

THE TOWN COUNCIL OF GREENVILLE WILL MEET IN REGULAR SESSION
6 P.M., Monday, April 17, 2023
City Hall
154 SW Old Mission Avenue
Greenville, Florida 32331

REGULAR MEETING
AGENDA

1. Call to Order – Mayor
2. Roll Call by the Mayor
3. Invocation and Pledge of Allegiance
4. Reading and Approval of the Agenda
5. Consideration of Councilmember Absences
6. Public Comment
7. Consent Agenda – *March 2023 Regular Session Meeting Minutes*
8. Discuss/Action- Second Reading of Ordinance 2023-272- An ordinance Related to Public Property-**John Reid Town Attorney**
9. Discuss/Action- Second Reading of Ordinance 2023-273- An Ordinance Related to Public Parks- **John Reid Town Attorney**
10. Discuss/Action- Resolution 2023-06 -A resolution Related to Eminent Domain-**John Reid Town Attorney**
11. Discuss/Action-Code Enforcement Special Magistrate System- **John Reid Town Attorney**
12. Comments by Town CEO/CFO, Town Attorney and Town Council
13. Future Agenda Item Requests
14. Informational Items
15. Adjournment

NEXT MEETING: Regular Session Council Meeting, May 8, 2023 @ 6:00 P.M.

Any person who decides to appeal any decision made by the council with respect to any matter considered at such meeting will need a record of the proceedings, and that for such purpose, he or she may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

MINUTES
GREENVILLE TOWN COUNCIL
Regular Session, Monday March 13, 2023, 6:00 PM
CITY HALL, 154 SW OLD MISSION AVENUE, GREENVILLE, FL 32331

1. Call to Order: Mayor Brown called the meeting to order at 6:00 PM.
2. Roll Call by the Mayor: Mayor Brittini Brown, Vice Mayor Kathleen Hamilton, Councilmember Calvin Malone, and Councilmember Carl Livingston were present.
Also Present: John Reid, Town Attorney
and Town CEO/CFO Lee Jones
3. Invocation and Pledge of Allegiance: Invocation was followed by the pledge of allegiance.

4. Reading and Approval of the Agenda:

MOTION: Council member Malone moved to approve the agenda; second by Councilmember Livingston.

| | <u>Yay</u> | <u>Nay</u> |
|--------------------------|------------|------------|
| Mayor Brown | X | |
| Councilmember Hamilton | X | |
| Councilmember Livingston | X | |
| Councilmember Malone | X | |

Motion passed unanimously.

5. Consideration of Council Member Absences: None.
6. Public Comments: Mr. George Pridgeon wanted to thank the city crew for putting down asphalt on his street.
Mrs. Judy Hudgins wanted to speak and offer her help.
Mrs. Janie Miller asked about the speed bumps and spoke on the PTO at the elementary school needing support.
Mrs. Barbara Dansey spoke on the checks and money orders not being taken at the window as well as the garbage pick-up.
Mrs. Loretta Muggy spoke and gave an update on the cemetery and the progress they were making.
Mrs. Connie Hinkle asked about getting speed bumps on Church Ave as people are speeding.

7. Consent Agenda: *February 2023 Regular Session Meeting Minutes*

MOTION: Councilmember Malone moved to approve the consent agenda; second by Vice Mayor Hamilton.

| | <u>Yay</u> | <u>Nay</u> |
|--------------------------|------------|------------|
| Mayor Brown | X | |
| Councilmember Hamilton | X | |
| Councilmember Livingston | X | |
| Councilmember Malone | X | |

Motion passed unanimously.

8. Discuss/Action: Ordinance No. 2023-272: Related to Public Property (First Reading)- Town Attorney John Reid
 - Town Attorney John Reid explained that this ordinance will help with the control of the block parties and the blocking of streets as well as conducting business in the streets or in the parks. He explained the code enforcement process as well as the penalties and the steps for handling these issues.

9. Discuss/Action: Ordinance No. 2023-273: Related to Public Parks (First Reading)- Town Attorney John Reid

- Town Attorney John Reid explained that they amended the previous ordinance to include revisions to the rules and activities in the parks as well as the repercussions for these types of activities that are not allowed.

10. Discuss/Action: Resolution No. 2023-03: Related to AP African American Studies- Mayor Brittni Brown.

- Mayor Brittni Brown asked the council to adopt this resolution urging the Florida Governor Ron DeSantis and the Florida Dept. of Education to rescind the state of Florida's rejection of the inclusion of the advanced placement African American Studies course in the Florida course code directory and instructional personnel assignments; repealing conflicting resolutions; and providing an effective date. This is not a course they have to take but can if they elect to.

Motion: Council Member Livingston moved to approve to adopt resolution 2023-03; second by council member Malone.

| | <u>Yay</u> | <u>Nay</u> |
|--------------------------|------------|------------|
| Mayor Brown | X | |
| Vice Mayor Hamilton | X | |
| Councilmember Malone | X | |
| Councilmember Livingston | X | |
| Motion Passed 4-0 | | |

11. Discuss/Action: Resolution No 2023-04: Related to problem Gambling Awareness month- Mayor Brittni Brown.

- Mayor Brittni Brown explained that this resolution will be to help with literature going out regarding adults that may have gambling problems and the awareness of these issues.

