



MULBERRY CITY COMMISSION MEETING

REGULAR MEETING

June 18, 2019 6:00 PM

Mulberry City Hall

AGENDA

1. **CALL TO ORDER**
2. **INVOCATION FOLLOWED BY PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES OF THE REGULAR MEETING ON JUNE 4, 2019**
5. **PLANNING & DEVELOPMENT REPORT/UPDATE**
6. **FINANCE REPORT/UPDATE**
7. **PUBLIC WORKS & UTILITIES REPORT/UPDATE**
8. **NEW BUSINESS**
 - I. **ORD-2019.5-AN ORDINANCE RELATING TO FAIR HOUSING; AMENDING THE CODE OF ORDINANCES OF THE CITY OF MULBERRY, FLORIDA TO CREATE CHAPTER 16.9 ENTITLED FAIR HOUSING CODE; DECLARING CITY POLICY TO PROHIBIT DISCRIMINATION IN HOUSING ON THE BASIS OF RACE, COLOR, ANCESTRY, NATIONAL ORIGIN, RELIGION, SEX, MARITAL STATUS, FAMILIAL STATUS, HANDICAP OR AGE; PROVIDING DEFINITIONS; DESIGNATING CERTAIN DISCRIMINATORY PRACTICES IN THE SALE OR RENTAL OF HOUSING, AS WELL AS IN ADVERTISING IN CONNECTION THEREWITH, IN THE FINANCING OF HOUSING, AND IN BROKERAGE SERVICES RELATED TO HOUSING UNLAWFUL; PROVIDING EXCEPTIONS; PROVIDING FOR AN ADMINISTRATOR TO BE DESIGNATED BY THE CITY OF MULBERRY AND PRESCRIBING THE GENERAL POWERS AND DUTIES OF SUCH ADMINISTRATOR, PRESCRIBING ACTION UPON A DETERMINATION OF PROBABLE CAUSE, AND AUTHORIZING THE PROMULGATION OF FORMS AND REGULATIONS; PRESCRIBING PROCEDURES FOR THE FILING OF COMPLAINTS AND RESPONSES THERETO, AND THE PROCESSING THEREOF BY THE ADMINISTRATOR; PROVIDING FOR ADDITIONAL REMEDIES; PROHIBITING UNTRUTHFUL COMPLAINTS OR FALSE TESTIMONY; PROVIDING FOR PENALTIES FOR VIOLATION; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR AN EFFECTIVE DATE**



9. UNFINISHED BUSINESS

10. COMMUNICATIONS FROM CITIZENS:

Public comments/communications from citizens are limited to 5 (five) minutes. Anyone wishing to address the Commission should sign in upon entering at the beginning of the meeting. When you are called to speak, please go to the podium and state your name and address for the record prior to addressing the Commission.

***CITY COMMISSION COMMENTS:**

***CITY MANAGER COMMENTS:**

***CITY ATTORNEY COMMENTS:**

***CITY CLERK COMMENTS:**

*** ADJOURNMENT:**

Each of the meetings/events scheduled may constitute a public meeting at which two or more City Commissioners may attend



MULBERRY CITY COMMISSION MEETING

REGULAR MEETING

June 4, 2019 6:00 PM

Mulberry City Hall

MINUTES

1. CALL TO ORDER

Mayor Hatch called the meeting to order at 6:00 pm.

2. INVOCATION FOLLOWED BY PLEDGE OF ALLEGIANCE

Louis Holstein, Programs Director, led the invocation followed by the Pledge of Allegiance.

3. ROLL CALL

Present: Commissioners McAteer, McClintock, Splaine, Smith, Mayor Hatch, City Attorney Crawford, City Clerk Lauther and City Manager Johnson

Department Staff Present: Chelsea Young, Cultural Center/Museum Director, John Wasmund, Finance Director, Louis Holstein, Programs Director and Ron Borchers, Planning & Development Director, Cheri Schisler, Library Director

4. APPROVAL OF MINUTES OF THE REGULAR MEETING ON MAY 21, 2019, REGULAR COMMISSION MEETING

Commissioner Smith made the motion to accept the minutes as distributed, seconded by Commissioner Splaine. Mayor Hatch asked all in favor of the motion say aye. All voted yes. Motion carried unanimously.

