Agenda
City of Dunnellon
City Council Meeting
20750 River Drive, Dunnellon, FL 34431
February 8, 2016
5:30 P.M.

PLEASE NOTE: Individuals wishing to address the City Council please sign in. A three-minute time limit will be administered. PLEASE TURN CELL PHONES OFF.

Call to Order

Pledge of Allegiance

Opening Prayer/Moment of Silence (suggested time limit: 1 minute
Mayor to request if any invitee is present to open with prayer; if no invitee is present, Mayor will ask if a Dunnellon citizen will volunteer. If no volunteers, a moment of silence will be offered. If a citizen outside of Dunnellon requests to open with prayer, (s)he may so if no invitees/citizens volunteer.)

Roll Call

Proof of Publication (Posted on the City's website and City Hall bulletin board on
Friday, February 5, 2016)

Chairman's Comments Regarding Agenda
Public Comments

CONSENT AGENDA

(Note: Motion to approve items on the consent agenda is a motion to approve the recommended actions.)

1. CITY COUNCIL WORKSHOP MINUTES

December 9, 2015

Documents: cwm20151209.pdf

2. CITY COUNCIL MINUTES

January 11, 2016

Documents: cmm20160111.pdf

3. APPROVE PROCLAMATION #PRO2016-02, ENGINEERS WEEK

Documents: 2016_02_Engineers Week Proclamation.pdf

4. **APPOINT WILLIAM MAGUIRE TO AN UNEXPIRED TERM AS A 2ND ALTERNATE OF THE PLANNING COMMISSION EFFECTIVE 2/8/2016; TERM TO EXPIRE 10/11/2016**

   Documents: BoardCommissionAppointments_2016.pdf

5. **RE-APPOINT DANE MYERS TO A THREE-YEAR TERM AS A REGULAR MEMBER OF THE HISTORIC BOARD EFFECTIVE 1/14/2016; TERM TO EXPIRE 1/14/2019**

   Documents: BoardCommissionAppointments_2016.pdf

6. **RE-APPOINT LINDA FERNANDEZ TO A THREE-YEAR TERM AS A REGULAR MEMBER OF THE HISTORIC BOARD EFFECTIVE 1/14/2016; TERM TO EXPIRE 1/14/2019**

   Documents: BoardCommissionAppointments_2016.pdf

7. **RE-APPOINT WILBUR VANWYCK TO A THREE-YEAR TERM AS A REGULAR MEMBER OF THE PLANNING COMMISSION EFFECTIVE 1/14/2016; TERM TO EXPIRE 1/14/2019**

   Documents: BoardCommissionAppointments_2016.pdf

8. **AUTHORIZE STAFF TO APPLY FOR GRANTS FOR THE 125TH ANNIVERSARY PARK AND AUTHORIZE MAYOR TO SIGN ANY DOCUMENTS REQUIRED BY ENTITIES AUTHORIZING SUCH APPLICATION**

   Documents: Walmart Foundation Support Request.pdf

CONSENT AGENDA APPROVAL

PROPOSED MOTION: I move the consent agenda be approved as presented.

REGULAR AGENDA

9. **SPECIAL PRESENTATION BY DUNNELLON CITY COUNCIL TO THE COMMUNITY THRIFT SHOP**

   Documents: CommunityThrift.pdf

10. **PRESENTATION OF PROCLAMATION #PRO2016-02, ENGINEERS WEEK - AMBER GARTNER WITH FOREST CHAPTER OF THE FLORIDA ENGINEERING SOCIETY**

    Documents: 2016_02_Engineers Week Proclamation.pdf

11. **QUASI-JUDICIAL HEARING - APPLICATION #PZ1516-024 BY ROBERT JEWETT - ANGLER'S RESORT MOTEL FOR VARIANCE #VAR2016-01 LOCATED AT 12189 S. WILLIAMS STREET (Notification To Applicant**

And Adjacent Property Owners On 1/22/16)

Documents: PZ1516_024Property Owner Notices_Variances_Anglers_20160122.pdf, VAR2016_01Jewett aka Anglers Variance PC PKT 20160202.pdf

12. CONSIDERATION OF DEVELOPMENT ORDER #DOR2016-01, REQUEST FOR APPROVAL OF VARIANCE #VAR2016-01, ANGLER'S RESORT MOTEL APPLICATION PZ1516-024 12189 S. WILLIAMS ST

Documents: DOR2016_01_Development Order for Anglers 2016_01 Variance.pdf

13. AGREEMENT #AGR2016-12 WITH GWP CONSTRUCTION, INC AND NOTICE TO PROCEED FOR CHOICE HOTEL WATER MAIN EXTENSION

PROPOSED MOTION: I move the Mayor be authorized to sign Agreement #AGR2016-12, with GWP Consturction, Inc and the Notice to Proceed for the Choice Hotel Water Main extension project.

Documents: AGR2016_12ChoiceHotelWaterMain_GWPAggreement.pdf, Notice to Proceed_GWP.pdf

14. STATEMENT OF NET POSITION - PRESENTATION OF FINANCIAL BALANCE SHEET - JAN SMITH

Documents: Statement of Net Position_BalanceSheetPresentation_013116.pdf

15. AMENDMENT TO AGREEMENT #AGR2012-68, RIO VISTA WASTEWATER DECOMMISSIONING

PROPOSED MOTION: I move to authorize Mayor to sign Amendment #3 to Agreement #AGR2012-68 - FDEP Grant Agreement #SG420800.

Documents: AGR2012_68RioVistaWwaterDecom_Amend3_FDEPgrant.pdf

16. FIRST READING OF ORDINANCE #ORD2016-02, MYERS REZONING #REZ2015-02, APPLICATION PZ1516-022, 20799 WALNUT ST.

PROPOSED MOTION: I move Ordinance #ORD2016-02 be read by title only.

PROPOSED MOTION: I move Ordinance #ORD2016-02 be approved.

Documents: ORD2016_02Walnut St_REZ2015_02_Myers.pdf

17. **APPROVE RESOLUTION #RES2016-04, SOUTH LEVY RECREATIONAL AREA**

PROPOSED MOTION: I move Resolution #RES2016-04 be read by title only.

PROPOSED MOTION: I move Resolution #RES2016-04 be approved.

Documents: RES2016_04Supporting South Levy Recreational Area.pdf

18. **APPROVE RESOLUTION #RES2016-05, SUPLUS PROPERTY**

PROPOSED MOTION: I move Resolution #RES2016-05 be read by title only.

PROPOSED MOTION: I move Resolution #RES2016-05 be approved.

Documents: 2016_05 Surplus Resolution_FINAL 1.pdf, 2016_05 Surplus Equipment_FINAL_rev20160201.pdf

19. **COUNCIL LIAISON REPORTS AND COMMENTS**

20. **CITY MANAGER'S REPORT**

21. **CITY ATTORNEY'S REPORT**

- *Rainbow River Ranch Status Report*

ADJOURN

PROPOSED MOTION: I move the City Council meeting be adjourned.

ANY PERSON REQUIRING A SPECIAL ACCOMMODATION AT THIS HEARING BECAUSE OF A DISABILITY OR PHYSICAL IMPAIRMENT SHOULD CONTACT THE CITY CLERK AT (352) 465-8500 AT LEAST 48 HOURS PRIOR TO THE PROCEEDING. IF A PERSON DESIRES TO APPEAL ANY DECISION WITH RESPECT TO ANY MATTER CONSIDERED AT THE ABOVE MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY IS NOT RESPONSIBLE FOR ANY MECHANICAL FAILURE OF RECORDING EQUIPMENT.

CITY OF DUNNELLON
CITY COUNCIL WORKSHOP

DATE: December 9, 2015
TIME: 5:30 p.m.
PLACE: City Hall
20750 River Dr., Dunnellon, FL 34431

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Whitt called the meeting to order at approximately 5:44 p.m. and led the Council in the Pledge of Allegiance then called for a moment of silence. No attendee was present to provide the invocation.

ROLL CALL

The following members answered present at roll call:
Nathan Whitt, Mayor, Seat 1
Dennis Evans, Vice-Mayor, Seat 2
Chuck Dillon, Councilman, Seat 3
Walter Green, Councilman, Seat 4
Penny Fleeger, Councilwoman, Seat 5

STAFF PRESENT

Eddie Esch, City Manager
Dawn Bowne, City Clerk
Lt. Todd Spicher, MCSO
Troy Slattery, Interim Fire Chief
Jan Smith, Finance Dept.
Lynn Wyland, Staff Assistant

LEGAL COUNSEL

Virginia Cassady
Shepard, Smith & Cassady

PROOF OF PUBLICATION

Mrs. Bowne announced for the record the agenda for this meeting was posted on the City's website and City Hall bulletin board on Monday, December 7, 2015.

AGENDA ITEM NO. 1 – BOARD REPORTS

Hugh Lochrane, Chair, presented his report on the last UAB meeting, which consisted of a tour of the water and sewer facilities.

AGENDA ITEM NO. 2 – DUNNELLON BUSINESS ASSOCIATION REPORT

Charlene Williams presented her report on the upcoming Christmas parade and the celebration to be held after the parade at the Dunnellon Plaza on Saturday, December 12, 2015.

AGENDA ITEM NO. 3 – CHAMBER OF COMMERCE REPORT

Penny Lofton reported on upcoming events and discussed an anticipated project she is hoping to complete in 2016. She said she would like to bring the Vietnam Memorial Wall to Dunnellon for the community to view.

Councilman Dillon presented a report for the 125th Anniversary Committee

Councilman Dillon discussed finalizing the plans for the proposed park. He requested this item to be placed on the consent agenda. He stated the name of park would be "125 Anniversary Park" and there would be a dedication in remembrance of Barbara Spitznogle. He said the committee set the date for the groundbreaking ceremony on Saturday, January 23, 2016, from 1:00-3:00 p.m.

AGENDA ITEM NO. 5 – INTERVIEWS WITH APPLICANTS FOR LEGAL SERVICES RFP #BID2015-07

Andrew Hand, PA, from the firm Shepard, Smith & Cassady, provided Council and staff with his professional and personal background.

Vice-Mayor Evans asked questions regarding travel time and expenses regarding attendance at the City's Council and Planning Commission meetings.

Attorney Hand stated there would be no additional rate to attend the meetings.

