

**City of Dunnellon City Council
Zoom Meeting**

<https://dunnellon.zoom.us/j/95882750342?pwd=RENRa2Y4MGgwcjJlEQZJiaEd3bmVlUT09>

Webinar ID: 958 8275 0342

Date: December 14, 2020

Time: 5:30 p.m.

Place: City Hall, with Social Distancing Modifications
20750 River Dr., Dunnellon, FL 34431

Dunnellon City Council meeting will be held on December 14, 2020, at 5:30 p.m. at Dunnellon City Hall with Social Distancing Modifications.

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

Members of the public who would like to participate are encouraged to register in advance by Noon on Monday, December 14th. 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.

Call to Order and Pledge of Allegiance

Mayor Burns called the meeting to order at approximately 5:30 p.m. and led the Council in the Pledge of Allegiance. Mayor Burns asked if a citizen would volunteer to open with prayer. Pastor Tom Welch provided the invocation.

Mayor Burns called upon the City Clerk to call roll.

Roll Call

Dale Burns, Mayor, Seat 1

Bill White, Councilman, Seat 2

Anita Williams, Councilwoman, Seat 3

Valerie Hanchar, Vice-Mayor, Seat 4

Jay Dugan, Councilman, Seat 5

Staff Present

Mandy Roberts, City Clerk

Chief Mike McQuaig, Police Department

Troy Slattery, Public Works Department

Jan Smith, Finance Department (attending by Zoom)

Lonnie Smith, Community Development

Lynn Wyland, Clerk's Department

Legal Counsel (attending by Zoom)

Andrew Hand,

Shepard, Smith, Kohlmyer & Hand, P.A.

Proof of Publication

Mrs. Roberts announced for the record the agenda for this meeting was posted on the City’s website and City Hall bulletin board on Thursday, December 10, 2020.

One or more members of the same City of Dunnellon advisory board may attend this meeting and may speak to Council.

Mayor Burns called for Council comments regarding agenda.

There were none.

Mayor Burns called for public comments on non-agenda items – 3 minute time limit.

Kathy Bryant, Marion County Board Commission, thanked Mayor Burns for his service to the community. She congratulated the new council members coming on board.

Dwight Porter, 10483 N. Silverlake Point, spoke of surplus property the City owns. He suggested placing the property on a surplus list. He said he would be willing to purchase the property for public parking. He addressed the Nine Island Cove property. He said there are some folks here who are very knowledgeable regarding parks and grant writing. He would like to see that property in the public’s hands.

Consent Agenda – Old Business

- 1. City Council Minutes
August 19, 2020 Special Budget Workshop**

Consent Agenda Approval

Vice-Mayor Hanchar moved the consent agenda be approved as presented. Councilman Dugan seconded the motion. The vote was taken and all members were in favor. The vote was 5-0.

Regular Agenda – Old Business

Ms. Roberts read the following Quasi-Judicial Hearing Statement into the record:

“All witness addressing City Council in these Quasi-Judicial hearings will be asked to limit their comments to the specific subject being addressed. Witnesses should disclose any personal interest or relationship; and any business, professional, or financial interests with any individual, group, project or proposal regarding the subject matter under review. Witnesses should always err on the side of more public disclosure, not less, in order to provide integrity to the public process.

Testimony will be limited to 3 minutes per witness unless the applicant, staff, or affected person requests an extension of time. A request for extension of time will be considered by the Council to assure all parties have a full and fair opportunity to participate without undue repetition and delay.

Public input is valued by the Council. However, in order to foster mutual respect, personal comments should not be directed toward Council members, or staff. Members of the public shall refrain from interrupting the speaker at the podium.

At the conclusion of this hearing, the City Council of the City of Dunnellon will make a decision whether to approve the application for Special Exception.

All witnesses will be sworn in and will testify under oath. All persons presenting evidence will state their name and residence address for the record. All documentary evidence will be marked as an exhibit and maintained as a part of the record if accepted by Council.

