

**AGENDA
CITY OF CHIEFLAND
CITY COMMISSION MEETING
November 22, 2021 6:00 PM**

<u>PAGE</u>	
	I. CALL TO ORDER
	II. INVOCATION/PLEDGE OF ALLEGIANCE
	III. VISITORS
	A. Raven - Higher Anointing Church
	B. David Greenbaum - City of Chiefland Building Official
	C. Michael Dockery - Chiefland Neighborhood Task Force
	IV. CITY MANAGER - LAURA CAIN
1-3	A. Ordinance Number 21-04 - Marshall & Elaine Moss Trust Comprehensive Plan Amendment (CPA) 21-02 - First Reading
4-6	B. Ordinance Number 21-08 Marshall & Elaine Moss Trust Application Z21-01 Amendement to the City of Chiefland Zoning Map - First Reading
7-10	C. Ordinance Number 21-05 Amending the City of Chiefland Comprehensive Plan Property Rights Element Second and Final Reading
11-14	E. Resolution Number 21-17- Designation of proposed US Bicycle Route 15 USBR15
15-23	F. City Charter
24	G. December Commission Meeting
	V. POLICE CHIEF - SCOTT ANDERSON
	VI. FIRE CHIEF - JAMES HARRIS
	VII. CITY ATTORNEY - NORM D. FUGATE
	VIII. OLD BUSINESS
	IX. NEW BUSINESS
	A. Commissioners New Business
	1. Mayor Jones - Request Special Meeting on December 13, 2021 immediately after regular meeting for City Manager six month evaluation
	B. Public Comment
	X. CORRESPONDENCE
25-28	XI. APPROVAL OF REGULAR MINUTES - November 8, 2021
	XIII. ADJOURN

Date: November 22, 2021

AGENDA ITEM

Topic: Ordinance Number 21-04 - Marshall and Elaine Moss Trust Comprehensive Plan Amendment (CPA) 21-02 - Amending to the City of Chiefland Future Land Use Map - First Reading

Background Description:

The Chiefland Planning Board has made a recommendation to the City Commission regarding the proposed Comprehensive Plan Amendment 21-02.

Ordinance Number 21-04 will amend the City of Chiefland Future Land Use Map in the Comprehensive Plan by changing the land use classification on parcel #00657-000-00 and 00657-001-00 owned by Marshall and Elaine Moss Trust, from a county zone to Highway Commercial 2 (C2).

Recommended Action:

Consider the first reading of Ordinance Number 21-04 amending the Chiefland Comprehensive Plan Future Land Use Map from a county zone to Highway Commercial 2 (C2).

ORDINANCE NO. 21-04

AN ORDINANCE OF THE CITY OF CHIEFLAND, FLORIDA, AMENDING THE CITY OF CHIEFLAND COMPREHENSIVE PLAN, RELATING TO AN AMENDMENT OF 50 OR LESS ACRES OF LAND TO THE FUTURE LAND USE PLAN MAP OF THE CITY OF CHIEFLAND COMPREHENSIVE PLAN, PURSUANT TO AN APPLICATION, CPA 21-02, BY THE PROPERTY OWNER OF SAID ACREAGE, UNDER THE AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3248 FLORIDA STATUTES, AS AMENDED; PROVIDING FOR A CHANGE IN THE LAND USE CLASSIFICATION FROM COUNTY COMMERCIAL TO CITY COMMERCIAL OF CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF CHIEFLAND, FLORIDA; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, as amended empowers the City Commission of the City of Chiefland Florida, hereinafter referred to as the City Commission, to prepare, adopt and implement a comprehensive plan;

WHEREAS, Sections 163.3161 through 163.3248, Florida Statutes, as amended, the Community Planning Act, empowers and requires the City Commission to prepare, adopt and implement a comprehensive plan;

WHEREAS, an application for an amendment, as described below, has been filed with the City;

WHEREAS, the City Commission, has been designated as the Planning Board of the City of Chiefland, Florida, hereinafter referred to as the Planning Board;

WHEREAS, the Planning Board, has been designated as the Local Planning Agency of the City of Chiefland, Florida, hereinafter referred to as the Local Planning Agency;

WHEREAS, pursuant to Section 163.3174, Florida Statutes, as amended and the Land Development Regulation Code, the City Commission, serving as the Planning Board and the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, and at said public hearing, the City Commission, serving as the Planning Board and the Local Planning Agency, reviewed and considered all comments received during said public hearing and the Concurrency Management Assessment concerning said application for an amendment, as described below, and recommended to the City Commission approval of said application for an amendment, as described below;

WHEREAS, the City Commission held the required public hearing, with public notice having been provided, under the procedures established in Sections 163.3161 through 163.3248, Florida Statutes, as amended, on said application for amendment, as described below, and at said public hearing, the City Commission reviewed and considered all comments received during said public hearing, including the recommendation of the City Commission, serving as the Planning Board and Local Planning Agency, and the Concurrency Management Assessment concerning said application for an amendment, as described below;

WHEREAS, the City Commission has determined and found said application for an amendment, as described below, to be compatible with the Land Use Element objectives and policies, and those of other affected elements of the Comprehensive Plan; and

WHEREAS, the City Commission has determined and found that approval of said application for an amendment, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CHIEFLAND, FLORIDA, AS FOLLOWS:

Section 1. Pursuant to an application, CPA 21-02, by Bobearah Holdings LLC, Elaine Moss Revocable Trust and Marshall Moss Trust, to amend the Future Land Use Plan Map of the Comprehensive Plan by changing the land use classification of certain lands, the land use classification is hereby changed from COUNTY COMMERCIAL to CITY COMMERCIAL on property described, as follows

Parcel Nos. 00657-000-00 and 00657-001-00

A parcel of land lying within Section 23, Township 11 South, Range 14 East, Levy County, Florida. Being more particularly described, as follows: Commence at the Southeast corner of said Section 23; thence North 00°07'12" West 1,340.70 feet, along the center line of County Road 341 (NW 14th Street); thence North 89°09' 37" West 420.04 feet to the Point of Beginning; thence continue North 89°09'37" West 899.96 feet; thence South 00°09'52" East 195.89 feet; thence South 28°02'34" East 299.72 feet; thence South 88°28'44" East 957.24 feet to the West right-of-way line of U.S. Highway 19 (State Road 55); thence North 22°46'58" West 512.64 feet to the Point of Beginning.

