

## **City of Dunnellon City Council Meeting**

Date: January 13, 2020

Time: 5:30 p.m.

Place: City Hall

20750 River Dr., Dunnellon, FL 34431

### **Call to Order and Pledge of Allegiance**

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

### **Roll Call**

The following members answered present at roll call:

Dale Burns, Mayor, Seat 1

Bill White, Councilman, Seat 2

Anita Williams, Councilwoman, Seat 3

Valerie Hanchar, Vice-Mayor, Seat 4

Linda Fernandez, Councilwoman, Seat 5

### **Staff Present**

Dawn Bowne, City Administrator

Mandy Roberts, City Clerk

Jan Smith, Finance Officer

Chief Mike McQuaig, Police Department

Lonnie Smith, Community Development

Troy Slattery, Public Works Manager

Lynn Wyland, Records Clerk

### **Legal Counsel**

Andrew Hand,

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

### **Proof of Publication**

Ms. 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 9, 2020.

### **Council's Comments Regarding Agenda**

There were none.

### **Public Comments**

Larry Winkler, 19948 Burkett Road, former Council member, said he spent some time showing Councilman White different areas throughout Dunnellon. He also commented on letters a resident of Rainbow Springs, continually writes to the Riverland News, criticizing staff and their salary.

Sgt. Kevin Gunther referenced the City Beach fees and suggested creating volunteer programs for the local youth to earn free passes.

Mrs. Bowne said staff will work to come up with some form of program.

Burt Eno expressed his concern with the removal of trees on the Rainbow Springs State Park property. He provided a video of the area.

Mayor Burns said he will contact a representative with regard to their intent and find out what we, as a City, can do.

Keith Baxter spoke of the continuing issue of flooding in the parking lot at Swampy's. He suggested curbing along Camp Drive to help rid the excess water.

Troy Slattery provided an update regarding stormwater run-off. He said he will place Mr. Baxter's issue on the list for evaluation.

Councilman White said he spoke to Mr. Baxter regarding his concerns with his parking lot. One of his concerns is tubers parking in Swampy's lot when there are no parking spaces at Blue Run Park.

### **Consent Agenda**

Mayor Burns called for public comments on the consent agenda. There were none.

- 1. City Council Minutes**
  - November 6, 2019 Special Joint Council & Planning Workshop**
  - November 6, 2019 City Council Workshop**
  - November 12, 2019 City Council Meeting**
- 2. Ratify Mayor's Signature On Letter Of Support For The Small Town And Rural Planning Award Application For Distinctly Dunnellon**
- 3. Authorize Staff To Draft A Proposed Resolution, Amending Resolution #RES2018-39 By Reducing The City Beach Daily User Fee For Non-Residents To \$2.00 Per Person**
- 4. Approve Agreement #AGR2019-39 Gissy Rainbow River Ranch Regarding CLG & RRR Settlement Agreement**
- 5. Approve Agreement #AGR2020-01 Kimley Horn IPO 84 For Short Tower Way**
- 6. Approve Agreement #AGR2020-02 Kimley Horn IPO 85 For Ernie Mills Park**
- 7. Authorize The Mayor To Sign Contract Change Order #1 To Art Walker Construction Agreement #AGR2019-20 And Authorize The Mayor And The City Administrator To Jointly Approve Future Change Orders, Not To Exceed Project Contingency Amount of \$41,500.00**

- 8. Authorize The Mayor To Execute Modification #1 To CDBG Grant Agreement #AGR2017-04**
- 9. Authorize Landscaping By Webb's Nursery And Landscape Along West Pennsylvania Avenue In The Amount of \$10,276.00**
- 10. Authorize Expense For Landscaping By Webb's Nursery And Landscape Along Highway 41 Medians In The Amount of \$9,340.00**

### **Consent Agenda Approval**

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

### **Regular Agenda**

#### **Agenda Item No. 11 – Presentation – Dave O’Brien, Project Lift**

This Item has been deferred until a later date.

### **Public Hearing Statement**

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. 12 – Public Hearing Ordinance #ORD2020-01, CPA2020-02, Amending Transportation Element (Posted on the City's Website on 12/30/2019 and Advertised in the Riverland News on 01/02/2020)**

Mayor Burns gavelled down and said, “It is now 6:04 p.m. and I close the City Council meeting and open the public hearing to discuss: Ordinance #ORD2020-01, CPA2020-02, Amending

Transportation Element (Public Hearing advertised on the City's website on December 30, 2019 and advertised in the Riverland News on January 02, 2020."

Mayor Burns called for staff presentation.

