

**City of Dunnellon City Council
Zoom Meeting**

<https://dunnellon.zoom.us/j/93943964047?pwd=NzZjY1RQQUsxdmttc3pPNjhsRkMvQT09#Web>
Webinar ID: 939 4396 4047

Date: January 11, 2021
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 January 11, 2021, 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, January 11th.

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 White called the meeting to order at approximately 5:31 p.m. and led the Council in the Pledge of Allegiance. Mayor White asked if a citizen would volunteer to open with prayer. Annette Stutzman provided the invocation.

Mayor Whites called upon the City Clerk to call roll.

Roll Call

Bill White, Mayor, Seat 1
Louise Kenny, Councilman, Seat 2
Valerie Hanchar, Vice-Mayor, Seat 4
Jan Cabbage, Councilwoman, Seat 5

Council Members Absent

Anita Williams, Councilwoman, Seat 3

Staff Present

Mandy Roberts, City Clerk
Chief Mike McQuaig, Police Department
Sergeant Shane Yox, Police Department
Troy Slattery, Public Works Department
Jan Smith, Finance Department (attending by Zoom)
Lynn Wyland, Clerk's Department
Shane Yox, Police Department

Legal Counsel

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, January 7, 2021.

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

Mayor White called for Council comments regarding agenda.

There were none.

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

Annette Stutzman, 204 SW 192nd Court, said she would like to see videos of the meetings. She said the high school has a video program through the school and suggested reaching out to them. She said it would be beneficial to the students and citizens.

Mayor White called for public comments on consent agenda items – 3 minute time limit.

There were none.

Consent Agenda

1. **City Council Minutes**
September 9, 2020 Council workshop
September 14, 2020 Council meeting
2. **Reappoint Mary Ann Hilton As Full Member To The Planning Commission, Term January 13, 2021 To January 13, 2024**
3. **Reappoint David Short As 1st Alternate To The Planning Commission, Term January 11, 2021 To January 11, 2024**
4. **Reappoint James Burchett As A Full Member To The Historic Preservation Board Term, January 11, 2021 To January 11, 2024**
5. **Reappoint Scott Kiefer As A Full Member To The Historic Preservation Board Term, January 11, 2021 To January 11, 2024**
6. **Allow For Public Comment At The Beginning And At The End Of The Workshop Meetings.**

Consent Agenda Approval

Councilwoman Kenny moved the consent agenda be approved as presented. Vice-Mayor Hanchar seconded the motion. The vote was taken and all members were in favor. The vote was 4-0.

Regular Agenda

Agenda Item No. 7 – Appointment of Vice-Mayor

Mayor White called for public comments. There were none.

He then called upon Council and asked if there was anyone on Council who would like to be considered.

Vice-Mayor Hanchar moved Valerie Hanchar be appointed as Vice-Mayor until the next election. Councilwoman Cabbage seconded the motion.

Mayor White called for discussion.

Councilwoman Cabbage stated she believes it would be appropriate for Vice-Mayor Hanchar to retain the position of Vice-Mayor due to her vast experience working with Marion County as our City's liaison.

There was no further discussion. The vote was taken and all members were in favor. The vote was 4-0.

Agenda Item No. 8 – City Administrator Advertising Process

Mayor White recapped the discussion from the Wednesday workshop.

He then called for public comments.

Annette Stutzman, 204 SW 204th Court, said she does not think the City requires a City Administrator. She stated the City Clerk maybe needs an Assistant City Clerk to help relieve her burden. She said it would be an opportunity to save money.

Mary Ann Hilton, 12078 Palmetto Court, said she is a twenty plus year citizen who has been fairly active in the City. She agreed with Mrs. Stutzman. She said for years, we had a Council who ran the City and did a good job. They are very capable and done an extremely good job. She is proud to have them representing the City. She does not see any reason to hire a full-time outside person to run the City.

Chief McQuaig recommended Council consider tabling this item for at least thirty (30) days due the immediate need to recruit a Community Development Manager.

Vice-Mayor Hanchar moved to postpone this item for thirty (30) days. Councilwoman Kenny seconded the motion.

Attorney Hand recommended amending the motion to table this item until the next City Council meeting.

Vice-Mayor Hanchar moved to amend the motion to table this item until the next City Council meeting. Councilwoman Kenny seconded the motion.

Vice-Mayor Hanchar clarified the City Administrator does not run the City, only the day to day operations of the City. Chief McQuaig is doing double duties by stepping in for a short period and taking over some of the duties of a City Administrator.

