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AN ORDINANCE ESTABLISHING A COMMUNITY REDEVELOPMENT AREA ADVISORY BOARD; ESTABLISHING QUALIFICATIONS AND TERMS OF OFFICE; ESTABLISHING OFFICERS AND RULES OF PROCEDURES; ESTABLISHING DUTIES; AMENDING SECTIONS OF THE CODE OF ORDINANCES TO ALLOW ALL BOARD AND COMMISSION MEMBERS OF THE CITY TO SERVE SUCCESSIVE TERMS OF OFFICE; AMENDING PROVISIONS OF THE CODE OF ORDINANCES WHICH ARE INCONSISTENT WITH THIS ORDINANCE; AMENDING THE CODE OF ORDINANCES BY ELIMINATING SECTIONS AND PROVISIONS WHICH ARE OBSOLETE AND SUPERSEDED BY SUBSEQUENT ORDINANCES; CLARIFYING SECTIONS OF THE CODE OF ORDINANCES REGARDING FILLING VACANCIES, QUORUM REQUIREMENTS, ALTERNATE MEMBERS, AND TERMS OF OFFICE OF BOARDS AND COMMISSIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on April 24, 2000, the City of Dunnellon established a Community Redevelopment Area.

WHEREAS, the City Council determines that it is necessary and in the best interests of the City to create and establish a community redevelopment agency advisory board that will advise and make recommendations to the CRA Board of actions and projects that will ensure implementation of the Community Redevelopment Area Plan.

WHEREAS, various sections and parts of Chapter 2 of the Code of Ordinances require amending because they are obsolete and superseded by subsequent ordinances, such as, but not limited to, Division 3, "Board of Adjustment," of Chapter 2, which Division has been superseded by subsequent ordinance transferring duties of the former board of adjustment to the planning commission under Section 94-37 of the Land Development Regulations.

WHEREAS, the City Council finds and determines that it is not in the best interests of the City to limit terms of office of boards and committee members.

WHEREAS, it is in the best interests of the City to clarify procedural matters governing boards and commissions of the City, such as but not limited to filling vacancies, quorum requirements, duties of alternate board members, and terms of office.

48 **NOTE:** Underlined words of this Section constitute new text of the City of
49 Dunnellon Code of Ordinances, asterisks (***) indicate an omission from the
50 original text in the Code of Ordinances which is intended to remain unchanged,
51 and ~~strike through~~ constitutes deletions from the original Code of Ordinances.
52

53 **NOW, THEREFORE,** be it ordained by the City Council of the City of
54 Dunnellon, Florida, as follows:
55

56 **SECTION 1.** The Whereas clauses above are the legislative findings of the City
57 Council of Dunnellon.
58

59 **SECTION 2.** Sections 86-71 through 86-75 under Article II, "Community
60 Redevelopment Agency," are hereby created:
61

62 **Sec. 86-71.** - Established; qualifications; composition.
63

64 (a) The city council, which also sits as the Community Redevelopment Area
65 (CRA) Board, does hereby create the Community Redevelopment Area (CRA)
66 Advisory Board consisting of five (5) members and two (2) alternate members. A
67 minimum of three members and one alternate shall be residents of the City who
68 own their property. A maximum of two members and one alternate may be
69 business owners. No member of the Advisory Board or alternates shall be a paid
70 employee or elected official of the City of Dunnellon, and each Advisory Board
71 member and alternate shall serve without compensation.
72

73 (b) As near as practical, members and alternates of the CRA Advisory Board
74 should be appointed based on one or both of the following criteria:
75

- 76 (1) Experience in affordable housing, planning, real estate, historic
77 preservation, banking and financing; or
- 78 (2) Be a small business owner within the Dunnellon city limits.
79

80 **Sec. 86-72.** - Terms of office; vacancies; alternate members.
81

82 (a) Terms of office.
83

- 84 (1) Each Advisory Board member and alternate shall serve a term of four
85 (4) years, or until his or her successor is appointed. Members may be
86 re-appointed for subsequent terms.
87
- 88 (2) The Advisory Board members shall be appointed to staggered terms.
89 Initially, three members shall be appointed for a term of four years and
90 two members shall be appointed for a term of two years. Alternate
91 members shall serve for a four-year term, or until such person's
92 successor is appointed.
93

94

(3) The CRA Board may remove any member for cause, after written notice and public hearing. In cases where the chair of the Advisory Board certifies a seat as being vacant under subsection (b) below, no prior written notice and public hearing is required by the CRA Board.

99

100 (b) Vacancies.

