

City of Dunnellon
City Council Special Workshop

<https://dunnellon.zoom.us/j/88379659746?pwd=SVBueDhrOGhXRUXBT1JCamNqT0pHQQT09>

Webinar ID: 883 7965 9746

Date: August 04, 2021
Time: 3:00 p.m.
Place: City Hall
20750 River Dr., Dunnellon, FL34431

Public Comment

Anyone who wished to provide public comment was 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 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 wished to participate were encouraged to register in advance by Noon on Wednesday, August 04, 2021.

Call to Order and Pledge of Allegiance:

Mayor White called the meeting to order at approximately 3:03 p.m. and led the Council in the Pledge of Allegiance. He asked if any invitee or volunteer was present to open with prayer. No one came forward and a moment of silence was offered.

Roll Call

Bill White, Mayor, Seat 1
Louise Kenny, Councilwoman, Seat 2
Anita Williams, Councilwoman, Seat 3
Valerie Hanchar, Vice-Mayor, Seat 4
Jan Cubbage, Councilwoman, Seat 5

Staff Present

Mandy Odom, City Clerk
Jan Smith, Finance Department
Chief Mike McQuaig, Police Department
Troy Slattery, Public Works Department
Julie Danowski, Clerk's Department
Lt. Shane Yox, Police Department – Arrived at 3:50 p.m.

Legal Counsel

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

Proof of Publication

Mrs. Odom announced for the record the agenda for this meeting was posted on the City's website and City Hall bulletin board on Wednesday, July 28, 2021. An amended agenda was posted July 29, 2021 to correct backup.

Mayor White welcomed everyone and covered public and Council meeting etiquette.

Agenda Item No. 1 – Blue Run Park – Proposed Ordinance #ORD2021-02 Blue Run Park Rules And Regulations

Mayor White provided a history of why the City and Council have begun to create an ordinance for Blue Run Park. He said the template they are working from is an accumulation of information from the management plan, warranty deed and resolution. He said the purpose of the ordinance is to provide enforcement of park rules. He said the park rules are currently established via resolution which doesn't allow the Police to write tickets. He said this is just the beginning of creating law and what is put together today may not be the final ordinance.

Mayor White invited Bill Vibbert to the podium.

Bill Vibbert, 9552 SW 192nd Ct. Rd., spoke about the history of Blue Run Park, the resolution and the requirements outlined in the management plan. He provided a packet which included the accumulated information being used to create the ordinance. He stated the rules have been posted in the park since 2015 and have been in the management plan since 2008. Mr. Vibbert said the most important thing about park rules is to guide the visitor on how to use the park and to protect the natural amenities of the park. He stated Dunnellon is becoming a regional trail hub and we need to be able to enforce the rules.

Mayor White made a point to say this workshop is very specific to the rules of Blue Run Park. He said there are approximately 20 rules to review and decide whether or not to include them in the ordinance. Mayor White read through each rule as listed in the sample ordinance provided by Attorney Hand, and then requested discussion or consent on each;

a) *Park hours are from dawn to dusk.* – Consent

b) *Alcoholic beverages are prohibited.* – Consent

c) *Fires are prohibited.* - Mayor White suggested adding “except for prescribed fire for resource management, to allow controlled burn by permit”. Discussion followed and consent was given to amend the language as provided.

d) *Private motorized vehicles are prohibited beyond the parking area, except for those used for accessibility by persons with disabilities.* – Discussion followed and consent was given to change “Private motorized” to “Unauthorized”.

e) *Overnight use or camping is prohibited.* - Consent

f) *Pets must be on a leash and controlled at all times, and owner must clean up after.* - Consent

g) *Excessive removal or cutting of vegetation is prohibited.* - Mayor White stated Marion County has requested, "Removal or cutting of vegetation prohibited except for routine maintenance". Attorney Hand suggested adding construction verbiage as well.

h) *Collecting or harassing wildlife in any stage of life or form is prohibited, except fishing is allowed.* - Discussion followed regarding whether or not to allow fishing anywhere in the park. Attorney Hand stated Council must work within the confines of the management plan and the plan states fishing in the interior pond is prohibited. Mayor White stated this means fishing anywhere in the park is not allowed and suggested the rule be changed to reflect this. Consent for "No fishing in the park" was given.

