

5:30 P.M. City Council "Lighting of Olustee Park"

AGENDA
CITY OF LAKE CITY
City Council Regular Session
December 2, 2013
7:00 P.M. at City Hall

PLEDGE OF ALLEGIANCE

INVOCATION - Mayor Stephen Witt

1. **ROLL CALL**

2. **PROCLAMATIONS**

None

3. **MINUTES**

A. Regular Session-November 4, 2013

4. **APPROVAL OF AGENDA**

5. **APPROVAL OF CONSENT AGENDA**

A. Approval to award Bid No. ITB-003-2014 for the annual contract for fuel and delivered diesel to G. W. Hunter, Inc., the sole bidder.

B. Approve a one-time annual token of appreciation to all City employees in the amount of \$50.00 for part time and those with less than one year of employment and \$100.00 for other full time employees.

6. **PERSONS WISHING TO ADDRESS COUNCIL**

7. **PERSONS WISHING TO APPEAR THAT ARE NOT ON THE AGENDA**

8. **OLD BUSINESS**

Open Public Hearing

A. **ORDINANCES:**

1. Ordinance No. 2013-2041 (final reading and adoption), if adopted, will among other

provisions amend the City Code to add a new section Number 86-110.6 to Article III, Chapter 86, for the permanent closing, vacating and abandoning of NW Hammonds Loop (formerly known as Hammonds Circle) according to Hammonds Replat of Lots 5 to 14 inclusive, Block 3 of Pinedale, according to a plat thereof recorded in Plat Book 2, Page 12A, public records of Columbia County, Florida, and for the permanent closing, vacating and abandoning of that portion of an unnamed right-of-way alley lying East of and contiguous to Lots 1 and 2 of Block 3 of Hammonds Replat and West of and contiguous to Lots 1 through 4 of Pinedale Subdivision, a subdivision as per plat thereof recorded in Plat Book 1, Page 30, public records of Columbia County, Florida, which extends from the South boundary right-of-way line of DeSoto Street to the North boundary right-of-way line of Madison Street (collectively the "Vacated Property"); declares the Vacated Property to be surplus to the needs of the City; authorizes the City to convey to Parkview Baptist Church, Incorporated (the "Church") all of the Vacated Property; and reserves easements for utilities over, under and across the South 25' of the Vacated Property.

Close Public Hearing

B. ADOPTION OF ORDINANCES:

1. Ordinance No. 2013-2041 (final reading and adoption)

9. NEW BUSINESS

Open Public Hearing

A. ORDINANCES:

1. Ordinance No. 2013-2042 (first reading), if adopted, will amend and restate Sections 2-411 through 2-423 of Article X of Chapter 2 of the City Code and provides for the creation of the position of a Special Magistrate for Code Enforcement and retains the Code Enforcement Board.

Close Public Hearing

B. ADOPTION OF ORDINANCES:

1. Ordinance No. 2013-2042 (first reading)

C. RESOLUTIONS:

1. City Council Resolution No. 2013-062, if adopted, confirms the selection of Roger Little made by a majority of the Resident Member and Fund Member Trustees of the Board of Trustees of the General City Employees Retirement Plan to serve as the Fifth Member on the Board of Trustees provided for and required by Ordinance No. 2007-1098.

10. **DEPARTMENTAL ADMINISTRATION**

None

11. **COMMENTS BY COUNCIL MEMBERS**

12. **ADJOURNMENT**

3A

The City Council in and for the citizens of the City of Lake City, Florida, met in Regular Session, on November 4, 2013 beginning at 7:00 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/Councilman	Stephen M. Witt
Vice Mayor/Council Member	George Ward
City Council	Eugene Jefferson
	Melinda Moses
	Zack Paulk
City Attorney	Herbert F. Darby
City Manager	Wendell Johnson
Sergeant-at-Arms	Lieutenant John Stock
City Clerk	Audrey E. Sikes

2. PROCLAMATIONS

None

3. MINUTES

- A. Regular Session - September 16, 2013
- B. Regular Session - October 21, 2013

Ms. Moses made a motion to approve the September 16, 2013 and the October 21, 2013 regular session minutes as presented. Mr. Ward seconded the motion and the motion carried unanimously on a voice vote.

4. APPROVAL OF AGENDA

Members concurred to add the September 16, 2013 regular session and October 21, 2013 regular session minutes to the agenda for approval. **Mr. Jefferson made a motion to approve the agenda as amended. Ms. Moses seconded the motion and the motion carried unanimously on a voice vote.**

5. APPROVAL OF CONSENT AGENDA

- A. Request from the Criminal Interdiction Unit to draw \$7,000 from the #002 Forfeiture Account and for the check to be made payable to Lieutenant Clint VanBennekom (previously authorized by City Manager on October 31, 2013).

Mr. Paulk made a motion to approve the Consent Agenda consisting of item A identified above. Mr. Ward seconded the motion and the motion carried unanimously on a voice vote.

6. PERSONS WISHING TO ADDRESS COUNCIL

None

7. PERSONS WISHING TO APPEAR THAT ARE NOT ON THE AGENDA

None

8. OLD BUSINESS

A. ORDINANCES:

At this time Mayor Witt closed the regular session and opened a public hearing for the purposes of hearing comments on City Council Ordinance No. 2013-2040. City Council Ordinance No. 2013-2040 was read by title. Mayor Witt asked if anyone wished to be heard on City Council Ordinance No. 2013-2040. No one asked to be heard on City Council Ordinance No. 2013-2040, therefore Mayor Witt closed the public hearing.