101

(1) Notwithstanding any other provision of this section, if any member of the Advisory Board fails to attend three (3) consecutive regularly scheduled meetings without cause and without prior approval of the chair, the seat occupied by such Board member shall be declared vacant. The CRA Advisory Board shall certify the vacancy to the CRA Board, and the CRA Board shall thereafter fill the vacant seat.

108

(2) Any vacancy occurring during an unexpired term of office of any member shall be filled by the CRA Board for the remainder of the term. At its next available meeting, the CRA Board shall appoint a person to fill the unexpired term of the vacant seat. Priority shall be given to the alternate member with the most seniority to fill the unexpired term of the vacant seat. The city clerk shall advertise for a period of 30 days a vacancy of the alternate position or Advisory Board seat, unless applications of qualified persons are on file from which to make a selection. Thereafter, the CRA Board shall appoint an applicant to fill the unexpired term of the alternate or Advisory Board seat.

119

120 (c) Duties of alternate members.

121

(1) Alternate members may participate in discussions of all proceedings but may not vote except in the absence, abstention or disqualification on regular member.

126

(2) In the event any voting member is absent from a meeting, the voting seat or seats shall be filled by alternate members in order of seniority.

128

129 **Sec. 86-73. - Officers; meetings; quorum; rules of procedure.**

130

(a) At the first meeting of the Advisory Board, and at the beginning of the first meeting of a calendar year, the Advisory Board shall elect a chair and a vice-chair from among its members. The vice-chair shall perform the duties of the chair if the chair is absent or disabled.

134

(b) The Advisory Board shall meet at least monthly; however, if there is no business to conduct, the chair may cancel the monthly meeting. The Board may hold special meetings as deemed appropriate.

137

138

139 (c) The presence of three (3) Board members at a meeting, which may include
140 alternate members filling in for absent members, shall constitute a quorum.

141

142 (d) The Board may adopt rules for the transaction of its business, and shall
143 keep a properly indexed record of its resolutions, transactions, findings, and
144 determinations, which shall be a public record.

145

146 (e) No Board member shall participate in any matter which:

147

148 (1) Would inure to the Board member's special private gain or loss;

149

150 (2) The Board member knows would inure to the special private gain or
151 loss of any principal by whom he or she is retained or to the parent
152 organization or subsidiary of a corporate principal by which he or she
153 is retained; or

154

155 (3) He or she knows would inure to the special private gain or loss of a
156 relative or business associate of the Board member, without first
157 disclosing the nature of his or her interest in the matter.

158

159 **Sec. 86-74. - Duties.**

160

161 The CRA Advisory Board shall be advisory to the CRA Board and/or city
162 council. Board members shall conduct themselves in a manner consistent with
163 Resolution 2013-07, "Public Code of Ethical Conduct," as may be amended from
164 time to time. The primary duties of the CRA Advisory Board shall be:

165

166 (1) Become familiar with the CRA Plan and any amendments to the Plan;

167

168 (2) Advise the CRA Board on issues and tasks to be accomplished to
169 implement the CRA Plan;

170

171 (3) Identify projects to be undertaken and make recommendations on
172 actions and projects to be undertaken to implement the Plan;

173

174 (4) Recommend an action plan for prioritizing projects to be undertaken in
175 the implementation of the Plan;

176

177 (5) Recommend actions and programs which can assist in the economic
178 development of properties within the community redevelopment area,
179 consistent with the Plan;

180

181 (6) Recommend actions and programs which can be implemented by the
182 CRA Board to attract and retain businesses within the community
183 redevelopment area, consistent with the Plan;

- 184
185 (7) Recommend amendments and revisions to the CRA Plan;
186
187 (8) Advise the CRA Board on any other matters pertaining to the
188 community redevelopment area which the CRA Board delegates to the
189 Advisory Board, consistent with the Plan and Part III, Chapter 163,
190 Florida Statutes; and
191
192 (9) Comply with all ordinances and resolutions of the City, the sunshine
193 law, the public records law, and all other statutes and laws which are
194 relevant to the Advisory Board.
195

196 **Sec. 86-75. - Public meetings; public records.**

197
198 All meetings of the CRA Advisory Board shall be open to the public, and all
199 records, studies, surveys and other documents of the Board shall be public
200 records.

