

Amended Agenda  
City of Dunnellon  
Special City Council Meeting  
**August 18, 2021 5:30 P.M.**

Join Zoom

<https://dunnellon.zoom.us/j/88324607514?pwd=aVUvSIFoQlZnd2U4RjFkZTBvUjFoQT09>

Webinar ID: 883 2460 7514

**Dunnellon Special City Council meeting will be held on August 18, 2021, 5:30 p.m. at Dunnellon City Hall**

**Public Comment:** Anyone who wishes to provide public comment will be able to do so by participating in the City Council meeting in person, or via the Zoom **"AUDIO ONLY"** platform and/or telephone, by speaking during public comment portions of the meeting when recognized per the instructions below or by submitting written comments, evidence and/or written testimony in advance of the meeting via email to the City Clerk at [mroberts@dunnellon.org](mailto:mroberts@dunnellon.org).

Members of the public who would like to participate are encouraged to register in advance by Noon on Wednesday, August 18th. Please see instructions below on how to register.

Public input on non-agenda items will be heard at the beginning of the meeting. A three (3) minute time limit will be strictly administered.

**Instructions on How to Listen and/or Participate in the Meeting**

Attachment: [Meeting Instructions \(PDF\)](#)

**Call to Order**

**Pledge of Allegiance**

**Opening Prayer/Moment of Silence** (suggested time limit: 1 minute)

Mayor to request if any invitee is present to open with prayer; if no invitee is present, Mayor will ask if a Dunnellon citizen will volunteer. If no volunteers, a moment of silence will be offered. If a citizen outside of Dunnellon requests to open with prayer, (s)he may do so if no invitees/citizens volunteer.)

**Roll Call**

Proof of Publication - Posted on the City's website and City Hall bulletin board on Wednesday, August 11, 2021. On August 16th the agenda was amended to add backup to Item #2.

**Council's Comments Regarding Agenda**

Public Comments on non-agenda items - 3 minute time limit

**1. City Owned Property Located At 11808 North Ohio Street, Former**

## **Souls Harbor Church**

### **Accept Public Comment**

Proposed Motion: I move to direct staff to prepare a resolution declaring the City owned property located at 11808 North Ohio Street as surplus property, begin taking action necessary to comply with CRA property disposition requirements which shall include scheduling a special CRA Board meeting to take appropriate action, and further authorize staff to take other actions necessary to begin preparations to list the property for sale.

## **2. Ordinance #ORD2021-02 Blue Run Park Rules And Regulations (Amended To Add Backup)**

### **Accept Public Comment**

Proposed Motion: I move to direct staff to incorporate the input provided by City Council into draft Ordinance #ORD2021-02, Blue Run Park Rules and Regulations, for City Council's review at the upcoming September workshop.

Documents:

[Ordinance 2021-02 Blue Run Park Rules and Regulations.pdf](#)

## **3. Four-Factor Analysis For Limited English Proficiency (LEP) Persons - CDBG Program**

### **Accept Public Comment**

Proposed Motion: I move to authorize the Mayor to certify the results of the Four-Factor Analysis as presented.

Documents:

[Four-Factor Analysis for Limited English Proficiency Persons CDBG Program.pdf](#)

## **4. Council Liaison Reports And Comments**

## **5. Department Head Comments**

## **6. City Attorney's Report**

## **7. Adjourn**

**Proposed Motion:** I move the Special City Council meeting be adjourned.

**Meeting Schedule:**

**September 8, 2021 Regular Council Workshop**

**September 13, 2021 Regular Council Meeting**

**September 13, 2021 First Public Hearing to Adopt Tentative FY 2021-22 Budget**

**September 27, 2021 Second and Final Hearing to Adopt FY 2021-22 Budget**

ANY PERSON REQUIRING A SPECIAL ACCOMMODATION AT THIS HEARING BECAUSE OF A DISABILITY OR PHYSICAL IMPAIRMENT SHOULD CONTACT THE CITY CLERK AT (352) 465-8500 AT LEAST 48 HOURS PRIOR TO THE PROCEEDING. IF A PERSON DESIRES TO APPEAL ANY DECISION WITH RESPECT TO ANY MATTER CONSIDERED AT THE ABOVE MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY IS NOT RESPONSIBLE FOR ANY MECHANICAL FAILURE OF RECORDING EQUIPMENT.