i) *Discharging of any firearm in the park is prohibited.* - Mayor White stated this language is in direct conflict with a state statute. Councilwoman Cabbage said Hillsborough County wrote the following in their ordinance: "Hillsborough County recognizes the preemption of firearm regulation by the state legislature. The possession and discharge of firearms in parks and park property is regulated, and shall be enforced, pursuant to state law". Mayor White invited Jim Couillard to speak to this and Mr. Couillard suggested making it a separate ordinance to cover all the parks. Council agreed to amend the language to preempt regulation to the state.

j) *Discharging of any air gun in the park is prohibited.* - Attorney Hand suggested using the term "projectiles" to differentiate these weapons from regular firearms and to be more inclusive of a wider variety. He also suggested making a list of weapons to include, but utilize verbiage "includes, but is not limited to".

k) *Trash must be placed in designated containers.* – Consent

l) *Depositing personal trash from off-site is prohibited.* - Consent

m) *Damaging or defacing any park facility or sign is prohibited.* – Consent

n) Mayor White said this is the section with the commercial component. A discussion followed regarding whether or not to allow commercial use and what exactly constituted commercial use. Mayor White suggested to prohibit commercial use at the park unless given direct authority by the City of Dunnellon and Florida Communities Trust. Councilwoman Kenny suggested verbiage of "non-governmental" rather than "commercial". Vice-Mayor Hanchar asked if the business is only picking up clients at the park and the physical location is elsewhere, is it considered commercial use. Mr. Couillard suggested Council refer to the management plan and allow staff time to review. Attorney Hand and Council agreed.

o) *Metal detectors are prohibited.* – Councilwoman Cabbage suggested verbiage to prohibit magnet trolling. Council agreed to review and discuss again at the next meeting.

p) *Engaging in violent or disruptive behavior or refusal to follow directions of official staff is prohibited.* - Consent

q) *Use of facilities is on a first come, first served basis.* - Consent

r) *In the area where the bike path and the river access ramp converge, pedestrians have the right of way.* - Consent

s) *Equestrian use is prohibited.* - Councilwoman Williams suggested verbiage to allow for law enforcement riders. Mayor White suggested adding “except by official use”.

t) *Use of any device or vehicle that disturbs the “Soundscape” of the park is prohibited.* - Mayor White said this rule gives police the authority to ask a person who is creating a noise disturbance to quiet down. Attorney Hand suggested adding verbiage which points to the sound ordinance already in place which is more enforceable. Consent was given.

u) *Groups of more than 25 people require a reservation five days in advance.* - Vice-Mayor Hanchar asked for clarification whether this meant business days or calendar days. Mayor White said it was something to discuss. She also inquired about the number of people the KP Hole bus brings. Attorney Hand stated he wouldn’t consider that type of group the way the language intended.

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

a) *The river access ramp is for the use of paddlers and tubers entering or exiting the river.* - Vice-Mayor Hanchar questioned the use of the word “paddlers” and Councilwoman Cabbage suggested adding “no motorized vessels”. Council discussion followed regarding both topics. Attorney Hand said he is going to look at how some of the rules are phrased and attempt to rewrite them to make them clearer.

b) *Fishing is not allowed from the river access ramp.* - Discussion followed regarding the redundancy of this statement. Attorney Hand stated he didn’t have an issue with leaving this as it is to make it even more clear to the visitors that fishing is not allowed.

c) *Swimming is not allowed from the river access ramp.* - Mayor White stated for 50 to 100 years the area has been the swimming hole for the City of Dunnellon residents. He said he would not be interested in changing this and he would like this item removed from the list. Discussion followed regarding the safety of the swimmers, the right of way for the tubers and kayaks exiting the river and the fact there are no past regulations prohibiting such activity. Council agreed to remove this item from the list of rules.

d) *No alcoholic beverages or disposable food or beverage containers are allowed on the Rainbow River. Possession of any of these items on the river is subject to a fine.* - Mayor White stated this has already been addressed elsewhere and staff confirmed. Consensus was given to delete this line.

Sec. 46-XX. - Penalties—Fine schedule for civil municipal code violations - Mayor White said there was discussion regarding setting the same dollar amount for every fine to simplify the process. Attorney Hand said this fine schedule is to provide a due process and define what is included in the ticket. Attorney Hand also said it is essentially the same process Council created for the parking ticket ordinance.