5. DEPARTMENT HEAD PRESENTATIONS

Cheri Schisler, Library Director, gave a brief report on the Library's attendance record and current and upcoming events for the Library.

Louis Holstein, Programs Director, gave a brief report on current and upcoming events for the City.

Chelsea Young, Cultural Center/Museum Director, gave a brief report on current and upcoming events at the Cultural Center/Museum. Ms. Young stated the Cultural Center was featured in the Art·i·facts newest edition.



6. CIVIC ORGANIZATIONS REPORT

Diana Simmons, Executive Director of the Mulberry Chamber of Commerce, stated the Chamber had one new business join the Chamber this month. Ms. Simmons gave a brief update on the upcoming Chamber events.

Julie Taylor, Concerns Citizens of Mulberry and Surrounding Areas Inc., stated she misses Commissioner Stradtman. Ms. Taylor thanked everyone for all their work in helping with the Lake Whidden Park dedication. Ms. Taylor stated our City is a great City because everyone is working as a "Team". Ms. Taylor congratulated Lisa Hobbs for her retirement from Walmart. Ms. Taylor thanked everyone for the Splash Party for the pool opening.

7. NEW BUSINESS

I. COMMISSION SEAT #1 (AT LARGE) VACANCY

Mayor Hatch stated that City Attorney Crawford had given us three options as to how to fill Commissioner Stradtman's seat. A brief discussion followed. Commissioner Smith made a motion to keep seat vacant until the next election and have the Mayor vote in place of the vacant seat, seconded by Commissioner Splaine. Mayor Hatch called for a roll call vote:

Commissioner Smith - Yes

Commissioner Splaine - Yes

Mayor Hatch - Yes

Commissioner McClintock - No

Commissioner McAteer - Yes

Motion Passed 4-1

8. UNFINISHED BUSINESS

None

9. COMMUNICATIONS FROM CITIZENS:

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Mayor Hatch pointed out that Karen Whaley, Senator Albritton's Assistant, was in the audience and thanked her for coming.

***CITY COMMISSION COMMENTS:**

Commissioner McAteer stated he was looking forward to the upcoming summer programs that the City will be having at the Library and Cultural Center.

Commissioner McClintock thanked the City of Winter Haven for the Ethics Training Class on Saturday. Commissioner McClintock stated the Heart of Florida Arbor has purchased about 500 backpacks for the Back to School Bash that they will be giving out at the end of summer. Commissioner McClintock congratulated the Cultural Center for being featured in the magazine. Commissioner McClintock stated the Lake Whidden memorial was really great.

Commissioner Smith congratulated the City for an outstanding job on the Lake Whidden memorial. Commissioner Smith stated he will miss Commissioner Stradtman.

Commissioner Splaine stated the Lake Whidden memorial went well.

Mayor Hatch stated he attended the graduation for Mulberry High School. Mayor Hatch commended the Library, Cultural Center/Museum and Louis Holstein for the City events for all the events that are going on this summer.

***CITY MANAGER COMMENTS:**

City Manager Johnson gave a brief update on the GEM Theater, the wall on North Church Avenue, the pool opening, street paving, new contractor on NE 1st Avenue, CDBG Grant for the new lift station, budget for next year, annexations to the City, Lake Whidden dedication and new warehouse buildings in the Industrial Park. City Manager Johnson stated that the CRA Funding is about to explode in a big way, if not this year but next year, and with those funds is when we will be able to do the Downtown Revitalization.

***CITY ATTORNEY COMMENTS:**

City Attorney Crawford stated he is still working on the lien release for 410 NW 5th and will bring to the Commission in the next few weeks. City Attorney Crawford stated he will be developing a resolution that will authorize extension of the CRA beyond its scheduled end date within 2-3 months.



***CITY CLERK COMMENTS:**

City Clerk Lauther stated all the hotel reservations and registrations have been made for the Commissioners to attend the FLC Conference in August.