201
202 **SECTION 3.** Article V, "Boards and Commissions," Division 1, *Generally*, of
203 Chapter 2 of the Dunnellon Code of Ordinance is hereby **deleted** in its entirety as
204 though such Division and Sections are fully set forth herein, and replaced with the
205 following:

206
207 **DIVISION 1. - GENERALLY**

208
209 **Sec. 2-171. – Boards and Commissions within the City.**

210
211 Following are the boards and commissions of the City:

- 212
213 (1) Code Enforcement Board – see Division 2 of this Article V.
214
215 (2) Utility Advisory Board – see Division 3 of this Article V.
216
217 (3) Tree Board – see Division 4 of this Article V.
218
219 (4) Community Redevelopment Agency and Community Redevelopment
220 Agency Advisory Board – see Chapter 86, Article II.
221
222 (5) Planning Commission – see Chapter 94.
223
224 (6) Historic Preservation Advisory Board – see Section 16.3 of Article
225 XVI, Appendix A, Zoning.
226
227

228 **SECTION 4.** Article V, “Boards and Commissions,” Division 3, *Board of*
229 *Adjustment*, of Chapter 2 of the Dunnellon Code of Ordinance is hereby **deleted**
230 in its entirety as though such Division and Sections are fully set forth herein.

231
232 **SECTION 5.** Article V, “Boards and Commissions,” Division 4, *Tree Board*, of
233 Chapter 2 of the Dunnellon Code of Ordinance is hereby amended as follows:

234
235

DIVISION 4. TREE BOARD

236 **Sec. 2-233. - Established; membership; vacancies; removal from office.**

237 (a) There is hereby created a Tree Board of the City of Dunnellon, which shall
238 consist of three members, plus two alternate members, appointed by the city
239 council.

240

241 (b) Each board member shall serve a term of three (3) years, or until his or her
242 successor is appointed. Members may be re-appointed for subsequent terms. The
243 board members shall be limited to serving one full term of three years on said
244 board. However, nothing contained herein shall be interpreted to preclude an
245 otherwise qualified individual having just completed a three year term as a voting
246 member from being appointed to fill the vacant Alternate position.

247

248 ***

249

250 (e) Failure to attend meetings. If any member of the tree board fails to attend
251 three consecutive regularly scheduled meetings without cause and without prior
252 approval of the chair, the seat occupied by such board member shall be declared
253 vacant. The tree board shall certify the vacancy to the city council.

254

255 (f) In the event that the tree board certifies to city council that a member seat
256 is vacant, the city council shall at their next scheduled available meeting appoint
257 the alternate member with the most seniority a person to fill the unexpired term of
258 the vacant seat. Priority shall be given to the alternate member with the most
259 seniority to fill the unexpired term of the vacant seat. The city clerk shall
260 advertise for a period of 30 days a vacancy of an alternate position or board seat,
261 on the tree board unless applications of qualified persons are on file from which to
262 make a selection. Thereafter, the city council shall appoint an applicant to fill the
263 unexpired term of the vacant alternate or board seat position.

264

265 (g) Vacancies, whether temporary or permanent, shall be filled in compliance
266 with section 2-171 of the Dunnellon Code of Ordinances. In the event any voting
267 member is absent from a meeting, the voting seat or seats shall be filled by
268 alternate members in order of seniority.

269

270 (h) The city council may remove any member of the tree board for cause, after
271 written notice and public hearing. In cases where the tree board certifies a seat as
272 being vacant under subsection (e) above, no prior written notice and public
273 hearing is required.

274
275 **Sec. 2-234. - Qualification of members.**

276
277 Appointment of tree board members shall be made on the basis of experience or
278 interest in the fields of forestry, landscape architecture, nurseryman, master
279 gardening, certified arborists, licensed landscape contracting.

280 **Sec. 2-235. - Meetings.**

281 ***

282 (g) The presence of two (2) board members at a meeting, which may include
283 alternate members filling in for absent members, shall constitute a quorum.

284
285 **SECTION 6.** Article II, "Planning Commission," of Chapter 94 is hereby
286 amended as follows:

287 **Sec. 94-31. - Established; membership.**

288 The city council does hereby create the city planning commission, which will
289 consist of five members, plus two alternate members appointed by the city
290 council.

291 **Sec. 94-32. - Qualifications of members.**

292 As provided in section 94-31, the city planning commission consists of five
293 members plus two alternate members, appointed by the city council. A minimum
294 of three members and one alternate shall be residents of the city. A maximum of
295 two members and one alternate may be non-resident property owners and/or non-
296 resident business owners. Non-resident property owners and/or non-resident
297 business owners must have owned property and/or owned a business within the
298 city for three years prior to being eligible for said appointment. No member of the
299 planning commission shall be a paid employee or elected official of the city.

300 **Sec. 94-33. - Term of members; removal of members; failure to attend**
301 **meetings.**

302 (a) The planning commission members shall be appointed to staggered terms.
303 Each planning commission member shall serve for a term of three years, or until
304 his or her successor is appointed. Members may be re-appointed for subsequent
305 terms.