Motion: Councilmember Livingston moved to adopt resolution 2023-04; second by Vice Mayor Hamilton

| | <u>Yay</u> | <u>Nay</u> |
|--------------------------|------------|------------|
| Mayor Brittni Brown | X | |
| Vice Mayor Hamilton | X | |
| Councilmember Malone | X | |
| Councilmember Livingston | X | |
| Motion passed 4-0 | | |

12. Discuss/Action: Resolution No. 2023-05: Related to DEP State Revolving Fund Application- Town CEO/CFO Lee Jones.

- Town CEO/CFO Lee Jones stated that this resolution will help with the challenges of our waste water system and that the 10 percent of these funds that we are responsible for will be covered by a grant.

Regular Session Meeting Minutes March 13, 2023

Motion: Vice Mayor Hamilton moved to adopt resolution 2023-05; seconded by councilmember Malone

| | <u>Yay</u> | <u>Nay</u> |
|--------------------------|------------|------------|
| Mayor Brittni Brown | X | |
| Vice Mayor Hamilton | X | |
| Councilmember Malone | X | |
| Councilmember Livingston | X | |
| Motion Passed 4-0 | | |

13. Discuss/Action: Code Enforcement Special Magistrate- Town Attorney John Reid

- Town Attorney John Reid gave an update for the code enforcement and the steps that are being taken to enforce these violations through a Magistrate. He explained that the Town would be sending out an official complainant letter.

14. Comments by Town CEO/CFO, Town Attorney John Reid: Attorney John Reid commented on Government guidelines and some of the impacts.

Mr. Jones gave an update on the Grant work that is going on in both parks and what to expect while the work is being completed.

15. Future Agenda Item Requests: None

16. Informational Items: None

17. Adjournment:

MOTION: Councilmember Livingston moved to adjourn; second by Vice Mayor Hamilton .

Meeting adjourned at 7:18 P.M.

Respectfully submitted,

Julie Inglett

Julie Inglett, Administrative Assistant.

| | |
|----------------|-------|
| FIRST READING | _____ |
| SECOND READING | _____ |
| EFFECTIVE DATE | _____ |
| ADVERTISEMENT | _____ |

ORDINANCE NO. 2023-272

AN ORDINANCE OF THE TOWN OF GREENVILLE, FLORIDA; AMENDING CHAPTER 22, ARTICLE II, CODE OF GENERAL ORDINANCES; CREATING SECTION 22-19; PROHIBITING THE REPAIR OR MAINTENANCE OF MOTOR VEHICLES IN PUBLIC RIGHT OF WAYS; CREATING SECTION 22-20; PROHIBITING COMMERCIAL ACTIVITY ON PUBLIC PROPERTY; PROVIDING EXEMPTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; CREATING SECTION 22-21; REQUIRING PERMITS FOR GATHERINGS OR EVENTS ON PUBLIC PROPERTY; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING EXEMPTIONS; RENUMBERING SUBSEQUENT SECTIONS; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GREENVILLE, FLORIDA, that:

Section 1. Section 22-19 of the Code of General Ordinances of the Town of Greenville, Florida, is hereby created and shall read as follows:

Chapter 22 - STREETS, SIDEWALKS AND PUBLIC PLACES

ARTICLE I. - IN GENERAL

Secs. 22-1—22-18. - Reserved.

ARTICLE II. - STREETS AND SIDEWALKS

Sec. 22-19. - Repair and maintenance of motor vehicles in public rights-of-way prohibited.

- (a) The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Emergency repair means repair performed on a vehicle which has become inoperable when such repair:

- (1) Can be and is performed within one hour's continuous work time;
- (2) Is commenced within 12 hours of the time when the vehicle became inoperable; and

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(3) Is no more extensive than necessary to make the vehicle operational.

Motor vehicle means every self-propelled device in, upon, or by which any person or property is or may be transported or drawn upon a public right-of-way, excepting devices moved by human power or exclusively upon rails or tracks.

Public right-of-way means every way set apart for public travel in motor vehicles, including but not limited to streets, roadways, alleys, highways, and portions of driveways that cross a public sidewalk.

Repair means to fix, adjust, change oil, grease, or perform other maintenance or repair work; except that repair shall not include the changing of a flat tire or jumpstarting of a motor.

(b) Except for emergency repairs, no person shall repair a motor vehicle upon any public right-of-way within the town.

Section 2. Section 22-20 of the Code of General Ordinances of the Town of Greenville, Florida, is hereby created and shall read as follows:

Sec. 22-20. – Conducting business on streets, parks, or other public property; enforcement; penalties; unpaid fines to constitute liens.