After each witness testifies, any Council member may question witness. The owner is entitled to cross-examine each witness after his or her testimony and shall do so by asking questions of the witness, or can rebut the witness's testimony by presenting contrary testimony or documents after a witness testifies."

Agenda Item No. 2 – Quasi-Judicial Hearing Special Exception #SPX2020-02 Development Order #DOR2020-01 First Baptist Church 33653-000-00 (Notice Of Quasi Hearing To Property Owner On 11/28/2020)

Mayor Burns gaveled down and said, "It is now 5:42 p.m. and I close the regular meeting and open this Quasi-judicial hearing to discuss: Special Exception #SPX2020-02 Development Order #DOR2020-01 First Baptist Church 33653-000-00. Notice of Quasi Hearing To Property Owner On 11/28/2020."

He then asked the City Attorney to swear in the witnesses.

Attorney Hand ask for anyone presenting evidence to please raise their right hand. He then sworn in the witnesses.

Mayor Burns asked each council member if there was any disclosure of contacts, ex-parte communications or other evidence. All members except Councilman White, answered there were none. Councilman White reported on having lunch at a restaurant and running into Pastor Russ Randall of the First Baptist Church. He communicated to Pastor Randall that we need to be sure the drinking water is safe before changing the zoning around the well heads.

Attorney Hand asked Councilman White if he felt the exchange of words would change his decision. Councilman White stated no.

Lonnie Smith reviewed the staff report. He explained this is a special exception to allow a church with buildings totaling 50,000 square feet and recreation fields on properties totaling plus or minus thirty-six (36) acres with Residential Medium Density (R-1B) and Central Business (B-3) zoning and Residential Medium Density and Commercial future land uses.

He reviewed the special exception criteria and read the eleven (11) standards and "Staff Findings, which are reviewed during the process, into the record:

Special Exception Criteria:

Zoning Code Section 9.1(b)(1)-(11) lays out standards which are required to be met before a special exception can be approved. Based on this criterion, staff finds the following:

Standard (1): **Ingress and egress to the property and proposed structure thereon, with particular reference to automotive and pedestrian safety, traffic flow and control, provision of services and services for utilities, and access in case of fire or catastrophe.**

Staff Findings
Standard (1):

Staff finds that the proposed church site plan provides adequate ingress and egress to the property along with good traffic flow within the property. The proposal includes one ingress/egress point on West Highway 40, and another on Rolling Hills Road. The distance from these intersections is enough for good traffic flow and turn movements. The presence of two (2) ingress/egress points also improves first responder access in the event of an emergency.

Standard (2): **Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent properties and the consequences of such drainage on overall city capacities.**

Staff Findings
Standard (2):

Staff finds that the applicant has planned sufficient retention on the property for management of drainage without impacting surrounding properties. The large nature of the site also permits for large areas of open space to remain, adding to the site's drainage function. The project will be subject to permitting from the Southwest Florida Water Management District at the time of development review and permitting.

Standard (3) **Conditions on ownership, control, and use generally, conditions on ownership, control, use, and maintenance of open space or common lands to ensure preservation of such lands for their intended purposes.**

Staff Findings
Standard (3)

The project area will be under the common control of the First Baptist Church, with staff finding that this will create sufficient management of open space areas of the property. Staff finds that there is sufficient open space preserved on the property. Any substantial changes to the proposed open space remaining would require an amendment to this special exception approval.

Standard (4) **Utilities, with reference to hook-in locations and capacity for the use projects.**

Staff Findings
Standard (4)

Staff finds that water and sewer lines do exist to service the subject property. At the time of development, the church will be required to reserve capacity from the City utility system.

Standard (5) **Off-street parking and loading areas, with attention to the automotive and pedestrian safety, traffic flow and control, access in case of fire and catastrophe, and screening and landscaping.**

Staff Findings
Standard (5)

Staff finds that as depicted, the off-street parking and loading areas are designed for the efficient flow of vehicular and pedestrian traffic. Although some areas are depicted as grass parking, the applicant is aware that based on

the City's Land Development Regulations and concerns with protecting the area's aquifer, concrete or other impervious materials may be required for parking areas at time of site development review. Staff finds that the number of proposed parking spaces for the development as proposed is sufficient, and as more details of the project are revealed at the time of development, minor changes to the number of parking spaces/areas may be required. Staff finds that parking areas are located to sufficiently reduce their impacts on surrounding properties. Lighting for parking will, as depicted, be designed to shield light from impacting surrounding properties. All required landscaping and buffering of parking areas will be reviewed in full at the time of development approval.