*** ADJOURNMENT:**

Approved: _____
Honorable Mayor George H. Hatch

Attest: _____
City Clerk, Sharon Lauther, CMC

Each of the meetings/events scheduled may constitute a public meeting at which two or more City Commissioners may attend

ORDINANCE NO. ORD-2019-05

AN ORDINANCE RELATING TO FAIR HOUSING; AMENDING THE CODE OF ORDINANCES OF THE CITY OF MULBERRY, FLORIDA TO CREATE CHAPTER 16.9 ENTITLED FAIR HOUSING CODE; DECLARING CITY POLICY TO PROHIBIT DISCRIMINATION IN HOUSING ON THE BASIS OF RACE, COLOR, ANCESTRY, NATIONAL ORIGIN, RELIGION, SEX, MARITAL STATUS, FAMILIAL STATUS, HANDICAP OR AGE; PROVIDING DEFINITIONS; DESIGNATING CERTAIN DISCRIMINATORY PRACTICES IN THE SALE OR RENTAL OF HOUSING, AS WELL AS IN ADVERTISING IN CONNECTION THEREWITH, IN THE FINANCING OF HOUSING, AND IN BROKERAGE SERVICES RELATED TO HOUSING UNLAWFUL; PROVIDING EXCEPTIONS; PROVIDING FOR AN ADMINISTRATOR TO BE DESIGNATED BY THE CITY OF MULBERRY AND PRESCRIBING THE GENERAL POWERS AND DUTIES OF SUCH ADMINISTRATOR, PRESCRIBING ACTION UPON A DETERMINATION OF PROBABLE CAUSE, AND AUTHORIZING THE PROMULGATION OF FORMS AND REGULATIONS; PRESCRIBING PROCEDURES FOR THE FILING OF COMPLAINTS AND RESPONSES THERETO, AND THE PROCESSING THEREOF BY THE ADMINISTRATOR; PROVIDING FOR ADDITIONAL REMEDIES; PROHIBITING UNTRUTHFUL COMPLAINTS OR FALSE TESTIMONY; PROVIDING FOR PENALTIES FOR VIOLATION; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR AN EFFECTIVE DATE

Be it enacted by the city commission of the City of Mulberry, Florida:

Section 1. Amendments to the Code of Ordinances.

The *Code of Ordinances of the City of Mulberry, Florida* is amended to create Chapter 16.9 as provided for in Exhibit 'A' to this Ordinance, consisting of ten (10) pages numbered A-1 through A-10, a copy of which is attached hereto and incorporated herein.

Section 2. Conflicts.

All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 3. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held illegal, invalid or unconstitutional by the decision of any court or regulatory body of competent jurisdiction, such decision shall not affect the validity of the remaining portions

hereof. The City Commission of the City of Mulberry hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared illegal, invalid or unconstitutional.

Section 4. Codification; Administrative Correction of Scrivener’s Errors.

It is the intent of the City Commission that the provisions of Exhibit ‘A’ to this Ordinance shall be codified and become and be made a part of the *Code of Ordinances of the City of Mulberry*. The provisions of Exhibit ‘A’ to this Ordinance may be renumbered or relettered to accomplish such intention and the word “Ordinance”, or similar words, may be changed to “Section,” “Article”, or other appropriate word. The implementing sections of this Ordinance, Sections 1, 2, 3, 4 and 5 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance. Regardless of whether such inclusion in such codes is accomplished, sections of this ordinance may be renumbered or relettered and the correction of typographical or scrivener’s errors which do not affect the intent may be authorized by the City Manager or his or her designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

Section 5. Effective Date.

This Ordinance shall become effective immediately upon its passage and adoption

INTRODUCED on First Reading this _____ day of June, 2019.

PASSED AND ENACTED on Second Reading, with a quorum present and voting, by the City Commission of the City of Mulberry, Florida this _____ day of July, 2019.

CITY OF MULBERRY, FLORIDA

Mayor George H. Hatch

Attest:

Sharon Lauther, City Clerk

Approved as to form:

Frederick J. Murphy, Jr. City Attorney

Exhibit 'A'
Ordinance No. ORD-2019-05

ORDINANCE ORD-2019-05
EXHIBIT 'A'

AMENDMENT TO THE CODE OF ORDINANCES OF
THE CITY OF MULBERRY, FLORIDA:

(In this Exhibit, all text is considered new law and city commission determines the use of traditional underlined and ~~strikethrough~~ text to be unnecessary.)