AGENDA ITEM NO. 4 – SPECIAL PRESENTATION BY DUNNELLON CITY COUNCIL TO FIREFIGHTER/EMT CHRIS CASTLEBERRY

Mayor Whitt presented a plaque to Firefighter, Chris Castleberry and read the following:

"Thank you for 15 years of honorable and dedicated service to the citizens of the City of Dunnellon. Your commitment to our City is truly commendable and will forever be appreciated."

Mr. Castleberry thanked everyone.

AGENDA ITEM NO. 6 – PRESENTATION BY KENNETH METCALF, PLANNING DIRECTOR, STEARNS WEAVER MILLER, P.A. (CITY CONSULTANT) REGARDING 2016 DUNNELLON COMPREHENSIVE PLAN AMENDMENT PROCESS AND RELATED REQUIREMENTS OF DEPARTMENT OF ECONOMIC OPPORTUNITY TECHNICAL ASSISTANCE GRANT

Mr. Metcalf provided a PowerPoint presentation to Council and staff, attached hereto and made part of these minutes. He explained the planning process pursuant to the DEO Technical Grant and the statutory requirements. Following are his summary notes he provided to staff after the meeting:

SWM Summary
City Council Planning Workshop

12/9/2015

1. Ken Metcalf gave a comprehensive presentation on the planning process pursuant to the DEO Technical Grant and statutory requirements.

2. Board members asked several questions regarding the potential scope of plan amendments and the review schedule. Ken Metcalf explained that:
    a. The scope would be based on the City's Evaluation Notice Letter;
    b. Local Planning Agency would be provided an opportunity to review draft policies and provide recommendations to the City Council;
    c. SWM's role is not to make policy decisions, but rather to outline alternative policy approaches for consideration by the Local Planning Agency and the City Council; and
    d. Grant cycle and scope of work does not include adoption of the plan amendments, but that the City would have the option of proceeding with adoption following review of the Objections, Recommendations and Comments (ORC) report if issued by the Florida Department of Economic Opportunity (DEO). SWM's goal is to transmit to DEO a proposed set of plan amendments that will generate minimal if any objections from the state. The City should be in a position to proceed with adoption and would ideally have few revisions to consider following SWMs review of the ORC report, if issued by the State. This should allow the City to proceed to adoption with minimal additional costs, but the City would also have the option of conducting workshops if desired. The City has 180 days following receipt of the ORC to adopt the plan amendments.

3. One member of the public asked questions regarding the need for transparency in the process and raised concerns about whether the pending, first deliverable would include any proposed policy changes and whether the first deliverable would be posted on line by the City.
    a. Ken Metcalf emphasized that the first deliverable is limited to consolidating the adopted components of the comprehensive plan, including all amendments, into a single, consolidated Dunnellon Comprehensive Plan. The first deliverable will not include or result in any proposed changes to the adopted Dunnellon Comprehensive Plan. The second deliverable will involve drafting plan amendments and that the public would be encouraged to provide input on the draft throughout the process. He also explained that the first deliverable is a public record and that he would work with the City to ensure that it is made available to the

public and posted on the City's website. City Council members concurred with his response.

AGENDA ITEM NO. 7 – REQUEST APPOINTMENT TO POLICE OFFICERS AND FIREFIGHTERS PENSION BOARD

Mrs. Bowne explained City resident Gloria Williams resigned from the Police Officers & Firefighters Pension Board. She stated one application was received from city resident Virginia Saalman. Mrs. Bowne said Ms. Saalman has been a city resident for two years and has extensive governmental experience.

Council agreed to place this item on the consent agenda.

Back to agenda item 4 – Norm D. Fugate, PA Presentation

Mr. Fugate introduced his legal team and staff. He provided his firm's professional and personal background.

He also provided Council with a presentation, which is attached and made part of these minutes.

Council and staff briefly discussed the $5,500 per month retainer fee. Attorney Fugate stated they prefer the retainer fee, but are open an hourly rate.

Vice-Mayor Evans asked questions regarding the number of meetings.

City Attorney RFP/BID2015-07 (Listed in no particular order)

Law Firm/Attorney	Hrly Rate or Mntly Lump Sum Retainer Fee	Travel-Hrly Rates	Litigation-Hrly Rates	Review Bond/Note Issue-Hourly Rates	Other
Andrew Hand - Primary Attorney - Shepard, Smith & Cassady, P.A. (Maitland, FL) Asst. Attorneys - Cliff Shepard, Drew Smith, Virginia Cassady and Kalanit Oded	$175	$175.00 to and from Marion County (Council Meetings & Workshops included in standard rate)	$200.00	$200.00	$75.00 per hour for paralegal services related to real estate closing
Norm D. Fugate, P.A. (Williston, FL) Blake Fugate	$5,500 per month retainer fee	None	$200.00	$200.00	All additional charges such as secretarial, paralegal, postage, per diem etc. included in retainer fee

Council agreed to place this item on the regular meeting agenda.

AGENDA ITEM NO. 8 – CDBG GRANT – COUNCILMAN DILLON

Councilman Dillon explained, due to the waterline project not being completed by the completion date of the hotel, he would like Council to direct staff to send a letter to the hotel owners, notifying them that the waterline project will not be completed by the

proposed completion date of the hotel in January. He requested the notice include an anticipated date the project will be completed.

Council and staff engaged in a brief discussion regarding the waterline project and the CDBG grant process.

Mr. Esch said he would draft a letter with the projected completion date and provide to Council and staff.

Moved to questions for Mr. Metcalf

Louise Kenny, 19970 Ibis Court, voiced her concerns regarding the comp plan amendments and discussed the Planning Commission meetings prior to submitting.

Mr. Metcalf emphasized the first deliverable is limited to consolidating the adopted components of the Comp Plan, including all amendments, into a single consolidated Dunnellon Comprehensive Plan. He said this first deliverable will not include or result in any proposed changes to the adopted Comp Plan. He stated the second deliverable will involve drafting plan amendments and the public would be encouraged to provide input throughout the process. He also explained that the first deliverable is a public record and he would work with the City to ensure that it is made available and posted on the City's website.

AGENDA ITEM NO. 9 – CHARTER AMENDMENTS – COUNCILMAN DILLON

Councilman Dillon stated he believes there are two items the citizens of Dunnellon need to decide: 1) whether or not they want to continue funding a Fire and Police Department and 2) the City Manager's position. He explained a ballot initiative can be accomplished with 125 signatures. He asked Council if there is a number they would be comfortable with that would voice what the citizens want in order to move forward with a referendum on the 2016 ballot. Or would the Council not want the referendum at all. He said he thinks it's the responsibility of the citizens to decide what they want in Dunnellon.

Attorney Cassady quoted 166.03 of the Florida Statute. She said she wanted to point out that the statute does allow the governing body by a unanimous vote to abolish municipal departments that are provided for in the charter.

Councilman Dillon stated he did not want to make that decision, he would rather the citizens make that decision. He said he wants us to provide an opportunity for the citizens to decide what they want to pay for. He said all he is asking for is to let the citizens decide the services they want.

Council and staff engaged in lengthy discussion regarding the Fire/Police Departments and changing the form of the City's government.

Attorney Cassady said there are two ways of changing the Charter. She said one is initiated by the voters and the other is by Council; both ultimately require a referendum (a vote). She proceeded to explain the process for both.

Attorney Cassady explained Councilman Dillon is suggesting somewhat of an in between process, by having the citizens, by petition, have an interim straw-vote so that if they don't want it, Council does not have to go through the process of creating an ordinance.

Attorney Cassady asked Council if they wanted to put this on the agenda for the Council meeting in January to make a motion to conduct a straw-ballot.

Councilman Dillon stated there is a petition containing 300 signatures with regard to the Police Department. Vice-Mayor Evans questioned how many of the petitioners lived in Dunnellon. Councilman Dillon suggested Council decide what percentage of voters they would require in order to have this on the 2016 ballot. He stated the citizens can do it with 120 signatures (10 %). He questioned if Council wanted twice that many, or three times that many. He said the only way he is going to know what the citizens want, is to ask them.

Attorney Cassady discussed the straw-ballot. She said Council should come up with questions as though those questions are going to be on the ballot. She said this would require a legal review, because there is case-law that says how those questions have to look, so there is no misrepresentation and they are limited to 50 or 75 words. She said by doing that, then if you get 10% of the registered voters saying yes. She explained then when you go through the ordinance process, your questions for the ballot that will be adopted by the ordinance and will appear on the ballot, will be the same as the straw-ballot.

Councilman Green asked Council if they wanted to get a consensus and decide on a number tonight.

Mayor Whitt stated this is not something he is willing to discuss, while moving forward with a balanced budget…he stated 10% is something the voters can do on their own. He stated if Council feels like they have the votes, move forward with Council.

After much discussion and debate Council directed Mrs. Bowne to place the following on the agenda for the Council meeting:

1. Abolishing the City
2. No Fire Department
3. No Police Department
4. Abolishing City Manager

Councilman Dillon requested to conduct a straw-poll of the registered voters in Dunnellon.

Vice-Mayor Evans stated the "City Manager" (#4) would need to be clarified. He said it's a form of government so you have to amend the Charter, changing the form of government.

Attorney Cassady stated she would help Mrs. Bowne with the language for number four. She said it would read something like this: "consideration of moving forward with a straw-poll of the registered voters to amend the Charter to eliminate the Police Chief and the Police Department, change the form of government to a "Mayor, City Council form of government, abolishing the City Manager, and abolishing the Fire Department."

Mayor Whitt asked for any further discussion regarding amending the City's Charter.

There was none.

AGENDA ITEM NO. 10 – POLICE DEPARTMENT DISCUSSION – COUNCILMAN GREEN

Councilman Green discussed the status of the Police Department for the last few months. He stated the City went from a stable Police Department to a situation that has evolved several times now. He said he has been questioned many times by citizens as to what is going on. He asked Mr. Esch to clarify the current status of the department.

Mr. Esch explained the events leading up to the hiring of Lt. Spicher from the Marion County Sheriff's Office.

Councilman Green requested that Council be familiar with major changes in our City so when asked by citizens, they can accurately respond.

Councilman Green asked Mr. Esch if he spoke to Interim Chief Slattery from the Fire Department, about serving in a "dual role". Mr. Esch stated no.

Interim Chief Slattery stated Mr. Esch only spoke to him about serving as Interim Chief for the Fire Department.

Councilman Green asked Mr. Esch to explain a previous comment he made, "three strikes you're out", during discussion about Sergeant Webb.

Mr. Esch explained his conversations and meetings with Sergeant Webb regarding the Chief's position.

