

City of Dunnellon
Special City Council Workshop

<https://dunnellon.zoom.us/j/86904819858?pwd=Q1hEOEIBZnVCTW40bjVCNndUMElqZz09>

Webinar ID: 869 0481 9858

Date: October 06, 2021

Time: 3:30 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 modom@dunnellon.org

Members of the public who wished to participate were encouraged to register in advance by Noon on Wednesday, October 06, 2021.

Call to Order and Pledge of Allegiance:

Mayor White called the meeting to order at approximately 3:40 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, so he called for a moment of silence.

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 Officer

Chief Mike McQuaig, Police Department

Troy Slattery, Public Works Manager

Georgina Cid, Community Development Manager

Michelle Leonard, Assistant City Clerk

Lt. Shane Yox, Police Department – Arrived at 4:06 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, September 29, 2021.

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

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

Mayor White explained the purpose of this special workshop is to create an Ordinance for the management of Blue Run Park. He said hopefully with the numerous workshops held on this subject, it has allowed for the opportunity to give everyone a chance to participate and provide their ideas for management of the park. He stated it is his hope this will be the final workshop and the Ordinance will be able to move forward to the Planning Commission for their input and recommendation. He stated once the Planning Commission completes their approval process, it will come back before Council for two additional meetings.

Mayor White read the introduction of the proposed Ordinance into the record:

“AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES OF THE CITY OF DUNNELLON; AMENDING ARTICLE I OF CHAPTER 46; 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.”

Mayor White stated the “whereas” recitals clarify the City owns the park but shares responsibilities with the County. He said it explains the parks intended use. He stated these recitals explain what the Management Plan defines, how KP Hole's usage is defined and commercial use within the park. He said the final Ordinance should be consistent with the Management Plan and with the Agreements set in 2007 & 2008.

He specifically pointed to the recital at line 72 and commented there is some concern as to how it may be interpreted. He said the concern is this language could possibly allow many commercial operations to bring in a number of small groups of people. He stated this is the only recital he has any issue with.

Councilwoman Kenny said she has issue with the recital at line 72 as well. She commented about the email received from an individual about this subject and agrees we need to stay within our agreement with FCT.

Councilwoman Williams stated it will be interesting to see how we are going to control this.

Councilwoman Cabbage read from a letter sent to her from Dwight Porter. She stated he has concerns that limiting the number of commercial vendors will hurt the City. She read the following from his letter;

“No reasonable business is going to make investments in any high end commercial real estate or start a business here, if they have to compete with a business that’s going to use community property for a small or nominal fee.”

Councilwoman Cabbage stated she has concerns if we allow for some, we will have to answer to anyone who wants to set up a roadside stand.

Vice-Mayor Hanchar asked what the recommendation would be from this Council if we are not allowing Uber or taxi cabs. She asked how the City would be able to identify between someone just dropping off kids to walk at the park and a commercial vendor. She referred back to what Councilwoman Williams said regarding our ability to control or enforce it.

Mayor White said we are trying to prevent the unauthorized commercial use, even at a small scale. He provided an analogy and Vice-Mayor Hanchar challenged it was not similar. She stated the Council is trying to become over-controlling. Councilwoman Williams said there is always going to be an abuse of services and she is beginning to wonder why we even put a park on a two-lane highway without a turn lane. Councilwoman Cabbage suggested Dunnellon does what other communities have done and put a big sign that states the park is not for commercial use and for reservations to call City Hall. She elaborated by explaining what she has observed other entities do.

Mayor White asked Attorney Hand to provide suggestions on how to stop it. Attorney Hand said the first thing to consider is whether they even want taxi cabs or ride shares to enter the park. He commented this is highlighted for discussion on page 6 of the Ordinance. If Council decides they do not, then ride shares would just drop off within proximity of the park. If Council decides it’s okay, they would enter into an agreement with FCT to allow. If this was not allowed or disallowed, the Ordinance could be amended in the future. Vice-Mayor Hanchar suggested to allow them to drop off only at the parking lot on San Jose and asked how that would affect the Ordinance. Mayor White suggested two safe places for drop off, Palmetto Way and San Jose. Vice-Mayor Hanchar said without a pedestrian bridge Palmetto Way is not a safe place. Councilwoman Cabbage said the concern is not about ride shares, it is about kayak shuttle businesses. She suggested a sign specifically that kayak shuttle businesses are not allowed at the park. She said it is perfectly legal now because there is no sign.