306 (b) The city council is authorized to remove any member of the planning
307 commission for cause, after written notice and public hearing. In cases where the
308 planning commission certifies a seat as being vacant under subsection (d) below,
309 no prior written notice and public hearing is required.

310

311 (c) An alternate shall serve for a three-year term or until such person's
312 successor is appointed. Alternate members may participate in discussions of all
313 proceedings but may not vote except in the absence, abstention or disqualification
314 of a regular member. In the event any voting member is absent from a meeting,
315 the voting seat or seats shall be filled by alternate members in order of seniority.

316

317 (d) Notwithstanding any other provision of this section, if any member of the
318 planning commission fails to attend three consecutive regularly scheduled
319 meetings without cause and without prior approval of the chair, the seat occupied
320 by such commission member shall be declared vacant by the planning
321 commission. The planning commission shall certify the vacancy to the city
322 council.

323 **Sec. 94-34. - Filling of vacancies.**

324 ~~Vacancies, whether temporary or permanent, shall be filled in compliance~~
325 ~~with Section 2-171, Code of Ordinances, City of Dunnellon, Florida.~~

326 In the event that the commission certifies to city council that a seat is vacant, the
327 city council shall at their next available meeting appoint a person to fill the
328 unexpired term of the vacant seat. Priority shall be given to the alternate member
329 with the most seniority to fill the unexpired term of the vacant seat. The city clerk
330 shall advertise for a period of 30 days a vacancy of the alternate position or board
331 seat, unless applications of qualified persons are on file from which to make a
332 selection. Thereafter, the city council shall appoint an applicant to fill the
333 unexpired term of the vacant alternate or board seat.

334 **Sec. 94-35. - Officers; quorum; meetings and rules of procedure.**

335 (a) ~~During its initial meeting following inception,~~ At the beginning of the first
336 meeting of a calendar year, the planning commission shall elect a chair and a
337 vice-chair from among its members. The vice-chair shall perform the duties of the
338 chair if the chair is absent or disabled and shall fulfill all duties delegated to that
339 position by the commission. The commission shall appoint a secretary, who may
340 be a member of the commission or an employee of the city.

341

342 (b) The presence of three (3) commission members at a meeting, which may
343 include alternate members filling in for absent members, shall constitute a
344 quorum.

345

346 (c) The planning commission shall meet at regular intervals to be determined
347 by it, and at such other times as the chair or the planning commission may desire.
348 The planning commission shall adopt rules for the transaction of its business, and
349 keep a properly indexed record of its business and transactions, findings, and
350 determinations, which shall be a public record. All meetings of the commission
351 shall be public.

352 ****

353 **SECTION 7.** Section 16.3, Historic Preservation Advisory Board, of Article
354 XVI, Appendix A, Zoning, is hereby amended as follows:

355

356 **Section 16.3. - Historic preservation advisory board.**

357

358 ***

359 c. The board shall consist of five members and two alternate members to be
360 appointed by the city council. Members shall have knowledge of historical or
361 architectural development within the city. To the extent available in the
362 community, at least one member shall be an architect in the State of Florida, and
363 the remaining members shall be chosen from the following organizations,
364 professions or groups:

365

- 366 1. Professional members from the disciplines of history, architectural
367 history, planning, archaeology, and engineering;
- 368 2. Registered real estate brokers;
- 369 3. The Florida Bar;
- 370 4. America Society of Landscape Architects;
- 371 5. Licensed building contractors or general contractors;
- 372 6. Professional members from other historic preservation related
373 disciplines such as American studies, American civilization,
374 cultural geography, or cultural anthropology;
- 375 7. Interested owners of real estate in a historic district; interested
376 owners of historic structures; or interested property owners whose
377 land contains an archaeological site.

378

379 d. Lay persons belonging to the Greater Dunnellon Historical Society, or
380 who otherwise have demonstrated special interest, experience, or knowledge in
381 history, architecture, or related knowledge in history, architecture, or related
382 disciplines shall make up the balance of DHPAB's membership in the event that
383 there are not enough professionals in the community. Property ownership is not a
384 prerequisite for membership on DHPAB.

385

386 e. Members shall serve staggered terms of three years. Initially, two
387 members shall be appointed for terms of one year, two members shall be
388 appointed for terms of two years and one member shall be appointed for a term of
389 three years. Alternate Members shall serve for a three-year term, or until such

390 person's successor is appointed. Members may be re-appointed for subsequent
391 terms. The board shall keep minutes and records of all meetings.

392
393 f. The presence of three (3) board members at a meeting, which may include
394 alternate members filling in for absent members, shall constitute a quorum.