Walk on item-Proclamation #PRO2015-07

Attorney Cassady discussed the proclamation she prepared for Council's review.

Vice-Mayor Evans proposed the following changes:

- The fourth "Whereas" down, the third line, the word "insulted" to be changed to "assaulted".

- Same sentence, insert after the word "matters", "both related and unrelated".
- Same sentence, after "while doing so" remove "placed her hand on" and insert "battered Mrs. Bowne…" by placing her hands on Mrs. Bowne's cheek three times in an uninvited and derogatory manner."
- Page 2, number (2), after "uninvited touching" add "assault and battery"

Attorney Cassady said she would amend the proclamation.

Council agreed to place this item on the consent agenda.

AGENDA ITEM NO. 11 – COUNCIL COMMENTS

Mayor Whitt commented on the discussion during agenda item #9, abolishing the City Manager form of government, and potentially the City as well.

AGENDA ITEM NO. 12 – CITY MANAGER COMMENTS

Mr. Esch provided his report on the following:

- Chris Sajek from SWFWMD will provide presentation during January's council meeting regarding the SWIM Plan
- Meeting with Mr. Sajek regarding the Palmetto Court and Oak Street project
- SW 180th Street meeting with the immediate stakeholders, regarding the tie-in to the force main project
- Expired lease on the Little League Ball Field

AGENDA ITEM NO. 13–PUBLIC COMMENTS

Comments were received by the following:

- Joan Duggins, 19687 SW 88th Loop, Rainbow Springs, discussed the Fire/Police departments.
- Pam MacIntyre, 11809 Camp Dr., Blue Cove, discussed the positions of the Police Chief/Lieutenant.
- Fred Ward, 11781 Camp Dr., Blue Cove, discussed the water tap and the diminish of service utilities.
- Mary Ann Hilton, 12078 Palmetto Ct., Blue Cove, discussed the possible straw-ballot and voter turnout.
- Linda Fernandez, 12499 N. Water Way, discussed the Fire Department.
- Louise Kenny, 19970 Ibis Ct., Blue Cove, discussed the Fire Department.
- Randy Robertson of the Dunnellon Fire Department discussed the Fire Department.
- Bobby Lewis, Juliette Falls, discussed the Fire Department.

The meeting was adjourned at approximately 10:12 p.m.

Attest:

Dawn Bowne, MMC City Clerk	Nathan Whitt, Mayor

P:\minutes council ws\20151209doc

City of Dunnellon

Norm D. Fugate, P.A.

A Law Firm

Norm D. Fugate, P.A.
A Law Firm

Education

Norm D. Fugate

University of Florida, College of Law
Juris Doctor
Graduated 1994, with Honors

University of Florida
Bachelor of Science Degree, Business Administration, Major in Finance
Graduated 1981, with Honors

Norm D. Fugate, P.A.

A Law Firm

Woodroe Blake Fugate

University of Florida
Bachelor of Science Degree, Business Administration,
Graduated 2006

Florida Coastal School of Law
Juris Doctor
Graduated 2011

Norm D. Fugate, P.A.

A Law Firm

Experience

The Firm has had over 47 years of cumulative representation at its several municipalities

Norm D. Fugate, P.A.

A Law Firm

Certifications

One of only 251 **Board Certified City, County and Local Government Law** attorneys in the State of Florida and one of only three situated in the Citrus/Levy/ Marion County areas.

Board Certified in the area of Real Estate Law

THE FLORIDA BAR BOARD CERTIFIED CITY, COUNTY & LOCAL GOVERNMENT LAW

THE FLORIDA BAR BOARD CERTIFIED REAL ESTATE

Norm D. Fugate, P.A.

A Law Firm

Areas of Practice

- Municipal law
- Real Estate Law
- Estate Planning
- Probate Law
- Contract law
- Financial Institution Representation
- Corporate/Business Law

Norm D. Fugate, P.A.

A Law Firm

Municipal Client List

- Town of Inglis
- City of Chiefland
- City of Cedar Key

Norm D. Fugate, P.A.

A Law Firm

Billing Plan

The proposed retainer would cover all legal, paralegal and secretarial services except Litigation and review of Bond/Note Issues. Additionally this retainer would cover all incidental costs such as research, telephone, fax, copy, postage, supplies, mailing, travel, per diem, office space and overhead.

The firm is willing to prepare/negotiate/entertain an hourly rate offer if the City so desires.

Norm D. Fugate, P.A.
A Law Firm

Staff and Availability

Other than the two attorneys the City will also work with our dedicated Municipal Legal Assistant Jennifer Munden (14 years experience). Other staff will supplement as necessary.

The staff remains at all times under the supervision of the attorneys in office. The staff shall maintain files, draft documentation, correspond with city staff, preparation for meetings, billing, and other areas as needed or directed.

Communication with attorneys will be available whenever necessary. We try to accommodate all of our clients with their request or needs as soon as reasonably possible.

CITY OF DUNNELLON COMPREHENSIVE PLANNING WORKSHOP DECEMBER 9, 2015

Kenneth Metcalf, AICP
Planning Director
Stearns Weaver Miller, P.A.

PURPOSE OF PLANNNG WORKSHOP

- Introduce Stearns Weaver Miller, P.A.
- Statutory Requirements for Comprehensive Plan Amendments Based on Evaluation and Appraisal Letter
- DEO Planning Grant Requirements and Schedule
- Progress Report on First Deliverable

STEARNS WEAVER MILLER, P.A.

- Full Service Law Firm
- Statewide Practice
- Land Use/Environmental Department
- Primary SWM Team Members
  - Ken Metcalf, Planning Director and Project Manager for Dunnellon Grant
  - Chris Smith, GIS Director
  - Reggie Bouthillier, Esq.

My Background/Professional Experience

- Masters in Urban and Regional Planning
- American Institute of Certified Planners
- 30 Years as Professional Planner in Florida
  - 3 Years – City of Ocala/MPO Planner
  - 16 Years – Florida Department of Community Affairs
  - 10 Years – Planning Director, Greenberg Traurig, P.A.
  - Joined SWM as Planning Director in 2014
  - Periodic Adjunct Instructor – FSU Department of Urban and Regional Planning
- Expert Witness in 45 Administrative/Judicial Hearings on Comprehensive Planning/Compliance Issues

DCA Southeast Florida Regional Planning Administrator

- Supervise Managers/Planners Implementing All Agency Planning Programs
  - Comprehensive Planning (125 Local Governments)
  - Developments of Regional Impact (100+)
  - Florida Keys Area of Critical State Concern
  - Transportation Planning (Statewide)
  - Marina Siting/Manatee Protection (Statewide)

Comprehensive Planning

- Directed Compliance Review
- Compliance Determinations
- Compliance Settlement Negotiations
- Expert Witness for All Southeast Florida Compliance Hearings
- Legislation/Rulemaking
- Drafting Comprehensive Plans/Land Development Regulations for Florida Keys
- Evaluation and Appraisal Report Sufficiency Determinations

Examples of Private Sector Comprehensive Planning

- **Charlotte County** – Settlement Negotiations on EAR-based Amendments.
- **Haines City, Florida** – Drafting/Settlement Negotiations on EAR-based Amendment/Water Supply Plan.
- **City of Edgewater** – Compliance Hearing on EAR-Based Amendments.
- **Volusia County, Florida** (for developer client) – Compliance Hearing on Farmton Amendments.
- **Palm Coast, Florida** (for developer client) – EAR-based Amendments, Water Supply Planning, Northwest Plan, Settlement Negotiations.
- **Baker County, Florida** (for developer client) – Plan Amendments for Cedar Creek DRI.

Chris Smith – GIS Director

- 17 Years as GIS Professional
- Degree in Geology
- Public Sector/Private Sector Work with Local Governments
  - 4 Years – Project Manager At Department of Environmental Protection - Source Water Assessment and Protection Program
  - Bay, Calhoun, Franklin, Gadsden, Gulf, Jefferson, Leon, Pasco, Polk and Wakulla Counties
  - Port St. Joe, Midway, Haines City and Dade City
- Comprehensive Plans/Maps/Supporting Analysis
- Complex Spatial Database Management and Analysis
- High Quality Mapping Services

Reggie Bouthillier, Esq.

- 23 Years Experience in Florida
- Land Development, Land Use and Environmental Department Head
- Statewide Practice
- Primarily Private Sector Clients
- Substantial Experience with Comprehensive Planning and Growth Management Issues
- Administrative Hearings on Compliance

Chapter 163, Florida Statutes Community Planning Act

- Chapter 163, F.S., was substantially amended in 2011 and Rule 9J-5, F.A.C., was repealed.
  - State agencies' review limited to subject matter for agency (i.e., FDOT focuses on transportation).
  - State review focused on whether plan amendment will adversely impact "an important state resource or facility."
  - DEO can raise other compliance issues, but has not done so in practice.
  - Local government discretion to balance economic development and development limitations/controls.
  - Eliminated mandatory Evaluation and Appraisal Reports.
  - Local governments submit notice letter advising if plan amendments will be adopted in response to changes in statutory requirements.

Chapter 163, Florida Statutes Community Planning Act

- Examples of Local Government Discretion:
  - Determining "land use need" based on job creation, economic diversification and capital investment.
  - Land use need defined as a minimum allocation test (floor rather than ceiling).
  - Urban Sprawl test is more flexible with clear compliance criteria.
  - Mandatory concurrency applies only to sanitary sewer, potable water, drainage and solid waste.
  - Transportation and school concurrency are optional.

Comprehensive Plan Evaluation and Amendment Process (Section 163.3191, F.S)

- Dunnellon submitted Evaluation Notice Letter on 11/19/2014.
- Notice letter confirmed intent to adopt Comprehensive Plan Amendments in response to statutory changes (Community Planning Act).
- These are referred to as EAR- or EAL-Based Comprehensive Plan Amendments.
- EAL-Based Comprehensive Plan Amendments were due within one year of Notice Letter or by 11/19/2015.
- Timing of grant execution did not allow City to prepare and adopt EAL-based Comprehensive Plan Amendments by 11/19/2015.
- The City is statutorily <u>prohibited</u> as of 11/20/2015 from adopting other Comprehensive Plan Amendments until the overdue EAL-based Comprehensive Plan Amendments are adopted.

EAL-Based Comprehensive Plan Preparation and State Review Process (Section 163.3184, F.S)

- Grant schedule requires preparation and transmittal of Comprehensive Plan Amendments to DEO by 3/31/2016.
- DEO will implement "State Coordinated Review" process as required for this type of Comprehensive Plan Amendment.
- DEO has 60 days (about 6/1/2016) to complete review and issue Objections, Recommendations and Comments (ORC) Report.