Councilwoman Cabbage asked to what degree can Council participate and work with Mr. George Forbes and help relieve Chief McQuaig.

Councilwoman Kenny is interested in reviewing the budget to see what the City is going to need to pay for each of the vacant positions.

Attorney Hand answered Councilwoman Cabbage question. He said if Mr. Forbes becomes a consultant for the City, there would be no Sunshine violation issues with council members communicating individually with Mr. Forbes. But, council members cannot give direction to Mr. Forbes outside of a meeting. It would require a meeting with all council members together.

Mayor White explained Chief McQuaig came on board not only to facilitate the needs of the City, but to also provide evaluation of what is needed. He would require thirty (30) to sixty (60) days to achieve.

There was no further discussion.

Mayor White called for a vote. The vote was taken and all members were in favor. The vote was 4-0

Agenda Item No. 9 – Consider Appointment of Mr. Jay Dugan or Mrs. Kathy Dunn to 2nd Alternate Position on the Planning Commission

Vice-Mayor Hanchar moved Jay Dugan be appointed to the Planning Commission as 2nd Alternate, term to expire January 11, 2024.

The motion was made prematurely, prior to accepting public comments. There was no second on the motion.

Mayor White called for public comments.

Burt Eno, 9220 SW 193rd Circle, President of Rainbow River Conservation, provided a handout to Council of a letter former Councilman Jay Dugan sent to Ms. Paula L. Allen, Florida Forever Program Manager, of the Department of Environmental Protection, three days prior the end of his term regarding Nine Island Cove. Mr. Dugan copied sent copies to other State agencies. The letter was written on City of Dunnellon's letterhead without Council's authorization, which is a violation of the City's Code of Conduct. He said the letter falsely stated cost and allegations presented as though he was representing the City. Mr. Eno said he would prefer to see Kathy Dunn appointed.

Juliane Mendoza, 11894 E. Blue Cove, agreed with Mr. Eno. She said the letter was full of misinformation. Ms. Mendoza said Kathy Dunn would be the better choice for this seat.

Councilwoman Kenny moved Kathy Dunn be appointed to the Planning Commission as 2nd Alternate, term to expire January 11, 2024. Councilwoman Cabbage seconded the motion.

Mayor White called for discussion.

Councilwoman Cabbage referred to Page 14 of the Code of Conduct addressing the use of City letterhead and said Mr. Dugan violated the Code of Conduct. She suggested the Mayor draft a letter to the recipients to correct the misinformation that was given by Mr. Dugan.

Councilwoman Cabbage She discussed Florida's governor signing a grant for 80 M \$ for conservation assistance in March.

Mayor White said he did receive a copy of the letter Mr. Dugan, but he has remained friendly. Speaking on his own behalf he said the letter is a disqualifier for Mayor White.

Mayor White said there was a motion on the floor and called for a vote. The vote was taken and all members were in favor. The vote was 4-0.

Agenda Item No. 10 – Ernie Mills Park and Short Tower Way Parking Lot Project Bid #BID2020-04

Troy Slattery explained that by awarding the bid, it allows the City to move forward with a preconstruction meeting with the contractors, engineers and Florida Governmental Utilities Authority (FGUA). He said a start date can then be determined.

Mayor White called for public comments. There were none.

Vice-Mayor Hanchar moved to Award Bid #BID2020-04 to Pave Rite, Inc. in the amount of \$510,528.75 and authorize the Mayor to sign Notice of Intent to Award and all contract documents. Councilwoman Kenny seconded the motion.

Council members provided their comments.

The vote was taken and all members were in favor. The vote was 4-0.

Ms. Roberts read the following statement into the record:

“All persons wishing to address the City council will be asked to limit their comments to the specific subject being addressed. Public opinions and input are valued by the Council. However, it is requested that comments are directed at specific issues rather than personal comments directed toward the council members or staff in order to foster mutual respect between council members and the public.

Members of the public in attendance at public forums should listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

Members of the public addressing City council and boards/commissions on a specific project or proposal are requested to 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. Members of the public should

always err on the side of more public disclosure, not less, in order to provide integrity to the public process.”

Agenda Item No. 11 – Public Hearing Ordinance #ORD2020-11 Comprehensive Plan Amendment, #CPA2020-04, Solar Farms (Advertised in the Ocala Star Banner and in the Riverland News on 12/31/2020)

Mayor White gaveled down and said, “It is now 6:18 p.m. and I close the City Council Meeting and open the public hearing to discuss:

Ordinance #ORD2020-11, Comprehensive Plan Amendment CPA2020-04, Solar Farms (Advertised in the Ocala Star Banner and the Riverland News on December 31, 2020.)”