Containing 10.18 acres, more or less.

Section 2. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 3. Conflict. All ordinances or portions of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This ordinance shall become effective upon adoption.

The effective date of this plan amendment, if the amendment is not timely challenged, shall be thirty-one (31) days after the Florida Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Florida Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Economic Opportunity.

Section 5. Authority. This ordinance is adopted pursuant to the authority granted by Section 166.021, Florida Statutes, as amended and Sections 163.3161 through 163.3248, Florida Statutes, as amended.

PASSED UPON FIRST READING on the 22nd day of November 2021.

PASSED AND DULY ADOPTED UPON SECOND AND FINAL READING, in regular session, with a quorum present and voting, by the City Commission this _____ day of _____ 2021.

Attest:

CITY COMMISSION OF THE
CITY OF CHIEFLAND, FLORIDA

Laura Cain, City Clerk

Chris Jones, Mayor

Date: November 22, 2021

AGENDA ITEM

**Topic: Ordinance Number 21-08 - Marshall and Elaine Moss Trust Application Z21-01
Amendment to the City of Chiefland Zoning Map of the City of Chiefland Land
Development Regulations Code - First Reading**

Background Description:

The Chiefland Planning Board has made a recommendation to the City Commission regarding the proposed amendment to the City of Chiefland Zoning Map.

Ordinance Number 21-08 will amend the City of Chiefland Zoning Map in the Land Development Regulation Code changing the zoning classification on parcel 00657-000-00 and parcel 00657-001-00 from a County zone to Highway Commercial 2 (C2).

Recommended Action:

Consider the first reading of Ordinance Number 21-08 amending the Zoning Map in the City of Chiefland Land Development Regulation Code from County zone to Highway Commercial 2 (C2) on parcel 00657-000-00 and parcel 00657-001-00.

ORDINANCE NO. 21-08

AN ORDINANCE OF THE CITY OF CHIEFLAND, FLORIDA, AMENDING THE CITY OF CHIEFLAND LAND DEVELOPMENT REGULATIONS CODE, AS AMENDED; RELATING TO THE REZONING OF TEN OR MORE CONTIGUOUS ACRES OF LAND, PURSUANT TO AN APPLICATION, Z 21-01, BY THE PROPERTY OWNERS OF SAID ACREAGE; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHIEFLAND LAND DEVELOPMENT REGULATIONS CODE; PROVIDING FOR ESTABLISHING THE ZONING DISTRICT OF HIGHWAY COMMERCIAL-2 (C-2) OF CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF CHIEFLAND, FLORIDA; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, as amended, empowers the City Commission of City of Chiefland, Florida, hereinafter referred to as the City Commission, to prepare, adopt and enforce Land Development Regulations Code;

WHEREAS, Sections 163.3161 through 163.3248, Florida Statutes, requires the City Commission to prepare and adopt regulations concerning the use of land and water to implement the Comprehensive Plan;

WHEREAS, an application for an amendment, as described below, has been filed with the City;

WHEREAS, the City Commission has been designated as the Planning Board of the City of Chiefland, Florida, hereinafter referred to as the Planning Board;

WHEREAS, the Planning Board has been designated as the Local Planning Agency of the City of Chiefland, Florida, hereinafter referred to as the Local Planning Agency;

WHEREAS, pursuant to Section 163.3174, Florida Statutes, as amended, and the Land Development Regulations Code, the City Commission, serving as the Planning Board and the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, and at said public hearing, the City Commission, serving as the Planning Board and the Local Planning Agency, reviewed and considered all comments received during said public hearing and the Concurrency Management Assessment concerning said application for an amendment, as described below, and recommended to the City Commission approval of said application for an amendment, as described below;

WHEREAS, pursuant to Section 166.041, Florida Statutes, the City Commission held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, and at said public hearing, the City Commission reviewed and considered all comments received during said public hearing, including the recommendation of the City Commission, serving as the Planning Board and the Local Planning Agency, and the Concurrency Management Assessment concerning said application for an amendment, as described below; and

WHEREAS, the City Commission has determined and found that approval of said application for an amendment, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CHIEFLAND, FLORIDA, AS FOLLOWS:

Section 1. Pursuant to an application, Z 21-01, by Bobearah Holdings LLC, Elaine Moss Revocable Trust and Marshall Moss Trust, to amend the Official Zoning Map of the Land Development Regulations Code by establishing the zoning district of certain lands, the zoning district of HIGHWAY COMMERCIAL-2 (C-2) is hereby established on property described, as follows:

Parcel Nos. 00657-000-00 and 00657-001-00

A parcel of land lying within Section 23, Township 11 South, Range 14 East, Levy County, Florida. Being more particularly described, as follows: Commence at the Southeast corner of said Section 23; thence North 00°07'12" West 1,340.70 feet, along the center line of County Road 341 (NW 14th Street); thence North 89°09' 37" West 420.04 feet to the Point of Beginning; thence continue North 89°09'37" West 899.96 feet; thence South 00°09'52" East 195.89 feet; thence South 28°02'34" East 299.72 feet; thence South 88°28'44" East 957.24 feet to the West right-of-way line of U.S. Highway 19 (State Road 55); thence North 22°46'58" West 512.64 feet to the Point of Beginning.

Containing 10.18 acres, more or less.

Section 2. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 3. Conflict. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 4. Effective Date. This ordinance shall become effective upon adoption.

The effective date of this amendment, Z 21-01, to the Official Zoning Map shall be the same date as the effective date of Future Land Use Plan Map Amendment, CPA 21-02. If Future Land Use Plan Map Amendment, CPA 21-02, does not become effective, this amendment, Z 21-01, to the Official Zoning Map shall not become effective. No development orders, development permits or land uses dependent on this amendment, Z 21-02, to the Official Zoning Map may be issued or commence before it has become effective.

