

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

Date: March 9, 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 5:45 p.m. and led the Council in the Pledge of Allegiance. Mayor Burns asked if a citizen would volunteer to open with prayer. Reginald Burns, Sr., son of Mr. Clinton Burns provided 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

### **Council Members Absent**

Linda Fernandez, Councilwoman, Seat 5; (attended by telephone.)

Vice-Mayor Hanchar made motion to allow Councilwoman Fernandez to attend the meeting by phone. Councilwoman Williams seconded the motion. The vote was taken and all members were in favor. The vote was 4-0.

### **Staff Present**

Dawn Bowne, City Administrator

Mandy Roberts, City Clerk

Chief Mike McQuaig, Police Department

Troy Slattery, Public Works Manager

Lonnie Smith, Community Development

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, March 5, 2020.

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

There were none.

### **Mayor Burns called for public comments on non-agenda items.**

Larry Winkler, 19948 Burkett Road, thanked Councilman White for the monetary contribution in repairing the fountain in front of City Hall. Mr. Winkler commented on the

previous discussions when public comments were received regarding Nine Island Cove. Five (5) citizens who spoke against the acquisition of the property were residents of the City. The remaining were outside the City, Rainbow Springs, etc. He discussed the financial struggle the City went through only a few years ago. He said the City was on the verge of going bankrupt and having the City Charter taken back by the State. He said hard choices had to be made. No raises for employees, health insurance and retirement were reduced. He said six (6) parks is enough for Dunnellon area.

Wally Dunn, 11386 SW Hendrix Drive, said he agreed with Larry Winkler. He commented on residents of Rainbow Springs attending the meetings and annexing into the City.

### **Consent Agenda**

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

- 1. City Council Minutes  
December 9, 2019 City Council Meeting  
January 8, 2020 City Council Workshop**
- 2. Approve Proclamation PRO2020-03, Clinton Burns**
- 3. Authorize Mayor To Sign Agreement AGR2020-08, Beacon Software Solutions - IT Services For Police Department**
- 4. Authorize Mayor To Sign Revised Agreement AGR2020-04, Interlocal Agreement With Marion County Sheriff**
- 5. Waive Section 6-4 Of The City Code, To Allow The Sale And Consumption Of Alcoholic Beverages At The Boomtown Event On April 18, 2020 During The Hours Of 9:00 A.m. To 5:00 P.m. Within The Barricaded Areas As Shown On The Map**

### **Consent Agenda Approval**

Mayor Burns called for public comments. There were none.

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

### **Regular Agenda**

#### **Agenda Item No. 6 – Presentation of Proclamation PRO2020-03, Clinton Burns**

Ms. Roberts read the following into the record:

“Proclamation #PRO2020-03

Mr. Clinton Burns, Sr.

Citizen, Father and World War II Veteran

**WHEREAS**, Clinton C. Burns was born January 2, 1922 in Hernando, Florida to Lennon and Ida Burns. He was the only boy of six children. In 1926, along with his parents and siblings, he moved to the Dunnellon area; and

**WHEREAS**, Mr. Burns attended Booker T. Washington High School. In 1942, at the age of 19, happy to protect his country, he was drafted into the Army during the early stages of the US involvement in World War II. He was stationed in South Hampton, England before landing on the beaches of Normandy aboard a LST 542 class tank. After D-Day he served in Belgium and Germany; and

**WHEREAS**, during World War II, Mr. Burns served with the Third Army, 364th Engineer Combat Regiment under the command of General George S. Patton as a truck driver with the famed Red Ball Express. The Red Ball Express, made up of mostly African American soldiers, was the supply truck convoys that were instrumental in the Allies' drive through France; and

**WHEREAS**, on July 4, 1945 after being honorably discharged from the Army as Technician 5th Grade and the recipient of five campaign medals for his service including; Normandy, Cherbourg, Aachen and the Battle of the Bulge, Mr. Burns returned to a segregated America where people of color had to sit to the rear of the bus and were served from the back of cafes. Mr. Burns was very disappointed to be treated so poorly after giving so much for his Country; yet, he went on with a smile; and

**WHEREAS**, upon his return, Mr. Burns went to work hauling pulp wood, and in 1950 married Idella Coston. They built a home in south Dunnellon and raised eight children. They were married for 63 years, until she passed in 2013. They now have twenty-six grandchildren and seventeen great grandchildren. After working fifteen years with the Atlantic Coastline Railroad, he retired in 1983 after sixteen years with Florida Power Corporation. But he did not stop there; he started a lawn service and continues to operate it to this day; and

**WHEREAS**, Mr. Burns is a deacon and member of the Mt. Olive Missionary Baptist Church. He enjoys singing and is often invited to sing at area churches and events throughout Citrus and Marion Counties. He is an Honorary Police Officer with the Dunnellon Police Department and has been featured in numerous news articles. Mr. Burns has been recognized for his service including: The Certificate of Congressional Recognition from former Congresswoman Karen Thurman on January 29, 2002; Certificate of Recognition from the Marion County Board of County Commissioners dated November 11, 2016 and City of Ocala Proclamation in recognition of the 75<sup>th</sup> anniversary of D-Day dated June 6, 2019.