Standard (6) Recreation and open spaces, with attention to the location, size, and development of areas as to adequacy, effect on adjacent and nearby community-wide open spaces and recreation facilities.

Staff Findings
Standard (6)

As previously stated, the location of open space is sufficient, and is located so as to reduce impacts on adjoining properties. The ballfields will not be open for nighttime use, so there will be no additional lighting impacts. The retention areas will be between the ballfields and adjoining residential areas, with there being over 100 feet of open area between the ballfields and adjoining properties. Existing landscaping along the edges of the proposed site will also be discussed for preservation in conjunction with other buffering at the time of development review.

Standard (7) Density and/or purpose of the development, with attention to adjacent and nearby properties.

Staff Findings
Standard (7)

Due to the size of the property, and the opportunity for the preservation of existing landscaping as additional buffering, adjoining properties will not be impacted by the size of the development or its uses. As a church, use of the property will be reduced during the week. The most intense use of the properties will be on Sundays, which will bring activity when other uses in the area are closed.

Standard (8) General site arrangement, amenities, and convenience, with particular reference to ensuring that the appearance and general layout of the proposed development will be compatible and harmonious with properties in the general area and will not be so at variance with other development in the area to cause a substantial depreciation of property values.

Staff Findings
Standard 8

The large size of the development site will help to ameliorate impacts from this church on adjoining properties. The buildings will cumulatively add up to around 50,000 square feet, but are located in the center of the site to reduce visual and other impacts on peripheral properties. Staff finds the church will add to the resources available in the community, and will not depreciate property values.

Standard (9) Loss of pervious surfaces with attention to the lowering of recharge capabilities and increasing runoff.

Staff Findings
Standard (9): As previously stated, staff finds that due to the large area of the site remaining undeveloped and the planned retention, recharge capabilities and runoff increases should not be problematic.

Standard (10) Such other standards as may be imposed by these zoning regulations for the particular use of activity involved.

Staff Findings
Standard (10) Staff does not find any standards which need to be imposed, other than parking area materials and the preservation of existing landscaping as part of buffering, which are to be dealt with during site development.

Standard (11) Consistency with neighborhood and historical character.

Staff Findings
Standard (11) Staff finds this project will be consistent with the character of this area. No historical buildings or districts are near the proposed site.

FINDINGS OF FACT:

To determine whether the proposed special exceptions meet all criteria of Zoning Code Section 9.1(b)(1)-(11), all relevant City code sections were reviewed. Consistency has been established with the preceding Special exception criteria.

RECOMMENDATION:

Based on the findings of fact above, staff recommends Special Exception SPX2020-03 are consistent and satisfy the requirements of Zoning Code Section 9.1(b)(1)-(11) code criteria. The Planning Commission reviewed the Special Exceptions for Comprehensive Plan consistency on October 20th 2020 and recommends, via Resolution RES2020-28, that the City Council approve Resolution for Special Exception RES2020-30 as presented.”

Mayor Burns called upon the representative for the property.

Russ Randall, 20831 Powell Road, said this has been a two year process and he thanked all council and board members for their due diligence.

Mayor Burns called for public comments. There were none.

Mayor Burns gavelled down and stated, “It is now 5:59 p.m. I close the quasi-judicial hearing, and reopen the December 14, 2020 city Council Meeting.”

Mayor Burns called for council comments.

Vice-Mayor Hanchar asked if pavers were permitted. Lonnie Smith stated yes.