B. ADOPTION OF ORDINANCES:

1. City Council Ordinance No. 2013-2040 (final reading and enactment), if adopted, will amend the City Code to add a new section Number 86-110.5 to Article III, Chapter 86, which provides for the permanent closing, vacating and abandoning of that portion of Hedge Street lying between Block I and J of Melrose Park Subdivision, a subdivision as per plat thereof recorded in Plat Book 3, Page 4, public records of Columbia County, Florida and that portion of Colburn Avenue lying West of lots 15, 16, 17, and 18, Melrose Park Subdivision. **Mr. Ward made a motion to adopt City Council Ordinance No. 2013-2040 on final reading relating to permanent closing, vacating and abandoning of a portion of Hedge Street. Mr. Paulk seconded the motion. A roll call vote was taken and the motion passed.**

Mr. Ward	Aye
Mr. Paulk	Aye
Mr. Jefferson	Aye
Ms. Moses	Aye
Mayor Witt	Aye

9. NEW BUSINESS

A. RESOLUTIONS:

1. City Council Resolution No. 2013-051, if adopted, will authorize the City to enter into Change Order No. 1 to contract with Union LaSteel Metal Buildings, Inc., a Florida corporation, authorized by City Council Resolution No. 2013-048 for the construction and installation of the Wilson Park Event Pavilion, which Change Order No. 1 adds a 2' roof overhang on all four sides of the building at an increased cost of \$8,500.00 and a new contract completion time of 120 calendar days from the date the City issues the Notice to Proceed. **Ms. Moses made a motion to adopt City Council Resolution No. 2013-051, authorizing Change Order No. 1 to contact with Union LaSteel Metal Buildings, Inc. Mr. Paulk seconded the motion. A roll call vote was taken and the motion passed.**

Ms. Moses	Aye
Mr. Paulk	Aye
Mr. Ward	Aye
Mr. Jefferson	Aye
Mayor Witt	Aye

2. City Council Resolution No. 2013-057, if adopted, will authorize the City to enter into a Public Transportation Joint Participation Agreement ("JPA") with the State of Florida, Department of Transportation (the "Department"), Financial Project Number 43137119414 for the design, construction of drainage and the rehabilitation/extension of Taxiway "A" (the "Project") at the Lake City Gateway Airport, the cost of which Project is estimated to be \$213,575.00, which amount shall be 100% funded by the Department with City being obligated for certain costs in excess of \$213,575.00. **Mr. Jefferson made a motion to approve City Council Resolution No. 2013-057 authorizing the City to enter into a Public Transportation Joint Participation Agreement with the State of Florida Department of Transportation. Ms. Moses seconded the motion. A roll call vote was taken and the motion passed.**

Mr. Jefferson	Aye
Ms. Moses	Aye
Mr. Ward	Aye
Mr. Paulk	Aye
Mayor Witt	Aye

3. City Council Resolution No. 2013-058, if adopted will authorize the Lake City Police Department to apply for, accept and spend a sub grant from the State of Florida Department of Transportation, for highway safety funds in the

amount of \$34,500, Project Number MSHVE-14-06-17 for the Lake City Police impaired enforcement driving. **Mr. Paulk made a motion to adopt City Council Resolution No. 2013-058 authorizing the Lake City Police Department to apply for, accept and spend a sub grant from the State of Florida Department of Transportation. Mr. Jefferson seconded the motion. A roll call vote was taken and the motion passed.**

Mr. Paulk	Aye
Mr. Jefferson	Aye
Mr. Ward	Aye
Ms. Moses	Aye
Mayor Witt	Aye

- B. Council Discussion Rename Memorial Stadium
Members felt renaming the stadium would be appropriate in remembrance of Pat Summerall. After discussion, **Mr. Ward made a motion authorizing to move forward with the renaming of Memorial Stadium to Pat Summerall Field at Memorial Stadium. The motion also provides authorization to move forward with a signage initiative at the City limits reflecting the new name. Mr. Paulk seconded the motion. A roll call vote was taken and the motion passed.**

Mr. Ward	Aye
Mr. Paulk	Aye
Mr. Jefferson	Aye
Ms. Moses	Aye
Mayor Witt	Aye

10. DEPARTMENTAL ADMINISTRATION

- A. Approve declaration of surplus property and donation of 1992 Pierce Fire Engine to Florida Gateway College (Chief Armijo)
After discussion the members took the following action: **Ms. Moses made a motion to declare the 1992 Pierce Fire Engine surplus to the City's needs. The motion is contingent upon receipt of appropriate certifications at the college prior to conveyance of the unit. Mr. Jefferson seconded the motion. A roll call vote was taken and the motion passed.**

Ms. Moses	Aye
Mr. Jefferson	Aye
Mr. Ward	Aye
Mr. Paulk	Aye
Mayor Witt	Aye

11. COMMENTS BY COUNCIL MEMBERS

Mayor Witt reminded members of the Veterans Parade to be held on Monday, November 11, 2013 at 11AM. Meet at City Hall at 10AM.

12. ADJOURNMENT

All matters having been handled, the meeting adjourned at 7:25 PM on a motion made and duly seconded.

Stephen M. Witt, Mayor/Council Member

Audrey E. Sikes, City Clerk

PETROLEUM PRODUCTS AND DELIVERED DIESEL FUEL
ANNUAL CONTRACT



Awarded by Council on: _____

G.W. Hunter Inc.
1130 US Hwy 90 West
Lake City, FL 32055
386-752-5890

ITB-003-2014
Opened November 19, 2013 @ 11:15 AM

MARK-UP	2013 TAXES	TOTAL
0.105	0.3348	\$0.4398
0.11	0.3336	\$0.4436
0.145	0.0236	\$0.1686

Unleaded Regular E-10 Gasoline
Ultra Low Sulfur Diesel
Low Sulfur Dyed Diesel (off road)

Recommendation: G.W. Hunter Inc. (sole bidder)