Lonnie Smith said we met our goals and the Florida Department of Transportation and Florida Department of Environmental Protection are amenable to the modifications to the language. He reviewed the following staff report:

***The insert for this item does not meet ADA accessibility requirements for websites and is available by contacting the City Clerk at 352-465-8500.***

Mayor Burns called for public comments. There were none.

Mayor Burns gavelled down and stated, "It is now 6:12 p.m. and I close the public hearing held to discuss Ordinance #ORD2020-01 and reopen the January 13<sup>th</sup> City Council meeting."

**Agenda Item No. 13 – First Reading Ordinance #ORD2020-01, CPA2020-02, Amending Transportation Element**

Vice-Mayor Hanchar moved Ordinance #ORD2020-01, CPA2020-02 be read by title only. Councilwoman Fernandez 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:

"Ordinance #ORD2020-01

An Ordinance of the City of Dunnellon, Marion County, Florida; providing for an amendment to the comprehensive plan by amending Policies 3.1 and 3.3 and adding a new policy 3.4 of the transportation element regarding new limited access facilities, toll roads turnpikes, and associated improvements; renumbering subsequent policies; providing directions to the city clerk; providing for conflicting ordinances; providing for severability; and providing an effective date."

Vice-Mayor Hanchar moved Ordinance #ORD2020-01, CPA2020-02 be approved. Councilwoman Fernandez seconded the motion. The vote was taken and all members were in favor. The vote was 5-0.

**Agenda Item No. 14 – Public Hearing Ordinance #ORD2020-02, Amending Appendix "A" Zoning (Posted on the City's Website on 12/30/2019 and Advertised in the Riverland News on 01/02/2020)**

Mayor Burns gavelled down and said, "It is now 6:13 p.m. and I close the City Council meeting and open the public hearing to discuss: Ordinance #ORD2020-02, Amending Appendix "A" Zoning (Public Hearing advertised on the City's website on December 30, 2019 and advertised in the Riverland News on January 02, 2020."

Mayor Burns called for staff presentation.

Lonnie Smith presented the following staff report:

***The insert for this item does not meet ADA accessibility requirements for websites and is available by contacting the City Clerk at 352-465-8500.***

Mr. Smith reviewed the revisions. He noted permitted uses, under Table B6, canoes and kayaks were not included on the previous table of uses. The classification of tubes, kayaks and canoes show a permitted use of B6. B6 is a water oriented zone, specifically for water oriented businesses.

Mayor Burns called for public comments.

Keith Baxter, 11855 E. Blue Cove Drive, commented on the R5 zoning and permitted uses. He noted they are very restrictive and there are only three (3) properties in Dunnellon with R5 zoning.

Councilman White asked Mr. Baxter if the kayak operation at Swampy's business was closing.

Mr. Baxter explained the people who operate the kayak business do not own it. He said the owner of Swampy's wants to take over the entire property and improve the appearance. He said if the kayak operation is removed, he is looking to add additional parking and storage.

Janice Cabbage, 18255 SW CR 484, commented on her concerns regarding the clear cutting at Rainbow Springs State Park.

Mayor Burns pointed out that this is a public hearing and all comments being accepted are to be with regard to the proposed ordinance. She said she will send him an email regarding the clear cutting.

Mayor Burns gavelled down and stated, "It is now 6:32 p.m. and I close the public hearing held to discuss Ordinance #ORD2020-02 and reopen the January 13<sup>th</sup> City Council meeting."

**Agenda Item No. 15 – First Reading Ordinance #ORD2020-02, Amending Appendix "A" Zoning**

Vice-Mayor Hanchar moved Ordinance #ORD2020-02 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:

"Ordinance #ORD2020-02

An Ordinance of the City of Dunnellon, Florida, amending the Code of Ordinances, by amending Appendix "A" – "Zoning" to include amendments to the Table of Permitted Uses,

definitions, the fee schedule for home occupations, the landscape buffering and decorative fencing requirements, the compatibility buffer and frontage buffer charts, and the notice requirements for quasi-judicial hearings; providing for severability, codification, conflicts, and an effective date.”

Attorney Hand addressed correspondence Mrs. Bowne forwarded to him from Mr. Baxter regarding the removal of R5. He said Mr. Baxter is correct in that R5 there is no strike-through as the special exception does not appear there. He said if it is Council’s intent to remove the special exception use from R5, he recommended to include exclusive language deleting the special exception use from R5, kayaks and canoes in the motion. He explained the ordinance doesn’t reflect that change. Attorney Hand said an alternative method would be to amend by separate ordinance.