Agenda Item No. 3 - Consideration of Resolution #RES2020-30/Special Exception Development Order #DOR2020-01/SPX2020-02 First Baptist Church

Vice-Mayor Hanchar moved Resolution #RES2020-30 be read by title only. Councilwoman Williams seconded the motion. The vote was taken and all members were in favor. The vote was 5-0.

Ms. Roberts read the following into the record:

“Resolution #RES2020-30

A Resolution Of The City Council Of The City Of Dunnellon, Florida, Granting A Special Exception To Dunnellon First Baptist Church, Applicant And Agent For Phyllis Peterson, To Operate A House Of Worship At Parcel 33653-000-00, Sec 27 Twp 16 Rge 18, Dunnellon, Florida, Totaling ± 16.35 Acres More Or Less, Pursuant To The City Of Dunnellon Land Development Regulations Section 7.1, Table Of Permitted Uses, Section 8.3, Single-Family Residential (R-1b) Formerly (R-3a), Section 8.12 Central Business (B-3), And Section 9.1(A)(3); Providing For Conflicts, Severability And; Providing For An Effective Date.”

Vice-Mayor Hanchar moved Resolution #RES2020-30 be approved and authorize Mayor to sign Special Exception Development Order #DOR2020-01. Councilman Dugan seconded the motion.

Mayor Burns called for discussion. There was none. The vote was taken and all members were in favor. The vote was 5-0.

Agenda Item No. 4 – Quasi-Judicial Hearing Special Exception #SPX2020-01 Development Order #DOR2020-02, First Baptist Church 33653-001-00, 11330 Rolling Hills Road (Notice Of Quasi Hearing To Property Owner On 11/28/2020)

Mayor Burns gaveled down and said, “It is now 6:04 p.m. and I close the regular meeting and open this Quasi-judicial hearing to discuss: Special Exception #SPX2020-01 Development Order #DOR2020-02 First Baptist Church 33653-001-00 11330 Rolling Hills road (Notice of Quasi Hearing to Property Owner on 11/28/2020.)”

Mayor Burns called upon the City Attorney to swear in the witnesses.

Attorney Hand ask for anyone presenting evidence to please raise their right hand. He then sworn in the witnesses.

Mayor Burns asked each council member if there was any disclosure of contacts, ex-parte communications or other evidence. All members except Councilman White, answered there were none.

Mayor Burns called for staff presentation.

Lonnie Smith said the previous staff report covered both agenda items. He read the Findings of Facts into the record:

“Based on the findings of fact above, staff recommends Special Exception SPX2020-01 are consistent and satisfy the requirements of Zoning Code Section 9.1(b)(1)-(11) code criteria. The

Planning Commission reviewed the Special Exception for Comprehensive Plan consistency on October 20th 2020 and recommends, via Resolution RES2020-27, that the City Council approve Resolution for Special Exception RES2020-29 as presented.”

Mayor Burns called for public comments. There were none.

Mayor Burns gaveled down and stated, “It is now 6:08 p.m. I close this quasi-judicial hearing, and now reopen the December 14, 2020 City Council Meeting.”

There was no further discussion.

Agenda Item No. 5 – Consideration of Resolution #RES2020-29 Special Exception Development Order #DOR2020-02/SPX2020-01 First Baptist Church

Vice-Mayor Hanchar moved Resolution #RES2020-29 be read by title only. Councilman Dugan seconded the motion. The vote was taken and all members were in favor. The vote was 5-0.

Ms. Roberts read the following into the record:

“Resolution #RES2020-29

A Resolution Of The City Council Of The City Of Dunnellon, Florida, Granting A Special Exception To Dunnellon First Baptist Church To Operate A House Of Worship At 11330 Rolling Hills Road, Dunnellon, Florida, Further Described As Sec 27 Twp 16 Rge 18 N ½ Of Ne ¼ Of Se Qtr, Parcel 33653-001-00, Totaling ± 20 Acres More Or Less, Pursuant To The City Of Dunnellon Land Development Regulations Section 7.1, Table Of Permitted Uses, And Section 8.3, Single-Family Residential (R-1b) Formerly (R-3a), And Section 9.1(A)(3); Providing For Conflicts, Severability And; Providing For An Effective Date.”