Section 5. Authority. This ordinance is adopted pursuant to the authority granted by Section 166.021, Florida Statutes, as amended, and Sections 163.3161 through 163.3248, Florida Statutes, as amended.

PASSED ON FIRST READING, this 22nd day of November 2021.

PASSED AND DULY ADOPTED, in regular session with a quorum present and voting,

by the City Commission this _____ day of _____ 2021.

Attest:

CITY COMMISSION OF THE
CITY OF CHIEFLAND, FLORIDA

Laura Cain, City Clerk

Chris Jones, Mayor

Date: November 22, 2021

AGENDA ITEM

Topic: Ordinance Number 21-05 Amending the City of Chiefland Comprehensive Plan Amendment - Property Rights Element - Second and Final Reading

Background Description:

Pursuant to Amendment Application Number CPA 21-01, Ordinance Number 2105 amends the City of Chiefland Comprehensive Plan Amendment

Fiscal Impact:

N/A

Recommended Action:

Motion to approve the second and final reading of Ordinance Number 21-05 amending the Comprehensive Plan.

ORDINANCE NO. 21-05

AN ORDINANCE OF THE CITY OF CHIEFLAND, FLORIDA, RELATING TO AMENDING THE TEXT OF THE CITY OF CHIEFLAND COMPREHENSIVE PLAN, PURSUANT TO AN APPLICATION, CPA 21-01 BY THE CITY COMMISSION, UNDER THE AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3248, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR ADDING A PROPERTY RIGHTS ELEMENT TO THE COMPREHENSIVE PLAN PER SECTION 163.3161(10), FLORIDA STATUTES, AS AMENDED AND SECTION 187.101(3), FLORIDA STATUTES, AS AMENDED; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, as amended empowers the City Commission of the City of Chiefland Florida, hereinafter referred to as the City Commission, to prepare, adopt and implement a comprehensive plan;

WHEREAS, Sections 163.3161 through 163.3248, Florida Statutes, as amended, the Community Planning Act, empowers and requires the City Commission to prepare, adopt and implement a comprehensive plan;

WHEREAS, an application for an amendment, as described below, has been filed with the City;

WHEREAS, the City Commission, has been designated as the Planning Board of the City of Chiefland, Florida, hereinafter referred to as the Planning Board;

WHEREAS, the Planning Board, has been designated as the Local Planning Agency of the City of Chiefland, Florida, hereinafter referred to as the Local Planning Agency;

WHEREAS, pursuant to Section 163.3174, Florida Statutes, as amended and the Land Development Regulation Code, the City Commission, serving as the Planning Board and the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, and at said public hearing, the City Commission, serving as the Planning Board and the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for an amendment, as described below, and recommended to the City Commission approval of said application for an amendment, as described below;

WHEREAS, the City Commission held the required public hearings, with public notice having been provided, under the procedures established in Sections 163.3161 through 163.3248, Florida Statutes, as amended, on said application for amendment, as described below, and at said public hearings, the City Commission reviewed and considered all comments received during said public hearings, including the recommendation of the City Commission, serving as the Planning Board and Local Planning Agency, concerning said application for an amendment, as described below;

WHEREAS, the City Commission has determined and found said application for an amendment, as described below, to be compatible with the Land Use Element objectives and policies, and those of other affected elements of the Comprehensive Plan; and

WHEREAS, the City Commission has determined and found that approval of said application for an amendment, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CHIEFLAND, FLORIDA, AS FOLLOWS:

Section 1. Pursuant to an application, CPA 21-01 by the City Commission, to amend the text of the Comprehensive Plan, a Property Rights Element is hereby added to read, as follows:

XI

PROPERTY RIGHTS ELEMENT

INTRODUCTION

The following goal, objective and policies constitute the Property Rights Element, in accordance with the legislative intent expressed in Section 163.3161(10), Florida Statutes, as amended, and Section 187.101(3), Florida Statutes, as amended.

PROPERTY RIGHTS GOAL, OBJECTIVE AND POLICIES

GOAL XI - RECOGNIZE AND RESPECT JUDICIALLY ACKNOWLEDGED AND CONSTITUTIONALLY PROTECTED PRIVATE PROPERTY RIGHTS.

OBJECTIVE XI.1 **In local decision making, the City shall consider the statement of rights as enumerated in Policy XI.1.1, Policy XI.1.2, Policy XI.1.3, and Policy XI.1.4.**

Policy XI.1.1 **In local decision making, the City shall consider the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.**

Policy XI.1.2 **In local decision making, the City shall consider the right of a property owner to use, maintain, develop and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.**

Policy XI.1.3 **In local decision making, the City shall consider the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.**

Policy XI.1.4 **In local decision making, the City shall consider the right of a property owner to dispose of his or her property through sale or gift.**

Section 2. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 3. Conflict. All ordinances or portions of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This ordinance shall become effective upon adoption.

The effective date of this plan amendment, if the amendment is not timely challenged, shall be thirty-one (31) days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance.

Section 5. Codifier. All text shown in ~~bold and strike through~~ is to be deleted. All text shown in **bold and underline** is adopted.

Section 6. Authority. This ordinance is adopted pursuant to the authority granted by Section 166.021, Florida Statutes, as amended and Sections 163.3161 through 163.3248, Florida Statutes, as amended.

PASSED UPON FIRST READING on the 11th day of October 2021.

PASSED AND DULY ADOPTED UPON SECOND AND FINAL READING, in regular session, with a quorum present and voting, by the City Commission this _____ day of _____ 2021.

Attest:

CITY COMMISSION OF THE
CITY OF CHIEFLAND, FLORIDA

Laura Cain, City Clerk

Chris Jones, Mayor

Date: November 22, 2021

AGENDA ITEM

**Topic: Resolution Number 21-17 the Designation of Proposed U.S. Bicycle Route 15
USBR15**

Background Description:

This project is part of a national effort through AASHTO to expand the US Bicycle Route system and is being led by FDOT, Bike Florida, the Florida Bicycle Association and the Adventure Cycling Association. The general route for USBR 15 in Florida is along the Gulf Coast before turning east to Homestead. The proposed route for Chiefland uses streets NW 12th Drive, NW 14th Street, NW 19th Avenue and the Nature Coast Trail.