Chapter 16.9 – FAIR HOUSING CODE

Sec. 16.9-1. - Title.

This chapter shall be known as the “Fair Housing Code” of the city and may be so cited.

Sec. 16.9-2. - Declaration of Policy.

It is the policy of the city in keeping with the laws of the United States of America and the spirit of the Constitution of the State of Florida, to promote through fair, orderly and lawful procedure the opportunity for each person so desiring to obtain housing of such person’s choice within the city’s municipal limits without regard to race, color, ancestry, national origin, religion, sex, marital status, familial status, handicap or age, and, to that end, to prohibit discrimination in housing by any person.

Sec. 16.9-3. - Definitions.

As used in this chapter, terms shall be defined as follows:

Administrator shall mean person appointed by the city commission pursuant to this chapter to administer this ordinance and the complaint resolution process outlined herein.

Age shall refer exclusively to persons who are 18 years of age or older unless the context clearly indicates otherwise.

Discriminatory Housing Practice shall mean a proscribed unlawful act.

Family shall mean one or more persons living together as a single housekeeping unit in a dwelling.

Housing or *Housing Accommodation* shall mean any building, structure, or portion thereof, mobile home or trailer, or other facility which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof, mobile home or trailer or other facility.

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Lending Institution shall mean any bank, insurance company, savings and loan association or any other person or organization regularly engaged in the business of lending money, guaranteeing loans, or sources of credit information, including, but not limited to credit bureaus.

Owner shall mean any person, including, but not limited to a lessee, sublease, assignee, manager, or agent, and also including the city and its departments or other subunits, having the right of ownership or possession or the authority to sell or lease any housing accommodation.

Person shall mean one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mortgage companies, joint stock companies, trusts, receivers, unincorporated organizations, or public corporations, including, but not limited to the city or any department or subunit thereof.

Real Estate Agent shall mean any real estate broker, any real estate salesperson, or any other person, employee, agent, or otherwise, engaged in the management or operation of any real property.

Real Estate Broker or Salesperson shall mean a person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property, or who negotiates or attempts to negotiate any of these activities, or who holds himself or herself out as engaged in these activities, or who negotiates or attempts to negotiate a loan secured or to be secured by mortgage or other encumbrance upon real property, or who is engaged in the business of listing real property in a publication; or a person employed by or acting on behalf of any of these.

Real Estate Transaction shall include the sale, purchase, exchange, rental or leases of real property, and any contract pertaining thereto.

Rent shall include any lease, sublease, assignment or rentals, including any contract to do any of the foregoing, or otherwise granting for a consideration the right to occupy premises that are not owned by the occupant.

Respondent: Any person against whom a complaint is filed pursuant to this ordinance.

Sale: Includes any contract to sell, exchange, or to convey, transfer or assign legal or equitable title to, or a beneficial interest in, real property.

Sec. 16.9-4. - Unlawful Housing Practices.

- (a) *Unlawful housing practices: Sale or rental and advertising in connection therewith.* Except as provided in Section 16.9-5, it shall be unlawful and a discriminatory housing practice for an owner, or any other person engaging in a real estate transaction, or for a real estate broker, as defined in this ordinance, because of race, color, ancestry, national origin, religion, sex, marital status, familial status, handicap or age:

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- (1) To refuse to engage in a real estate transaction with a person or to otherwise make unavailable or deny housing to any person.
- (2) To discriminate against a person in the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith.
- (3) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person.
- (4) To refuse to negotiate for a real estate transaction with a person.
- (5) To represent to a person that housing is not available for inspection, sale, rental or lease when, in fact, it is so available, or to fail to bring a property listing to such person's attention, or to refuse to permit him or her to inspect the housing.
- (6) To steer any person away from or to any housing.
- (7) To make, print, publish, circulate, post or mail, electronic or otherwise, or cause to be made, printed, published or circulated, any notice, statement, advertisement or sign, or to use a form of application or photograph for a real estate transaction or, except in connection with a written affirmative action plan, to make a record or oral or written inquiry in connection with a prospective real estate transaction, which indicates directly or indirectly an intent to make a limitation, specification, or discrimination with respect thereto.
- (8) To offer, solicit, accept, use or retain a listing of housing with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith.
- (9) To induce or attempt to induce any person to transfer an interest in any housing by representations regarding the existing or potential proximity of housing owned, used or occupied by any person protected by the terms of this ordinance.
- (10) To make any misrepresentations concerning the listing for sale or rental, or the anticipated listing for sale or rental, or the sale or rental of any housing in any area in the city for the purpose of inducing or attempting to induce any such listing or any of the above transactions.
- (11) To retaliate or discriminate in any manner against any person because of his or her opposing a practice declared unlawful by this ordinance, or

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because he or she has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or conference under this ordinance.

- (12) To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by the provisions of this ordinance, or to obstruct or prevent any person from complying with the provisions of this ordinance, or any conciliation agreement entered into there under.
- (13) By canvassing to compel any unlawful practices prohibited by the provisions of this ordinance.
- (14) Otherwise to deny to, or withhold, any housing accommodations from a person.
- (15) To promote, induce, influence or attempt to promote, induce or influence by the use of postal cards, letters, circulars, telephone, emails, facsimiles, visitation or any other means, directly or indirectly, a property owner, occupant, or tenant to list for sale, sell, remove from, lease, assign, transfer, or otherwise dispose of any housing by referring as a part of a process or pattern of indicating neighborhood unrest, community tension, or fear of racial, color, religious, nationality or ethnic change in any street, block, neighborhood or any other area, to the race, color, religion, neighbors, tenants or other prospective buyers of any housing.
- (16) To place a sign or display any other device either purporting to offer for sale, lease, assignment, transfer or other disposition or tending to lead to the belief that a bona fide offer is being made to sell, lease, assign, transfer or otherwise dispose of any housing that is not in fact available or offered for sale, lease, assignment, transfer or other disposition.

(b) *Unlawful housing practices: Financing* It shall be unlawful and a discriminatory housing practice for any lending institution, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing or maintaining housing, or to discriminate against such person in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, ancestry, national origin, religion, sex, marital status, familial status, handicap or age of such person or of any person associated with such person in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants or occupants of the housing in relation to which such loan or other financial assistance is to be made or given; provided that nothing contained in this subsection shall impair the scope or effectiveness of the exceptions contained in Section 16.9-5.

(c) *Unlawful housing practices: Brokerage Services* It shall be unlawful and a discriminatory housing practice to deny any person access to or membership or

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participation in any multiple listing service, real estate brokers organization or other service, organization, or facility related to the business of selling, or renting housing, or to discriminate against such person in the terms or conditions of such access, membership or participation because of race, color, ancestry, national origin, religion, sex, marital status, familial status, handicap, or age.

Sec. 16.9-5. - Exemptions and Exceptions.

(a) Nothing contained in Section 16.9-4 shall prohibit a religious organization, association, or society, or any nonprofit charitable or educational institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting or from advertising the sale, rental or occupancy of housing which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons. Nor shall anything in this ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(b) Nothing in Section 16.9-4, other than subsection (a)(7) thereof, shall apply to:

(1) Any single family house sold or rented by an owner: provided, that such private individual owner does not own more than three such single-family houses at any one time; provided, further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty four month period; provided, further, that it does not own any interest in, nor is there owned or reserved on such owner's behalf, under any express or voluntary agreement, title to or any rights to all or a portion of the proceeds from the sale or rental of, more than three such single family houses at any one time; provided, further, that the owner sells or rents such housing (A) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesperson, or of such facilities or services of any person in the business of selling or renting housing, or of any employee or agency of any such broker, agent, salesperson, or person and (B) without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of Section 16.9-4(a)(7) hereof, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other such professional assistance as necessary to perfect or transfer the title; or

(2) Rooms or units in housing containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as such owner's residence, provided that the owner sells or rents such rooms or units (A)

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without the use in any manner of the sales or rental services of any real estate broker, agent or salesperson, or of such facilities or services of any person in the business of selling or renting housing, or of any employee or agency of any such broker, agent salesperson, or person and (B) without the publication, posting or mailing, after notice in violation of Section 16.9-4(a)(7), but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other such professional assistance as necessary to perfect or transfer the title.