He then called for staff comments.

John Patterson, East Central Florida Regional Planning Council (ECFRPC), attended by Zoom Platform. He called upon council members for questions. There were none. He explained this is simply a vote to amend the Comprehensive Plan to allow solar farms within the City limits. He noted this ordinance is addressing the comprehensive plan amendment, not any project itself.

Attorney Hand explained this is part of a two (2) step process. He said the Comprehensive Plan amendment would allow solar farms to be a use within the public land use category of the future land use map and within the agriculture land use category. In the following ordinance Council will be seeing the actual regulations where the solar farm would be part of a special exception process. He said all this is doing currently is saying there can be solar farms in Dunnellon in these two land use categories.

Mayor White called for public comments.

Kathy Dunn, 11386 SW Hendrix Drive, asked what the two land use categories were.

Mayor White stated public land use and agriculture land use.

Mary Ann Hilton, 12078 Palmetto Court, discussed her concern of lack of boundaries when doing special exceptions.

Mr. Patterson addressed Mrs. Hilton’s concern. He said there is certain criteria that has been discussed by Planning Commission such as buffering, setbacks, fences, especially along the properties and river frontage. He said they will come into play during the zoning process.

Attorney Hand stated that would depend on how Council moves forward this evening. He said right now there is no special exception process as part of the comprehensive plan amendment. That would be in the next ordinance. He said what is on the agenda tonight is this amendment which allows solar farms in the two (2) future land use categories.

He stated the next agenda item to follow does have those rules that are specific to solar farms and set up the special exception process. He said there are the typical criteria that are linked to any special exceptions in the City as well as specific to solar farms within that ordinance.

Attorney Hand stated this is the second reading on the comprehensive plan ordinance, Council can make changes to either of these ordinances tonight. However, the special exception ordinance is only on first reading.

Mayor White commented that he attended two Planning Commission meeting and this was well vetted.

Mayor White gaveled down and stated, "It is now 6:29 p.m. and I close the public hearing held to discuss Ordinance #ORD2020-11 and reopen the January 11, 2021 City Council Meeting."

Agenda Item No. 12 – Final Reading Ordinance #ORD2020-11 Comprehensive Plan, #CPA2020-04, Solar Farms

Mayor White called for public comments. There were none.

Vice-Mayor Hanchar move Ordinance #ORD2020-11, #CPA2020-04 be read by title only. Councilwoman Kenny seconded the motion. No further discussion. The vote was taken and all members were in favor. The vote was 4-0.

Ms. Roberts read the following into the record:

“Ordinance #ORD2020-11

An Ordinance Of The City Of Dunnellon, Florida, Ord2020-11, Providing For Textual Comprehensive Plan Amendments To The Future Land Use Element By Including Solar Farms In Policy 1.7 And 1.8; Providing For Transmission; Providing For Severability; Providing For Conflicts; And Providing For An Effective Date.”

Vice-Mayor Hanchar moved Ordinance #ORD2020-11, #CPA2020-04 be approved. Councilwoman Cabbage seconded the motion.

Mayor White called for discussion: There were none.

The vote was taken and all members were in favor. The vote was 4-0.

Agenda Item No. 13 – Public Hearing Ordinance #ORD2020-10, Solar Farms Land Development Regulations (LDR) (Advertised In the Ocala Star Banner and in the Riverland News on 12/31/2020)

Mayor White gaveled down and said, "It is now 6:27 p.m. and I close the City Council Meeting and open the public hearing to discuss:

Ordinance #ORD2020-10, Solar farms Land Development Regulations (LDR) (Advertised in the Ocala Star Banner and in the Riverland News on December 31, 2020.)

Ms. Roberts stated Lonnie Smith provided his staff report at the previous workshop. She read the Planning Commission's recommendations:

“Based on the findings of fact above, the Planning Commission by Resolution RES2020-23 finds Ordinance ORD2020-10 consistent with the comprehensive plan and meets city code criteria. The Planning Commission recommends City Council approve Ordinance ORD2020-10 as presented.”

Attorney Hand referred to Page 2, Section 7.1 Table of permitted uses. He said the table has been updated. It reflects that solar farms are a special exception in both A-1 and Public Use.

Section 7.2 provides the definition for solar farm. Its' defined as land containing multiple ground mounted solar panels, ancillary equipment, and buildings used for the collection, storage, and transmission of solar power as electricity by commercial and/or public enterprises. Such facilities shall be ten (10) acres or more in size and capable of generating a minimum of one-megawatt of power per hour.