Mr. Smith said it looks like it may have been missed and he wasn’t sure why. He said he would research and determine the intent of the Planning Commission when the proposed ordinance was reviewed. Rather than making the decision at this point, Mr. Smith said it can be brought back before Council for a decision at a later date. He said at this time he does not recall what the intent was and if it should have removed. He was not sure if it was a scrivener’s error or intentionally removed.

Mrs. Bowne suggested leaving the table as is and researching what the Planning Commission’s intent was.

Louise Kenny, 19970 Ibis Court, agreed with Mrs. Bowne and Mr. Smith. She said it could go back to the Planning Commission for a determination.

Vice-Mayor Hanchar moved Ordinance #ORD2020-02 be approved. Councilwoman Fernandez seconded the motion. The vote was taken and all members were in favor. The vote was 5-0.

### **Agenda Item No. 16 – Council Liaison Reports and Comments**

Vice-Mayor Hanchar said she will be attending a Northern Turnpike Corridor Task Force Meeting on February 12<sup>th</sup> at the Fanning Springs Suwannee River Fair Pavilion.

Vice-Mayor Hanchar noted that Mrs. Bowne’s daughter has been invited to interview at Auburn University on February 5<sup>th</sup>. She said Mrs. Bowne would like to travel to Auburn with her daughter. Vice-Mayor Hanchar recommended moving the February 5<sup>th</sup> workshop to February 12<sup>th</sup> to allow Mrs. Bowne to accompany her daughter. The City Council meeting would then be scheduled to February 17<sup>th</sup>.

Mrs. Bowne stated a CRA meeting will be scheduled immediately prior to the February Council meeting.

Mayor Burns called for public comments. There were none.

Vice-Mayor Hanchar made motion to reschedule the February 5, 2020 workshop to February 12, 2020, and the City Council meeting of February 10, 2020 be rescheduled to February 17,

2020. Councilwoman Fernandez seconded the motion. The vote was taken and all members were in favor. The vote was 5-0.

Councilwoman Williams spoke to the Dr. Martin Luther King March and ceremony at Ernie Mills Park. The March is scheduled for January 20<sup>th</sup> and will begin at 9:00 a.m.

Councilman White requested Attorney Hand clarify the procedure when a Council member is absent and whether they are required to attend the meeting by phone. He also asked questions regarding the tree ordinance with respect to recent state legislation.

**Agenda Item No. 17 – City Attorney’s Report**

Attorney Hand addressed Councilman White’s question referencing the tree ordinance. He referred to F.S.163.105 and said the City does not have discretion if residents provide a letter from tree arborist. He noted the letter is required to be from a licensed tree arborist or a licensed landscape architect.

Attorney Hand explained the City does not have a policy addressing the participation of a Council member in a meeting when absent. He referred to an Attorney General Opinion (AGO) and F.S. 286.011 which has been interpreted by the AGO. He explained if a quorum is physically present, under certain circumstances there can be participation by absent members electronically. He said Florida Statute provides that State agencies can participate and hold electronic meetings, but not local governments. Attorney Hand said previous opinions from the 1990’s made it clear that if a member is physically ill, whether it’s chronic or not, a local government can allow them to participate electronically. He explained we know from AGO opinions that illness has been considered an extraordinary circumstance. He advised if Council is going to have an absent member that requests to participate in a meeting electronically, it us up to the Council to determine if an extraordinary circumstance exists and vote on the matter.

Councilman White engaged in brief discussion with Attorney Hand.

**Agenda Item No. 18 – City Administrator’s Report**

Mrs. Bowne requested Mr. Smith provided a brief report on a meeting he recently had with John Taylor, representative of Renewable Management Services. Mr. Smith explained Mr. Taylor provided conceptual plans for a proposed solar project he is working on in the southeast part of Dunnellon. Mr. Taylor’s plan is to set up a solar farm and sell the energy to Duke.

Council and staff engaged in brief discussion with Mr. Smith regarding the proposed project.

Mrs. Bowne provided a brief report on the renewal leases for Rainbow Springs Art Group and OpicalTel. She explained Attorney Hand provided additional language that protects the City. She said she will be sending the modified lease to the art group for review.

**Agenda Item No. 13 – Adjourn**

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At approximately 7:49 p.m. Vice-Mayor Hanchar moved the January 13, 2020 City Council meeting be adjourned. Councilwoman Fernandez seconded. All members voted in favor. The motion passed 5-0.

Attest:

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Amanda Roberts, CMC  
City Clerk

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C. Dale Burns, Jr., Mayor

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Minutes approved at the June 8, 2020 Council meeting.