(c) For the purpose of this subsection a person shall be deemed to be in the business of selling or renting housing if:

(1) He or she has, within the preceding twelve months, participated as principal, other than in the sale of his or her own personal residence, in providing sales or rental facilities or sales or rental services in three or more transactions involving the sale or rental of any housing or any interest therein; or

(2) He or she has, within the preceding twelve months, participated as agent, other than in the sale of his or her own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any housing or any interest therein; or

(3) He or she is the owner of any housing designed or intended for occupancy by, or occupied by, five or more families.

(d) Nothing in Section 16-9.4 shall be construed to:

(1) Bar any person from restricting sales, rentals, leases or occupancy, or from giving preference, to persons of a given age for bona fide housing intended solely for the elderly or bona fide housing intended solely for minors.

(2) Make it an unlawful act to require that a person have legal capacity to enter into a contract or lease.

(3) Bar any person from advertising or from refusing to sell or rent any housing which is planned exclusively for, and occupied exclusively by, individuals of one sex, to any individual of the opposite sex.

(4) Bar any person from selling, renting or advertising any housing which is planned exclusively for, and occupied exclusively by, unmarried individuals to unmarried individuals only.

(5) Bar any person from advertising or from refusing to sell or rent any housing which is planned exclusively for married couples without children or from segregating families with children to special units of housing.

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(6) Bar any person from refusing a loan or other financial assistance to any person whose life expectancy, according to generally accepted mortality tables, is less than the term for which the loan is requested.

Sec. 16.9-6. - Administrator Authority and Responsibilities.

(a) The authority and responsibility for administering this ordinance shall be vested in the city manager who shall appoint a member of the city's administrative staff as administrator.

(b) *General Powers and Duties.* The administrator shall:

(1) Receive written complaints as hereinafter provided in Section 16.9-7 relative to alleged unlawful acts under this ordinance when a complaint seeks the administrator's good offices to conciliate.

(2) Upon receiving written complaint, make such investigations as the administrator deems appropriate to ascertain facts and issues.

(3) Utilize methods of persuasion, conciliation, and mediation or information adjustment of grievances.

(4) Establish, administer or review programs at the request of the city manager and make reports on such programs to the city manager.

(5) Bring to the attention of the city manager items that may require notice or action to resolve.

(6) Render to the city manager annual written reports of his or her activities under the provisions of this ordinance along with such comments and recommendations as he or she may choose to make.

(7) Cooperate with and render technical assistance to federal, state, local and other public and private agencies, organizations and institutions which are formulating or carrying on programs to prevent or eliminate the unlawful discriminatory practices covered by the provisions of this ordinance.

(c) *Determination of Probable Cause.* If after fully processing the complaint in the manner hereafter provided, the administrator determines that there is probable cause to believe that there has been a violation of the provisions of this chapter, and conciliation or resolution under this chapter is not achieved, the administrator shall refer the matter, along with the facts he or she has gathered in the investigations, to the proper county, state or federal authorities for appropriate legal action, with notification thereof to the city manager and the city attorney.

(d) *Promulgation of Forms and Regulations.* The city manager shall promulgate,

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publish and distribute the necessary forms, rules and regulations to implement the provisions of this ordinance.

Sec. 16.9-7. - Complaints.

(a) A person who claims that another person has committed a discriminatory housing practice against him or her may report that offense to the administrator by filing an informal complaint within forty five (45) days after the date of the alleged discriminatory housing practice and not later.

(b) The administrator shall treat a complaint referred by the Secretary of Housing and Urban Development or the Attorney General of the United States under the Fair Housing Act of 1968, Public Law 90 284, as an informal complaint filed under subsection (a).

(c) An informal complaint must be in writing, verified or affirmed, on a form to be supplied by the administrator and shall contain the following:

- (1) Identity and address of the respondent.
- (2) Date of offense and date of filing the informal complaint.
- (3) General statement of facts of the offense including the basis of the discrimination (race, color, ancestry, national origin, religion, sex, marital status, familial status, handicap or age).
- (4) Name and signature of the complainant.