Fiscal Impact:

No impact.

Recommended Action:

Consider approving Resolution Number 21-17 designating the proposed streets for the Proposed US Bicycle Route 15.

RESOLUTION NUMBER 21-17

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CHIEFLAND, LEVY COUNTY, FLORIDA SUPPORTING THE DESIGNATION OF PROPOSED U.S. BICYCLE ROUTE 15 (USBR15)

WHEREAS, Bicycle tourism is a growing industry in North America, contributing \$47 billion a year to the economies of communities that provide facilities for such tourists; and

WHEREAS, The American Association of State Highway and Transportation Officials (AASHTO) has designated a corridor crossing Florida to be developed as United States Bicycle Route 15 (USBR 15), and

WHEREAS, The Adventure Cycling Association, Bike Florida, and the Florida Bicycle Association, with the cooperation of FDOT, have proposed specific route to be designated as USBR 15 using NW 12th Drive, NW 14th Street, NW 19th Street and the Nature Coast State Trail, and

WHEREAS, The proposed route for USBR 15 comes through Chiefland and can therefore provide benefits to our city, and

WHEREAS, We have investigated the proposed route and found it to be a suitable route, and desire that the route be designated so that it can be mapped and signed, thereby promoting bicycle tourism in our area,

WHEREAS, The Plan has been updated to ensure consistency with the federal Disaster Mitigation Act 2000; and

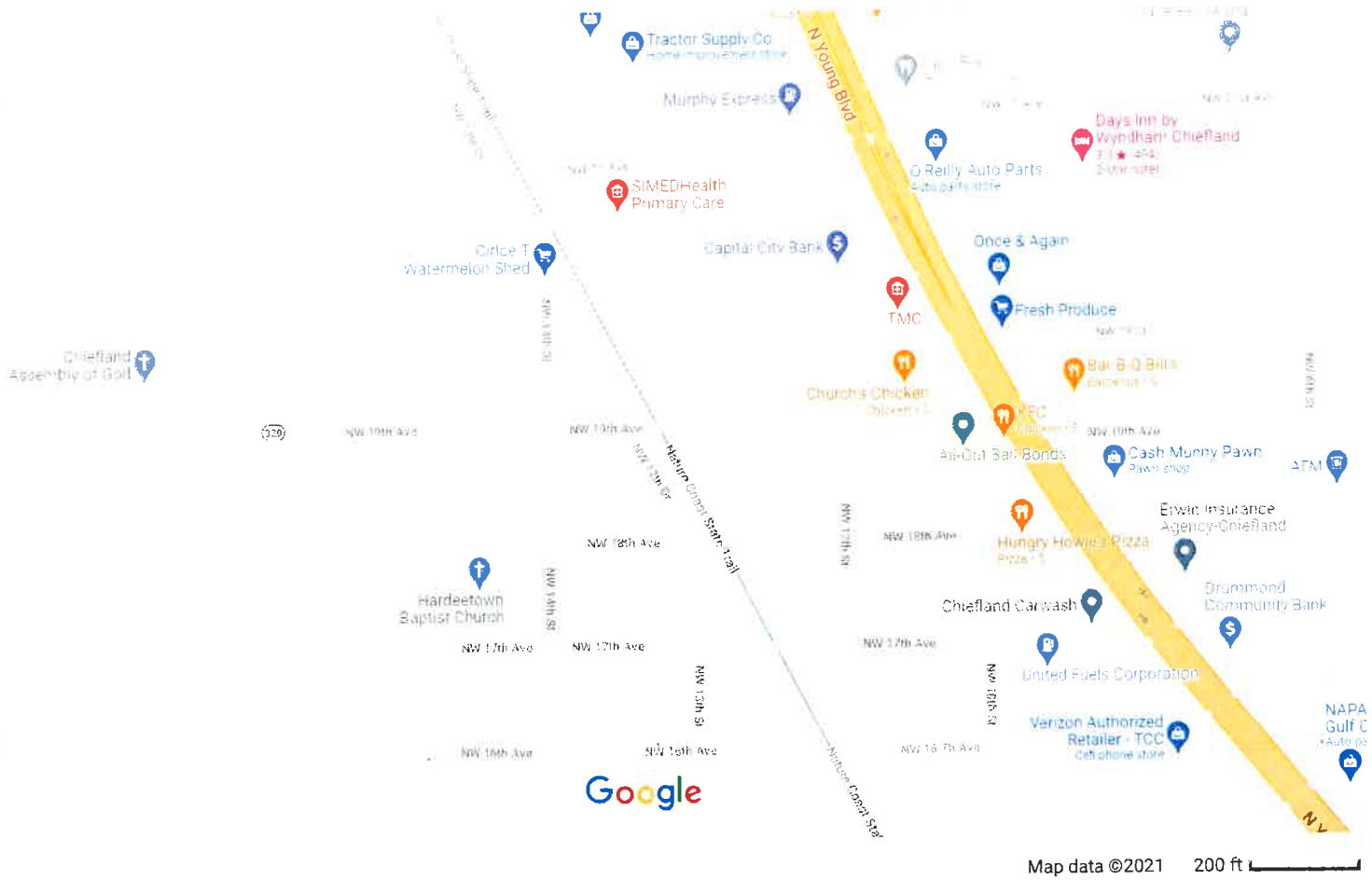
NOW, THEREFORE BE IT RESOLVED, that Chiefland hereby expresses its approval and support for the development of USBR 15, and requests that FDOT get the route officially designated by AASHTO as soon as this can be achieved, and authorizes the posting of signs within Chiefland right-of-way identifying the route through the city once the official designation has been made.

APPROVED, this 22nd day of November, 2021 by the City Commission of the City of Chiefland, Levy County, Florida.

Attest;

Laura Cain, City Manager

Chris Jones, Mayor/Commissioner





Date: November 22, 2021

AGENDA ITEM

Topic: City Charter

Background Description:

At the last Commission meeting the city charter was mentioned that some sections needed to be changed. The charter is attached to determine if the Commission wants to begin the process of changing the charter.