8 A 1

HFD/lss
C-13-1074
11/13/14

CITY COUNCIL ORDINANCE NO. 2013-2041

AN ORDINANCE OF THE CITY OF LAKE CITY, FLORIDA, AMENDING THE CITY CODE TO ADD A NEW SECTION NUMBER 86-110.6 TO ARTICLE III, CHAPTER 86, WHICH PROVIDES, AS AUTHORIZED BY AND IN ACCORDANCE WITH THE PROVISIONS OF SECTION 86-102 OF THE CITY CODE, FOR THE PERMANENT CLOSING, VACATING AND ABANDONING OF NW HAMMONDS LOOP (FORMERLY KNOWN AS HAMMONDS CIRCLE) ACCORDING TO HAMMONDS REPLAT OF LOTS 5 TO 14 INCLUSIVE, BLOCK 3 OF PINEDALE, ACCORDING TO A PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 12A, PUBLIC RECORDS OF COLUMBIA COUNTY, FLORIDA (HEREIN "HAMMONDS REPLAT") AND FOR THE PERMANENT CLOSING, VACATING AND ABANDONING OF THAT PORTION OF AN UNNAMED RIGHT-OF-WAY ALLEY LYING EAST OF AND CONTIGUOUS TO LOTS 1 AND 2 OF BLOCK 3 OF HAMMONDS REPLAT AND WEST OF AND CONTIGUOUS TO LOTS 1 THROUGH 4 OF PINEDALE SUBDIVISION, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 30, PUBLIC RECORDS OF COLUMBIA COUNTY, FLORIDA, AND EXTENDING FROM THE SOUTH BOUNDARY RIGHT-OF-WAY LINE OF DESOTO STREET TO THE NORTH BOUNDARY RIGHT-OF-WAY LINE OF MADISON STREET (HEREIN COLLECTIVELY THE "VACATED PROPERTY"); FINDING THAT THE CLOSING, VACATING, AND ABANDONING OF THE VACATED PROPERTY WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY, OR WELFARE; FINDING THAT IT IS IN THE BEST INTEREST OF THE CITY AND FOR THE GENERAL WELFARE OF ITS CITIZENS TO CLOSE, VACATE, AND ABANDON THE VACATED PROPERTY; FINDING THAT THE VACATED PROPERTY IS SURPLUS TO THE NEEDS OF THE CITY; FINDING THAT PARKVIEW BAPTIST CHURCH, INCORPORATED (THE "CHURCH") OWNS ALL OF THE PROPERTY ADJACENT AND CONTIGUOUS TO THE VACATED PROPERTY; MAKING OTHER FINDINGS; AUTHORIZING THE CITY TO CONVEY BY QUIT-CLAIM DEED TO THE CHURCH ALL OF THE VACATED PROPERTY, RESERVING EASEMENTS FOR UTILITIES OVER, UNDER AND ACROSS THE SOUTH 25' OF THE VACATED PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR INCLUSION INTO THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Hammond's Replat of Lots 5 to 14, inclusive, Block 3 of Pinedale, a subdivision recorded in Plat Book 2, Page 12A, public records of Columbia County, Florida, copy of which is attached hereto as Exhibit "A" (herein "Hammond's Replat"), consisting of five (5) lots and a parcel of public land designated as Hammonds Loop (formerly Hammonds Circle) as depicted on Exhibit "A", and

WHEREAS, the City finds that an unnamed right-of-way alley lies East of and contiguous to Lots 1 and 2 of Block 3 of Hammonds Replat, and West of and contiguous to Lots 1 through 4 of Pinedale Subdivision, copy of which is attached hereto as Exhibit "B" (herein "Pinedale Subdivision"), and extends from the South boundary right-of-way line of DeSoto Street to the North boundary right-of-way line of Madison Street, as depicted on Exhibit "B"; and

WHEREAS, Parkview Baptist Church, Incorporated (the "Church") is the fee owner of all of the lots adjacent to and contiguous with Hammonds Replat; and

WHEREAS, the Church is the fee owner of all of the lands on both sides of the unnamed alley; and

WHEREAS, the City finds that the Vacated Property (consisting of Hammonds Loop and the unnamed alley) have never been opened, maintained, improved, or used by the City or the public for any purpose and that such vacated and unused property creates potential liability, additional work, and cost to the City and that it is in the public interest to close, vacate and abandon both Hammonds Loop and the unnamed alley; and

WHEREAS, the City finds that the Vacated Property is surplus to the needs of the City and because of its location and configuration as no limited value and is basically unusable to anyone other than the adjacent and abutting land owners; and

WHEREAS, the City finds that it is proper and in the interest and welfare of the City and its citizens to gratuitously convey all of the City's right, title, and interest in the Vacated Property to the Church, which is the adjacent property owner, subject only to the City reserving a utility easement over, under and across the South 25' of the Vacated Property; and

WHEREAS, notice has been given to all utility companies holding franchises from the City for review and comment with respect to the permanent closing, vacating and abandonment of the Vacated Property.

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

Section 1. The Code of the City of Lake City is hereby amended by adding a section to Chapter 86, Article III, to be numbered Section 86-110.6 which section reads as follows:

Section 86-110.6 All of NW Hammonds Loop in Hammond's Replat of Lots 5 to 14, inclusive, Block 3 of Pinedale, a subdivision recorded in Plat Book 2, Page 12A, public records of Columbia County, Florida, and an unnamed right-of-way alley lying East of and contiguous to Lots 1 and 2 of Block 3 Hammonds' Replat of Lots 5 to 14, inclusive, Block 3 of Pinedale, a subdivision recorded in Plat Book 2, Page 12A, public records of Columbia County, Florida, and West of and contiguous to Lots 1 through 4 of Pinedale

Subdivision, a subdivision as per plat thereof recorded in Plat Book 1, Page 30, public records of Columbia County, Florida, and extending from the South boundary right-of-way line of DeSoto Street to the North boundary right-of-way line of Madison Street are hereby permanently closed, vacated and abandoned (collectively the “Vacated Property”).

Section 2. The City hereby declares the Vacated Property to be surplus to the needs of the City.

Section 3. The City shall convey by Quit Claim Deed all of the Vacated Property to Parkview Baptist Church, Incorporated (the “Church”), which owns all of the land contiguous to and surrounding the Vacated Property.

Section 4. The City hereby reserves a perpetual easement over, under and across the South 25’ of the Vacated Property for the purpose of using said rights of way for all public utilities, including, but not limited to, water, sewer, gas and communication lines, drainage facilities, and other public utility facilities, and related appurtenances.