**ORDINANCE #ORD2021-02**

**AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES OF THE CITY OF DUNNELLON BY CREATING ARTICLE III – BLUE RUN PARK; ESTABLISHING RULES AND REGULATIONS FOR BLUE RUN PARK VIA ORDINANCE; ESTABLISHING FINES FOR VIOLATIONS ESTABLISHING THE APPEAL PROCESS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the City Council of the City of Dunnellon recognizes the Blue of Dunnellon Park Management Plan requires that regulations for park use be set; and

**WHEREAS,** the City Council wishes to codify certain regulations previously set by resolution and expand regulation of Blue Run Park ensure compliance through a fine system; and

**WHEREAS,** the Dunnellon City Council determines that it is in the best interest of its residents to adopt the rules and regulations herein.

**LEGISLATIVE UNDERSCORING:** Underlined words constitute additions to the City of Dunnellon Code of Ordinances, ~~strikethrough~~ constitutes deletions from the original, and asterisks (\*\*\*) indicate an omission from the existing text which is intended to remain unchanged.

**NOW THEREFORE BE IT ORDAINED BY THE CITY OF DUNNELLON, FLORIDA AS FOLLOWS:**

**SECTION 1:** The “whereas” clauses cited herein are the legislative findings of the City Council.

**SECTION 2:** Chapter 46 – Parks and Recreation, Article III – Blue Run Park is hereby created as follows:

**Article III – Blue Run Park.**

46-75. - Authority to establish additional regulations.

The City Council authorizes the establishment of additional rules and regulations beyond those specified within this Article in order to regulate the safe use and protection of Blue Run Park, its users and its adjoining areas, to include, but not be limited to, special rules and regulations for parking, emergency access, reasonable limitations on use of the park, and encouraging

39 nonvehicular traffic to and from the park. Such additional rules and regulations may be presented  
40 to and passed by resolution of the City Council.

41  
42 46-76. – Authority of Chief of Police; Authorized Representative.

43  
44 At any time when a condition exists that presents a hazard or danger to the park, the park  
45 property, and/or the public's health, safety or welfare, the Chief of Police or an authorized  
46 representative shall have the authority to:

- 47  
48 a) close the park to the public;  
49  
50 b) close any section or area within the park to the public; and  
51  
52 c) suspend any and all activities within the park.

53  
54  
55 Sec. 46-77. - Blue Run Park User Rules and Regulations. The following rules and regulations  
56 for use of Blue Run Park shall apply.

- 57 a) Regular park hours are from dawn to dusk.  
58  
59 b) Possession and use of alcoholic beverages is prohibited.  
60  
61 c) Fires are prohibited, however prescribed fires for the purpose of resource management  
62 for which the appropriate permit(s) has been obtained are allowed.  
63  
64 d) Unauthorized motorized vehicles are prohibited beyond the parking area, except for those  
65 used for accessibility by persons with disabilities.  
66  
67 e) Overnight use or camping is prohibited.  
68  
69 f) Pets must be on a leash and controlled at all times, and owner must clean up after.  
70  
71 g) Removal or cutting of vegetation is prohibited except for maintenance purposes.  
72  
73 h) Collecting or harassing wildlife in any stage of life or form is prohibited.  
74  
75 i) Fishing is prohibited.  
76  
77 j) Possession and/or discharge of an air gun, slingshot, bow and arrow, or spear gun is  
78 prohibited.

79

- 80 k) Trash must be placed in designated containers.
- 81
- 82 l) Depositing personal trash from off-site is prohibited.
- 83
- 84 m) Damaging or defacing any park facility or sign is prohibited.
- 85
- 86 n) Metal detectors are prohibited.
- 87
- 88 o) Engaging in violent or disruptive behavior or refusal to follow directions of official staff
- 89 is prohibited.
- 90
- 91 p) Use of facilities is on a first come, first served basis.
- 92
- 93 q) In the area where the bike path and the river access ramp converge, pedestrians have the
- 94 right of way.
- 95
- 96 r) Equestrian use is prohibited except for official use.
- 97
- 98 s) Individuals shall comply with the City's noise regulations as codified in Sec. 42-3, in the
- 99 Code of Ordinances of the City of Dunnellon.
- 100
- 101 t) Groups of more than 25 people shall contact the City's Clerk's office at least five days in
- 102 advance in order to make a reservation.
- 103