- (a) It shall be unlawful for any person, while in or on any public street, avenue or alley, or any park, structure, building, or other property or place owned, maintained, or operated by the town for public use, to sell, rent, or offer for sale or rent to the public, any merchandise, product, goods, or service of any nature whatsoever, other than newspapers of general circulation duly entered in the United States Postal Service.
- (b) It shall be unlawful for any commercial business operator, establishment, entity, organization, or company that sells or rents merchandise, products, goods, or services, or engages in any service that sells or rents merchandise, products, goods, or services, (including, without limitation, those commercial operators that transport passengers), from conducting any portion of the commercial transaction, activity, or operation at any park, boat ramp, structure, building, or other property or place owned, maintained, or operated by the town. A commercial transaction, activity, or operation will be deemed to have occurred if any direct, indirect, or incidental portion of the commercial transaction, activity, or operation takes place at, or uses, a park, boat ramp structure, building or other property or place owned, maintained, or operated by the town.
- (c) Exemptions. This section shall not apply to:

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- (1) Employees of the town acting for, and on behalf of, the town, as specifically authorized by the town manager; or
 - (2) Persons authorized to render service to the public in any place set forth in subsection (a) and (b) by the town manager, provided the rendered service is a commercial outdoor fee based activity that has minimal impact to the town's public property; or
 - (3) A commercial business operator, establishment, entity, organization, or company is authorized to render service to the public pursuant to a written agreement with the town.
 - (4) Persons participating in any art show or exhibit held on all town properties under the specific authorization of the town council, and who are exhibiting paintings or objects of art produced or created by such persons.
 - (5) Persons providing personal training exercise services or providing lessons in sports related activities in a town park, provided the rendered service or services takes place at a park that is specifically designed, used, or otherwise intended by the town to provide a broad range of recreational facilities and uses and, further, the service or services being rendered has/have minimal impact upon the public's use and enjoyment of the park.
- (d) Penalties and enforcement.
- (1) Any violation of subsections (a) and (b) of this section shall be punished in accordance with section 1-7 of this Code.
 - (2) Any violations of subsections (a) and (b) of this section shall be subject to the following fines:
 - a. If the violation is the first offense, a person, organization, or business shall receive a civil fine of \$250.00;
 - b. If the violation is the second violation within the preceding six months, a person, organization, or business shall receive a civil fine of \$500.00;
 - c. If the violation is the third violation within the preceding six months, a person, organization, or business shall receive a civil fine of \$1,000.00; and
 - d. If the violation is the fourth or subsequent violation within the preceding six months, a person, organization, or business shall receive a civil fine of \$2,000.00.

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(3) Enforcement.

- a. The town manager or his or her designee shall enforce the provisions of subsections (a) and (b) of this section. This shall not preclude other law enforcement agencies or regulatory bodies from any action to assure compliance with this section and all applicable laws. If a violation of this section is observed, the town manager or his or her designee will be authorized to issue a notice of violation. The notice shall inform the violator of the nature of the violation, amount of fine for which the violator is liable, instructions and due date for paying the fine, that the violation may be appealed by requesting an administrative hearing before a special magistrate pursuant to article IV of chapter 2 of this Code. The failure to appeal the violation shall constitute an admission of the violation and a waiver of the right to a hearing.

(4) Rights of violators; payment of fine; right to appear; failure to pay civil fine or to appeal; appeals from decisions of the special magistrate.

- a. A violator who has been served with a notice of violation must elect to either:
- i. Pay the civil fine in the manner indicated on the notice of violation, or
 - ii. Timely request an administrative hearing before a special magistrate to appeal the notice of violation pursuant to article IV of chapter 2 of this Code.
- b. The procedures for appeal by administrative hearing of the notice of violation shall be as set forth in article IV of chapter 2 of this Code. Applications for hearings must be accompanied by a fee as approved by a resolution of the city commission, which shall be refunded if the named violator prevails in the appeal.
- c. If the named violator, after issuance of the notice of violation, fails to pay the civil fine, or fails to timely request an administrative hearing before a special magistrate, the special magistrate may be informed of such failure by report from the town manager or his or her designee. The failure of the named violator to appeal the decision of the town manager or his or her designee within the prescribed time period shall constitute a waiver of the violator's right to an administrative hearing before the special magistrate and shall be treated as an admission of the violation, for which fines and penalties shall be assessed accordingly.

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- d. A certified copy of an order imposing a fine may be recorded in the public records, and thereafter shall constitute a lien upon any real or personal property owned by the violator, which may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the violator's real or personal property, but shall not be deemed to be a court judgment except for enforcement purposes. On or after the 61st day following the recording of any such lien that remains unpaid, the town may foreclose or otherwise execute upon the lien.
- e. Any party aggrieved by a decision of a special magistrate may appeal that decision pursuant to article IV of chapter 2 of this Code.
- f. The special magistrate shall be prohibited from hearing the merits of the notice of violation if the violator has failed to timely request an administrative hearing. This paragraph does not eliminate the availability of equitable tolling as a defense to the untimely filing of a request for an administrative hearing.
- g. The special magistrate shall not have discretion to alter the penalties prescribed in subsection (d)(2).

