

ORDINANCE NO. O-21-06

AN ORDINANCE OF THE CITY OF SEBASTIAN, INDIAN RIVER COUNTY, FLORIDA, SCHEDULING AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2021, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY OF SEBASTIAN, THE QUESTION OF WHETHER OR NOT TO AMEND SECTION 1.02 (4) OF THE CITY CHARTER, RELATING TO INCLUDE BUT NOT LIMITED TO ELECTRONIC COMMUNICATION SERVICES AS A PUBLIC SERVICE, PROVIDING BALLOT LANGUAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 166.031 of Florida Statutes provides that the governing body of a municipality may by ordinance submit to the electors of said municipality a proposed amendment to all or parts of its City Charter; and

WHEREAS, in accordance with Section 5.03 of the City Charter, the Charter Review Committee has met, held public hearings, and recommended to the City Council certain revisions to the Charter; and

WHEREAS, the City Council wishes to call an election in the City of Sebastian on Tuesday, November 2, 2021, for the purpose of submitting to the electors of the City of Sebastian the question stated herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEBASTIAN, FLORIDA, that:

Section 1. ELECTION. A Citywide election is hereby called and scheduled for Tuesday, November 2, 2021 in the City of Sebastian, Florida, for the purpose of submitting to the qualified electors of the City of Sebastian the proposed amendment to the City Charter in the form attached hereto and made a part hereof.

Section 2. BALLOT. The purpose of this election shall be to present a referendum issue to the electors of the City of Sebastian of whether or not to adopt revisions to the City Charter. The ballot shall be substantially in the following form:

**CITY OF SEBASTIAN, FLORIDA
CHARTER AMENDMENT
Ballot Question #1**

PROVIDING LOCAL PUBLIC SERVICES TO INCLUDE BUT NOT LIMITED TO ELECTRONIC COMMUNICATION SERVICES

Shall Section 1.02 (4) Public Utilities of the City of Sebastian City Charter be amended, as provided in Ordinance O-21-06, to include but not limited to electronic communication services as a possible public utility?

_____ Yes for Approval
_____ No for Rejection

Section 3. ELECTION RESULTS. The result of such election shall be determined by a majority of the qualified electors of the City of Sebastian voting on the proposal.


Section 4. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption by the City Council.

The foregoing Ordinance was moved for adoption by Councilmember Hill. The motion was seconded by Councilmember McPartlan and, upon being put to a vote, the vote was as follows:

Mayor Ed Dodd	<u>aye</u>
Vice Mayor Jim Hill	<u>aye</u>
Councilmember Fred Jones	<u>aye</u>
Councilmember Chris Nunn	<u>aye</u>
Councilmember Bob McPartlan	<u>aye</u>

The Mayor thereupon declared this Ordinance duly passed and adopted this 23rd day of June, 2021.


CITY OF SEBASTIAN, FLORIDA

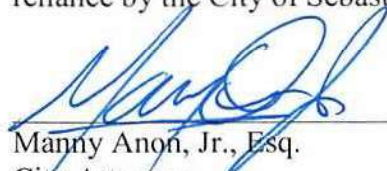
By: 
Mayor Ed Dodd



ATTEST:

Approved as to form and legality for reliance by the City of Sebastian only:


Jeanette Williams, MMC
City Clerk


Manny Anon, Jr., Esq.
City Attorney

I HEREBY CERTIFY that notice of public hearing on this Ordinance was published in the TC Palm Press Journal as required by State Statute, that one public hearing on the Ordinance was held on the 23 day of June, 2021, and that following said public hearing this Ordinance was passed by City Council for placement on the November 2, 2021 ballot.


Jeanette Williams, MMC
City Clerk

**ATTACHMENT TO ORDINANCE O-21-06
PROPOSED CHARTER AMENDMENT LANGUAGE**

Sec. 1.02. - Extraterritorial powers.

In addition to the powers enumerated herein, the city shall be vested with all extraterritorial powers heretofore granted by the prior Charter of the City of Sebastian, Florida, as follows:

- (1) *Acquisition of property.* To acquire by purchase, gift, devise, condemnation, lease or otherwise, real or personal property or any estate therein, or riparian right or easements therein, within or without the city, to be used for any municipal purpose, including cemeteries or places for burial of the dead; streets and highways, public parking lots or spaces; bridge and tunnels sites; the construction of a telephone system; plants, works and wells and other equipment necessary for supplying said city with water, ice, gas for illuminating and heating purposes, and electric power for illuminating, heating and other purposes; the location of waterworks and sites for public utility works; the establishment of houses of detention and correction; hospitals for the cure or detention of the sick; jails; market houses, public parks, playgrounds, airports, docks, sea walls, yacht harbors, wharves, warehouses, promenades; plants for cremating, neutralizing or otherwise destroying sewerage, garbage and refuse; for extension of sewer and drainage pipes and watermains; and for any public or municipal purpose; and to improve, sell, lease, pledge or otherwise dispose of same or any part thereof for the benefit of the city, to the same extent that natural persons might do, in the manner provided in this Charter. Any land purchase in excess of ten percent of the general fund of the current budget year shall require two appraisals. If the purchase price is in excess of the average of two appraisals, approval of the purchase would require a supermajority vote of four members of Council.
- (2) *Docks, wharves, sea walls.* To establish, construct, maintain, operate and control public landings, piers, wharves and docks within and without the city, and to acquire lands, riparian rights or other rights and easements necessary for such purposes; to control and regulate the operation of boats and the speed thereof; to lay and collect reasonable duties, charges or fees on vessels or watercraft coming into or using such landings, wharves, and docks; to regulate the manner of using any and all wharves and docks within and without the city and the rates of wharfage or charges to be paid by vessels or other watercraft using the same.
- (3) *Use of public lands and waters.* To regulate and control the use and occupancy of the waters, waterways, water bottoms, wharves, causeways, bridges, beaches, streets, thoroughfares, alleys, parks, public lots, and other public places in the city and municipally owned or leased property within or without the city limits; and to impose and enforce adequate penalties for violation of such rules and regulations.
- (4) *Public utilities.* To furnish any and all local public services, including but not limited to electronic communication, electricity, gas, water, lights, or transportation, and to charge and collect necessary fees or charges therefor; to purchase, hire, construct, own, extend, maintain, operate or lease any public utilities, electric light system, telephone and telegraph system, waterworks and plants, ice plants, and works, gas plants and