Councilwoman Cabbage asked Mr. Couillard to share how Marion County handles outside vendor enforcement. Mr. Couillard said they have outside vendor permits and sometimes

business agreements. He also commented the County has 56 park rangers who have authority and work with the Marion County Sherriff's Office for enforcement. Councilwoman Cubbage asked how enforcement is handled at Blue Run Park and he stated the Marion County Sherriff works with Dunnellon Police Department.

Mayor White welcomed Jim Couillard and Commissioner Bryant to the meeting. He explained to them both where Council is in their discussion, as they arrived late to the meeting. He asked how the County would handle Uber type drivers at county parks. Mr. Couillard said they have it written within their Ordinance for disallowing commercial use. He also commented they have special permits where people can obtain usage rights in certain cases. He said usually it only takes a few minutes of education to stop people from misusing parks.

Mayor White said he would be inclined to eliminate lines 72-74, as there are places outside of the park to drop people off and walk into the park. Councilwoman Kenny, Councilwoman Williams and Councilwoman Cubbage all agreed. Vice-Mayor Hanchar said she would just add they could only be dropped at the San Jose Boulevard parking lot and all Council agreed. Vice-Mayor Hanchar pointed out lines 214-218 are the same and asked if they could be stricken as well. Council agreed.

Mayor White moved on to Article I, Authority of Chief of Police. He explained the Chief's current powers are inclusive of all city parks and asked Attorney Hand to clarify. Attorney Hand stated this was for any park within the city.

Mayor White specifically commented on line 110, stating if one area of the park had a danger the Chief could close just that one area. He asked for everyone to move to line 129, commenting this is where the County expressed some concern previously. He stated the County's issues involved their ability to function at KP Hole and manage their activities. Mayor White read aloud lines 129-137, explaining in detail along the way what this verbiage really means to both the City and the County. He said he is not comfortable with the additional language in line 133, specifically "to avoid infringement of any and all rights". Councilwoman Kenny said Mayor White's concern is justified and she believes "any and all" should not be there. Councilwoman Williams had no comment. Councilwoman Cubbage said her only comment would be specific to an emergency which occurs in a fraction of a second. She does not want personnel to have to think about protocol, but rather be able to react immediately. Vice-Mayor Hanchar said she has no issue with the wording and she will leave it to the attorneys. Mayor White said he thinks it is over kill and in the real world he would not sign a contract binding him like this. Attorney Hand said "any and all" could be removed and it would not change the Ordinance in any way. He suggested using the word "undue" instead of "any and all". Mayor White asked if there is any down side to just ending the language at line 133. Attorney Hand said at a previous meeting it was discussed to reference the agreements. He said he believes Chief McQuaig is still going to reach out to these entities in an emergency

situation and removing the additional language would not hurt the Ordinance at all, but the County may not agree. Councilwoman Kenny, Councilwoman Williams and Councilwoman Cabbage are in agreement with Mayor White to remove the language and end it on line 133. Vice-Mayor Hanchar said as long as the County is happy, she is fine with the change.

Attorney Hand reported changes to Sec. 46-78 regarding swimming at the park. Council agreed they are happy with these changes.

Councilwoman Kenny asked to eliminate the word “currently” on line 224. Councilwoman Williams and Councilwoman Cabbage agreed. Vice-Mayor Hanchar asked Attorney Hand to clarify why the word was there. Attorney Hand explained the County asked for some kind of language reflective of the current state of affairs. He stated there is no problem with taking it out and reiterated the Management Plan can change. Council agreed they would like the word removed.

Mayor White asked Council if they had any further comments. Councilwoman Kenny stated she is pretty happy with what has been done. Councilwoman Williams is also happy with what has been done. Councilwoman Cabbage stated everything is in order. Vice-Mayor Hanchar said she is happy and it was fairly easy to do. Mayor White asked Mrs. Odom about the next step. Mrs. Odom said the draft Ordinance would go to the Planning Commission. Attorney Hand provided two options and said he could bring it back to Council with the changes and then Council could send it to Planning, or he could make the changes and send it directly to Planning. Mayor White asked if there would be additional opportunities to make changes. Attorney Hand said Council will have several and can have additional if they like.

