Councilmember during the current term of office of that Councilmember from meetings of the Council, including regularly scheduled meetings and special meetings duly called and noticed, shall constitute grounds for forfeiture of the said Councilmember's office pursuant to Section 3.04 of the Charter of the City of Lake City. The Council, at the conclusion of each meeting, may review any reasons or excuses presented by a Councilmember related to that Councilmember's absence at the next preceding meeting and by majority of the Council determine whether that absence should be excused.

Members in attendance at the Council meeting must be present when votes are taken and must cast a ballot or, pursuant to section 28.012, Florida Statutes, et seq., declare that there is, or appears to be, a possible conflict of interest according to Florida law and thereupon comply with the disclosure requirements of section 112.3143, Florida Statutes, et seq.

### **SECTION 12. COUNCILMEMBER CONDUCT**

Members of the Council must at all times recognize that their actions, both public and private, may reflect upon the Council as a whole and further may reflect upon the City of Lake City. Conduct unbecoming of a public official may result in appropriate action taken by the Council including, pursuant to Section 3.04 of the Charter of Lake City, forfeiture of the office of Councilmember.

### **SECTION 13. WAIVER OF RULES**

The Council may, at any time, waive all or a portion of these rules of procedure during the course of a meeting. Provided, however, that any such waiver shall only be done upon a motion and majority approval of the waiver by members of the Council present and voting.