Attorney Hand stated he received a request from Chief McQuaig for an additional rule regarding motorized vehicles at the ramp. Mayor White said we do have a lot of boats that come dangerously close to the ramp. Attorney Hand said if you create a swimming area by not prohibiting it, you could be entering into a sovereign submerged land lease with the State of Florida. He also said if you prohibit boaters from using it you would actually be preempting it for a special use, which would be subject to annual fees by the state which could range from \$4,000 to \$6,000. Attorney Hand will research this and advise.

Agenda Item No. 2 – Public Comments

Sonny Kerr, 19098 St. George Dr., said she spoke with a police officer and asked about the airboats and jet skis. The officer said as long as they can get under the bridge, they are ok. She stated it is a dangerous situation because people get in the way of the boats with engines.

Dave Porter, 11835 E. Blue Cove Dr., stated he appreciates Council taking on this very important issue. He said he would like to challenge the usage of the word “commercial” when excluding activities because people are utilizing social media to call for kayaks and tubes which may not be considered commercial. He said they should also consider the pedestrian danger if the shuttles were forced to discontinue working at Blue Run Park as they may utilize businesses on the other side of the busy street.

David Koger, 11983 Palmetto Way, said it is a good idea to keep the restriction of the electric motors on kayaks in the ordinance because it is a safety issue for tubers trying to get out of the water. He stated there was a sign in 2010 which said “No swimming allowed” and they would rather it not become a public beach. Mr. Koger said it is also a good idea for the “No alcoholic beverages or disposable containers” to stay in the rules because when visitors come there, they may not know the river rules if they are not posted.

Rob Batsel, 1531 SE 36th Ave., Ocala, said he is here on behalf of Chris Anderson and Rainbow River Kayak. He stated finding the balance of how to regulate this properly in a way that is consistent with the various state and local acts, agreements and plans are important. He said it is important to recognize that while there is an abundance of people wanting to use the river, the acts, agreements and plans all aim to improve public access and preserve this part of the river. He said these plans also emphasize relationships with private businesses and organizations to accomplish these goals. He suggested a permit or franchise agreement program with the businesses. Mr. Batsel said if companies such as Rainbow River Kayak were to enter into an agreement with the City, part of that agreement could be that the business would assume part of the responsibility to educate the visitors from out of town regarding safety, littering, wildlife, etc.

Burt Eno, 9220 SW 193rd Circle, said he is the President of Rainbow River Conservation and their primary obligation is to protect the river. He said one of the problems they have is excess traffic on the river. He said Mr. Batsel is correct in that we are supposed to make the park and river accessible to the public, but within reason and limits. He agrees there is a certain amount of transportation needs, which is why the County contracted with Mr. Anderson, but we are not in the business to maximize the income of this transport business.

Chris Anderson, 11463 N. Williams St., said he has been reviewing the management plan and he read through and quoted several sections of it. He said to receive the original Florida Forever funding, one of the goals was to provide an access point for the Rainbow River. Mr. Anderson read a portion that stated an area for parking and shuttle services loading was to be provided. He said everyone was aware and planned for shuttle services. He said rather than ban shuttle services altogether, the City should work with them to make regulations.

Juliane Mendonca, 11894 E. Blue Cove Dr., said sometimes the discussions here create a lot of emotion and we should step back and remember what we came to discuss. She stated we came to discuss rules, safety and community but suddenly we have jumped ahead to business interests. She asked for a focus on rules, safety and community before discussing how many shuttles can run and how many people can get on the river.

Keith Baxter, 11855 E. Blue Cove Dr., stated before the City took over Blue Run Park there was plenty of space for parking because the City mowed the railroad easement and people could park there. He said when the City took over we ended up with 31 parking spaces, plus 2 handicapped spaces and another 22 spaces on San Jose Blvd. He stated now the cars are spread out and there are a lot of little kids with inner tubes trying to cross the street. He said it is a very dangerous situation. He said Swampy's is having to police their own parking lot because of tubers trying to use it to park. He suggested adding more parking on San Jose, which would put the traffic there rather than on Pennsylvania Avenue.

The meeting was adjourned at approximately 5:04 p.m.

Attest:

Penned Signature of
Amanda Odom, CMC
City Clerk

Penned Signature of
William P. White, Mayor