Schedule for Adoption of EAL-Based Comprehensive Plan Amendments

- 2015-2016 Grant schedule is very aggressive, but does include adoption of EAL-based plan amendments.
- SWM has two months to prepare the supporting data and analysis and draft EAL-based amendments. This is normally at least a 6-month process.
- Grant schedule completes State review (ORC Report) and SWM review of ORC in June 2016. 2015-2016 grant cycle ends June 30, 2016.
- Dunnellon must adopt Plan Amendment within 180 days following receipt of DEO ORC Report or by about 12/1/2016.

Schedule for Adoption of EAL-Based Comprehensive Plan Amendments

- City has two options for final adoption after ORC is issued and grant cycle ends in June 2016:
  - Option 1. Apply for 2016-2017 DEO technical assistance grant to fund the final work required to adopt the transmitted plan amendments.
    - Pro: State funding, minimal City costs.
    - Con: Delay extends prohibition on other Plan Amendments.
  - Option 2. Use City funds/staff resources to do final work required for adoption of transmitted plan amendments.
    - Pro: Expedites adoption/resolves prohibition.
    - Con: Requires more City funding.
- If ORC issues are minimal as expected, minimal funding should be required to complete adoption process.

Department of Economic Opportunity Planning Grant

- Objective: City of Dunnellon adopts required Comprehensive Plan Amendments based on Section 163.3191, Florida Statutes. (2016-2017 Grant Cycle)
- 2015-2016 Grant: Prepare and submit proposed Comprehensive Plan Amendments to DEO and respond to DEO ORC Report.
- Anticipated 2016-2017 Grant: Adopt Comprehensive Plan Amendments based on Section 163.3191, Florida Statutes and prepare/adopt supplemental Comprehensive Plan Amendments (Spring Protection/Other City Priorities).
- Anticipated 2017-2018 Grant: Prepare and adopt Land Development Regulations.

DEO 2015-2016 Grant

- Three Major Deliverables
  - **Deliverable 1** (12/31/2015) - Consolidate adopted Comprehensive Plan, hold Planning Workshop and submit documentation to DEO.
  - **Deliverable 2** (2/12/2016) – Revise Evaluation Notice Letter to focus on EAL-Based Plan Amendments, prepare supporting analysis, draft EAL-based Plan Amendments and submit documentation to DEO .
  - **Deliverable 3** (6/6/2016) – Hold public hearings on draft Plan Amendments, revise draft Plan Amendments based on public hearings, transmit Proposed Plan Amendments to DEO for State Coordinated Review (3/31/2016), review DEO ORC Report and prepare draft Response to DEO ORC Report (6/6/2016).
  - 2/16/2016 – Planning Commission Public Hearing (Local Planning Agency)
  - 3/14/2016 – City Council Public Hearing (Transmittal Hearing)

Department of Economic Opportunity Planning Grant

- First Deliverable
  - Determine Goals, Objectives and Policies adopted by City in 1991 and by subsequent Comprehensive Plan Amendments.
  - Identify any data and analysis adopted by the City in 1991 and by subsequent Comprehensive Plan Amendments.
  - Submit consolidated Comprehensive Plan incorporating all adopted components (including adopted maps).
  - Submit list of adoption Ordinances.
  - Hold Planning Workshop and submit Workshop notice, Workshop agenda and Summary of Workshop comments.
  - First Deliverable Due 12/31/2015.

Progress Report on First Deliverable

- On Schedule for submittal to DEO by end of month.
- Submit draft to staff by end of this week.
- Methodology:
  - Reviewed DEO archived records on Dunnellon Comprehensive Plan and Plan Amendments.
  - Compared to Dunnellon records on Comprehensive Plan and Plan Amendments.
  - Identified controlling Ordinance language and Exhibits.
  - Compared to 1991 Florida Statutes, subsequent statutory requirements, 1991 Rule 9J-5, F.A.C., and subsequent rule requirements defining adopted components.
  - Confirmed City adoption is consistent with those standards.

Key Findings for First Deliverable

- Neither the City nor DEO records include Exhibit A to Ordinance 91-05 (Original Comprehensive Plan).
- DCA Found Original Comprehensive Plan Not In Compliance.
- Remedial Amendment 92-R1 includes Comprehensive Plan Elements, dated October 1991, except for three Elements, dated June 1992, that were revised based on DCA Settlement Agreement. These are the best records of the originally adopted comprehensive plan.
- Original adoption ordinance clearly distinguishes between adopted GOPS/future conditions maps and un-adopted Technical Support Documents (Data and Analysis).
- 1991 Consultant reports make same distinction.
- Adopted Components include:
  - Goals, Objectives and Policies
  - Future Land Use Map Series
  - Future Traffic Circulation Map

First Deliverable Products

- Binder/CD Documenting Methodology and Results:
  - Matrix documenting findings of adoption Ordinances for 1991 Comprehensive Plan and all Plan Amendments.
  - Matrix documenting GOPS and map changes adopted by each Plan Amendment.
  - Consolidated Comprehensive Plan including all adopted Plan Amendments.
  - GIS database with Future Land Use Map Amendments and related attribute data.
  - Workshop documentation.

Next Steps

- Obtain staff feedback on draft, first Deliverable.
- Submit first Deliverable to DEO by December 31, 2015.
- Initiate work on Support Document for EAL-Based Amendments.
- Prepare Draft EAL-Based Comprehensive Plan Amendments, including GOPS and Maps.
- Finalize draft with City staff.
- Submit draft (2nd Deliverable) to DEO by 2/12/2016.
- Hold LPA Public Hearing on 2/16/2016.

Thank You!

Questions?

Kenneth Metcalf, AICP
Planning Director
Stearns Weaver Miller, PA

CITY OF DUNNELLON
CITY COUNCIL MEETING

DATE: January 11, 2016
TIME: 5:30 p.m.
PLACE: City Hall
20750 River Dr., Dunnellon, FL 34431

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Whitt called the meeting to order at approximately 6:40 p.m. and led the Council in the Pledge of Allegiance. Joe Senckowski provided the invocation.

ROLL CALL

The following members answered present at roll call:
Nathan Whitt, Mayor, Seat 1
Dennis Evans, Vice-Mayor, Seat 2
Chuck Dillon, Councilman, Seat 3
Walter Green, Councilman, Seat 4

COUNCIL ABSENT

Penny Fleeger, Councilwoman, Seat 5

STAFF PRESENT

Eddie Esch, City Manager
Dawn Bowne, City Clerk
Jan Smith, Finance Officer
Lt. Todd Spicher, MCSO
Troy Slattery, Interim Fire Chief
Lynn Wyland, Staff Assistant

LEGAL COUNSEL

Virginia Cassady
Shepard, Smith & Cassady

PROOF OF PUBLICATION

Mrs. Bowne announced for the record the agenda for this meeting was posted on the City's website and City Hall bulletin board on Friday, January 8, 2016.

Chairman's comments regarding agenda

Mayor Whitt stated the agreement with the City of Belleview, Agenda Item #7 will be pulled from the agenda.

Jayne Dillon presented Attorney Cassady with a bouquet of flowers and thanked her for her services to the City. City employees, Dan Adams and Mrs. Bowne, thanked Evelyn Ball, Councilman Green and Councilman Dillon for their donations of cake, cupcakes and the luncheon Councilman Dillon provided the City employees during the holiday season.

Mayor Whitt called for public comments on agenda items only.
Joan Duggins, 19687 SW 88th Loop, Rainbow Springs, addressed Agenda Item #7 and discussed keeping the Police Department.

Rick Hancock, 11551 Camp Drive, Blue Cove, applauded Dawn Bowne, City Clerk, for her service during a difficult time in recent weeks.

Mr. Hancock read the following and provided the same to the City Clerk to be recorded with the minutes:

I'd like to speak for a moment about the budget process rather than specific numbers, because I believe the process dictates the outcome.

I've been told that Dunnellon has a "truly balance budget."

To my understanding, and I believe most business and financial professionals a truly balanced budget is one that generates sufficient revenues to cover all expenses, generates additional revenues to adequately fund annual capital expenditure reserves, and generates additional revenues to cover long-term debt costs.

Dunnellon's budget doesn't do this ...and hasn't come close to doing this for several years now. Your operating budgets have been brought into temporary balance by borrowing money and drawing down reserve funds dedicated for other purposes.

Funding operating budgets with borrowed monies and draining reserves is a flawed process. It generally creates a death spiral of mounting debt, and fewer choices to deal with it.

Mayor Whitt, at your first budget session you went on record saying that you thought this process was bad business, and not the right thing to do, and voted against it...and you did the right thing.

I just wish you had insisted that these methods were no longer acceptable as long as you were mayor. Unfortunately, these same tactics have been followed in nearly every budget since.

So, I'm asking you to stick to the good business principles you brought into office with you. Stop the process of borrowing new money, extending existing debt at higher costs, and drawing from dedicated reserves to temporarily balance Dunnellon's operating budgets.

Since you, Councilman Evans, and Councilwoman Fleeger have been on council, more than seven million dollars has been borrowed or taken from reserves to cover annual operating costs.Seven million dollars!

That is equal to $5,500 in additional debt for every taxpayer in Dunnellon

And tomorrow, on Jan. 12th
You could increase our tax rate to the maximum allowed by law (a 25 % increase), and outsource both the police and fire departments, and it would still take 7 years to settle the loans and re-build reserves, and we wouldn't have a nickel to spare for other capital replacement projects.

In addition, there is a $5.614 rev. note to BB&T due 12/1/16 and a $1.5 mil. loan repayment due to the water/sewer reserve next January. That's over $7 million due in less than a year.

Dunnellon has nearly $13 million dollars in debts on a $2.5 million dollar, break-even annual budget ....and more than half of it is due in less than a year.

I want to ask this Council to include an agenda item at your next workshop to specifically outline our debt and reserve shortfalls, and begin to outline plans to deal with them.

And, I hope you will take my suggestion to improve your budget processes, and deal with this debt issue until there is quantifiable plan to resolve it.

Council and staff engaged in lengthy discussion regarding the City's debt and Mr. Hancock's comments.

Darrell & Mary Ann Hilton, 12078 Palmetto Ct., Blue Cove, asked Council and the City Manager to provide some direction regarding a house in their neighborhood, owned by a Mr. Chew, where he is cooking and selling meals.