Section 5. The Mayor is hereby authorized to execute and deliver said Quit Claim Deed as authorized by Section 3 above.

Section 6. All ordinances or parts of ordinances in conflict herewith are and the same are hereby repealed.

Section 7. If any section, subsection, sentence, clause or phrase of this ordinance or particular application thereof shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining section(s), subsection(s), sentences(s), clause(s) or phrases(s) under application shall not be affected hereby.

Section 8. 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 that the sections of this ordinance may be numbered appropriately in order to accomplish such intentions.

Section 9. This ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED upon first reading this _____ day of _____, 2013.

NOTICE PUBLISHED on the _____ day of _____, 2013.

PASSED AND ADOPTED on the _____ day of _____, 2013.

Stephen M. Witt, Mayor

ATTEST:

Audrey E. Sikes, City Clerk

APPROVED AS TO FORM AND LEGALITY:

By: _____
Herbert F. Darby, City Attorney

Record of Vote On First Reading

	For	Against	Absent	Abstain
Mayor Witt	_____	_____	_____	_____
Councilmember Jefferson	_____	_____	_____	_____
Councilmember Moses	_____	_____	_____	_____
Councilmember Paulk	_____	_____	_____	_____
Councilmember Ward	_____	_____	_____	_____

Certification

I, AUDREY E. SIKES, City Clerk for the City of Lake City, Florida, hereby certify that the above record vote is an accurate and correct record of the votes taken on this Ordinance by the City Council of the City of Lake City, Florida.

AUDREY E. SIKES
City Clerk

Record of Vote on Second and Final Reading

	For	Against	Absent	Abstain
Mayor Witt	_____	_____	_____	_____
Councilmember Jefferson	_____	_____	_____	_____
Councilmember Moses	_____	_____	_____	_____
Councilmember Paulk	_____	_____	_____	_____
Councilmember Ward	_____	_____	_____	_____

Certification

I, AUDREY E. SIKES, City Clerk for the City of Lake City, Florida, hereby certify that the above record vote is an accurate and correct record of the votes taken on this Ordinance by the City Council of the City of Lake City, Florida.

AUDREY E. SIKES
City Clerk

PINEDALE

A Subdivision of Lands in
LAKE CITY, FLORIDA.
COLUMBIA COUNTY.

ALL RIGHTS RESERVED. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the publisher.

Scale 1 inch = 100 feet
CIVIL ENGINEER
LAKE CITY, FLORIDA.



THE STATE OF FLORIDA, COUNTY OF COLUMBIA, ss. I, _____, Clerk of the Circuit Court, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the files of the Clerk of the Circuit Court of Columbia County, Florida.

WITNESSED my hand and the seal of the Clerk of the Circuit Court of Columbia County, Florida, this _____ day of _____, 2013.

NOTARIAL PUBLIC
I, _____, Notary Public for the State of Florida, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the files of the Notary Public.

BY _____
Notary Public for the State of Florida

APPROVED AND FORWARDED:

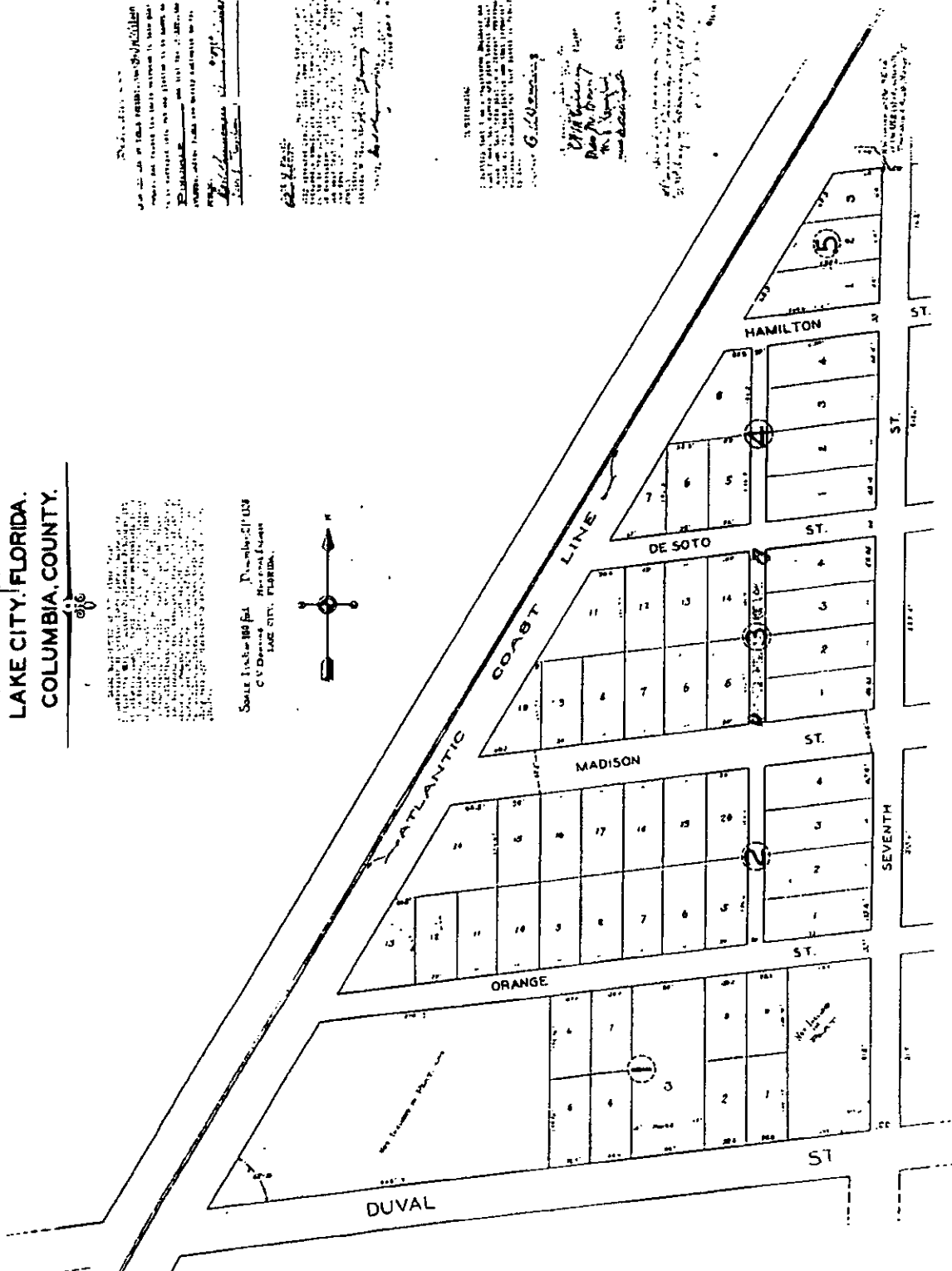


EXHIBIT "B" TO ORDINANCE NO. 2013-2041

9 A 1

CITY COUNCIL ORDINANCE NO. 2013-2042

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AMENDING AND RESTATING SECTIONS 2-411 THROUGH 2-423 OF ARTICLE X OF CHAPTER 2 OF THE CITY CODE RELATING TO THE CITY CODE ENFORCEMENT BOARD AS CREATED BY CITY ORDINANCE NO. 2002-954, AS AMENDED, AND AS AUTHORIZED BY CHAPTER 162, FLORIDA STATUTES; PROVIDING FOR LEGISLATIVE INTENT WITH RESPECT TO SAID CODE ENFORCEMENT BOARD; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE CREATION OF A CODE ENFORCEMENT BOARD; PROVIDING FOR THE CREATION OF THE POSITION OF A SPECIAL MAGISTRATE FOR CODE ENFORCEMENT; PROVIDING FOR ENFORCEMENT PROCEDURES; PROVIDING FOR HEARINGS; PROVIDING FOR POWERS OF THE ENFORCEMENT BOARD AND THE SPECIAL MAGISTRATE; PROVIDING FOR CONDUCT OF HEARINGS; PROVIDING FOR POWERS OF THE ENFORCEMENT BOARD AND SPECIAL MAGISTRATE; PROVIDING FOR ADMINISTRATIVE FINES AND LIENS AND FOR THE DURATION OF LIENS; PROVIDING FOR NOTICES; PROVIDING FOR APPEALS FROM ORDERS OF THE BOARD OF SPECIAL MAGISTRATE; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR THE INCLUSION OF THIS ORDINANCE IN THE CITY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. That Sections 2-411 through 2-423 of Article X of Section 2 of the

Code of the City of Lake City, Florida, is hereby amended, and as amended, shall read in its entirety as follows:

Sec. 2-411. Intent.

It is the intent of this article to promote, protect, and improve the health, safety, and welfare of the citizens of Lake City, Florida, by creating both an administrative board to be known and designated as the "Lake City Code Enforcement Board" (the "Board") and the position of Code Enforcement Special Magistrate (the "Special Magistrate") with authority for either the Board or Special Magistrate to impose administrative fines and other noncriminal penalties, to provide an equitable, expeditious, effective and inexpensive method of enforcing the ordinances of the City now or hereafter in effect where a pending or repeated violation continues to exist, as to all City ordinances, including those which designate the violation thereof to be a criminal act, unless such ordinances expressly excludes the use of the procedure created by this article for enforcement of the same.

Sec. 2-412. Authority.

This article is enacted pursuant to F.S. ch. 162.

Sec. 2-413. Definitions.

As used in this article the following words or phrases shall have the meaning prescribed in this section unless clearly indicated otherwise by the context:

Board or enforcement board shall mean the Lake City Code Enforcement Board.

City shall mean the City of Lake City, Florida.

City attorney shall mean the duly appointed attorney for the City.

City council shall mean the duly constituted City Council of the City of Lake City, Florida.

Code inspector shall mean any authorized agent or employee of the City who has been duly appointed to such office by the City, and whose duty it is to enforce the codes and ordinances enacted by the City.

Code Enforcement Officer shall have the same meaning as Code Inspector.

Repeat Violation shall mean a violation of a provision of the City Code or ordinances by a person who has been previously found through the enforcement board or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provision within five years prior to the violation, notwithstanding the violation occurred at different locations.

Responsible Party shall mean any violator who is required to comply with any order of the Board of the Special Magistrate.

Special Magistrate shall mean the attorney appointed by the City Council to have the same status and authority as an enforcement board.

Violator shall mean any person who violates a provision of any of the codes or ordinances of the City.

Sec. 2-414. Creation of Lake City Code Enforcement Board, Creation of Position of Special Magistrate, and Applicability.

1. Code Enforcement Board.

There is hereby created the Lake City Code Enforcement Board (the "Board") which shall consist of a seven member Board and legal counsel for the Board.

Members of the Board shall be residents of the City. Appointments to the Board shall be made by the City Council on the basis of experience or interest in the fields of land and property standards, zoning, and land use regulations, building control, and nuisance abatement. The membership of the Board shall, when possible, include an architect, a businessman, an engineer, a general contractor, a subcontractor and a realtor. In addition to the seven members of the Board, the City may appoint up to two alternate members to the Board to serve on the Board in the absence of any Board member. All appointments to the Board shall be made by a resolution adopted by the City Council.

- (a) The initial appointments to the Board shall be as follows:
 - (i) Two regular members appointed to a term of one year each;
 - (ii) Three regular members appointed to a term of two years each;
 - (iii) Two regular members appointed to a term of three years each;
 - (iv) Up to two alternate members appointed to a term of three years each.
- (b) Effective October 1, 2007, all subsequent appointments made after

the initial appointments shall be for a term of three years. In the event of a vacancy in the membership of the Board created by the resignation, disability or death of any member during the term of his or her appointment, the City Council shall appoint a qualified person to fill the remaining term of any Board member who resigns, becomes incapacitated or dies. Any member of the Board may be reappointed for one or more additional terms by resolution of the City Council.