distribution systems, bus or transit systems, radio broadcasting stations, television stations, cablevision rebroadcasting systems, telephone systems, or other public utility; to establish, impose and enforce rates and charges for supplying such services or conveniences by the city to any person, persons, firm or corporation; to furnish any and all local public services to persons, firms, industries, or municipal corporations residing or located outside of the limits of said city. To acquire in any lawful manner in the State of Florida such water, lands and lands under water as the city council may deem necessary for the purpose of providing an adequate water supply for said city and the piping and conducting of the same, to make reasonable rules and regulations for promoting the purity of its said water supply and protecting the same from pollution and for this purpose to exercise full police powers over all lands comprised within the limits of the water shed tributary to any such supply wherever such lands may be located in the State of Florida.

- (5) *Abatement of nuisances.* To compel the abatement and removal of all nuisances within the city or upon the property owned by the city beyond its corporate limits, at the expense of the person or persons causing the same, or of the owner or occupant of the grounds or premises whereon the same may be.
- (6) *Stock.* To provide for inspecting and regulating the sanitary condition of all butcher pens, meat markets, or other places within and without the city limits, where the products of same are sold within the city limits, and to provide penalties for the violation of such regulations.
- (7) *Airports.* To purchase, acquire, take hold, establish, construct, equip, maintain and operate municipal airports, landing fields, hangars, aviation terminals and administration buildings, runways depots, warehouses, garages, repair shops, oil and fuel tanks or stations, or other necessary appurtenances for the use of airplanes and other aircraft, and to acquire or lease any and all real property within the corporate limits, or within ten (10) miles of the boundaries thereof for such purpose; to set apart and use for such purpose any real property owned or leased by the city, whether or not originally acquired by condemnation, purchase or lease for another purpose; to adopt and enforce reasonable rules and regulations governing the use of such municipal airports; to employ airport directors, airport managers, employees or agents in connection with such operation; to impose fees or charges in connection with the use of such airport or airport facilities; to sell gasoline or other supplies necessary in connection with the operation of such airports; to provide lounges, eating places, refreshment parlors and other facilities in connection with such municipal airports; to let or lease to private persons or corporations portions of said airports for building sites, hangar space, concessions or other uses for a term not to exceed thirty (30) years; to prescribe and promulgate reasonable rules and regulations for the operation of such airports, and to exercise supervision and control of such operation; to accept and receive grants from the state and federal governments and any body politic for the construction, maintenance, operation and management of such airport facilities.
- (8) *Contracts with other governmental agencies.* To enter into contracts with the State of Florida or any of its subdivisions or agencies, and with the United States of America or any department or any agency thereof, in order to purchase, lease or acquire property, real and personal, within or without the limits of the territorial boundaries of the city,

for any municipal purpose, and to sell, alienate, convey, lease or otherwise dispose of same for the benefit and advantage of said city.

- (9) *To convey to United States or State of Florida.* To acquire real estate or any interest therein, located within or without the territorial limits of said city, by purchase, gift, devise, condemnation or otherwise, for the purpose of giving, granting or conveying the same to the United States of America or the State of Florida, or any lawful agency or subdivision thereof, whenever the city council of said city shall deem it advisable, beneficial and to the best interest of said city so to do, or in order to induce the construction of public institutions and public works of any and all kinds.
- (10) *Golf course.* To acquire, construct, own and operate a golf course or golf courses and all such buildings and improvements as said city may deem necessary or desirable for use in connection therewith, within or outside of the limits of said city; to use any lands now owned by said city for the purpose of a golf course or golf courses, and to acquire by purchase, lease, condemnation or otherwise for such purposes any lands within or outside the limits of said city as it may deem necessary or desirable, to charge reasonable admissions, rentals or fees for the use or enjoyment of such golf course or golf courses by the users thereof, and prescribe reasonable rules and regulations for the use and operation thereof.
- (11) *Eminent domain.* To exercise the right and power of eminent domain, that is, the right to appropriate property within or without the territorial limits of said city for the following uses or purposes: For streets, lanes, alleys and ways, for public parks, squares and grounds, for drainage and for raising or filling in land in order to promote sanitation and healthfulness, for reclaiming and filling when lands are low or wet or overflowed, altogether or at times and entirely or partly, for the abatement of any nuisance, for the use of water pipes and for sewage and drainage purposes, for laying wires and conduits under the ground, for city buildings, waterworks, pounds, electric power plants, bridges, sea walls, bulkheads, causeways, docks, golf courses, airports and any and all other powers granted to said city by this Charter and for any other municipal purpose and for any other purpose granted by law, all of which shall be coextensive with the powers of the City of Sebastian exercising the right of eminent domain and the absolute fee simple title to all property so taken and acquired shall vest in said city unless the city seeks to condemn a particular right or estate in such property. That the procedure for the exercise of eminent domain or the condemnation of any lands or property under this subsection shall be the same as is provided by the general laws of the State of Florida with respect to eminent domain. The city shall not use the power of eminent domain for a project having the purpose of transferring rights in the properties acquired to a private party in pursuit of economic development.