395
396 g. At the beginning of the first meeting of a calendar year, the board shall
397 elect a chair and a vice-chair from among its members. The vice-chair shall
398 perform the duties of the chair if the chair is absent or disabled and shall fulfill all
399 duties delegated to that position by the commission.

400
401 h. City council may remove any member for cause, after written notice and
402 public hearing. In cases where the board certifies a seat as being vacant under
403 subsection i.(1) below, no prior written notice and public hearing is required.

404
405 i. Vacancies.

406
407 (1) Notwithstanding any other provision of this section, if any member of
408 the board fails to attend three (3) consecutive regularly scheduled
409 meetings without cause and without prior approval of the chair, the
410 seat occupied by such board member shall be declared vacant. The
411 board shall certify the vacancy to the city council.

412
413 (2) In the event that the board certifies to city council that a seat is vacant,
414 the city council shall at their next available meeting appoint a person
415 to fill the unexpired term of the vacant seat. Priority shall be given to
416 the alternate member with the most seniority to fill the unexpired term
417 of the vacant seat. The city clerk shall advertise for a period of 30 days
418 a vacancy of the alternate position or board seat, unless applications of
419 qualified persons are on file from which to make a selection.
420 Thereafter, the city council shall appoint an applicant to fill the
421 unexpired term of the vacant alternate or board seat.

422
423 j. Alternate members.

424
425 (1) Alternate members may participate in discussions of all proceedings
426 but may not vote except in the absence, abstention or disqualification
427 on regular member.

428
429 (2) In the event any voting member is absent from a meeting, the voting
430 seat or seats shall be filled by alternate members in order of seniority.

431
432 k. The board may adopt rules for the transaction of its business, and shall
433 keep a properly indexed record of its resolutions, transactions, findings, and
434 determinations, which shall be a public record. All meetings of the board shall be
435 public.

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SECTION 8. Severability. The provisions of this Ordinance are declared to be severable. If any section, sentence, clause or phrase of this Ordinance shall for any reason be held by a court to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, it being the legislative intent that this Ordinance shall stand, notwithstanding the invalidity of any part.

SECTION 9. Repeal of Inconsistent Ordinances. Any Ordinance in conflict with this Ordinance is hereby repealed.

SECTION 10. Inclusion in the Code. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Dunnellon; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" may be changed to "Section" or other appropriate word.

SECTION 11. Effective Date. This Ordinance shall be effective immediately upon adoption at the second public hearing.

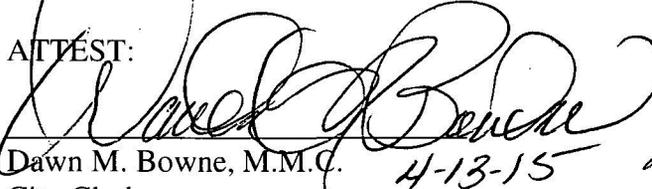
Upon motion duly made and carried, the foregoing Ordinance was approved upon the first reading on the 9th day of March, 2015.

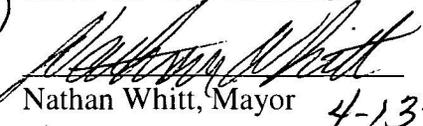
Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second and final reading and public hearing on the 13th day of April, 2015.

Advertised on April 2, 2015 in the Riverland News and on the City's website on March 12, 2015.

ATTEST:

CITY OF DUNNELLON


Dawn M. Bowne, M.M.C.
City Clerk

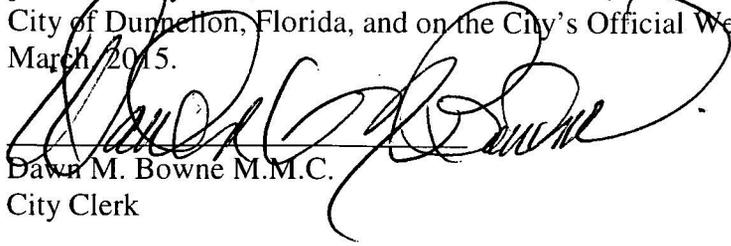

Nathan Whitt, Mayor

Approved as to Form and Legal Sufficiency:


Virginia Cassady, City Attorney

482 **I HEREBY CERTIFY** that copies of the foregoing Ordinance were
483 posted at City Hall, the Chamber of Commerce, and the Dunnellon Library, in the
484 City of Dunnellon, Florida, and on the City's Official Website this 12th day of
485 March 2015.

486
487
488 Dawn M. Bowne M.M.C.
489 City Clerk

A large, stylized handwritten signature in black ink, appearing to read 'Dawn M. Bowne', is written over the printed name and title of the City Clerk.