(c) The members of the Board shall elect a chair who shall be a voting member and vice chair from among the regular members of the Board. The presence of four or more members of the Board shall constitute a quorum of the Board. Members of the Board shall serve without compensation, but may be reimbursed for mileage and per diem expenses as may be authorized by the City Council, or as otherwise provided for by law.

(d) If a member fails to attend two of three successive meetings without cause and without prior approval of the chairperson of the Board, the Board shall declare the member's office vacant and the City Council shall promptly fill such vacancy. The members of the Board shall serve in accordance with all ordinances of the City and may be suspended or removed for cause by the City Council.

(e) The City may appoint an attorney, other than the city attorney, to

be legal counsel to the Board. The city attorney shall represent the City on all matters relating to or pending before the Board.

2. **Creation of the Position of Special Magistrate.**

There is hereby created the position of Code Enforcement Special Magistrate (the "Special Magistrate") who shall be appointed by resolution of the City Council for a term not to exceed three (3) years and shall be compensated for his or her services in an amount provided for by the resolution. The Special Magistrate shall have the authority to hold hearings, command compliance with the City code, and impose administrative fines, and other non-criminal penalties, and otherwise provide an equitable, expeditious, effective, and cost-effective method of enforcing codes and ordinances. The Special Magistrate so appointed shall have all authority conferred upon special magistrates and code enforcement boards by Chapter 162, Florida Statutes, and such additional authority as may be created and placed upon them bylaw, including by ordinance of the City Council.

3. **Applicability**

The Board or Special Magistrate may enforce and have jurisdiction to enforce all City codes and ordinances.

(a) The Board or Special Magistrate shall enforce and have jurisdiction to enforce all City codes and ordinances.

(b) The provisions of these sections shall not apply to the enforcement pursuant to Florida Statutes, Section 553.79 and 553.80, of

Building Codes adopted pursuant to Florida Statutes Section 553.73, as they apply to construction, providing that a building permit is either not required or has been issued by the City. For the purpose of this subsection, the term "Building Codes" means only those codes adopted pursuant to Florida Statutes, Section 553.73.

(c) Special Magistrate shall mean the hearing officer designated by the City Council as Special Magistrate having the authority to conduct quasi judicial hearings and assess fines against code violators and such other authority as may be conferred by Florida Statutes, Chapter 162, or any other law. The City Council may, by ordinance, confer additional authority and responsibility upon the Special Magistrate, including the responsibility and authority to serve as hearing officers in proceedings not involving municipal code violations.

(d) Neither the Special Magistrate nor any member of the Board shall have the power to initiate enforcement proceedings.

(e) Special Magistrates shall be members of the Florida Bar in good standing, shall have no less than five (5) years experience practicing law, which experience shall include courtroom and administrative hearing experience. Special magistrates shall not be employees of the City or hold any other office with the City government. Special magistrates appointed by the City Council shall hold office until such time as they are

removed with or without cause by the City Council, and shall comply with the Code of Ethics of the State of Florida and the City of Lake City,

(f) The City Council may by ordinance specify that the Special Magistrate appointed under this section may perform additional duties as hearing officer conducting quasi judicial hearings as City Council may in its discretion so designate.

Sec. 2-415. Enforcement procedure.

(a) It shall be the duty of the code inspector to initiate enforcement proceedings of the various ordinances of the City; however, no member of the Board or Special Magistrate shall have the power to initiate such enforcement proceedings.

(b) Except as provided in subsection (c) hereof, if a violation of the ordinances of the City is found, the code inspector shall notify the violator and give him or her a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector shall notify the Board or Special Magistrate and request a hearing. The Board or Special Magistrate, through their respective clerical staff, shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed to said violator as provided for in section 2-421 below. At the option of the Board or Special Magistrate notice may additionally be served by publication or posting as provided for in section 2-421 below, or served by any other means of legal process. If the violation is corrected and then re-occurs, or if the violation is not corrected by the time specified for correction by the code inspector, the

case may be presented to the Board or Special Magistrate even if the violation has been corrected prior to the Board or Special Magistrate hearing, and the notice shall so state.

(c) If a repeat violation is found, the code inspector shall notify the violator, but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, shall notify the Board or Special Magistrate and request a hearing. The Board or Special Magistrate, through their respective clerical staff, shall schedule a hearing and shall provide notice pursuant to section 2-421 hereof. The case may be presented to the Board or Special Magistrate even if the repeat violation has been corrected prior to the Board or Special Magistrate hearing, and the notice shall so state. If the repeat violation has been corrected, the Board or Special Magistrate retains the right to schedule a hearing to determine cost and impose the payment of reasonable enforcement fees upon the repeat violator. The repeat violator may choose to waive his or her rights to this hearing and pay said cost as determined by the Board or Special Magistrate.

(d) If the code inspector has reason to believe a violation presents a serious threat to the public health, safety, and welfare, the code inspector shall make a reasonable effort to notify the violator and may immediately notify the Board or Special Magistrate and request a hearing.

(e) If the owner of property, which is subject to an enforcement proceeding before the Board or Special Magistrate, transfers ownership of such property between

the time the initial pleading was served and the time of the hearing, such owner shall:

- (1) Disclose in writing the existence and the nature of the proceedings to the prospective transferee;
- (2) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceedings received by the transferor;
- (3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceedings;
- (4) File a notice with the code enforcement officer of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner within five days after the date of the transfer.

A failure to make the disclosures described in paragraphs (1), (2) and (3) above before the transfer creates a rebuttal presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is heard.

Sec. 2-416. Conduct of hearing.

(a) Upon request of the code inspector, or at such other times as may be necessary, the chairman of the Board may call a hearing of the Board relating to a code violation. A hearing also may be called by written notice signed by at least three members of the Board. The Special Magistrate shall have the power and authority to call a hearing relating to any code violation which has been previously referred to him or

her by the code inspector. Minutes shall be kept of all hearings by the Board or Special Magistrate and all hearings and proceedings shall be open to the public. City Council shall provide clerical and administrative personnel as may be reasonably required by the Board or Special Magistrate for the proper enforcement of their respective duties.