Attorney Hand noted the change to Section 8.16 Agriculture. He said this is updating the zoning code in line with the comprehensive plan, future land use map. Stating that solar farms may be permitted by special exceptions. Section 8.17 is addressing Public land use.

He reviewed the specific criteria on Page 4 that goes beyond the typical special exception review. The basic special exception review is under Section 9.1 (b) of the City Code, which pertains to all special exceptions.

Mayor White called for public comments. There were none.

Mayor White gaveled down and stated, “It is now 6:40 p.m. and I close the public hearing held to discuss Ordinance #ORD2020-10 and reopen the January 11, 2021 City Council Meeting.”

Agenda Item No. 14 – First Reading Ordinance #ORD2020-10, Solar Farms LDR

Vice-Mayor Hanchar move Ordinance #ORD2020-10 be read by title only. Councilwoman Kenny seconded the motion.

Mayor White called for discussion.

Louise Kenny made brief comment regarding the chart on Page 2 with Special Exception listed in A-1 and Public.

There was no further discussion.

The vote was taken and all members were in favor. The vote was 4-0.

Ms. Roberts read the following into the record:

“Ordinance #ORD2020-10

An Ordinance Of The City Of Dunnellon, Florida, Amending The Code Of Ordinances, Appendix “A” Of The Land Development Regulation, Section 7.1, “Table Of Permitted Uses” To Include Solar Farms In Service And Public Uses; Amending Section 7.2,

“District Use Definitions” To Create A Definition For “Solar Farm”; Amending Section 8.16, “Agricultural (A-1) To Include Solar Farms; Amending Section 8.17, “Public (P)” To Include Solar Farm; Amending Section 9.1, “Special Exceptions” To Add Condition Of Approval For Solar Farms; Providing For Severability, Codification, Conflicts, And An Effective Date.”

Attorney Hand recommended to include in the motion, an updated effective date. He explained when this was drafted it was not known when this would come before Council. He said the previous ordinance, the comprehensive plan amendment, will not become effective until it's sent back to Florida Department of Economic Opportunity (FDEO) and they notify that it is complete and then thirty-one (31) days after response from FDEO. Needs to be effective the same date of Comprehensive Plan Amendment.

Vice-Mayor Hanchar moved Ordinance #ORD2020-10 be approved with an amended effective date to be consistent with the effective date of ordinance ORD2020-11 Comprehensive Plan Amendment/Companion ordinance. Councilwoman Kenny seconded the motion.

There being no further discussion, Mayor White called for a vote.

The vote was taken and all members were in favor. The vote was 4-0.

Agenda Item No. 15 – City Parks Presentation - Mayor White

Mayor White provided pictures and a brief presentation of the parks and locations located in Dunnellon.

Mr. Slattery addressed some of the needs for the parks such as replacement playground equipment. He said none of the parks are handicap assessable.

He noted that Ernie Mills Park and the 125th Park are the only parks that fall into the CRA district. CRA funds may be used and may the parks may qualify for CDBG Grants.

Councilwoman Cabbage recommended contacting Marion County Lion's Club. She said they may have funds available to assist.

Mayor White provided a brief update on the Dunnellon Blue Run Park restroom project after speaking with Jim Couillard, Marion County's Park & Recreation Director. He said the County has been through the bidding process and will be awarding the bid to Dinkins Construction as the contractor.

Agenda Item No. 16 –Council Liaison Reports and Comments

Vice-Mayor Hanchar provided her report on the Ocala Marion Transportation Planning Organization.

Agenda Item No. 17 - City Administrator's Report

Chief McQuaig provided a brief report on the Covid vaccinations. He said Publix has been administering the vaccines and there have been no issues. The majority of the people were from Dunnellon. They were given an appointment and ran smooth.

He commented on making a gentlemen's agreement with an IT person and will have someone available on site.

Susan Davis Jones, from Rainbow Springs Art Group, liaison, provided a handout and reported on recent activities. The Rainbow Springs Art Festival date event will be held on March 20th.

Agenda Item No. 18 - City Attorney's Report

Attorney Hand said he was going to provide an update on Covid, but Chief McQuaig has already covered that item.

Agenda Item No. 19 – Adjourn

At approximately 7:25 p.m. Vice-Mayor Hanchar moved the January 11, 2021 City Council meeting be adjourned. Councilwoman Cubbage seconded. The vote was taken and all members voted in favor. The motion passed 4-0.

Attest:

Amanda Roberts, CMC
City Clerk

William P. White, Mayor