104 Sec. 46-XX. – River Access Ramp Rules and Regulations.

- 105
- 106 a) The river access ramp is for the use of kayakers, paddlers, and tubers entering or exiting
- 107 the river. Swimmers may utilize the ramp, but must yield to kayakers, paddlers, and
- 108 tubers.
- 109
- 110 b) Fishing is not allowed from the river access ramp.
- 111

112 Sec. 46-XX. – Prohibition on Commercial Use.

- 113 a) Commercial use of the park is prohibited except by written agreement approved by the City
- 114 of Dunnellon and Florida Communities Trust.
- 115
- 116 b) For purposes of this section, 'commercial use' shall mean:
- 117

- 118 i. the sale or rental of any item, good, or merchandise within the boundaries of Blue Run  
119 Park; and  
120  
121 ii. the provision of any service performed within the boundaries of Blue Run Park  
122 regardless of whether compensation for such service is paid onsite or offsite.  
123  
124 c) The provision of services by Marion County for water-based recreation and or other passive  
125 recreation programs is exempt from this section. Such exemption shall include but is not  
126 limited to transportation services performed by Marion County.

127 Sec. 46-XX. – Firearms.

128 The City of Dunnellon recognizes the preemption of firearm regulation by the State legislature.  
129 The possession and discharge of firearms in the park is regulated, and shall be enforced, pursuant  
130 to State law.

131

132 Sec. 46-XX. - Penalties—Fine schedule for civil municipal code violations.

- 133 (a) Violations of the provisions of this Article, or failure to comply with any of the  
134 requirements as stated, shall constitute a civil municipal code violation.  
135  
136 (b) Any person who violates this chapter or fails to comply with any of its provisions shall be  
137 issued a civil municipal code violation.  
138  
139 (c) Contents of civil municipal code violation ticket. The ticket shall specifically describe the  
140 following:  
141  
142 (1) Specify the nature of the violation and cite to the applicable section of this Article;  
143  
144 (2) Indicate the amount of the fine;  
145  
146 (3) Give notice to the violator that he or she must pay the fine within 30 days or appeal  
147 the ticket; and  
148  
149 (4) Describe the procedures to be followed in either paying such fine or electing not to  
150 pay such fine and requesting a hearing before a county court official concerning the  
151 violation, and the penalty for failure to comply with the directions on the ticket. A  
152 sequential numbering system shall be used.  
153  
154 (d) Computation of time. If the last day of any time period described in this section falls on a  
155 Saturday, Sunday or legal holiday, the time period shall run until the end of the next day  
156 which is neither a Saturday, a Sunday nor a legal holiday.  
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158 (e) All civil municipal code fines under this Article, will be \$50.00 per violation.

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Sec. 46-XX. - Payment of fine; appeals.

- (a) Violations of this division shall be referred to the county court for the county of the Fifth Judicial Circuit.
- (b) An individual receiving a ticket pursuant to this section shall have 30 days from the date of issuance to pay the fine per the instructions on the ticket or request an appeal per subsection (c) below.
- (c) Appeal of civil municipal code fine ticket.
  - (1) Any individual who receives a civil ticket issued pursuant to the requirements of this chapter may voluntarily elect to appeal the ticket and request a hearing within 30 days from issuance of the ticket, by requesting an appeal with the county court for the county of the Fifth Judicial Circuit per the instructions on the ticket.
  - (2) Any person who elects to appear before a designated official to present evidence waives his or her right to pay the fine cited on the ticket. The official, after a hearing, shall make a determination as to whether a violation has been committed and may impose a civil penalty or the fine amount designated on the ticket, plus court costs.
- (d) Failure to pay fine. If the fine is not paid within 30 days from issuance, and no appeal is filed, then the appearance before the county court of persons who fail to comply with the provisions of this division will be compelled by the issuance of a summons by the deputy clerk of the court for the county of the Fifth Judicial Circuit. A warrant shall be issued by the court for the arrest of any person who fails to appear in response to such summons.

**SECTION 3. CONFLICTS.** In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

**SECTION 4. SEVERABILITY.** If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

**SECTION 5. CODIFICATION.** The provisions of this Ordinance shall be codified as and become and be made a part of the City of Dunnellon Code of Ordinances. The sections of this



198 Ordinance may be renumbered or re-lettered to accomplish such intention and the word  
199 “Ordinance”, or similar words, may be changed to “Section,” “Article”, or other appropriate word.  
200 The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

201 **SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon  
202 adoption at the second reading/public hearing.

203 **Upon motion duly made and carried,** the foregoing Ordinance was approved upon the first  
204 reading on the \_\_th day of \_\_\_\_\_, 2021.