Councilwoman Williams brought up a suggestion from a citizen regarding lines 148-149 about motorized vehicles. Vice-Mayor Hanchar clarified it was left so it could be used by golf carts for repair and maintenance. Mayor White said this is not specifically stated and could be problematic if people found a way to get them there. Attorney Hand said this was brought up previously and he provided information to Council. He further commented golf carts are only allowed within the City per Ordinance and if it became an issue it could be addressed.

Council directed staff to move the draft Ordinance forward to the Planning Commission for review, once all edits are finalized by the attorney.

Agenda Item No. 2 – Council Comments

Councilwoman Williams said her idea is to put something on the park trail where you enter Citrus County. She thinks it would be great for safety when people are lost on the trail to be able to refer to a landmark if they need to call for assistance.

Mayor White commented Riverland News has officially closed down their office in Dunnellon and Citrus Chronicle has stopped home delivery to Dunnellon. He called the home office to inquire why and they stated it was not cost effective. He expressed to them losing the Riverland News is a huge blow to Dunnellon.

Councilwoman Cabbage said she thinks it is important everyone understand it is not just the parking lot and ramp we are discussing. She thinks the City has a right to regulate usage in that area of the river. She said Rainbow River is an aquatic preserve and we are the designated protectors of the river.

Agenda Item No. 3 – Department Head Comments

There were none.

Agenda Item No. 4 – City Attorney Comments

Attorney Hand shared him and his wife are having a baby. He wanted Council to know he may have to send backup coverage for a future meeting or two when the baby is born.

Agenda Item No. 5 – Public Comments

Bill Vibbert, 9552 SW 192nd Ct. Rd., stated he has a lot of experience related to motorized vehicles. He said he has worked with the Department of Justice ADA and ADA managers on many projects in his past and he believes the Council should have restrictions in the Ordinance about allowable motorized vehicles in Blue Run Park. He also stated the rules regarding firearms should be posted at the park. He commented on the swimming being allowed there as well. Attorney Hand assured Mr. Vibbert the signs at the park will cite the fire arms statute.

Chris Anderson, 11463 N. Williams Street, said there is not much more he can say that will change anyone's opinion. He believes it is unfortunate Council will not entertain any further discussion. He questioned if use is either allowable or disallowable and asked if the City reached out to FCT for determination of a private shuttle being a disallowable activity.

Attorney Hand said disallowable and allowable use deal with tax consequences. He said Dawn Bowne reached out to FCT in the past. Mr. Anderson said if there is no revenue collected on site, then it is not a disallowable activity. Attorney Hand repeated those terms deal with tax consequences. He stated the Management Plan says commercial use is not allowed and the City can define it per the Comprehensive Plan. Mr. Anderson asked if he had an Air BNB and delivered his renters to Blue Run Park would that be considered commercial use. He said he has a lot of other questions and he thinks regulation is the answer here.

Burt Eno, 9220 SW 193rd Circle, responded to Mr. Anderson's implication that FCT is the manager of rules and regulations at Blue Run Park. He asserted they are not; the City is.

Councilwoman Cabbage asked to add to Monday's Council meeting agenda to make a final decision about Rainbow River Kayak's proposal to do business in the City of Dunnellon. Vice-Mayor Hanchar said it is unfair as he just walked out the door. Mayor White said the City has decided not to make a response to his proposal. Councilwoman Cabbage said she is looking to save him some legal fees and to stop him from bringing up untruths as he did today by providing a formal letter ending the conversation. Mayor White asked Attorney Hand how to handle it if one Council member wants to add something to the agenda and the other members do not agree.

Attorney Hand asked Mrs. Odom if a copy of the Resolution was available and he didn't believe that was contemplated. In this case they couldn't bring this up for a decision anyway because it would require FCT participation. Attorney Hand said he has not received any correspondence from Attorney Batsel since the previously proposed agreement and thinks if Council wanted to address this it should be brought to a workshop for discussion.

Suzanne Eno, 9220 SW 193rd Circle, said if Mr. Anderson leaves the Council does not owe him anything and that is his problem.

The meeting was adjourned at approximately 5:19 p.m.

Attest:

Penned Signature of:
Amanda Odom, CMC
City Clerk

Penned Signature of:
William P. White, Mayor