**NOW, THEREFORE BE IT RECOGNIZED** by the City Council of the City of Dunnellon, Florida that Clinton Burns, Sr. is hereby honored and appreciated for his dedication to his Country and the people of the City of Dunnellon. He has earned the respect of the residents and friends of the community. Delivered with great pride; Passed and Proclaimed this 9<sup>th</sup> day of March 2020.”

Mayor Burns presented the proclamation to Mr. Burns. Council members congratulated Mr. Burns and his family. Mr. Burns thanked all and recited a poem.

Mayor Burns called for a five (5) minutes recess. The meeting reconvened at 6:23 p.m.

**Agenda Item No. 7 – Planning Commission Vacancies**

Mayor Burns requested Mr. David Lancaster to come forward and introduce himself. Mr. Lancaster thanked Council for honoring Mr. Clinton Burns. He said he grew up in the Ocala area. He provided a brief summary of his construction background.

Council members provided their comments and welcomed Mr. Lancaster.

Mr. Dugan was not present in the meeting.

Mayor Burns called for public comments.

Mary Ann Hilton, Planning Commission member, provided comments and welcomed Mr. Lancaster.

Councilwoman Fernandez moved to appoint Jay Dugan to fill the unexpired term of first alternate to the Planning Commission, term to expire January 12, 2021. Councilwoman Williams seconded the motion. The vote was taken and all members were in favor. The vote was 5-0.

Councilwoman Fernandez moved to appoint David Lancaster to fill the unexpired term of second alternate to the Planning Commission, term to expire July 23, 2021. 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 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. 8 – Public Hearing - Agreement AGR2020-09, Purchase of Property for New Police Facility (Advertised on the City's Website 2/19/2020 and in the Riverland News on 2/27/2020)”**

Mayor Burns gaveled down and said, “It is now 6:32 p.m. and I close the City Council meeting and open the public hearing to discuss:

Agreement #AGR2020-09, Purchase of Property for New Police Facility (Public Hearing advertised on the City’s website on February 19, 2020 and Advertised in the Riverland News on February 27, 2020.)”

Mayor Burns then called for staff presentation.

Chief McQuaig provided a PowerPoint presentation and overview. He spoke to the lack of space in the current building. He showed pictures from a "Space Needs Study" which was completed approximately ten (10) years ago and current pictures. The current state of the police department continues to outgrow all areas that are needed to address the public safety demands. He explained the existing facility does not meet the requirements of ADA (Americans with Disabilities Act). He reviewed a spreadsheet with estimates of the proposed acquisition and renovations broken down into three (3) phases.

Mayor Burns called for public comments.

Larry Winkler, 19948 Burkett Road, described the planning stage of the current City Hall. He said it continued for approximately twenty (20) years. He urged Council to not let this go on for twenty (20) years.

Russ Randall, Pastor of First Baptist Church, said the current facility is somewhat embarrassing. He said he is familiar with the proposed property and said it has the potential to be a jewel; something Dunnellon could be proud of. He said he loved the fact there is talk of it also serving as a public gathering place. He spoke of the added benefit of additional parking which the city desperately needs. Pastor Randall encouraged Council to move forward with the proposed project.

Councilwoman Williams commented on the officers and staff needing a more professional environment to work in.

Councilman White stated he is clearly in support of the City needing a new police station. He said he is trying to look at it realistically as a businessman. He explained when you are dealing with taxpayers money you would like to eliminate as much risk as possible. He spoke to his concerns and said he is struggling with the eventual cost to the city. Councilman White commented on building a new police facility at the public works location and using the church as a civic center and rent it out.

Vice-Mayor Hanchar spoke to the building's great location and potential. She said her number one concern is to have everything put out on the table making sure it's all transparent. It's taxpayer's money. She said for what the City is trying to accomplish, economically we are coming out ahead.

Councilwoman Fernandez said she agreed with Vice-Mayor Hanchar. She said with her background in real estate, she believes it's a worthwhile purchase for the City.

Mayor Burns said he has wrestled with this decision. He believes the parking will be a plus and the City will have a community gathering place.

Mayor Burns gavelled down and stated, "It is now 7:02 p.m. and I close the public hearing held to discuss Agreement #AGR2020-09 and reopen the March 9<sup>th</sup> City Council meeting."

Councilwoman Fernandez moved the Mayor be authorized to sign Agreement AGR2020-09 for the purchase of the property at 11808 N. Ohio Street, Dunnellon for a New Police Facility. Councilwoman Williams seconded the motion.

Vice-Mayor Hanchar noted there were changes to the agreement.

Attorney Hand reviewed the amendments to the contract. He eliminated Section 21 referencing broker's commission; drew a line through Section 5, regarding the finances, to clarify it being a cash transaction. Attorney Hand stated he also added the line, "Any and all indemnification(s) provided by Buyer within the terms of this Agreement shall be subject to the limitations set forth in s. 768.28, Florida Statutes, including the monetary limits set forth therein which shall apply whether the underlying action sounds in contract or tort."