Mr. Esch stated a code violation was previously issued for excessive vegetation and a nuisance complaint.

CONSENT AGENDA:

1. City Council Workshop Minutes
   November 4, 2015

2. City Council Minutes
   November 9, 2015
   December 8, 2015 Special

3. Approved Proclamation #PRO2016-01, Dunnellon High School Tigers Week

4. Authorize Mayor to Sign Agreement #AGR2016-09, Lighting Service Agreement with Duke Energy

5. Authorize Mayor to Sign Agreement #AGR2016-01, Legal Services Contract – Andrew Hand with Shepard, Smith & Cassady, P.A.

6. Authorize Mayor to Sign Agreement #AGR2016-08, Memorandum of Understanding with Marion County Sheriff's Office

7. Authorize Mayor to Sign Voluntary Cooperation/Operational Assistance Agreements: #AGR2016-02, City of Belleview; #AGR2016-03, City of Williston; #AGR2016-04, City of Ocala; #AGR2016-05, Levy County; #AGR2016-06, Citrus County and #AGR2016-07, Marion County Public Safety

8. Award Bid #BID2015-08 to GWP in the Amount of $458,382.60 and Authorize Mayor to Sign Notice of Award

(Note: Motion to approve items on the consent agenda is a motion to approve the recommended actions.)

Councilman Dillon moved the consent agenda be approved with the exception of Agreement #AGR2016-02 with the City of Belleview. Councilman Green seconded the motion and all were in favor. The vote was 4-0.

REGULAR AGENDA

AGENDA ITEM NO. 9 – QUASI-JUDICIAL HEARING – TREE REMOVAL PERMIT APPLICATION #PZ1415-096 FOR 20814 W. PENNSYLVANIA AVENUE

Mayor Whitt gaveled down and stated, "It is now 7:14 p.m. and I close the regular meeting and open this quasi-judicial hearing:

Sally Chesterfield from Two Rivers Inn, 20814 W Pennsylvania Ave., Dunnellon, Florida, Parcel 3380-0428-00, has requested an After-the-fact permit for one Water Oak Tree.

All witnesses addressing City Council in this matter will be asked to limit their comments to the specific subject being addressed. Testimony will be limited to 3 minutes per witness unless the applicant, staff, or affected person requests an extension of time. A request for extension of time will be considered by the Council to assure all parties have a full and fair opportunity to participate without undue repetition and delay.

Public input is valued by the Council. However, in order to foster mutual respect, personal comments should not be directed toward Council members, or staff. Members of the public shall refrain from interrupting the speaker at the podium.

At the conclusion of this hearing, the City Council of the City of Dunnellon will make a decision whether to approve the application for Tree Removal.

All witnesses will be sworn in and will testify under oath. All persons presenting evidence will state their name and residence address for the record. All documentary evidence will be marked as an exhibit and maintained as a part of the record if accepted by Council.

After each witness testifies, any Council member can ask the witness questions. The owner is entitled to cross-examine each witness after his or her testimony and shall do so by asking questions of the witness, or can rebut the witness's testimony by presenting contrary testimony or documents after a witness testifies."

Mayor Whitt asked the City Attorney to swear in the witnesses.

Attorney Cassady asked all who wish to present evidence to stand at the same time and she administered the oath. She then asked Council members for any disclosure of contact, ex-parte communications or other evidence. There was none.

Lonnie Smith presented the following staff report:

Staff Report

From: Lonnie Smith, Community Development

To: Dunnellon Tree Board

Subj: "After the fact" tree permit application

Date: November 23, 2015

Background: During a routine trip by a city employee, they discovered that a tree had been cut down at the Two Rivers Inn. The employee called the permitting department and asked if a permit had been applied for to cut a tree at this location. The employee was informed that there was not a permit and was instructed to take some pictures and get a measurement of the stump. The collected information was submitted to Community Development for further review. The violator was called and informed of the situation and was instructed to apply for the tree permit.

Discussion: This incident is being treated as an after the fact tree permit. The following is the city code in relation to cutting down a tree without a permit:

Sec. 74-63. - Tree removal permit requirements and procedures.

(3) Anyone who fails to obtain a permit before removing or relocating a protected tree shall be subject to a penalty of $25.00 per inch of DBH. However, the fine for unauthorized removal of a champion or heritage tree shall be $100.00 per inch DBH of the removed tree, up to the maximum penalty allowed by law. Where the size of the champion or heritage tree cannot be determined, the minimum penalty shall be $3,600.00 and the maximum penalty shall be provided by law. The removal of a champion or heritage tree without a permit shall be considered irreversible and irreparable in nature. Violators who fail to replace trees within the applicable time period set forth in this ordinance shall be considered guilty of a separate violation, and a fine shall be imposed for each day the violation exists, calculated from the date of unauthorized removal until the required replacement trees are installed.

(4) Violators must replace trees removed without a permit at triple the replacement ratio required for trees removed pursuant to a permit, except that the replacement ratio for champion and heritage trees shall be as provided in section 74-68.

Sec. 74-68. - Specific standards for champion and heritage trees.

(a) Champion trees are those defined by the Florida Department of Agriculture and Consumer Services, Division of Forestry, or the American Forestry Association as being the largest of their species with the State of Florida or within the U.S. and shall include all trees, other than prohibited trees, 36 inches or more DBH.

(b) Heritage trees are trees defined by the City of Dunnellon as native trees, 20 inches or more DBH, excep for water oak, laurel oak, sweet gum, and loblolly pine, which must be 30 inches or more to be defined as a heritage tree.

(c) Champion trees and heritage trees are protected trees and shall require a tree removal permit prior to removal, except that approval for removal of champion and heritage trees shall only be granted by the city council.

(d) The unauthorized removal of a champion or heritage tree shall require that replacement trees are installed on the basis of four inches DBH for each inch DBH of the removed champion or heritage tree, in addition to any other penalty or enforcement action by the City of Dunnellon. The minimum size of trees installed to replace champion or heritage trees shall be eight inches DBH. Replacement trees shall be of th same species as the removed champion or heritage tree.

The applicant has applied for the tree permit and is asking for leniency based on not being aware of the tree code and also that they felt the tree was endangering others in its present condition.

Recommendation: The applicant should pay the "after the fact" penalty for the permit. In addition, we ask that the Tree Board review all the facts leading up to the incident and grant leniency on the fine for the applicant.

Sally Chesterfield, the applicant, stated the tree branch was damaged during a storm and it was an unsafe situation.

Mayor Whitt asked for public comments.

Paul Marraffino, Chair of the Tree Board, stated he visited the site and he agreed that the tree needed to be removed.

Mayor Whitt gaveled down and stated, "It is now 7:20 p.m. and I close this quasi-judicial hearing, and now reopen the January 11, 2016 City Council Meeting."

AGENDA ITEM NO. 10 – CONSIDERATION OF TREE REMOVAL PERMIT #PZ1415-096, 20814 W. PENNSYLVANIA AVENUE, TWO RIVERS INN (Notification to applicant by email and mailed on 12/16/2015)

Councilman Green made motion to approve the Tree Board's recommendation to approve the permit, after-the-fact, waive penalties and charge the standard commercial fee only. Councilman Dillon seconded the motion.

Mayor Whitt called for discussion.

Council and staff engaged in discussion regarding the fees. Vice-Mayor Evans stated the need to address the interpretation of the tree ordinance, particularly on commercial property.

Councilman Green amended his motion to waive all fees. Councilman Dillon seconded the motion. The vote was taken. The vote was 4-0.

AGENDA ITEM NO. 11 – QUASI-JUDICIAL HEARING – TREE REMOVAL PERMIT APPLICATION #PZ1516-016 for 11809 CAMP DRIVE

Mayor Whitt stated, "It is now 7:28 p.m. and I close the regular meeting and open this quasi-judicial hearing:

Charles MacIntyre, property owner of 11809 Camp Dr. Dunnellon, Florida, Parcel Number 3453-005-010, has requested authorization to remove one Heritage Pine Tree.

All witnesses addressing City Council in this matter will be asked to limit their comments to the specific subject being addressed. Testimony will be limited to 3 minutes per witness unless the applicant, staff, or affected person requests an extension of time. A request for extension of time will be considered by the Council to assure all parties have a full and fair opportunity to participate without undue repetition and delay.

Public input is valued by the Council. However, in order to foster mutual respect, personal comments should not be directed toward Council members, or staff. Members of the public shall refrain from interrupting the speaker at the podium.

At the conclusion of this hearing, the City Council of the City of Dunnellon will make a decision whether to approve the application for Tree Removal.

All witnesses will be sworn in and will testify under oath. All persons presenting evidence will state their name and residence address for the record. All documentary evidence will be marked as an exhibit and maintained as a part of the record if accepted by Council.

After each witness testifies, any Council member can ask the witness questions. The owner is entitled to cross-examine each witness after his or her testimony and shall do so by asking questions of the witness, or can rebut the witness's testimony by presenting contrary testimony or documents after a witness testifies."

Mayor Whitt asked the City Attorney to swear in the witnesses.

Attorney Cassady asked all who wish to present evidence to stand at the same time and she administered the oath. She then asked Council members for any disclosure of contact, ex-parte communications or other evidence. There was none.

Lonnie Smith stated the property owner, Charles MacIntyre, applied for a permit to remove a Heritage Pine tree. The application was presented to the Tree Board on November 24, 2015. He said Mr. MacIntyre reported on the potential threat to both his and his neighbor's property and stated the tree had some decay. Mr. Smith said it is the Tree Board's recommendation that Council approve the permit for removal.

Mr. MacIntyre was present for comments and questions. He commented on the charges and fees.

Council stated the previous charges would be addressed later.

There were no public comments.

Mayor Whitt gaveled down and stated, "It is now 7:31 p.m. and I close this quasi-judicial hearing, and now reopen the January 11, 2016 City Council Meeting."

AGENDA ITEM NO. 12 – CONSIDERATION OF TREE REMOVAL PERMIT #PZ1516-016, 11809 CAMP DRIVE, CHARLES MACINTYRE Notification to applicant by email and mailed on 12/28/2015

Councilman Green moved to affirm the Tree Board's recommendation to allow removal of one (1) Heritage Pine tree, 34.4" D.B.H. – 11809 Camp Drive and to allow the removal fee of $75.00 be refunded.

Mr. Esch requested to hold off on refunding the fee until the ordinances and resolutions have been vetted.

Council and staff engaged in discussion regarding the fees and fines to previous applicants.