Fiscal Impact:

N/A

Recommended Action:

Information only.

PART I
CHARTER*

- | | |
|---------|--|
| Sec. 1. | Abolishment of present municipality and establishment of new municipality. |
| Sec. 2. | Prior acts, property, unpaid taxes, etc., and officials of abolished municipality. |
| Sec. 3. | Boundaries of municipality created. |
| Sec. 4. | Powers of municipality. |
| Sec. 5. | Governing body of the city. |
| Sec. 6. | [Elections.] |
| Sec. 7. | Qualification and registration of voters. |
| Sec. 8. | [Severability.] |
| Sec. 9. | [Effective date.] |

*Editor's note—Printed herein is the home rule charter of the City of Chiefland, Florida, as adopted by Laws of Fla. ch. 82-278. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.
State law reference—Municipal Home Rule Powers Act, F.S. ch. 166.

Section 1. Abolishment of present municipality and establishment of new municipality.

That the municipal organization now existing and known as the City of Chiefland, in Levy County, Florida, be and the same is hereby abolished, and a new municipality to be known as the City of Chiefland, in Levy County, Florida, is hereby created and established to succeed such former municipality of the City of Chiefland, Florida; that the municipality hereby created and known as the City of Chiefland, Florida, shall assume and be liable for all the obligations and indebtedness of said former City.

Section 2. Prior acts, property, unpaid taxes, etc., and officials of abolished municipality.

All existing ordinances and resolutions of the prior municipality of City of Chiefland, Florida, regularly passed, promulgated and enrolled on the date of the passage of this Act shall remain in effect and unimpaired until repealed, amended or modified by the new municipality, which is hereby organized and created, provided such ordinances and resolutions be not inconsistent with the provisions of this Act.

That the title, rights and ownership of property, uncollected taxes, dues, claims, judgments, decrees and choses in action, held or owned by [the] City of Chiefland, shall pass to and be vested in the municipal corporation organized under this Act to succeed the municipality abolished.

That all officers heretofore elected or appointed and holding office under the said former municipality shall continue to hold their respective office under the said new municipality and to discharge the duties thereof and receive the emoluments thereof until their successors are elected and/or appointed and qualified under the provisions of this Act.

Section 3. Boundaries of municipality created.

The Territorial Boundaries of [the] City of Chiefland shall encompass and include all of the following described lands, to-wit:

All of Section 1, Township 12 South, Range 14 East; the N $\frac{1}{2}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, NW

$\frac{1}{4}$ of SW $\frac{1}{2}$ and that portion of the S $\frac{1}{2}$ of SW $\frac{1}{4}$ lying West of U.S. Highway No. 19 of Section 6, Township 12 South, Range 15 East; All of Section 36, Township 11 South, Range 14 East; W $\frac{1}{2}$ of W $\frac{1}{2}$ and E $\frac{1}{2}$ of SW $\frac{1}{4}$ and S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 31, Township 11 South, Range 15 East; W $\frac{1}{2}$ and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 25, Township 11 South, Range 14 East; and the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 26, Township 11 South, Range 14 East, in the County of Levy, State of Florida.

Editor's note—The current boundaries are on file in the office of the city clerk. See Ord. No. 82-1, 92-02, 92-06, 97-12 and 00-09.

State law reference—Home rule powers generally, F.S. § 166.021.

Section 4. Powers of municipality.

That said municipality in addition to the specific powers granted herein, is also hereby granted all the powers given to such municipal corporations under the General Laws of the State of Florida, unless otherwise provided herein.

Section 5. Governing body of the city.

All corporate authority of the City of Chiefland shall be vested in a City Commission hereby created by this Act. Said commission shall be composed of five Commissioners, each of whom shall be a qualified voter of the City of Chiefland and who shall be elected on a general ticket to hold office for a term of two years beginning on the first Monday of the month following their election. If a vacancy occurs in the Commission, it shall be filled by a majority vote of the remaining members of the Commission until the next general city election, at which time the new commissioner shall be elected for the unexpired term.

1. The Commission shall be elected by groups and each candidate shall at the time of qualifying, designate the group in which such candidate will run. To effectuate the provisions of this Act, the seats of the present members of the City Commission prior to passage of this Act are designated as follows. Bob Leynes, Group 1; Charles P. King, Jr., Group 2; William S. Cason, Group 3; Freddie R. Moody, Group 4; Robert B. McCallum, Jr., Group 5. The

Commissioner of each even-numbered group shall be elected at the annual city election on the 1st Tuesday in August of 1982 for a term of two years and Commissioners of odd-numbered groups shall be elected at the annual City election held on the 1st Tuesday of August 1983 for a term of two years. Regular municipal elections shall be annual and each candidate shall run for office as an individual, not as representative of a party. The members of the commission prior to passage of this Act shall remain in and hold office until their successors shall have been duly elected and qualified under the Election Provisions hereinafter provided.

2. Powers of the City Commission. The City Commission, acting for the Municipality created under this Act, in addition to the powers herein, shall have the powers granted to such Municipal corporations under the General Laws of the State of Florida, unless otherwise provided herein.

A. City employees to be appointed by commissioners. The City Commission shall provide for the offices of City Manager, who is Ex Officio City Clerk, City Attorney, Chief of Police and Fire Chief, but shall not be restricted in such a manner as to prevent creation of other offices as deemed necessary. Any of these offices may be combined under one or more employees by the Commissioners, at their discretion, unless otherwise provided by this Charter or by General Law of Florida.

- (1) City Manager. The City Commission shall appoint a city manager who shall be Ex Officio City Clerk and shall function as the administrative head of all city departments except the Police Department, the Legal Department and the Fire Department. The City Manager shall be responsible to the City Commission for the carrying out of his duties as as-

signed. The City Manager's duties shall be specified by the City Commission and may, solely at their discretion, include any other duties not specifically provided for otherwise in this Act.