Councilwoman Williams moved Resolution #RES2020-29 be approved and authorize Mayor to sign Special Exception Development Order #DOR2020-02. Councilman Dugan seconded the motion. There was no further discussion. The vote was taken and all members were in favor. The vote was 5-0.

Agenda Item No. 6 - Regular Agenda – New Business

Mayor Burns thanked all the neighbors for the honor of serving them for the last two years. He prayed the new Council to be prosperous and all their ways they do business. He prayed for our small city in a positive way. He thanked Council and the staff.

Councilman Dugan thanked staff for all the assistance they provided to him. He wishes the best for the incoming Council.

Oath of Office

The following Oath of Office was administered to Bill White, Seat 1, Mayor, by his mother, Ramona Greene; Louise Kenny by Mary Ann Hilton, Council Seat 2; and Jan Cubbage by her husband, Bob Cubbage, Council Seat 5.

“I, (inserted name), a citizen of the State of Florida and of the United States of America, being employed by and officer of the City of Dunnellon and a recipient of public funds as such

employee and officer, do hereby solemnly swear or affirm that I will support the constitution of the United States and of the State of Florida.”

The Mayor called for a five (5) minute adjournment. The meeting reconvened at 6:30 p.m.

Mayor White made a statement and thanked former Mayor Burns and Councilman Dugan for their services. He also thanked the newly appointed Council members Louise Kenny and Jan Cabbage.

Agenda Item No. 7 – Historic Preservation Board Appointment

Lonnie Smith provided the staff presentation. He said an application was received from Danny O’Neal to serve as 2nd alternate member of the Historic Preservation Board to fill unexpired term formerly held by James Burchett. Mr. O’Neal was present at the workshop and was introduced and provided a brief background.

Mayor White called for public comments. There were none.

Vice-Mayor Hanchar moved the appointment be approved. Councilwoman Williams seconded the motion. The vote was taken and all member were in favor. The vote was 5-0.

Agenda Item No. 8 –Hiring City Administrator

Mayor White said the proposed motion is to authorize staff to place an ad for the City Administrator position.

Mayor White called for public comments.

Annette Stutzman, 204 SW 192nd Court, referred to the 2016 referendum. The City Administrator position was created. She said the people voted not to have a City Manager or City Administrator. They wanted it to be the Council and the sitting Council at that time decided didn’t want that and therefore the City Administrator title was created.

Mary Ann Hilton, 12078 Palmetto Court, said she is in agreement. She suggested going back to what the people requested at that time.

Vice-Mayor Hanchar moved to authorize staff to place an ad for City Administrator. Councilwoman Williams seconded the motion.

Mayor White called for discussion.

Councilwoman Kenny said at this particular point and time, in order to really know what direction we are going in, we need an interim position in order to discuss and turn to legal help to have our Code reflect the will of the people. She said there should be some clarification.

Mayor White stated this is not unusual in where a City has a key person on staff that either retires, resigns or has an illness. These things do happen and sometimes cities have to function during a period of time when you have a major change in your government. Council created the City Administrator position to basically delegate its day to day authority to run the City. He said contrary to what people believe, the City Administrator isn’t able to do whatever the person wants to do. It is at the directives of the Council. In between meetings the City Administrator runs the city through the direction of the Council. He said this is what we currently have in place. He said if Council

wanted to, they could meet every day and run the City. He said the practicality of running a city with a Council, is that Council cannot even speak to each other about business outside of a meeting and somebody has to be the person that follows the will of the Council.

Mayor White explained the procedure of hiring a City Administrator and said it can take up to four months. He said for now, we can look at our current staff and see if a member will step up and be the interim person for a period of time. Or, Council can look for a person who has already been a city manager and would like to step in for a short time. After speaking with the Florida League of Cities and different municipalities he concluded that most cities get someone within the staff to step up. He said Chief McQuaig said he would be willing to step up and help us get through the transition.

Vice-Mayor Hanchar questioned the pay range of the City Administrator's position.