Section 3. Section 22-21 of the Code of General Ordinances of the Town of Greenville, Florida, is hereby created and shall read as follows:

Sec. 22-21. – Permit required.

- (a) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Demonstration means a public gathering, procession or parade, the primary purpose of which is the exercise of the rights of assembly and free speech as guaranteed by the First Amendment of the Constitution of the United States. It includes activities conducted on public property for the purpose of demonstrating approval or disapproval of governmental policies or practices, expressing a view on public issues, or bringing into public notice any issue or other matter.

Parade means any march or procession consisting of persons, animals, vehicles, or any combination thereof, traveling upon any public way, within the territorial jurisdiction of the city, that has been authorized by resolution of the town council.

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Picket line means a line of protesters outside a place of work with the purpose of intercepting outsiders and prevent them from working for employers with whom the organization is at variance.

Rally means a gathering of people with the intent to arouse enthusiasm or support for a common cause.

Right-of-way means land in which the state, the state department of transportation, the county, or the town owns the fee or has an easement devoted to or required for use as a transportation facility or street.

Sidewalk means that portion of the right-of-way located between the curblin on the lateral line of a street and the adjacent property line, and which is intended for use by pedestrians.

Street means that portion of the right-of-way improved, designed, or ordinarily used for vehicular and/or pedestrian traffic.

(b) Permit required. No person or entity shall obstruct or cause to be obstructed any street or sidewalk in this town or impede the general movement of vehicular or pedestrian traffic thereon without first obtaining a permit from the town manager or his or her designee as provided in this section.

(c) Permit requirements. Permits for temporary obstruction of the public right-of-way shall be issued upon completion of the following requirements:

(1) The applicant shall file a completed application and shall execute a form approved by the town council, agreeing to indemnify, defend, save, and hold harmless the town, its officers and employees, from any and all claims, liability, lawsuits, damages, and causes of action which may arise out of this permit, or the permittee's activity on the demised premises.

(2) The permittee agrees to obtain and maintain for the entire period, at its own expense, the following:

a. Commercial general liability insurance in the amount of \$1,000,000.00 per occurrence for bodily injury and property damage for construction activities located on town property. The town must be named as an additional insured on this policy, and an endorsement must be issued as part of the policy reflecting this requirement.

b. Workers' compensation and employers' liability insurance as required by the state.

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All policies must be issued by companies authorized to do business in the state of Florida and rated B+ or better for financial strength and classed as financial size category VI or better per the latest edition of Best's Key Rating Guide. The town must receive 30 days' written notice prior to any cancellation, nonrenewal, or material change in the coverage provided.

The permittee must provide and have approved by the town manager an original certificate of insurance as evidence that the above requirements have been met prior to receiving a permit and commencing the proposed activity.

The town manager shall be authorized to lower the amount of general liability insurance required upon a showing by the applicant that the amount set forth above is excessive under the circumstances for a particular activity.

- (3) The applicant shall post a cash deposit with the town manager in the estimated amount needed to pay for any damage to public property and costs for garbage, trash, and debris removal which may be necessary as a result of the applicant's use of the right-of-way for the proposed activity; the amount of the required deposit shall be determined by the public works director. The deposit shall be used by the town only if the applicant fails to repair any damage and/or remove garbage, trash, and debris resulting from the permitted activity. Any unused portion of the deposit shall be promptly returned to the applicant.
- (4) A fee of \$50.00 shall accompany each application. Additionally, any cost for obstruction of metered parking spaces will be determined as a separate cost by the public works director and must be deposited with the town prior to issuance of a permit. Following submittal of the application, the town manager shall determine the final permit fee, which shall be the higher of:
 - a. A fee of \$50.00; or
 - b. The market value of the area to be closed or occupied, pursuant to a certified appraisal.

The applicant shall pay, prior to permit issuance, any additional permit fee required if the final permit fee based on market value is higher than the \$50.00 fee. Unless the town manager determines that seeking a certified appraisal would not be cost effective, the town must obtain an appraisal; if no certified appraisal is obtained, the fee of \$50.00 shall apply.