205  
206 **Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon  
207 the second and final reading and public hearing on the \_\_th day of \_\_\_\_\_, 2021.

208  
209 Ordinance Posted on the City’s website on \_\_\_\_\_, 2021. Public hearing advertised on  
210 the City’s website on \_\_\_\_\_, 2021 and advertised in the Riverland News on \_\_\_\_\_  
211 \_\_\_\_\_, 2021.

212  
213 ATTEST: **CITY OF DUNNELLON**

214  
215 \_\_\_\_\_  
216 Amanda L. Roberts, CMC William P. White, Mayor  
217 City Clerk

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219 Approved as to Form:  
220 \_\_\_\_\_  
221  
222 Andrew J. Hand, City Attorney  
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**CITY OF DUNNELLON  
COUNCIL  
AGENDA SUMMARY FORM**

**Meeting Date:** August 18, 2021

**Review by City Attorney:** N/A

**Responsible Dept.:** Finance

**Department Head Approval:** Jan Smith

**Subject:** Four-Factor Analysis for Limited English Proficiency (LEP) Persons-CDBG Program

**Request for Approval Summary Explanation & Background:**

On June 23, 2021 City Council gave their authorization to move forward to apply for a Rebuild Florida General Infrastructure Grant through the CDBG disaster mitigation program to address flooding and drainage issues in Dunnellon Heights.

As a condition for grant recipients of CDBG funds the City must document that we have performed a four factor analysis to serve as the guide for determining which language assistance measures the City will undertake to guarantee access to the City's CDBG programs by LEP persons.

As a result of this analysis the City is not required to develop a language assistance plan and must certify the result to DEO.

**Fiscal Information:** N/A

**Procurement Method:** N/A

**Purchase Requisition#:** N/A

**Recommended Action:** Authorize the Mayor to certify the results of the Four Factor Analysis

**Initiated by:** JS

**FOUR-FACTOR ANALYSIS  
FOR LIMITED ENGLISH PROFICIENCY  
PERSONS**

**COMMUNITY DEVELOPMENT  
BLOCK GRANT PROGRAM**

**CITY OF DUNNELLON, FLORIDA**

**Purpose:** In compliance with Executive Order 13166, the City of Dunnellon has developed the following Four Factor Analysis for Limited English Proficiency (LEP) persons.

**History:** Title VI of the Civil Rights Act of 1964 is the federal law that protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failure to ensure that persons who have limited English proficiency can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination.

Persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write, or understand English may be entitled to language assistance under Title VI in order to receive a particular service, benefit, or encounter.

**City of Dunnellon Four-Factor Analysis:** The following Four-Factor Analysis will serve as the guide for determining which language assistance measures the City of Dunnellon will undertake to guarantee access to the City of Dunnellon's Community Development Block Grant (CDBG) programs by LEP persons.

1. Number or proportion of LEP persons served or encountered in the eligible service population (served or encountered includes those persons who would be served by the recipient if the person received education and outreach and the recipient provided sufficient language services).

The City of Dunnellon utilized American Community Survey data Table # S1602. Based on this data, the City of Dunnellon does not meet the 1,000 or 5% LEP persons threshold for any languages identified.

2. The frequency with which the LEP persons come into contact with the program.

The proposed project is an infrastructure project that does not provide direct assistance to individuals. As a result, LEP persons rarely come into contact with the CDBG program. However, all citizen participation activities are open to the general public.

3. The nature and importance of the program, activity, or service provided by the program.

The proposed project does not provide direct assistance to individuals. As a result, LEP persons rarely come into contact with the CDBG program. However, all citizen participation activities are open to the general public.

4. The resources available and costs to the recipient.

Currently, there are free websites that can be utilized to translate some written materials. Additionally, local volunteers have been identified to provide oral translation services at public meetings and during conversations with LEP residents during the implementation of the proposed project. Furthermore, many of the common forms used in the implementation of a CDBG project are available in multiple languages on the HUD and DOL websites. Additionally, translation activities are an eligible CDBG administrative expense. Therefore, limited LAP measures are reasonable given the resources available to the City of Dunnellon.

**Certification:** Based on the above Four-Factor Analysis, the City of Dunnellon, Florida is not required to develop a LAP. However, the City of Dunnellon will make all reasonable attempts to accommodate language access needs of residents requesting oral translation during citizen participation activities.

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William P. White, Mayor

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Date