(d) Each complaint shall be held in confidence by the administrator unless and until either (1) the complainant and the respondent(s) consent in writing that it shall be made public or (2) the complaint is required to be opened for public inspection and copying pursuant to Chapter 119 of the Florida Statutes or other general law.

(e) Within fifteen (15) days after the filing of the informal complaint, the administrator shall transmit a copy of the same to each respondent named therein by certified mail, return receipt requested. Thereupon, the respondent(s) may file a written, verified informal answer to the informal complaint within twenty (20) days of the date of the receipt of the informal complaint.

(f) An informal complaint or answer may be amended at any time, and the administrator shall furnish a copy of each amended informal complaint or answer to the respondent(s) complaint, respectively, as promptly as practicable.

(g) The administrator shall assist complainants or respondents when necessary in the preparation and filing of informal complaints or answers or any amendments thereto.

(9) The administrator shall advise complainants of their rights and options provided

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in Section 760.34, Florida Statutes.

Sec. 16.9-8. - Processing Complaints.

(a) Within fifteen (15) days after the filing of an informal complaint, the administrator shall make such investigation as is deemed appropriate to ascertain facts and issues. If the administrator shall deem that there are reasonable grounds to believe that a violation has occurred and can be resolved by conciliation, the administrator shall attempt to conciliate the matter by methods of initial conference and persuasion with all interested parties and such representatives as the parties may choose to assist them. Conciliation conferences shall be informal and nothing said or done in the course of the informal conference with the individuals to resolve the dispute may be public or used as evidence in a subsequent proceeding by either party without the written consent of both the complainant and the respondent(s) except for those records of the city opened by law for public inspection and copying pursuant to Chapter 119 of the Florida Statutes.

(b) If the parties desire to conciliate, the terms of the conciliation shall be reduced to writing in the form approved by the administrator and must be signed and verified by the complainant and respondent(s) and approved by the administrator. The conciliation agreement shall be for conciliation purposes only and shall not constitute an admission by any party that the law has been violated.

(c) If the administrator deems that there is not probable cause to believe that the alleged discriminatory housing practice has been committed, the administrator shall take no further action with respect to the alleged offense.

(d) For any matter involving a complaint under this chapter which is not resolved after the parties, in good faith, have attempted conciliation; or if the administrator determines that a violation alleged in the complaint cannot be resolved by conciliation, the administrator shall notify both the complainant and the respondent(s) within thirty (30) days of the failure or the determination, and then shall proceed as provided in Section 16.9-6(c).

Sec. 16.9-9. - Additional Remedies.

The procedure prescribed by this chapter does not constitute an administrative prerequisite to another action or remedy available under other law. Further, nothing in this chapter shall be deemed to modify, impair or otherwise affect any right or remedy conferred by the Constitution or laws of the United States or the State of Florida, and the provisions of this chapter shall be in addition to those provided by such other laws.

Sec. 16.9-10. - Education and Public Information.

The administrator may conduct educational and public informational activities, including workshops, that are designed to promote the policy of this chapter.

