

Sec. 2-52. - Agenda.

- (a) There shall be an official agenda for each regular meeting of the city council, which shall determine the matters of business to be considered at the meeting and the order in which the items shall be presented. Matters may be proposed for placement on the agenda by the mayor, any councilmember, the city manager, the city clerk, and the city attorney.
- (1) *Deadline for submissions.* All minutes of prior meetings requiring approval and all ordinances, resolutions, contract documents, reports, communications and other matters to be submitted to the council shall be delivered to the city clerk not later than 12:00 noon on the Friday, 11 days preceding the regularly scheduled Tuesday meeting. Any exceptions shall be approved by the city manager or his designee.
- (2) *Deadline for publication.* The city clerk, upon receipt of the agenda items, shall immediately prepare the agenda by listing such matters according to the order of business and furnish each member of council, the city manager, and the city attorney with a copy of the agenda, together with copies of the documents and papers which are pertinent thereto, on Wednesday of the week preceding a regular meeting or as far in advance of the meeting as time for preparation will permit. If the final agenda is not available by the Wednesday deadline, a draft agenda will be provided to council by the deadline.
- (3) *Agenda requests by mayor and councilmembers.* The agenda shall provide times when the mayor and councilmembers may bring before the council any matter concerning the city's business, over which the council has control or that he or she feels should be deliberated upon by council. These matters should be submitted as an agenda item in accordance with subsection (a)(1) above and should strive to supply backup materials for distribution with the agenda packets. To assign directives to charter officers for disputed matters or those constituting a staff work assignment, matters must be placed on an agenda and receive a majority vote.
- (4) *Consent agenda.* The consent agenda is used to handle routine matters on the agenda expeditiously. There is no separate discussion of these items unless the mayor or a councilmember requests an item be removed for consideration in its normal sequence on the agenda. The approval of the consent agenda is usually handled in one motion.

(b) The city council shall not take action upon any matter, proposal, report or item of business which is not listed upon the agenda except those of an urgent nature and concerning which a majority of the membership of the council shall have first consented to the presentation thereof for consideration and action.

(Code 1982, § 2-33; Ord. No. 2008-06, § 1, 3-25-08; Ord. No. 2014-02, § 2, 1-28-14; Ord. No. 2020-27, § 2, 11-17-20)

Sec. 2-53. - Addressing council.

- (a) Except for quasi-judicial public hearings, any person desiring to present his views on any matter over which the council has control may do so in the following manner:
- (1) *Written communications.* Interested parties or their authorized representatives may address the council by written communications, including emails or other electronic means, in regard to matters under discussion. Such communications shall be copied to each member of the council by the city clerk.
  - (2) *Presentations to city council.* Any councilmember, the city manager on his behalf or that of a staff member, may request that a presentation by a third party on an issue or subject pertaining to the business of city council be placed on a regular city council meeting agenda. A presentation by a member of the public may be placed on a city council agenda if requested by a city council member or the city manager. The deadline for submission is pursuant to subsection 2-52(a)(1). The written request must include the topic and action, if any is being requested, of council. Those not making previous arrangements will be allowed to speak during audience participation as set forth in subsection (a)(3) of this section.
  - (3) *Audience participation.* The council will hear comments, concerns or questions from members of the public present at the meeting during defined time periods for public comment on the agenda. Any person wishing to speak shall complete and submit a request to speak card prior to the start of the applicable opportunity for public comment. Any single presentation must be limited to five minutes for city residents, city property owners, and owners of businesses within the city limits and two minutes for all other speakers unless other time limits are established. Comments will be permitted on agenda items at the time the item is under consideration by the council if a request to speak card has been submitted to the city clerk.
  - (4) *Addressing council.* Each person addressing council shall speak into the microphone and shall limit his address to the time granted by subsection (a)(3) above. The time limits will be strictly enforced. Time limits for any member of the public may be extended at the discretion of the presiding officer. All remarks shall be addressed to the council as a body and not to any member thereof. There is to be no interruption during the presentation; however, at its completion, any councilmember may, through the chair, ask questions with the intent of receiving pertinent information but will not enter into a debate. The person will then be dismissed. Then council may open the question for their discussion. In all areas other than public hearings or audience participation, the audience will not be allowed to speak, unless it is approved by four affirmative votes of council.
  - (5)

*Improper remarks or conduct.* Any person making personal, impertinent or slanderous remarks, or who shall become boisterous or disorderly, or who speaks longer than the allotted time without permission, or who speaks vulgarities, may be requested to leave the meeting and may be barred from further presentation before the council at that meeting by the presiding officer.