- (2) Fire Chief. The Fire Chief shall be appointed by the City Commission and shall function under the direction of the City Commission. The City Commission may authorize its fire department to operate outside the City Limits.
- (3) Chief of Police. The Chief of Police shall be appointed by the City Commission and shall enforce the ordinances and promulgations of said City Commission. He shall be under the direction of the City Mayor-Commissioner and directly responsible to the City Commission of the City of Chiefland for all his activities in the carrying out of the intent of all ordinances and rules promulgated by said City Commission and for his conduct in office. The Chief of Police shall attend the meetings of the City Commission during its sessions; execute the commands of the Commission from time to time directed to him; execute the commands of the Court provided by the General Law, enforce the Municipal ordinances of the City of Chiefland, and aid in the enforcement of order therein and perform such other duties as required by Ordinance.
- (4) City Attorney. The City Attorney shall be appointed by the City Commission, and shall function under the direction of the City Commission.
- (5) Other employees of the city. All other employees who are em-

ployed by the various departments of the City of Chiefland shall be subject to the powers of the City Commission to determine the employees needed, and the provision for securing said employees. The City Commission shall have power to provide for said employees at its discretion by Ordinance or orders to the Appointed Officials. This power shall include requirements to be met and salaries to be paid.

B. Bonding of employees. The City Commission of the City of Chiefland shall provide by ordinance for all officials and employees who handle funds of said City of Chiefland to give bonds as shall be provided by the Commission. The City Commission may require bonds of any employee where deemed necessary, and the Commission shall designate the place of deposit of all public moneys of the town, providing for the manner in which same shall be disbursed and paid.

C. General powers.

(1) The City Commission shall have all of the powers set forth in F.S. chs. 165 and 166, and under any other General Law of the State of Florida, except as otherwise provided in this Act of Incorporation.

(2) In order that F.S. § 167.05* be implemented, the City Commission of the City of Chiefland shall have the power to provide service to property owners for abating nuisances and preserving public health at a rate to be set by the City Commission. The City Commission may also make provisions by Ordinance for the mandatory carrying out of this section and shall have the power to do such cleaning

of vacant lots as is required and assess the costs to the owner thereof, where the owner fails to comply with the Ordinances. Said costs shall become a lien against said property, and if not paid, a tax certificate shall issue therefor at the time of sale for unpaid ad valorem taxes by the City, and such certificate shall have the same force, effect and validity as certificates for ad valorem taxes.

- (3) The City Commission shall have the power to levy taxes as provided for in F.S. ch. 166. Any assessment of taxes shall be a lien upon the property assessed from the first day of January of the year in which such assessment shall be made. The City of Chiefland shall have the right to raise by taxation such amount as may be necessary for carrying on the general government of said City, not however, to exceed the rate provided by General Law, on the assessed value of the property in said City, both real and personal. In addition thereto, the City of Chiefland shall have the right to levy such additional taxes as may be necessary to pay interest on outstanding bonds or on such bonds as the City may from time to time issue in accordance with law, and also provide a sinking fund for the redemption of said bonds, and shall further have the right to levy such additional taxes as may be necessary to pay for lighting said City or maintaining said City's waterworks, lighting plant or other revenue producing plants or systems.
- (4) The City of Chiefland shall have power to borrow money as pro-

vided for in F.S. chs. 169†, 170 and 180, 1961 or any other lawful municipal purpose, with the following restrictions: The City is empowered to borrow money for any lawful corporate purpose and to issue bonds to any amount, which, with the existing indebtedness of the City, will not cause its total indebtedness to exceed 20 percent of the assessed value of the taxable property, real and personal, in said City as shown by the last prior assessment roll of said City. Provisions imposing a limitation on the indebtedness and requiring approval at an election shall not apply to issuance of bonds payable exclusively from earnings of a revenue producing undertaking of the said City, nor to refunding bonds to refund other bonds of said City; and further, said City, subject to approval at an election as provided by Statute, may issue its bonds which shall not be included in the foregoing limitation on the indebtedness, for the purpose of supplementing revenue producing funds, in the acquiring, extending or improving a revenue undertaking, including, but not limited to, a waterworks, gas works, electric plant or system, or sewage plant or system; and the City may pledge for the payment of such bonds and interest thereon the net revenues or income from the operation of one or more of the said undertakings.

- (5) It shall be the duty of the Property Appraiser of Levy County, Florida to determine the valuation of all property both Real and Personal and perform all other duties of his office as the same affects the City of

Chiefland, Florida in accordance with the General Laws of the State of Florida.

- (6) All taxes shall be due on the first day of November of each year, or as soon thereafter as said Roll is completed and delivered to the Levy County Tax Collector for collection, and all taxes that remain due and unpaid by April first thereafter shall be delinquent. Collections by the Tax Collector shall be made and had as provided for in F.S. ch. 166. Tax Certificates issued by the Tax Collector shall bear interest at the rate of 12 percent per annum for the first year and 8 percent per annum thereafter, unless a lesser rate be bid at the time of sale. If a lesser rate be bid then the Certificate shall bear interest from date of Certificate at the rate bid.
- (7) The City Commission may, by resolution, from time to time, fix the compensation of any of the officers or employees of the said City.
- (8) The City Commission shall have the power to hold, secure and develop property for City purposes and for the promotion of the general welfare of the community, including developments for cultural, educational and recreational welfare of the City.
- (9) The City Commission is authorized and empowered to, by ordinance, regulate and control, building, plumbing, electrical wiring, health or sanitation, fire prevention, inflammable liquids or any other matter that is a proper municipal legislative matter, and for such purpose or purposes may adopt an independent ordinance or ordinances,

or adopt the provisions of F.S. § 165.191†, or any other Section or Sections of Florida Statutes annotated.

D. Police powers. The City Commission shall have the general police powers set out in F.S. ch. 168**, except as otherwise set out in this Act.