Vice-Mayor Evans amended the motion to waive this particular application fee and the other fee would have to be addressed in a different hearing.

Mayor Whitt stated the motion that currently stands is: to approve Permit PZ1516-016, waive any fee and reimburse the administrative fee which was previously charged.

Mr. Smith clarified that Mr. MacIntyre was not charged the permit fee.

The vote was taken. The vote was 3-1. Vice-Mayor Evans opposed.

Vice-Mayor Evans commented on the "Note" section found on the bottom of the "Site Plan Sketch" He said it states something our Code does not permit, "removal of a champion or heritage tree shall be $100.00 per inch at design base height, in addition to a requirement to pay the current tree permit fee. When the size of a champion or heritage tree cannot be determined, the minimum penalty shall be $3,600.00. If proof that removed tree is replaced, credits will be granted." Vice-Mayor Evans said our City Code requires there be no more than a $500.00 fee accessed for any violation of any ordinance.

Council and staff engaged in brief discussion.

AGENDA ITEM NO. 13 – QUASI-JUDICIAL HEARING – PZ1516-012 FOR SITE PLAN REVIEW #SPL2015-03 – 12189 S. WILLIAMS STREET

Mayor Whitt stated, **"**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."

Mayor Whitt gaveled down and said, "It is now 7:39 p.m. and I close the regular meeting and open the quasi judicial hearing to discuss:

Application #PZ1516-012 for Site Plan #SPL2015-03 approval, notification to applicant by email and mail and adjacent property owners by mail on December 17, 2015.

At the conclusion of this hearing, the City Council of the City of Dunnellon will make a decision whether or not to approve the site plan for Application #PZ1516-012.

All witnesses sworn in and all evidence presented under oath will be subject to cross-examination. All persons presenting evidence will state their name and residence address for the record. All documentary evidence will be marked as an exhibit and maintained as a part of the record if accepted by the board. "

Mayor Whitt stated the applicant is seeking site plan approval for parcel number 34222-000-00. He said the Planning Commission heard this request on December 15th and December 22nd, 2015 and found the application to be consistent with the Comprehensive Plan and recommended approval with provisions.

Mayor Whitt asked the City Attorney to swear in the witnesses.

Attorney Cassady asked all who wish to present evidence to stand at the same time and she administered the oath.

Mayor Whitt asked Council members for any disclosure of contact, ex-parte communications or other evidence. Councilman Green replied no.

Councilman Dillon stated yes. He said prior to being on Council, he discussed the exemption for parking with the owner of the Blue Gator. He said they had conversations with Mr. Smith and Mr. Esch regarding some of the issues.

Attorney Cassady asked Councilman Dillon if those discussions were prior to the time the applicant filed an application. Councilman Dillon replied yes. She said he does not have to be concerned about those conversations, only the conversations after the application was file.

Councilman Dillon stated he had conversation with her. He explained that he was concerned because at the point of exemption, Attorney Cassady was not aware of three (3) other businesses at the property, and he wanted to address the parking issue.

Attorney Cassady asked Councilman Dillon if any of the ex-parte communications and conversations he had since the application had been filed would prejudice him in any way from making a fair and impartial decision based on what he hears tonight. Councilman Dillon replied no.

Vice-Mayor Evans stated he had no ex-parte communications and conversations with the applicant.

Mayor Whitt stated he had a prior conversation with the owner regarding his concern of the item not being on the agenda for the public hearing. Mayor Whitt told him the agenda was not produced yet and he would call him back when the agenda was published, which he did.

Attorney Cassady asked Mayor Whitt if the communication he had with the applicants would prejudice him from considering the evidence presented during this hearing in making a fair and impartial decision. He replied no.

Mary Ann Hilton requested to be sworn in. Attorney Cassady swore Mrs. Hilton in.

Mr. Smith stated, "The applicant is seeking a site plan approval based on Zoning Sec. A. Sec., 9.2 and 9.3 for a motel. I reviewed the pertinent sections of the Code and just to give you a little bit of background, the motel was built and 1957, it's been operating as a nine (9) unit motel for many years.

The owner came to us to apply, so that they could rebuild a new motel in the same foot-print The difference was, there were twelve (12) units. They had reconfigured the existing foot-print print to make twelve (12) units instead of nine (9). The other stipulation was that he was going to bring the motel up to ADA conformity at this point. This is an opportunity to be able to get that done. I reviewed the Comprehensive Plan to make sure that Future Land Use was in line with what was happening there and it's Commercial Land Use, because commercial does qualify and is consistent. I also checked the zoning, and the zoning was B3 and that location, and that is also okay for that type of business.

There were two (2) relevant sections of the Code that are pertinent in this site plan approval. One is the off-street parking. When you go from a nine (9) unit to twelve (12), you do increase our Code, the requirements for additional parking. It's calculated as one (1) parking spot per guestroom and one for the manager. So, that would require this to be able to park thirteen (13) spaces. And that was Sec. 5.3. Then in Article V, Sec. 5.9, the exception that Mr. Dillon, mentioned was looked over very carefully. But, what the determination was that … it was qualifying, because it was not being changed in foot-print. It was not going to be grown or to be changed in size, which kind of would have triggered that exemption. We

presented to Planning Council at that point, and there was quite a bit of discussion about it. What was determined was there had to be an interpretation made, and they had asked that the legal counsel make this interpretation. The Council was asked to interpret based on information about the exemption and the Code and to opine on that. When that answer was received, it showed that the exemption could still hold, because the parking lot was considered a structure. Not necessarily the motel, but the parking lot was not going to be touched, altered in any way. Therefore it could remain as parking exemption, because it's not being altered.

The Planning Council did take that into consideration when they met on the 22nd, I believe, which is a week later. At that point they made a determination that the site plan would be approved, but there were three (3) conditions that they wanted to meet. One was that the dumpster itself would be built on a pad and have a retaining wall, to catch any run-off. That was a concern. One also, was to voluntarily provide a fire lane. Mr. Slattery was involved in those Council meetings, the Planning Commission meetings and expressed it…that would be something nice he would like to have, and not required, but nice to have. It was agreed that would be one of the conditions of the acceptance of the site plan. And then at the last one was a Shared Parking Agreement that would be obtained with a business that is fairly close to them. That would not only cover the three (3) spaces that were added because of the additional rooms of the motel, but also, in providing that fire lane voluntarily, that also took three (3) spaces. So, the requirement was to take six (6) spaces, get them from an off-site, and then that would cover us. The resolution was made, Resolution 2015-38, it explains the details of those conditions. At that point we are bringing it here to get Council approval."

Mayor Whitt asked if there were any questions for Mr. Smith.

Councilman Dillon replied he had a couple. "Lonnie, on the site plan if I am reading it right, they are showing two (2) parking spaces that are not on this property. Is that correct? It shows a property line running at a diagonal angle starting up at the entrance and "V"ing" as it goes to the river. If you look at your site plan, it's on the site plan."

Mr. Smith replied yes.

Councilman Dillon stated he just wanted to verify whether that is correct or not.

Vice-Mayor Evans asked what page he was on.

Councilman Dillon said it was on Page 5, the site plan.

Councilman Dillon said, "If you look at it, and you look at the left hand side, you will see a dotted line, going down along the bridge and that to me designates the property line, correct?"

Mr. Smith stated he believed so, yes.

Councilman Dillon said, "That's one question. The second question is in the Sec. 5.9, that you quoted, on the Zoning Code says that the parking can never be repaired, altered or destroyed. So, he can never repair his parking lot?"

Mayor Whitt said, "That probably should be…

Councilman Dillon said, "All I've got before me is what we have. I am not saying that it's all not crazy. I'm just saying, you know, that is the way I'm reading it. Maybe I'm not reading it correctly."

Mayor Whitt said, "Altered or destroyed I think can remain. "Repaired" is something should be removed."

Councilman Dillon stated, "Yes, but we can't make that determination at a public hearing, because that's something that needs to be changed."

Mayor Whitt stated, "I would call it a typo."

Mr. Smith said, "I can read the actual 5.9, it says, 'The requirements set out in article V for off street parking and loading shall not be applicable as it relates to existing structures, buildings or uses fronting upon Williams Street, which extends from the bridge a [at] the Withlacoochee River to the south and northward to McKinney Avenue. Exterior or interior renovations shall be allowed under this exemption as long as it does not increase the square footage of the structure."

Councilman Dillon replied, "That's not what I'm saying. I'm saying on the document I've got, it talks about destroying the parking and in destroying the parking, it says 'cannot repair it.' My question is a simple question. It's in the same section you quoted. So, I am not understanding where you are not finding it."

Vice-Mayor Evans asked to share that information and what page he was on. He said, "The attorney and I haven't found…I found several site plans in this thing."

Mr. Smith said, "You might be referring to Policy 4.3.

Councilman Dillon asked, "What does it say."
Mr. Smith said "Structures that are involuntarily destroyed …"

Councilman Dillon stated "no".

Councilman Green replied it is on the bottom of number six (6).

Councilman Dillon stated, "The existing parking lot structure for the proposed motel will not be altered, repaired or reconstructed and therefore, it shall remain exempt from the increased parking requirements."

Councilman Green said, "Bottom of six (6) b, Lonnie, it's in bold print, right above seven (7) and it's just as Chuck read it."

Mr. Smith stated they were his words… that's not the Code.

Councilman Dillon said, "Lonnie, you have to understand we are in a quasi-judicial hearing and you can't just make words up."

Mayor Whitt said, "I think he's trying to say it remains exempt from the increased parking requirements, is your ultimate conclusion there. Yes, "repair" seems to be a mis-statement."
Councilman Green said, "If he has to go in there and re-do his asphalt, that's a lot different than fixing pot-holes. "

Mr. Esch stated that is what came from the attorney. He said, "I don't know about the repair's part, but she is the one who said it couldn't be altered or reconstructed in any way, shape or form."

Mr. Smith said, "That's on the last page."

Mr. Esch stated that somehow the word "repaired" got put in there.

Mr. Smith said that was his fault. He said that's his response.

Councilman Green stated at some point it would have to be reconstructed. He said all asphalt driveways have to be. He said a pot-hole is a whole lot different than coming in and putting a layer of asphalt over it. And eventually you have to do that with asphalt.

Mr. Smith stated the parking lot was defined as a structure.

Councilman Dillon stated he understands that part. He said he was questioning the verbiage.