(b) Each case before the Board or Special Magistrate shall be presented by the city attorney or by a member of the administrative staff of the City. If the City prevails in prosecuting a case before the Board or Special Magistrate, it shall be entitled to recover all costs incurred in prosecuting the case before the Board or Special Magistrate and such costs may be included in the lien authorized under section 2-418 of this article.

(c) The Board or Special Magistrate shall proceed to hear the cases on the agenda for that day. All testimonies shall be under oath and shall be recorded. The Board or Special Magistrate shall take testimony from the code inspector and the alleged violator, as well as from any other witnesses proffered by either the code inspector or the alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(d) At the conclusion of the hearing, the Board or Special Magistrate shall issue findings of fact, based on evidence of record, and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted herein. In hearings before the Board, the finding shall be by motion approved by a majority of those members present and voting. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed and, under the conditions specified in subsection 2-418(a), the cost of repairs may be included along

with the fine if the order is not complied with by said date. A certified copy of such order may be recorded in the public records of Columbia County, Florida, and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the Board or Special Magistrate shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing shall not be required to issue such an order acknowledging compliance.

Sec. 2-417. Powers of Enforcement Board and Special Magistrate.

1. The Board shall have the power to:
 - (a) Adopt rules for the conduct of its hearing;
 - (b) Subpoena alleged violators and witnesses to the hearings.
Subpoenas may be served by the chief of police of the City or its designated officers, the Sheriff of Columbia County, or any other lawful process server.
 - (c) Subpoena evidence;
 - (d) Take testimony under oath;
 - (e) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.
2. The Special Magistrate shall have the authority and power to hold hearings, command compliance, and assess fines against violators of the

City codes and ordinances and have the authority to:

(a) Subpoena alleged violators and witnesses to hearings through service by the Chief of Police if the person or entity being subpoenaed is located in the City limits, or through service by the Columbia County Sheriff.

(b) Subpoena evidence to hearings.

(c) Take testimony under oath or affirmation.

(d) Issue orders having the force of law to command whatever steps may be reasonably necessary to bring a violation into compliance, and conduct hearings in an orderly manner in accordance with the requirements of due process and all requirements of law; impose fines upon violators and persons responsible pursuant to law; upon entering a finding that a violation or repeat violation exists, the special magistrate may simultaneously, or at a later time, direct the responsible party to take steps to cure the violation within a reasonable, specified period of time and may further direct that in the event that the responsible party fails to cure the violation in the time specified, the City may enter upon the property and cure or remove the violation, either by doing so directly or by a third party contract. The order shall further provide that in the event the City cures or removes the violation itself, or by third party contract, the reasonable cost to the City for the time, labor, and expenses or contract payment shall be borne by the responsible party and shall become a lien upon any and all real or personal property of the responsible party

wherever situated, enforceable according to law. Such lien and the debt which it reflects, shall constitute a special assessment by the City upon the property which was the subject of the violation for the improvement of such property. The priority of code enforcement liens shall be determined upon the date of recording of the lien.

Sec. 2-418. Administrative fines; cost of repairs, liens.

(a) The Board or Special Magistrate, upon notification by the code inspector that an order of the Board or Special Magistrate has not been complied with by the time set or, upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the Board or Special Magistrate for compliance or, in the case of repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code inspector. In addition, if the violation is a violation described in section 2-415, subsection (d), the Board or Special Magistrate shall notify the City Council, which may make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this section. Making such repairs does not create a continuing obligation on the part of the City Council to make further repairs or to maintain the property and does not create any liability against the City or the City Council for any damages to the property if such repairs are completed in good faith. If a finding of a violation or a repeat violation has been made as provided for in this section, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due notice and hearing, the Board or

Special Magistrate finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in subsection (b)(1) of this section.

(b) (1) A fine imposed pursuant to this section shall not exceed \$250.00 per day for a first violation and shall not exceed \$500.00 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (a) of this section. However, if the Board or Special Magistrate finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000.00 per violation.

(2) In determining the amount of the fine, if any, the Board or Special Magistrate shall consider the following factors:

- a. The gravity of the violation;
- b. Any actions taken by the violator to correct the violation;
- c. Any previous violations committed by the violator.

(3) The Board or Special Magistrate may reduce a fine imposed by this section.

(c) A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records of Columbia County, Florida, and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the Sheriff of Florida, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment, except for enforcement purposes. A fine imposed pursuant to this section shall continue to accrue until the violator comes

into compliance or until judgment is rendered in a suit filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the City, and the City Council may execute a satisfaction or release of lien entered pursuant to this section. After three months from the filing of any such lien which remains unpaid, the Board or Special Magistrate may authorize the city attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien, plus accrued interest. No lien created pursuant to the provisions of this section may be foreclosed on real property which is a homestead under Section 4, Article X of the State Constitution. The money judgment provisions of this section shall not apply to real property or personal property which is covered under Section 4 (a), Article X of the State Constitution.

Sec. 2-419. Duration of lien.

No lien provided under this article shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded, unless within that time an action is commenced pursuant subsection 2-418(b)(2)c in a court of competent jurisdiction. In an action to foreclose on a lien or for a money judgment, the prevailing party is entitled to recover all costs, including a reasonable attorney's fees, that it incurs in this action. The City shall be entitled to collect all costs incurred in recording and satisfying a valid lien. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.

Sec. 2-420. Appeals.

An aggrieved party, including a local governing body, may appeal a final administrative order of the Board or Special Magistrate to the circuit court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Board or Special Magistrate. An appeal shall be filed within 30 days of the execution of the order to the appeal. The Board or Special Magistrate shall, by rule, establish reasonable charges to be paid by the appealing party for preparation of the record to be appealed.

Sec. 2-421. Notices.