- (1) The said City Commission shall have the power to regulate the operation and speed of all cars and vehicles moving within the City limits of said City, including all regulations necessary for the welfare of the community as to all vehicles traveling on the public streets, crossing public thoroughfares and any vehicles operating in the air where they affect the safety and welfare of the residents of said city. The City Commission shall have the power to set necessary penalties for violation of said Ordinances so passed by [the] City Commission.
- (2) The City shall have the power to license privileges, businesses, occupations, employments and professions carried on or engaged in within the City Limits, and the amounts of any license tax imposed shall not be dependent upon the general revenue laws of the State, but may be fixed by the Ordinances of the City of Chiefland.
- (3) No penalty for the violations of any of the penal Ordinances of the City shall exceed a fine of \$300.00 or imprisonment to exceed 60 days, or both.
- (4) The City Commission shall have authority to cause to be prepared a code or digest of City Ordinances, which may be adopted by the Commission by a single Ordinance.

(5) The Chief of Police and every member of the Police force shall have the power and authority to immediately arrest, with or without warrant, and take into custody, any person who shall commit, threaten or attempt to commit, in his presence or within his view, any offense prohibited by the Ordinances of the City, and he shall without unnecessary delay, upon making such arrest, bring the offender or offenders before the court provided by General Law to be dealt with according to law. It shall be lawful for the Chief of Police or any policemen of the City to make lawful arrest and execute warrants issued by the proper authority of the City on Sunday.

3. Mayor-Commissioner. The City Commission shall, at the time of annual organization elect one of its members as Mayor-Commissioner of the City. In case the members of the Commission are unable to agree as to the new Mayor-Commissioner at the annual organizational meeting of the City Commission, the immediate prior Mayor-Commissioner shall continue as Mayor-Commissioner until his successor in office shall have been elected and qualified, whether he be a member of the new City Commission or not.
4. Powers of Mayor-Commissioners. The Mayor-Commissioner shall preside at all meetings of the Commission and perform such other duties consistent with the office as may be imposed by it; he shall have a vote in the proceedings of the Commission but no veto power. It shall be the duty of the Mayor-Commissioner to see that all ordinances of the City Commission are executed. He shall use the title Mayor-Commissioner in the execution of all instruments and documents, first authorized by the Commission to be executed, in fulfilling his duty as the Administra-

tive head of the City Commission; He shall further represent the City in all matters of its relations with other governmental bodies; for purposes of service of civil processes by the Courts; and for all administrative functions required in carrying out the ordinances and directions of the City Commission. The Mayor-Commissioner shall have the power and responsibility of directing the officers and employees appointed by the Commission as to the execution of their duties; the power to suspend any officer or employee, except Commissioners, at any time for gross neglect or dereliction of duty, at the same time notifying such officer or employee in writing of the cause of suspension and giving him notice to appear at the next regular meeting of the City Commission. At said meeting, the Mayor-Commissioner shall report the suspension and the reason for said suspension. If the Commission deems the cause sufficient for removal, it shall remove the suspended officer or employee, and the vacancy shall be filled by the Commission. If the Commission does not deem the cause sufficient, they shall reinstate the officer or employee, with pay. The Mayor-Commissioner shall have the power to appoint persons to perform temporarily, the duties of any disabled or suspended officer or employee of the City of Chiefland. The Commissioners shall appoint a Vice-Mayor-Commissioner to serve in all manners as the Mayor-Commissioner when the Mayor-Commissioner is not present at a meeting, or is prevented from functioning in his usual capacity.

Editor's note—*F.S. § 167.05 no longer exists. †F.S. ch. 169 no longer exists. ‡F.S. § 165.191 no longer exists. **F.S. ch. 168 no longer exists.

Section 6. [Elections.]

(1) The First election of Municipal officers under this Act shall be held on the 1st Tuesday in August of 1982, and shall be to elect Commissioners for terms as set forth in Section 5, Paragraph

1 of this Act. The annual election shall be held on the first Tuesday of August of each and every year thereafter.

(2) Commissioners shall appoint a Clerk and two Inspectors to conduct the annual election and regulate the said election in a manner consistent with all State Laws governing elections. The candidate in each group who has a majority of the votes cast in his group shall be the elected Commissioner for the group. In cases where there is no majority, the City Commission shall provide for a runoff between the candidates having the two highest votes cast in the group, and this runoff shall be set for the third Tuesday in August. The candidate receiving the majority of the votes cast in the group in this election shall be the Commissioner for the group.

(3) Candidates for the Commissioner Groups to become vacant at the next General City Election shall qualify for said election with the officer designated by the Commission; said qualification shall be within a period to precede the general election by not more than ninety (90) days nor less than fourteen (14) days prior to the general City election. All candidates for the office of City Commissioner shall be registered qualified voters of the City of Chiefland.

State law reference—Florida election code, F.S. ch. 97 et seq.

Section 7. Qualification and registration of voters.

Supervisor of Elections of Levy County will act as the Registration officer of the City of Chiefland as provided by General Law.

State law references—Qualification of electors, F.S. §§ 97.041, 166.032; permanent single registration system, F.S. § 97.105.

Section 8. [Severability.]

The provisions of this Act are severable, and it is the intention to confer the whole or any part of the powers herein provided for and if any of the provisions of this Act shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any other remaining provisions of this Act. It is hereby declared to be the legislative intent that

CHARTER

§ 9

this Act would have been adopted had such un-constitutional provisions not been included therein.

Section 9. [Effective date.]

This act shall take effect upon becoming a law.

Date: November 22, 2021

AGENDA ITEM

Topic: December Commission Meeting

Background Description:

Staff does not anticipate any items of business for the December 27th City Commission agenda therefore it is recommended the second meeting in December be cancelled.

Fiscal Impact:

None

Recommended Action:

Consider cancelling the December 27th City Commission meeting.

**CITY OF CHIEFLAND
CITY COMMISSION MEETING
NOVEMBER 8, 2021**

The Chiefland City Commission met in Regular Session at the Chiefland City Hall. Mayor Jones called the meeting to order at 6:00 P.M.