- (6) *Enforcement of time limits.* The city clerk or his designee shall indicate by a bell, light, buzzer or voice when the allotted time has expired.
- (7) *Order of audience participation.* Regardless of pro or con standing, citizens shall be asked to speak on the issue in the order called by the city clerk, with city residents, city property owners and owners of businesses within the city limits being called first.
- (b) Quasi-judicial hearings shall be conducted in substantially the following manner:
  - (1) All speakers shall sign and submit a request to speak card, which shall contain an oath or affirmation that the testimony to be given will be truthful.
  - (2) Affected party. City council may allow a person or entity to intervene as an affected party if they have an interest in the application which is different than the public at large. At least five business days prior to the hearing (e.g., the Tuesday preceding a Tuesday council meeting), the person or entity shall complete an application for affected party status and submit it to the city clerk's office.
  - (3) Designated representative. Members of the public, an association, corporation, legal entity, or group who wish to communicate the same message or provide the same competent substantial evidence to the city may choose a designated representative to speak on the members' behalf, rather than individual members of the group speaking. Designated representatives shall submit a written list of the members they represent and shall verify that the representative speaks on behalf of the members. Such verification may be by testimony under oath or by notarization. Members of the public on the written list shall cede their time for public comment to the designated representative, who shall be granted ten minutes to speak. Designated representatives shall be considered participants and not an affected party. Any person seeking to speak on behalf of three or more people, inclusive of themselves, shall be considered a designated representative.
  - (4) The order of the hearing should generally be as follows:
    - a. The mayor, or designee, shall open the public hearing and call upon the city clerk to read the title of the proposal before council.
    - b. The mayor and councilmembers shall disclose any conflicts of interest and ex parte communications.
    - c. City attorney shall raise any preliminary matters including whether there are any requests for affected party status.
    - d. City council decides on any preliminary matters including affected party status.

- e. Staff makes a presentation, if requested.
  - f. After the staff presentation, the applicant may make a presentation.
  - g. Any affected party may make a presentation.
  - h. Cross examination of witnesses, limited to matters about which the witnesses testified, may occur after each presentation. Such cross examination shall be limited to five minutes per witness. Re-direct examination of any witness shall be limited to two minutes.
  - i. City council shall hear any public comment whereupon the public comment portion of the public hearing shall be closed. Members of the public shall have five minutes each to speak, except by vote of the majority of councilmembers present the amount of time allotted to each member of the public may be reduced to no less than three minutes if more than 12 members of the public have signed up to speak.
  - j. Staff may offer rebuttal or final comments.
  - k. Any affected party may offer rebuttal or final comments.
  - l. The applicant may offer rebuttal or final comments.
  - m. Cross examination of any party's witnesses during rebuttal shall be limited to three minutes per witness. Re-direct examination of any witness shall be limited to two minutes.
- (5) During the course of the hearing, councilmembers may ask questions through the mayor, or designee, of the person testifying. The timing of these questions shall be at the sound discretion of the mayor, or designee, in consultation with the presenter in order to facilitate and achieve an orderly public hearing process. After rebuttal, the mayor, or designee, shall close the public hearing but may reopen the public hearing to allow staff, the applicant or any affected party to respond to specific questions from councilmembers.
- (6) Staff shall submit written material in accordance with the requirements of this Code at least five business days prior to the hearing. Copies of all exhibits, including presentations, which will be presented at the public hearing and the names and addresses of all witnesses who will be called to testify (including resumes for any witnesses the party intends to qualify as experts) shall be submitted by the applicant and any affected party to the city clerk at least three business days prior to the hearing (e.g., the Thursday preceding a Tuesday council meeting). Any witness identifications or substantive exhibits submitted after these deadlines will be excluded from the record unless city council determines there is good cause shown for the delay. Alternatively, the hearing may be continued to the next available agenda at the discretion of city council. All material submitted shall be made part of the record except for material specifically excluded by law.
- (7) Staff, the applicant and any affected party shall each be entitled to 25 minutes for presentation. If there is more than one affected party, the total time allotted to affected parties' presentations shall be 25 minutes. Rebuttal/final comments shall be limited to ten

minutes and shall not include new evidence. To ensure that due process is afforded, time limits may be extended by vote of the majority of councilmembers present. All time limits shall be enforced by the city clerk and shall not include the time for council questions or presenter's responses.

- (8) Statements of counsel, or any non-attorney representative, shall only be considered as argument and not testimony unless counsel or the representative indicates at the start of their presentation that they are a fact witness, is sworn in, and the testimony is based on personal knowledge of the matters which are the subject of the statements.
- (9) All evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a court of law in Florida. Irrelevant, immaterial, harassing, defamatory or unduly repetitive evidence shall be excluded. Hearsay evidence may be used for the purposes of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding unless it would be admissible over objection in a civil action. The city attorney's office or mayor shall rule on all evidentiary issues.
- (10) Any person making personal, impertinent or slanderous remarks, or who shall become boisterous or disorderly, or who speaks longer than the allotted time without permission, or who speaks vulgarities, may be requested to leave the meeting and may be barred from further presentation before the council at that meeting by the mayor, or designee.
- (11) City council shall deliberate on the petition after closing the public hearing. Unless otherwise required by state or local law, final action shall be by majority vote of those present. A failure to receive a majority vote of the members present defeats the question. If no further motion for approval or denial is made the petition is deemed denied and the entire record, including petition materials, testimony, documents, and evidence is made a part of the facts relied upon to make the determination.

(Code 1982, § 2-34; Ord. No. 2008-06, § 2, 3-25-08; Ord. No. 2014-02, § 2, 1-28-14; Ord. No. 2017-10, § 2, 4-11-17; Ord. No. 2018-38, § 2, 11-28-18; Ord. No. 2019-02, § 2, 1-8-19; Ord. No. 2020-27, § 2, 11-17-20; Ord. No. 2023-53, § 2, 12-12-23)