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- (5) No permit shall be issued if the public works director, county sheriff, and/or fire departments or the town manager determine that such activity would constitute a danger to public health and/or safety.
- (6) Appeals. Appeals from the determination of the deposit amount required by the town manager or his or her designee and appeals from the denial of a permit shall be to the town council. Alternatively, the town council may, by resolution, refer the matter to the town's special magistrate to hear such appeals. The appeals shall be conducted pursuant to the procedures set forth in sections article IV of chapter 2 of this Code. Applications for hearings must be accompanied by a fee as approved by a resolution of the town council, which will be refunded if the applicant prevails in the appeal.
- (d) Permit conditions. Permits issued pursuant to this section shall set forth any conditions necessary for the protection of property and public safety. Willful violation of the permit conditions shall render the permit null and void, and subject the violator to enforcement and penalties, as provided in subsection (e).
- (e) Penalties and enforcement.
- (1) Penalties for violations. The following penalties shall be imposed for a violation of subsections (b), (c)(1) through (c)(5), or (d):
- a. The penalty for the first violation by a person or entity within a 12-month period shall be a civil fine of \$500.00;
- b. The penalty for the second violation by a person or entity within a 12-month period shall be a civil fine of \$1,000.00;
- c. The penalty for the third violation by a person or entity within a 12-month period shall be a civil fine of \$5,000.00;
- d. The penalty for the fourth violation by a person or entity within a 12-month period shall be a civil fine of \$10,000.00;
- e. The fifth or subsequent violation by a person or entity within a 12-month period shall constitute an offense enforceable pursuant to section 1-7 of this Code.
- (2) Enforcement. The town manager shall enforce subsections (b), (c)(1) through (c)(5), and (d). This shall not preclude other law enforcement agencies or regulatory bodies from any action to assure compliance with this section and all applicable laws. If the town manager finds a violation of subsections (b), (c)(1) through (c)(5), or (d), the town manager or his or her designee shall issue a notice of violation in the manner prescribed in article IV of chapter 2 of this Code. The notice shall inform the violator of

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the nature of the violation, amount of fine for which the violator is liable, instructions and due date for paying the fine, that the violation may be appealed by requesting an administrative hearing before a special magistrate pursuant to those procedures set forth in article IV of chapter 2 of this Code. The failure to timely appeal the violation shall constitute an admission of the violation and a waiver of the right to a hearing.

(3) Rights of violators; payment of fine; right to appeal; failure to pay civil fine or to appeal; appeals from decisions of the special magistrate.

- a. A violator who has been served with a notice of violation must elect to either:
 - i. Pay the civil fine in the manner indicated on the notice of violation, or
 - ii. Timely request an administrative hearing before a special magistrate to appeal the notice of violation pursuant to article IV of chapter 2 of this Code.
- b. The procedures for appeal by administrative hearing of the notice of violation shall be as set forth in article IV of Chapter 2 of this Code.
- c. The special magistrate shall not have discretion to alter the penalties prescribed in subsection (e)(1) or (e)(4).

(4) Enhanced penalties. The following enhanced penalties shall be imposed, in addition to any mandatory fines set forth in subsection (e)(1) above, for violations of subsection (b), (c)(1) through (c)(5), or (d):

- a. Enhanced penalties for violations of subsection (b), (c)(1) through (c)(5), or (d):
 - i. A notice of violation of subsection (b), (c)(1) through (c)(5), or (d) shall be issued to the person or entity obstructing or causing to obstruct any street or sidewalk in this city or impeding the general movement of vehicular or pedestrian traffic thereon and, if the violation occurred within the course and scope of the violator's employment, a notice of violation shall also be issued to the person or entity employing the violator, who shall be jointly and severally liable for the violation.
 - ii. The town manager shall decline to issue, for a period of one year from the date of the violation, a temporary obstruction

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of right-of-way permit to such person or entity that has violated subsection (b), (c)(1) through (c)(5), or (d) three or more times within a 12-month period.

- (f) Exemptions. The requirements of this section shall not apply to demonstrations, parades, picket lines, or rallies, as defined in this section, filming, newsracks, sidewalk cafes, special events, telephones, or to any other person obstructing the public right-of-way pursuant to a town permit or franchise.

RENUMBER SUBSEQUENT SECTIONS.

Section 5. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Repeal of conflicting ordinances. Any and all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall take effect immediately upon its passage.

Following the second reading of the foregoing, the Honorable _____ moved that the foregoing resolution be adopted. The Honorable _____ seconded the motion for its adoption.

The Honorable _____ put the question to a roll call vote, and the result was as follows:

| | |
|--|--------------|
| Hon. Carl Livingston, Councilmember | Voted: _____ |
| Hon. Calvin Malone, Councilmember | Voted: _____ |
| Hon. Kathleen Hamilton, Vice Mayor/Councilmember | Voted: _____ |
| Hon. Brittni Brown, Mayor/Councilmember | Voted: _____ |

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PASSED AND ADOPTED by the Town Council of the Town of Greenville, Florida, this
_____ day of _____, 2023.

APPROVED:

HON. BRITTNI BROWN
Mayor/Councilmember

ATTEST:

APPROVED AS TO FORM:

LEE N. JONES, JR.
Interim Town Clerk

JOHN LAURANCE REID
Town Attorney

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| | |
|----------------|-------|
| FIRST READING | _____ |
| SECOND READING | _____ |
| EFFECTIVE DATE | _____ |
| ADVERTISEMENT | _____ |