MEMBERS PRESENT: Chris Jones, Mayor/Commissioner
Rollin Hudson, Commissioner
Lewrissa Johns, Commissioner
Lance Hayes, Commissioner

MEMBERS ABSENT: Norman Weaver, Vice Mayor/Commissioner

ALSO PRESENT: Laura Cain, City Manager
Carol Gore, Planning Project Coordinator
Dwayne King, Fire Captain
Donald S. Anderson, Police Chief
Norm Fugate, City Attorney

Student of the Month - Commissioner Johns recognized the following students for their excellence in the classroom:

Dayla Tiller Chiefland Middle School

Jett Baker, Chiefland High School

Bree Schultz from Chiefland Elementary School was not in attendance

Visitors - Heather Shepherd

Ms. Shepherd asked the Commission for the use of the Tommy Usher Pineland Center on Saturday, January 8, 2021, from 12:00 PM to 9:00 PM to hold a Martin Luther King Gala and for a road closure on January 17, 2021 to hold a parade from 11:00 AM to 1:00 PM. The Commission took a consensus to allow the use of the Tommy Usher Pineland Center and to have a Martin Luther King parade.

Debbie Dean - D & D Studios

Mrs. Dean asked for NW 3rd Ave to be closed on December 10, 2021, at 6:30 PM for her annual parking lot recital. The consensus of the board was to allow closure of the road for the event.

Michael Schuetrum - Mr. Schuetrum explained to the Commission that he owns a 12 acre and a 48-acre parcel of land in the Hardeetown area. He explained that 12 acres of it was zoned agriculture, but the 48-acre parcel had been changed years before his purchase of the property to R-1. He wants to be able to use the 48 acres as agriculture as well as the 12-acre parcel and wanted some guidance on how to do that or if the use could be done without an official zoning map amendment. Mr. Schuetrum stated he has no intention of building a residential development. Mr. Schuetrum was advised that he will need to complete a zoning map amendment application and a land use change

application with staff that will be presented to the North Florida Regional Planning Council who will make the recommendation to change the zoning of the parcel.

Chiefland Neighborhood Task Force - Michael Dockery- Mr. Dockery offered an apology to the Commission for the attack from a citizen at the Buie Park Forum on October 30, 2021.

Mr. Dockery stated that there had been some asphalt millings put out at the entrances but with the loose millings someone in a wheelchair almost turned over. He would rather see concrete poured or pack the millings.

Mr. Dockery asked if the DOT had been contacted about the paving of the parking lot. Mr. Dockery was advised that the issue will be discussed at the Recreation Committee meeting and then brought back to the Commission.

Mr. Dockery wanted to know if the city could say something to the owner of the tire shop next to the mid-town jiffy. He feels that the stuff they have out front during business hours is an eye sore.

Mr. Dockery thanked Chief Anderson for coming to the task force meeting. Mr. Dockery states he wants to be able to talk to the States Attorney about the drug deaths in the City of Chiefland

Alice Monyei - Ms. Monyei stated that there is a difference in the Chiefland Neighborhood Task Force and the Chiefland Neighborhood team. The neighborhood team is focused on getting people registered to vote. The neighborhood team will be facilitating a training in January to train people to be prepared to run for office. They will go over parliamentary procedure, sunshine law, the city charter, ordinances and other things you should know. It will be a 5-day training session. In preparing for this training Ms. Monyei states that the City's charter is outdated and needs to be updated. She suggests that the City Commission form a committee to update the charter. Ms. Cain advised the Commission that they need to look at the charter and decide what they think needs to be updated. Ms. Cain will bring the current charter to the next meeting for discussion.

Ms. Monyei stated that she and the task force went out with petitions door to door on SW 2nd St, 2nd Ave and SW 5th St concerning the speed bumps that have been requested.

Ms. Monyei stated that she is missing April 26, 2021 and May 17, 2021, in the minutes that she was provided with.

Vicki Larkin - Tri County Area Athletic Association - Asking for waiver of Tommy Usher Pineland Center fees on December 17, 2021, for a family game and movie night. They currently have 4 families in their organization that are homeless. They would like to ask people to bring a canned good which will be donated, and anything generated from their concession stand will be donated also. It was discussed that the Usher Center fees are usually only waived for other government agencies or National holidays. Commissioner Johns offered to donate personally.

City Manager - Laura Cain - Voluntary Annexation Number 21-07

City Manager Cain presented a voluntary annexation request by Steven Uiterwyk of Crystal tractor as agent for St. John Rentals to annex 16 acres of land known as tax parcel 01660-00-0A into the city limits of Chiefland. City Attorney Fugate asked if the roads were included in the legal description. If the streets adjoining are not in the city, they need to be added to the annexation. Mr. Uiterwyk stated that they own the Kubota dealership north of Chiefland and will be moving this business to this location.

Commissioner Johns made a motion to accept first reading, seconded by Commissioner Hayes. Motion passed 4-0.

Police Chief - Scott Anderson

Police Chief Anderson presented his report from January 2021 until October 31, 2021.

Chief Anderson added that the new vehicles may not arrive until January and will be upgraded to 2022 models if this happens.

Fire Captain - Dwayne King

Captain King present a non-agenda request to allow staff to apply for the AFG grant to purchase ventilation equipment for the bay. Motion made by Commissioner Hudson to allow the application, seconded by Commissioner Hayes. Motion passed with a 4-0 vote.

City Attorney - Norm Fugate

None

Old Business

Commissioner Hayes asked about the cameras at Buie park. Ms. Cain advised that the issue needs to be brought up at the recreation meeting and then presented to the commission.

Commissioner Johns advised the Commission that she had personally removed the trash from 10th Street.

New Business

Commissioner Johns stated that she feels the City needs to address homeless people sleeping in front of businesses. She feels we should look into a loitering ordinance.

Public Comment

Bennitt Patterson stated that he, as a business owner, in the city has also had to deal with the homeless people at his place of business.

Correspondence

None

Approval of Regular Minutes - October 25, 2021

Commissioner Johns made a motion to approve the regular minutes from October 25, 2021, as written. Commissioner Hayes seconded. Motion passed 4-0

There being no further business to discuss, the meeting adjourned at 7:05 PM.

Attest.

Laura Cain, City Manager

Chris Jones, Mayor-Commissioner

Recorded by: Belinda Wilkerson, Deputy City Clerk