Councilman Dillon asked to go through his questions. He said, "Right now as I understand it, there are five (5) different businesses or operations. There is an airboat, a bait shop, a restaurant/bar, a boat rental and then when we approve this, it will be a motel. Is that right?"
Mr. Smith replied yes.

Councilman Dillon asked, "What is the total number of parking spaces that we currently have?"

Mr. Smith stated from the way it's striped right now, it appears to be thirty-one (31) spaces.

Councilman Dillon asked if he was counting the two (2) that were not on the property.

Mr. Smith replied yes.

Councilman Dillon said, “So you have thirty (30).”

Mr. Smith replied, “Well, two (2) minus the twenty-nine (29).”

Councilman Dillon stated, “I guess the owner is going to have to answer this. “How many employees on an average day, during the day?”

Mr. Smith said he didn’t know.

Mayor Whitt stated the owner could come up then. He asked if there was anything further for Mr. Smith and the answer was no.

Robert Jewett, 12135 N. Osborn, Dunnellon, said, “Average employees is probably ten to twelve.”

Councilman Dillon asked Mr. Jewett how many seats he has in the bar/restaurant.
Mr. Jewett replied one hundred and sixty (160).

Councilman Dillon asked the owner, “Do you know what your lot coverage is.”
Mr. Jewett replied, “No sir.”

Councilman Dillon stated, “When you tore the building down, you were aware that you would have to bring it back to the Code?”

Mr. Jewett replied, “Absolutely”.

Councilman Dillon replied, “That’s it, I’m done.”

The following is the staff report Mr. Smith provided:

CITY OF DUNNELLON
STAFF REPORT TO COUNCIL

APPLICATION INFORMATION

DATE OF HEARING:	January 11, 2016
REQUEST FOR APPROVAL OF:	Site Plan with conditions
PUBLIC HEARING:	Quasi-Judicial
PROJECT NAME:	Anglers Resort Motel
PROJECT NUMBER:	SPL 2015-003

PROJECT REPRESENTATIVE(S):
Applicant: Hulbert Construction
Property Owner: Robert Jewett

PROPERTY LOCATION:

Project Address(es):	Parcel ID Number(s):
12189 S. Williams St Dunnellon, FL 34432	34222-000-00

PARCEL SIZE:	.92 Acres
EXISTING FUTURE LAND USE MAP:	Commercial
PROPOSED FUTURE LANDUSE MAP:	No change requested
EXISTING ZONING:	B-3/ B-6
PROPOSED ZONING:	No change requested
EXISTING USE:	Motel

STAFF EVALUATION AND FINDINGS

1. REQUEST:

- The Applicant also seeks approval of a site plan pursuant to Land Development Regulations, Appendix "A", Zoning, Section 9.2(15) and (16) and Sections 9.3-1 for a Motel on the subject property.

2. REVIEW REQUIREMENT:

Appendix A – Zoning, Section 9.2

15. *Site development plan approval.*

B. *Contents.* The site development plan required to be submitted under subsection A above and the requirements of these zoning regulations shall include the following elements, where applicable:

(1) Statement of ownership and control of the proposed development.

(2) Statement describing in detail the character and intended use of the development.

(3) A dimensioned site plan based on exact survey of the property drawn to scale of sufficient size to show (a) exact location of all buildings and structures, (b) all means of ingress and egress, (c) all screens and buffers, (d) off-street parking and loading areas, (3) refuse collection areas, (f) access to utilities hook-up, and (g) natural features such as streams, lakes, or other topographic features.

(4) Storm drainage and sanitary sewage plans.

(5) Architectural definitions for buildings in the development; exact number of dwelling units, sizes and types, together with typical floor plans of each type.

(6) Plans for recreation facilities, if any, including buildings for such use.

(7) A determination of radon emissions level.

(8) Such additional data, maps, plans or statements as may be required for the particular use or activity involved.

(9) Such additional data as the applicant may believe is pertinent to the site development plan. Items (3), (4), and (5) above shall be prepared by a registered surveyor, engineer, or architect or practicing land planner as may be appropriate to the particular item.

16. *Duties of planning commission in site development plan approval.* Certain uses permitted in zoning districts, as shown on the schedule of district regulations, require approval by the planning commission of a site development plan prior to the issuance of building permits by the building official. In reaching decision as to whether or not the site development plan as submitted should be approved with a directive to the building official to issue building permits, the planning commission shall follow the procedure set out in subsection 14 [15] of this section and shall be guided in its decision by the following standards and shall show in its record that each was considered where applicable:

A. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety, traffic flow and control, provision of services and servicing for utilities, and access in case of fire or catastrophe.

B. Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent properties and the consequences of such drainage on overall city capacities.

C. Conditions on ownership, control and use generally, and conditions on ownership, control, use, and maintenance of open space or common lands to insure preservation of such lands for their intended purposes.

D. Utilities, with reference to hook-in locations and availability and capacity for the use projects.

E. Off-street parking and loading areas, with attention to automotive and pedestrian safety, traffic flow and control, access in case of fire and catastrophe, and screening and landscaping.

F. Recreation and open spaces, with attention to the location, size, and development of the areas as to adequacy, effect on privacy of adjacent and nearby community-wide open spaces and recreation facilities.

G. Density and/or purpose of the development, with attention to its relationship to adjacent and nearby properties.

H. General site arrangement, amenities, and convenience, with particular reference to insuring that appearance and general layout of the proposed development will be compatible and harmonious with properties in the general area and will not be so at variance with other development in the area as to cause a substantial depreciation of such property values.

I. Loss of pervious surfaces with attention to the lowering of recharge capabilities and increasing runoff.

J. Such other standards as may be imposed by these zoning regulations for the particular use of activity involved.

K. Consistency with neighborhood and historical character.

3. BACKGROUND:

The Motel was built in 1957 and operated as a 9 unit motel for many years. The owner wishes to replace the current motel with a structure of the same outer dimensions (footprint) as the existing. The building will be redesigned internally to allow for 12 sleeping rooms instead of the current 9. The building will also be brought up to current ADA standards.

The applicant is seeking a site plan approval to allow the construction of a Motel on the original site.

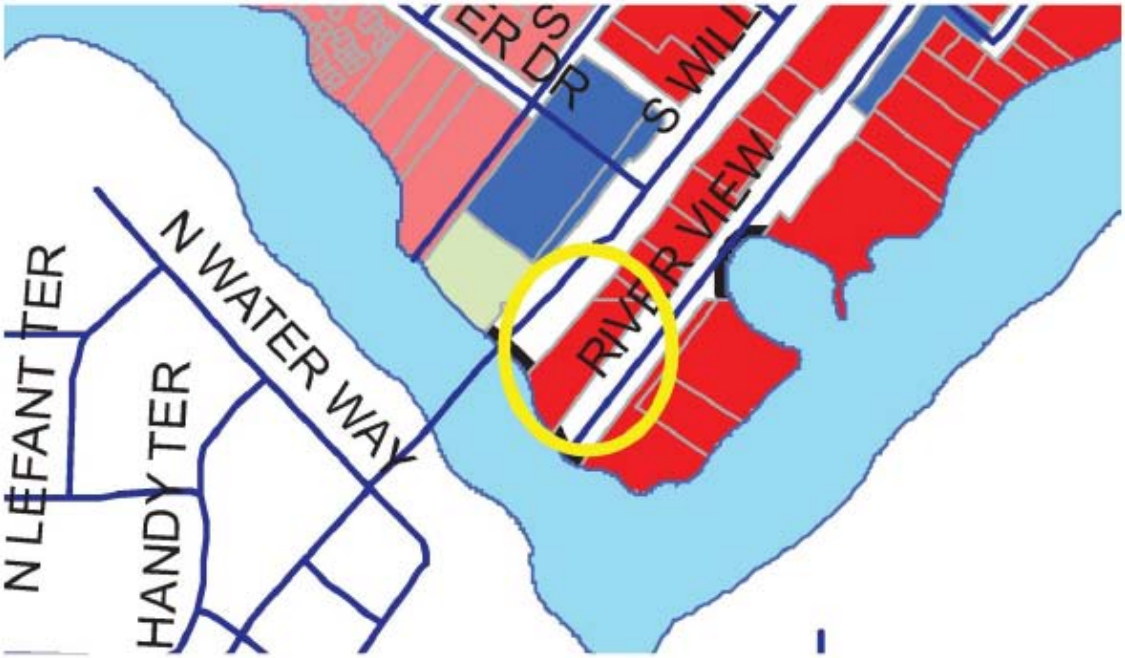
4. COMPREHENSIVE PLAN:

FUTURE LAND USE ELEMENT GOALS, OBJECTIVES, AND POLICIES

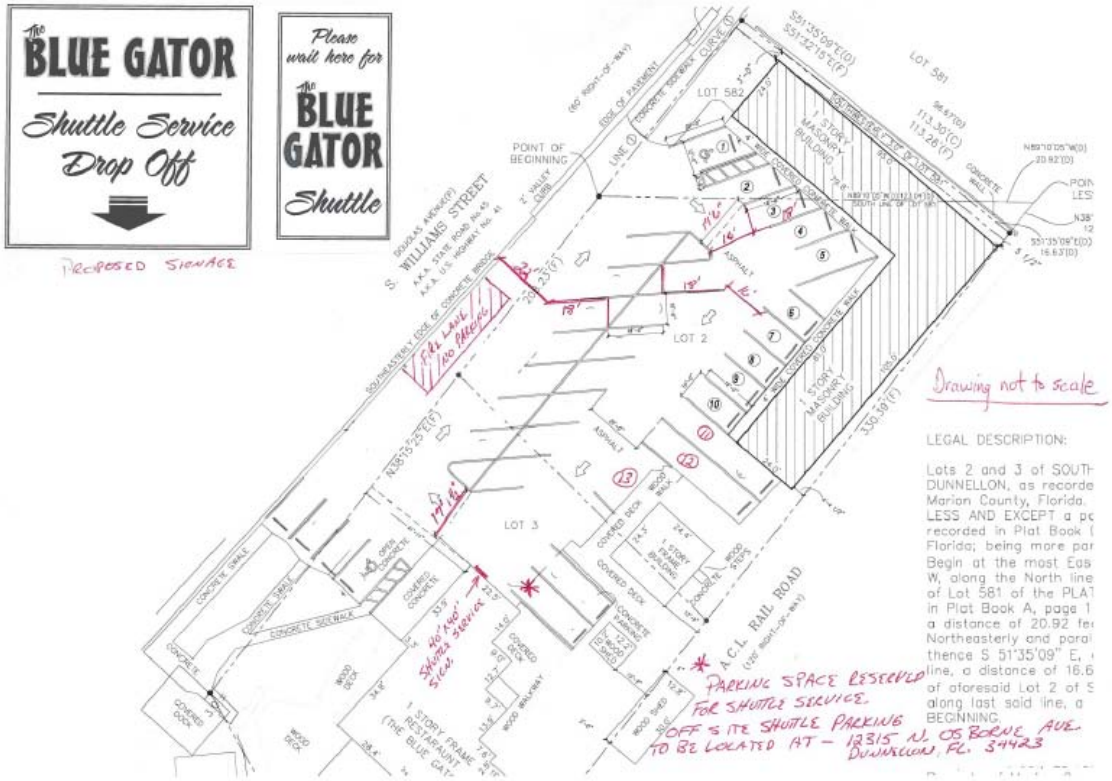
Policy 1.4:
The **Commercial** land use category includes retail, entertainment, eating establishments, offices, medical facilities, personal services, trade services, wholesale and discount establishments, storage facilities, lodging establishments, recreational vehicle parks, fueling facilities, rental establishments, religious facilities, and facilities for repair and maintenance of vehicles and equipment. The maximum impervious surface is 65 percent and the maximum building height is forty (40) feet.