Ms. Roberts said the current pay range is \$62,400 to \$78,600.

Council and staff engaged in brief discussion regarding the pay scale.

Councilwoman Cabbage recommended going low-ball and stay within the salary range.

Mayor White said this is just the process, if we are going to do it. It doesn't make any sense to wait until the next Council meeting before we begin this. He said sending out the advertisements and at least starting the process, what we do with it is up to us. He said there is no down side to placing the ads to see what's out there.

Mayor White said there is a motion on the floor. He called for a vote. The vote was taken and all members were in favor. The vote was 5-0.

Agenda Item No. 9 – Short Term Delegation of Authority/Council Designee

Mayor White called for public comments. There were none.

Vice-Mayor Hanchar moved to authorize the Finance Officer and City Clerk as Council's designee to approve disbursement of funds per Sec. 21 of the City's Charter. Councilwoman Kenny seconded the motion.

Vice-Mayor Hanchar asked if Chief McQuaig accepts the position of interim, do we still need a designee.

Attorney Hand recommended authorizing the Finance Officer and City Clerk for bill paying. He discussed how things would work with Chief McQuaig taking on the duties. He said dual office holding is prohibited by Florida constitution. He explained the problem is not Police Chief McQuaig being the Police Chief, it's just any law enforcement officer is also an officer under the constitution. Accordingly, everything has to be structured in a way for him to perform additional duties in a way that is legally sound. He recommended creating a resolution or other legislation in general determining the City administrator is unavailable to serve and the Chief would take on those additional duties as long as it's temporarily.

Attorney Hand recommended holding a special meeting to consider a proposed ordinance or resolution. He advised noticing the meeting at least seventy-two (72) hours in advance.

The vote was taken and all members were in favor. The vote was 5-0.

Council agreed to hold a special meeting Monday, December 21st at 4:00 p.m.

Agenda Item No. 10 – New Council Liaison Assignments

Ms. Roberts reviewed the current liaisons assignments and the vacancies.

Mayor White recommended Ms. Roberts send the list out to Council members and they can get back to her. He suggested this be placed on the special meeting agenda.

Vice-Mayor Hanchar noted Ocala Marion Transportation Planning Organization (TPO) has signed her up for a class she will be attending. She would like to remain the liaison for the TPO.

Agenda Item No. 11 – Council’s Liaison Reports and Comments

Vice-Mayor Hanchar provided her report on the Ocala Marion Transportation Organization (TPO). She also attended a legislative delegation meeting this date.

Councilwoman Williams reported on an informational meeting held at the Boys and Girls Club regarding the Chatmire community sewer conversion project. The proposed project start date is September 2021.

Mayor White said he spoke to Will Fontaine and requested he or a representative attend a future meeting to provide an update on the conversion of the wastewater treatment plants. He recommended staying on top of the historic grant to enhance the historical district.

Mayor White addressed the parking projects. Mr. Slattery stated the bids were received this date.

Mayor White spoke to the Bike Trail being moved up on the list. He said the City will be required to send in an updated application of its interest and what we want. He said he is looking forward to getting an update of the future of the Police Station.

Ms. Roberts said Mr. Smith is scheduled for vacation Monday and will not be in attendance at the special meeting. She said his liaison assignment is the TPO Advisory Board. She requested he provide a brief summary of his involvement.

Mr. Smith said this board deals with FDOT and the transportation planning for the future of Marion County. The board meets the second Tuesday of every month at 10:30 a.m. at the Ocala library.

Ms. Roberts advised all new councilmembers to use their new city email addresses for City business.

Agenda Item No. 12 - City Attorney’s Report

Attorney Hand provided a brief Sunshine Law refresher.

Agenda Item No. 13 – Adjourn

At approximately 8:00 p.m. Vice-Mayor Hanchar moved the December 14, 2020 City Council meeting be adjourned. Councilwoman Williams seconded. The vote was taken and all members voted in favor. The motion passed 5-0.

Attest:

Amanda Roberts, CMC
City Clerk

Valerie Hanchar, Vice-Mayor