Council engaged in brief discussion with Attorney Hand regarding amending the motion.

The motion was amended as follows: "The Mayor be authorized to sign the agreement as amended by recommendation of the City Attorney."

Mayor Burns called for a vote. The vote was taken and all members were in favor. The vote was 4-1. Councilman White voted no.

**Agenda Item No. 9 – Public Hearing Ordinance ORD2020-01, CPA2020-02, Amending Transportation Element (Posted on the City's Website on 2/19/2020 and Advertised in the Riverland News on 02/27/2020)**

Mayor Burns gaveled down and said, "It is now 7:06 p.m. and I close the City Council meeting and open the public hearing to discuss:

Ordinance #ORD2020-01, CPA2020-02, Amending Transportation Element (Posted on the City's Website on 2/19/2020 and Advertised in the Riverland News on 02/27/2020)."

Mayor Burns called for staff presentation.

Lonnie Smith provided 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 no comments.

Mayor Burns gaveled down and stated, "It is now 7:08 p.m. and I close the public hearing held to discuss Ordinance #ORD2020-01 and reopen the March 9, 2020 City Council meeting."

**Agenda Item No. 10 – Final Reading Ordinance ORD2020-01, CPA2020-02, Amending Transportation Element Transportation Element (Posted on the City's Website on 2/19/2020 and Advertised in the Riverland News on 02/27/2020)**

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

**Agenda Item No. 11 – Public Hearing Ordinance ORD2020-02, Amending Appendix "A" Zoning (Posted on the City's Website on 2/19/2020 and Advertised in the Riverland News on 02/27/2020)**

Mayor Burns gavelled down and said, “It is now 7:12 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 2/19/2020 and Advertised in The Riverland News on 02/27/2020).”

Mayor Burns called for staff presentation.

Lonnie Smith provided his staff report. He explained the last time this was presented there was an area of confusion by the removal of SE zoning on a table of permitted uses. It was a scrivener’s error. He referred to the chart on Page 10 of the ordinance referencing Tubes, Kayaks and Canoes. He stated this was placed back in the table and will be brought back for review in an upcoming meeting with the Planning Commission.

Mr. Smith said, “Based on the findings of facts, staff recommends ordinance ORD2020-02 is consistent with the comprehensive plan and meets City Code criteria. The Planning Commission reviewed the ordinance on December 17<sup>th</sup> 2019 and recommends, via Resolution RES2020-22, that the City Council approve ordinance ORD2020-02 as presented.”

Mayor Burns called for public comments. There were none.

Mayor Burns gavelled down and stated, “It is now 7:15 p.m. and I close the public hearing held to discuss Ordinance #ORD2020-02 and reopen the March 9, 2020 City Council Meeting.”

**Agenda Item No. 12 – Final 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.”

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

**Agenda Item No. 13 – Council Liaison Reports and Comments**

Vice-Mayor Hanchar stated the Florida Multi-use Corridors of Regional Economics Significance (M-CORES) will be meeting March 25, 2020 at the Ocala Hilton. The Ocala Marion Transportation Organization (TPO) meeting is scheduled on March 24, 2020. She reminded all of Dunnellon’s Boomtown Days will be held on April 18, 2020.

Councilwoman Williams commented that a citizen brought to her attention a road in Dunnellon Community Cemetery is in need of repair.

Mayor Burns said he received calls thanking Troy Slattery for recent road repairs.

Councilman White addressed the LDR change regarding the paving of parking areas for businesses when they are sold or change ownership. He said it places a financial encumbrance on small “mom and pop” businesses. He also expressed his concerns with the derelict buildings in Dunnellon. He said not only homes but businesses. Councilman White said he wanted to assure all that he makes his decisions on what he thinks is best for the City.

Mayor Burns thanked Councilman White for his comments.

Mayor Burns announced he is running for re-election and is honored by the support he has received.

Councilwoman Fernandez thanked Council for letting her attend meetings by telephone. She also announced that she will be running for her seat in the next election.



**Agenda Item No. 14 – City Attorney’s Report**

Attorney Hand had nothing further. He wished Councilwoman Fernandez well and a speedy recovery.

**Agenda Item No. 15 – City Administrator’s Report**

Mrs. Bowne reviewed the following 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.*

Mrs. Bowne explained the re-scheduling of the Planning Commission meeting and public hearings scheduled on March 17, 2020 moving to March 24, 2020 due to the Presidential Preference Primary Election. City Hall is Dunnellon’s designated polling place.

**Agenda Item No. 16 – Adjourn**

At approximately 7:40 p.m. Vice-Mayor Hanchar moved the March 9, 2020 City Council meeting be adjourned. Councilwoman Fernandez seconded. All members voted in favor. The motion passed 5-0.

Attest:

\_\_\_\_\_  
Amanda Roberts, CMC  
City Clerk

\_\_\_\_\_  
C. Dale Burns, Jr., Mayor