ORDINANCE NO. 2023-273

AN ORDINANCE OF THE TOWN OF GREENVILLE, FLORIDA; AMENDING CHAPTER 22, ARTICLE II, CODE OF GENERAL ORDINANCES; AMENDING SECTION 22-42; PROHIBITING THE IMPOSITION OF AN ADMISSION FEE FOR EVENTS HELD AT TOWN PARKS; AMENDING SECTION 22-43; PROVIDING DEFINITIONS; PROVIDING FOR ORGANIZED ACTIVITIES THAT ARE ALLOWED AT OUTDOOR PUBLIC ASSEMBLIES OPERATING UNDER PERMIT; AMENDING SECTION 22-44; PROHIBITING THE DISCHARGE OF FIREARMS AT TOWN PARKS ONLY AS ALREADY PROHIBITED BY STATE LAW; CREATING SECTION 22-45; PROVIDING FOR THE ISSUANCE OF TRESPASS NOTICES FOR INDIVIDUALS WHO VIOLATE LOCAL AND STATE LAWS, RULES, OR REGULATIONS; PROVIDING FOR PENALTIES; PROVIDING FOR RIGHT OF APPEAL; CREATING SECTION 22-46; HOLDING PERSONS AND ORGANIZATIONS LIABILITY FOR DAMAGES TO PREMISES OR PERSONS; PROVIDING FOR INDEMINIFICATION; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GREENVILLE, FLORIDA, that:

Section 1. Section 22-42 of the Code of General Ordinances of the Town of Greenville, Florida, is hereby amended and shall read as follows:

Chapter 22 - STREETS, SIDEWALKS AND PUBLIC PLACES

ARTICLE III. - PARKS

Sec. 22-42. – Permit required–For selling or offering goods.

- (a) Vendors and others may not sell goods or otherwise offer goods to others for which a fee is collected or donation solicited in the parks without first obtaining a written permit from the town manager for a fee to be set by the town council, except as part of an organized event approved by the town ~~manager council~~.
- (b) Vendors and others may not conduct any outdoor public assembly or assembly, as defined in section 22-43, in the parks for which a fee is collected or donation solicited, except as part of an organized event approved by the town manager.

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Section 2. Section 22-43 of the Code of General Ordinances of the Town of Greenville, Florida, is hereby amended and shall read as follows:

Sec. 22-43. – Permit required–For certain uses or conducting outdoor public assemblies ~~organized activities.~~

- (a) The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Alcoholic beverages mean those items as defined by F.S. § 561.01, as it may be amended from time to time.

Fireworks means firecrackers, torpedoes, rockets, or other fireworks or explosives of flammable material.

Outdoor public assembly or assembly means any ceremony, show, exhibition, concert, pageant, rally, demonstration, or assembly of any kind calculated to attract at any one time the attendance or attention of over 20 persons which is held in or on any area of any town park.

- (a) ~~Vendors and others may not conduct any organized activity, as provided below, in the parks for which a fee is collected or donation solicited, except as part of an organized event approved by the town manager.~~
- (b) The following ~~specified organized~~ activities are prohibited in the parks, except as part of an outdoor public assembly ~~organized event~~ approved by the town council, or by permit issued by the town manager:
- (1) Possession or use of alcoholic beverages ~~where such approval specifically allows use of alcoholic beverages.~~
 - (2) Operation of radio-controlled or tethered aircraft.
 - (3) Operating, stopping or parking of vehicles, except in designated parking areas.
 - (4) Use or discharge ~~Discharge of firearms or fireworks~~ where such approval specifically allows discharge of ~~firearms or fireworks.~~
 - (5) Use of sound amplification systems.
 - (6) Solicitation.
 - (7) Horseback riding or possession of animals, other than common domestic animals such as dogs and cats.

CODING: Deletions from existing language are ~~stricken~~; additions are underlined.

Section 3. Section 22-44 of the Code of General Ordinances of the Town of Greenville, Florida, is hereby amended and shall read as follows:

Sec. 22-44. – Prohibited activities.

- (a) The following are prohibited in the parks:
- (1) Discarding of trash, garbage or other litter, except into containers for that purpose.
 - (2) Damaging, defacing, or removing property of the town, except by the town.
 - (3) Fires, except in areas where fires are permitted by normal use, such as in charcoal grills.
 - (4) Use of profane, threatening, or abusive language.
 - (5) Smoking tobacco or any other products.
 - (6) Discharging a firearm, as defined by F.S. § 790.001, in manner prohibited under F.S. § 790.15, as it may be amended from time to time.
 - (7) Visiting a town park in violation of a trespass notice issued pursuant to section 22-45 of this Code.

Section 4. Section 22-45 of the Code of General Ordinances of the Town of Greenville, Florida, is hereby created and shall read as follows:

Sec. 22-45. – Trespass notices.

(a) In addition to any other penalty allowed by law, any law enforcement officer acting with his or her jurisdiction is authorized to issue trespass notices in any town park for the purpose of enforcing the provisions of this chapter, a department rule or regulation, a facility use permit, or state law, to any individual who violates any applicable local law or applicable state law while on or in the area of a town park.

(b) Any person issued a trespass notice shall be prohibited from returning to the town park specified in the trespass notice as follows:

- (1) For the first trespass notice, for a period of one (1) year.
- (2) For the second trespass notice, for a period of five (5) years.
- (3) For the third or subsequent trespass notice, for a period of ten (10) years.