(a) All notices required by this ordinance shall be provided to the alleged violator by:

- (1) Certified mail, return receipt requested, provided if such notice is sent under this section to the owner of the property in question at the address listed in the tax collector's office for tax notices and at any other address provided to the City by such owner and is returned as unclaimed or refused, notice may be provided by posting as described in F.S. ch. 162, section 12, subsection (b)(2)(i) and (ii) and by first-class mail directed to the addresses furnished to the City with a properly executed proof of mailing or affidavit confirming the first-class mailing;
- (2) Hand delivery by the sheriff or other law enforcement officer, code inspector, or any other person designated by the City;
- (3) Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or

(4) In the case of commercial premises, leaving the notice with the manager or other person in charge.

(b) In addition to providing notice as set forth in subsection (a), at the option of the Board or Special Magistrate, notice may also be served by publication or posting as follows:

- (1)
 - a. Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in Columbia County, Florida. The newspaper shall meet such requirements as are prescribed under F.S. ch. 50, for legal and official advertisements.
 - b. Proof of publication shall be made as provided for in F.S. §§ 50.041 and 50.051.
- (2)
 - a. In lieu of publication as described in paragraph (1), such notice may be posted at least ten days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be the main offices of the City designated as City Hall.
 - b. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.
- (3) Notice of publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by

mail as required under subsection (a).

- a. Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (a), together with proof of publication or posting as provided in subsection (b), shall be sufficient to show that the notice requirements of this section have been met, without regard to whether or not the alleged violator actually received such notice.

Sec. 2-422. Jurisdiction.

The Board or Special Magistrate shall have jurisdiction to hear and decide alleged violations of all ordinances in force in the City, unless such ordinances expressly exclude the use of the procedure created by this article for enforcement of the same. The jurisdiction of the Board or Special Magistrate shall not be exclusive. Any alleged violation of any of the ordinances of the City may be pursued by appropriate remedy in court or by enforcement of the criminal penalty provided for in such ordinance, at the option of the administrative official whose responsibility it is to enforce that respective ordinance.

Sec. 2-423. Area embraced.

All territory within the legal boundaries of the City, which are established from time to time, shall be embraced by the provisions of this article.

Section 2. Repeal . All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 3. Severability. Should any section, subsection, sentence, clause,

phrase, or other provision of this ordinance be held invalid 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 4. Inclusion in City Code. 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 that the sections of this ordinance may be renumbered or re-lettered and the word ordinance may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

Section 5. Effective Date. This ordinance shall take effect upon its adoption.

PASSED AND ADOPTED upon first reading the ____ day of _____, 2013

NOTICE PUBLISHED on the ____ day of _____, 2013.

PASSED AND ADOPTED upon second and final reading this ____ day of

_____, 2013.

Mayor-Councilman

ATTEST:

City Auditor and Clerk

APPROVED AS TO FORM AND LEGALITY:

By:

HERBERT F. DARBY
City Attorney

Record of Vote On First Reading

	For	Against	Absent	Abstain
Mayor Witt	_____	_____	_____	_____
Councilmember Jefferson	_____	_____	_____	_____
Councilmember Moses	_____	_____	_____	_____
Councilmember Paulk	_____	_____	_____	_____
Councilmember Ward	_____	_____	_____	_____

Certification

I, AUDREY E. SIKES, City Clerk for the City of Lake City, Florida, hereby certify that the above record vote is an accurate and correct record of the votes taken on this Ordinance by the City Council of the City of Lake City, Florida.

AUDREY E. SIKES
City Clerk

Record of Vote on Second and Final Reading

	For	Against	Absent	Abstain
Mayor Witt	_____	_____	_____	_____
Councilmember Jefferson	_____	_____	_____	_____
Councilmember Moses	_____	_____	_____	_____
Councilmember Paulk	_____	_____	_____	_____
Councilmember Ward	_____	_____	_____	_____

Certification

I, AUDREY E. SIKES, City Clerk for the City of Lake City, Florida, hereby certify that the above record vote is an accurate and correct record of the votes taken on this Ordinance by the City Council of the City of Lake City, Florida.

AUDREY E. SIKES
City Clerk

901

HFD/lss
11/21/2013 (revised)

CITY COUNCIL RESOLUTION NO. 2013-062

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, CONFIRMING THE SELECTION MADE BY A MAJORITY OF THE RESIDENT MEMBER AND FUND MEMBER TRUSTEES OF THE BOARD OF TRUSTEES OF THE GENERAL CITY EMPLOYEES RETIREMENT PLAN TO SERVE AS THE FIFTH MEMBER ON THE BOARD OF TRUSTEES PROVIDED FOR AND REQUIRED BY ORDINANCE NO. 2007-1098.

WHEREAS, ROGER LITTLE, whose term as the Fifth Member of the Board of Trustees of the General City Employees Retirement Plan (the "Board") expired September 30, 2013, but has continued to serve in the absence of a Fifth Member being appointed; and

WHEREAS, ROGER LITTLE has now been appointed by a majority vote of the Board to succeed himself as a Fifth Member of the Board for a term ending September 30, 2015, or until a successor is appointed; and

WHEREAS, the City Council desires to memorialize the appointment of **ROGER LITTLE** as Fifth Member of the Board, as required by Ordinance No. 2007-1098.

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 incorporated herein and made a part of this resolution.

SECTION 2. The election of **ROGER LITTLE** to serve as Fifth Member Trustee of the Board of Trustees of the General City Employees Retirement Plan is hereby confirmed.

SECTION 3. **ROGER LITTLE** is hereby appointed to serve as Fifth Member Trustee of the Board of Trustees of the General City Employees Retirement Plan for a term of two (2) years terminating September 30, 2015, or until a successor is appointed.

SECTION 4. The Fifth Member Trustee herein appointed shall take office upon taking the required oath of office.

SECTION 5. All prior resolutions relating to the appointment of the Fifth Member Trustee of the General City Employees Retirement Plan in conflict with this resolution are repealed.

PASSED AND ADOPTED at a meeting of the City Council this _____ day of _____, 2013.

Mayor-Councilman

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

By: _____
Herbert F. Darby, City Attorney