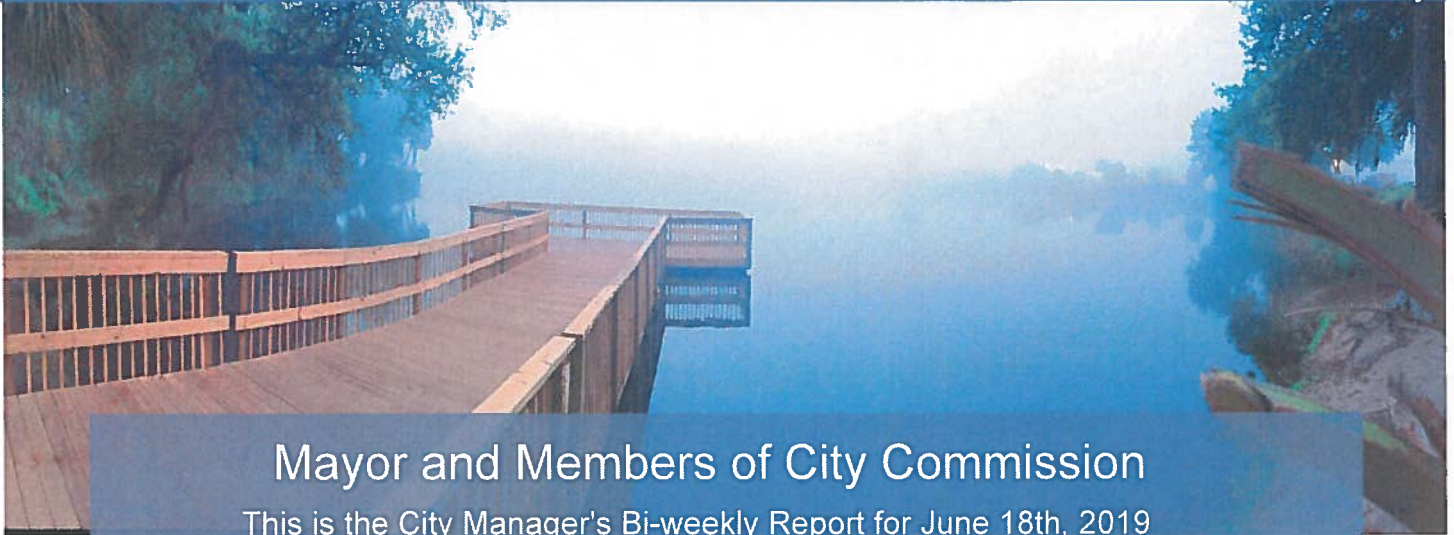
Exhibit 'A'
Ordinance No. ORD-2019-05

Sec. 16.9-11. - Untruthful Complaints or Testimony.

It shall be a violation of this chapter for any person knowingly and willfully to make false or untrue statements, accusations or allegations in a complaint filed hereunder or to give false testimony concerning violations of this ordinance.

Sec. 16.9-12. - Penalty.

Any person who is determined under this chapter to have committed a discriminatory housing practice shall be subject, upon conviction, to a fine up to but not exceeding the sum of Five Hundred Dollars (\$500.00), or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment.



Mayor and Members of City Commission

This is the City Manager's Bi-weekly Report for June 18th, 2019

City Manager

- GEM Theatre Renovation - Running into added issues (additional asbestos removal, etc), however, the project continues with bathroom addition, electrical upgrading, etc.
- Wall/Mural- Coming along extremely well and should be completed within next several weeks.
- Cultural Center - Reminder - New Exhibit opening Thursday, June 20th.
- Budget- Continue working on FY 2019-2020 Budget with Finance Director.
- I&I Project- Met with Pennoni to discuss sewer project with new contractor, Harris-McBurney they are on site installing the well points for de-watering.
- Habitat for Humanity Homes- John Wright, Ron Borchers and myself met with Jason Aligood, Chastain Skillman, to further discuss wastewater lines extending to the property south of Mulberry where homes will be built. We are proceeding with voluntary annexations which will bring the project into the city, however, the sewer line extension does not require annexation.



Road and Median Improvements

We at the City of Mulberry understand that over time roads, medians and sidewalks can become damaged due to weathering, tree roots and regular usage. In an effort to continue to improve these areas around Mulberry, I have met with our paver and surveyed approximately 15 streets and/or intersection to be paved, hopefully at least half (depending on cost) by the end of the summer. In the past 6 years, approximately 7 miles of roads have been paved. Mulberry thrives in making our city a better place to live.

In Case You Missed It "News from the past few days"

The City of Mulberry applied for a Community Development Block Grant for approximately \$726,000 to assist in replacing Lift Station 6 and we are ranked #3 in a pool of 20 applicants for the award.

Since 2012 the City of Mulberry has been awarded over \$12 Million in grant funds.

We have added additional pool hours effective immediately, open until 6:00pm. Originally the 3:00pm closing time was due to daily weather issues. However, we appear to be in a more mid-day inclement weather pattern and the afternoons have been clear.