CODING: Deletions from existing language are ~~stricken~~; additions are underlined.

(c) A copy of the trespass notice shall be provided by mail or hand delivery to the trespass notice recipient with a copy provided to the employee or official having control over the town park. The trespass notice shall include the name and address of the trespass notice recipient, the date, the provision of law the trespass notice recipient has violated, a brief description of the offending conduct, the location of the offence, the name of the person issuing the trespass notice, and a description of the town park to which the trespass notice recipient shall not return during the trespass notice period described in subsection (b) of this section. The written trespass notice shall advise of the right to appeal and the location and telephone number for filing the appeal. The trespass notice shall include a warning that any person found on town park in violation of a trespass notice may be arrested for trespassing.

(d) The trespass notice recipient shall have the right to timely request an administrative hearing before a special magistrate to appeal the issuance of the notice pursuant to article IV of chapter 2 of this Code. The trespass notice shall remain in effect during the appeal process unless a stay pending review is entered by the special magistrate.

Section 5. Section 22-46 of the Code of General Ordinances of the Town of Greenville, Florida, is hereby created and shall read as follows:

Sec. 22-46. – Liability for damages from use of parks.

(a) Any person or organization using a town park shall be responsible for any damage, caused by his, her, or its conduct, that may occur during the use of the premises, either to the premises or to a person using the same, and such person or organization using the park and causing said damage shall indemnify and hold harmless the town from any liability whatever arising out of the use of the town park by any such person or organization.

Section 6. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 7. Repeal of conflicting ordinances. Any and all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. Effective Date. This Ordinance shall take effect immediately upon its passage.

CODING: Deletions from existing language are ~~stricken~~; additions are underlined.

Following the second reading of the foregoing, the Honorable _____ moved that the foregoing resolution be adopted. The Honorable _____ seconded the motion for its adoption.

The Honorable _____ put the question to a roll call vote, and the result was as follows:

| | |
|--|--------------|
| Hon. Carl Livingston, Councilmember | Voted: _____ |
| Hon. Calvin Malone, Councilmember | Voted: _____ |
| Hon. Kathleen Hamilton, Vice Mayor/Councilmember | Voted: _____ |
| Hon. Brittni Brown, Mayor/Councilmember | Voted: _____ |

PASSED AND ADOPTED by the Town Council of the Town of Greenville, Florida, this _____ day of _____, 2023.

APPROVED:

HON. BRITTNI BROWN
Mayor/Councilmember

ATTEST:

APPROVED AS TO FORM:

LEE N. JONES, JR.
Interim Town Clerk

JOHN LAURANCE REID
Town Attorney

CODING: Deletions from existing language are ~~stricken~~; additions are underlined.

RESOLUTION NO. 2023-06

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GREENVILLE, FLORIDA, DETERMINING THE NECESSITY OF ACQUIRING CERTAIN REAL PROPERTY LOCATED NORTH OF SW GRAND AVENUE, SOUTH OF SW ONSLOW STREET, EAST OF SW BROAD AVENUE, AND WEST OF US-221; DETERMING THE NECESSITY OF OWNING SUFFICIENT PROPERTY FOR OPERATING A GROCERY STORE FOR PUBLIC USE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the Town of Greenville, Florida is a municipality with the right to exercise the power of eminent domain under the authority of Chapters 166, 73, and 74, Florida Statutes, and its governing body is the Town Council of the Town of Greenville, Florida; and

WHEREAS, the Town Council of the Town of Greenville, Florida, is advised that it is necessary and in the public interest to expand its current construction of a grocery store on property located north of SW Grand Avenue, south of SW Onslow Street, east of SW Broad Avenue, and west of US-221, hereinafter referred to as "project;" and

WHEREAS, the project is hereby declared to be a public purpose; and

WHEREAS, the Town of Greenville, Florida does not currently have a grocery store within its municipal borders that can serve the citizens of the Town of Greenville, Florida and the general public; and

WHEREAS, there is a great public need for the construction and operation of the Project in order to provide the citizens of the Town of Greenville, Florida and the general public, the services provided by a grocery store; and

WHEREAS, the Project will also promote gainful employment within the Town of Greenville, Florida and will enhance the aesthetic environment of the area; and

WHEREAS, the Town of Greenville, Florida has located its line of construction and does intend, in good faith, to construct and operate the Project on and over the hereinafter described real property; and

WHEREAS, it is necessary and in the public interest to acquire fee-simple title to certain hereinafter described real property for construction and operation of the Project; and

WHEREAS, negotiations to acquire the necessary real property, and other necessary appurtenances have begun and will continue after this Resolution is adopted; however, due to possibility that these negotiations may fail and/or break down, it is therefore necessary and for a public purpose to exercise the power of eminent domain; and

WHEREAS, the Town of Greenville, Florida has determined a good faith estimate of value based on a valid appraisal for each parcel described therein.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GREENVILLE, FLORIDA as follows:

SECTION 1. The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION 2. The Town Council of the Town of Greenville, Florida, in regular session duly assembled, hereby finds it necessary and for a public purpose to construct, own, and operate the Project.

SECTION 3. The Town Council of the Town of Greenville, Florida finds that construction and operation of the Project is necessary and for a public purpose by providing access to those services provided by a grocery store to the citizens of the Town of Greenville, Florida and the general public.

SECTION 4. The Town Council of the Town of Greenville, Florida finds it necessary and for a public purpose to acquire fee simple title to the real property described in Exhibit "A," attached hereto and incorporated herein by reference, hereinafter referred to as Parcel No. 00-00-00-2049-001-000, in order to provide for fee-simple title to said property for construction and operation of the Project.

SECTION 5. The Town Council of the Town of Greenville, Florida finds that Parcel No. 00-00-00-2049-001-000 is necessary, and will be utilized, for construction and operation of the Project, which includes parking to accompany the grocery store currently under construction which will be for use by the general public as well as attendant utilities, sidewalks, drainage, parking, ingress/egress, and/or landscaping.

SECTION 6. The Town Council of the Town of Greenville, Florida hereby authorizes the Town Attorney to acquire fee simple title to the real property described as Parcel No. 00-00-00-2049-001-000 together with all the appurtenances, easements, and restrictions of record and to file an action in the Circuit Court in the name of the Town of Greenville, Florida, exercising said Town's right of eminent domain, and to file any and all pleadings and papers in pursuance thereof, including a Declaration of Taking.

SECTION 7. The Town Council of the Town of Greenville, Florida deems it necessary to take the title to said land described in Exhibit "A" prior to the entry of Final Judgment in the Eminent Domain proceeding herein authorized, pursuant to Chapter 74, Florida Statutes.

SECTION 7. All resolutions or part of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 8. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION 9. This Resolution shall become effective immediately upon its passage and adoption.

Following the reading of the foregoing resolution, the Honorable _____ moved that the foregoing resolution be adopted. The Honorable _____ seconded the motion for its adoption.

The Honorable _____ put the question to a roll call vote, and the result was as follows:

| | |
|--|--------------|
| Hon. Carl Livingston, Councilmember | Voted: _____ |
| Hon. Calvin Malone, Councilmember | Voted: _____ |
| Hon. Kathleen Hamilton, Vice Mayor/Councilmember | Voted: _____ |
| Hon. Brittni Brown, Mayor/Councilmember | Voted: _____ |

PASSED AND ADOPTED by the Town Council of the Town of Greenville, Florida, this _____ day of _____, 2023.

APPROVED:

HON. BRITTNI BROWN
Mayor/Councilmember

ATTEST:

APPROVED AS TO FORM:

LEE N. JONES, JR.
Town CEO/CFO

JOHN LAURANCE REID
Town Attorney

ADDRESS: 1358 SW GRAND STREET, GREENVILLE, FL 32331
COUNTY: MADISON

LEGAL DESCRIPTION:

LOTS FIVE (5) AND SIX (6) OF BLOCK "C", AS SHOWN BY MAP OR PLAT DRAWN BY MARSHALL AND LONG, CIVIL ENGINEERS OF MOULTRIE, GEORGIA, ENTITLED, "PARKVIEW SUBDIVISION HAYS ESTATE", GREENVILLE, FLORIDA, SAID MAP RECORDED IN PUBLIC RECORDS OF MADISON COUNTY, FLORIDA, IN DEED BOOK 30, PAGE 498.

AND ALSO:

LOT NUMBER SEVEN (7), BLOCK "C", PARKVIEW SUBDIVISION OF THE TOWN OF GREENVILLE, FLORIDA.

AND ALSO:

A PARCEL OF LAND LYING WITHIN THE RIGHT OF WAY OF FIRST AVENUE NORTH OF BLOCK C PARKVIEW SUBDIVISION IN THE TOWN OF GREENVILLE, AS PER MAP OR PLAT THEREOF RECORDED IN DEED BOOK 30, PAGE 498, OF THE PUBLIC RECORDS OF MADISON COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF LOT 5, BLOCK "C" OF SAID PARKVIEW SUBDIVISION, AND RUN NORTH 89 DEGREES 47 MINUTES 43 SECONDS WEST ALONG THE SOUTH RIGHT OF WAY OF FIRST AVENUE 1.33 FEET TO THE POINT OF BEGINNING, FROM SAID POINT OF BEGINNING CONTINUE NORTH 89 DEGREES 47 MINUTES 43 SECONDS WEST ALONG SAID RIGHT OF WAY 61.0 FEET, THENCE NORTH 00 DEGREES 35 MINUTES 10 SECONDS WEST 4.63 FEET, THENCE SOUTH 89 DEGREES 33 MINUTES 47 SECONDS EAST 61.0 FEET, THENCE SOUTH 00 DEGREES 35 MINUTES 10 SECONDS EAST 4.38 FEET TO THE POINT OF BEGINNING, CONTAINING .006 ACRE, MORE OR LESS.



Approximate Representation
Source: Madison County Property Appraiser