The subject property is located in the land use designation of Commercial. The
Zoning classification is B-3 and is one of the permitted classifications in this land use category.
The nature and type of building development is not considered inconsistent with the comp plan.

Future Land Use Map (below)



Zoning Map (below)



5. REVIEW OF APPLICATION:

Relevant Sections of the Code

Article V Section 5.3(6) - **Amount of off-street parking.**

The off-street parking required by this article shall be provided and maintained on the basis of the following minimum requirements:

6) Motels, tourists' homes, guest cabins, villas, tourist courts: One parking space for each guestroom, cabin or rental unit, plus one parking space for the owner or manager.

Article V Section 5.9 - **Exemptions.**

The requirements set out in article V for off-street parking and loading shall not be applicable as it relates to existing structures, buildings or uses fronting upon Williams Street, which extends from the bridge a [at] the Withlacoochee River to the south and northward to McKinney Avenue. Exterior or interior renovations shall be allowed under this exemption as long as it does not increase the square footage of the structure.

(Ord. No. 97-05, 6-9-1997)

6. FINDINGS OF FACT

a. Article V Section 5.3(6) - **Amount of off-street parking.** Motels, tourists' homes, guest cabins, villas, tourist courts: One parking space for each guestroom, cabin or rental unit, plus one parking space for the owner or manager.

Response- In the proposed Motel building plan the amount of guestrooms is to increase from nine(9) currently to twelve(12) proposed. This will require the addition of three parking spaces.

b. Article V Section 5.9 – **Exemptions.** The requirements set out in article V for off-street parking and loading shall not be applicable as it relates to existing structures, buildings or uses fronting upon Williams Street, which extends from the bridge a [at] the Withlacoochee River to the south and northward to McKinney Avenue. Exterior or interior renovations shall be allowed under this exemption as long as it does not increase the square footage of the structure.

Response- the existing parking lot structure for the proposed Motel will not be altered, repaired or reconstructed and therefore, it shall remain exempt from the increased parking requirements.

7. RECOMMENDATION:

Staff reviewed all details of the application. The Planning Commission reviewed the site plan request on 12/15/15 and 12/22/15. Staff, in conjunction with the Planning Commission, is making a recommendation to City Council for approval with conditions as per resolution **#RES2015-38**.

Council and staff engaged in lengthy discussion with the owners, Robert and Dallis Jewett regarding the parking.

Mayor Whitt called for comments from the public.

Mary Ann Hilton asked questions regarding the “foot-print” of the building and the square footage. She requested Council to review this before making a decision and understand what they are approving.

Mayor Whitt asked Mr. Smith if there was a square footage change. Mr. Smith stated the foot-print is not changing as long as the sidewalk is not placed as shown in the site plan.

Mr. Esch stated some of the confusion is because they have a set of building plans and the dimensions on the building plans are different than the dimensions on the site plan. He said the site plan takes precedent, and it does not increase the square footage. The dimensions

included an overhang vs. the sidewalk on the building plan itself. He said his understanding is the foot-print and square footage of the building stays the same. He said originally when the owners brought the plan to the Planning Commission, there was a 13% increase which was rejected.

Mayor Whitt gaveled down and stated, "It is now 8:07 p.m. and I close the Quasi Judicial hearing held to discuss site plan approval #SPL2015-03 as part of Application PZ1516-012, and reopen the January 11th council meeting."

AGENDA ITEM NO. 14 – CONSIDERATION OF SITE PLAN REVIEW #PZ1516-012, 12189 S. WILLIAMS ST., ANGLER'S RESORT MOTEL (Notification to applicant by email and mailed and adjacent property owners by mail on 12/17/2015)
Mayor Whitt asked if there was any discussion from Council.

Councilman Dillon said, "The only discussion that I talked to the owner about, and he is willing to do it, is that… what I would like to see happen, and he might not want it, but I would like to see us do a variance that does away with the 300 foot requirement for his off-street parking, which would allow him to use his current parking area that he is using now for overfill. I think by doing that we are gaining." Councilman Dillon asked Mr. Jewett (Applicant) how many cars can be parked at his property in Citrus County/residence. Mr. Jewett responded 30 or 40. Councilman Dillon, said "I would rather grant a variance for that and the applicant pick up 40 parking spaces as opposed to 6 and he is totally dependent on himself and not Nick or anybody else to take care of it. You and I discussed that. To me it solves that problem with the parking by just giving a variance to allow you to do your off-street parking greater than 300 feet away from the building."

Mayor Whit indicated he was not aware 300 foot was a problem. Councilman Dillon said that Gruff's was farther than 300 feet. Mr. Esch agreed and cited the Code and stated Gruff's is about 450 feet away.

Councilman Dillon stated this solves his concern and takes care of Mr. Jewett's problem. It allows him to do what he is doing right now.

Mayor Whitt asked for a motion to find the site plan consistent with the comp plan.

Attorney Cassady said "Thinking this through, #1 there needs to be a shared, I think I said this at the Planning Commission Meeting, a shared parking agreement between the two entities and has to be filed in public records. I heard the applicant say he had an agreement. I don't know if that is a verbal agreement or a written agreement. "The applicant stated it was a written agreement. Mrs. Cassady said, "It needs to be reviewed by me to determine whether it is satisfactory to the City and it needs to be filed in public records. As far as the variance is concerned…"

Councilman Dillon said, "What I am saying is that the shared parking agreement does not take care of the problem because he's within 450 feet and not 300 feet. If the applicant controls his off-street parking totally then he doesn't have to go to another entity to request it." Mr. Esch stated either one is going to require a variance. Councilman Dillon stated that one option only provides him 6 parking spots and the other option, using his own property, provides him approximately 40 spaces. Councilman Dillon said of the two options, he prefers approving the 40 spaces with a variance. Attorney Cassady said, "That needs to be decided at this point because you are going to have to approve the site plan contingent upon the applicant applying and receiving a variance for up to X number of spaces. That would be the main motion. The other motion would be to approve the shared parking agreement." Councilman Dillon said the parking agreement would be with himself. Attorney Cassady said, "He said Nick." Councilman Dillon said we are talking about two different things. He explained the two different options. He said the 40 parking spaces the applicant controls, the six parking spaces he does not. Attorney Cassady said, "Oh, so where are the 40 spaces located?" Mr. Dillon replied by saying it is on the applicants property in Citrus County. Mr. Esch stated that before the attorney advised staff of the City Code 300 foot requirement, the applicant was considering an agreement for six spaces at Gruff's Restaurant, owned by Nick Patel. However, that is over 450 feet away. Mr. Dillon said, "Let me tell you what other problem that solves. I did some quick computation. With that variance approval he is in compliance with the current parking requirements, so it takes care of a whole lot of problems. We need to encourage people to build. We need the revenue and we need to be able to work with them. But, also, If we see a problem and can solve the problem at the same time, then it just behooves us go ahead and do it, especially with the applicant agreeing to do it." Attorney Cassady said, "This is new information about the 40 spaces. I have to ask this, because it came up at the Planning Commission Meeting where the idea was to have the applicant continue parking on his parking in Citrus County and it is residential property. What I said at the Planning Commission meeting and it is part of the minutes, he will have to get something from Citrus County." Councilman Dillon said, "It is my understanding that when the Planning Commission discussed it, that was one of the things the applicant said he would do. He would get a letter from Citrus County saying he could use the property for parking." Attorney Cassady said, "It was discussed at the Planning Commission. I said if that is going to be your plan, you need to get a zoning verification from Citrus County to the City so that the City knows what it is approving is legal." She said this would have to be made a part of this, contingent upon his getting an approval from Citrus County. Councilman Green said the applicant would like to get started with the construction and he is not going to need the parking right away. He said there is time to sort out the parking so we don't delay their construction. Councilman Dillon advised the applicant to wait on City approval before going ahead with the construction. Attorney Cassady said, "The applicant should not be able to get a building permit from the building official until the building official has something in hand that shows that this site plan and the conditions have been met. They have not been met until he gets, #1 the variance, #2 the letter from Citrus County and #3, this is really going to have to be part of a development order. Remember this goes on to the future forever. So, there has to be something on the records, preferably in the public records, that shows that this is how the parking is being handled for this property

because if he sells the business, then what is going to happen with the parking. So, the development order has to be prepared and that development order has to be filed in public records defining parking." Councilman Green asked if the City can offer a proposal that will include the qualifications that he has to do this within a certain amount of time. He said if he can accomplish the parking issue, is that the only problem that you see?

Councilman Dillon stated he wanted to approve the site plan based on these conditions. Attorney Cassady said, correct they are contingent conditions. Mr. Esch said the variance would still have to be approved.

Councilman Dillon said, "He needs to build the hotel and he is willing to resolve the parking issue. It is a win, win for everybody. I am willing to make a motion to approve the site plan based on those things."

Mr. Smith asked to clarify something. He said he is hearing a forty number mentioned. He said he is not sure where that came from. Mr. Dillon said he just asked the applicant how many cars he could accommodate on his off-site property. Mr. Dillon said if the applicant comes back and says he can only do twenty on his property and includes twenty in the variance application, he is good with that.

Vice-Mayor Evans said, "I understand what you are saying, especially with the parking thing." He said there may be another consideration that we have to make. He asked, if the applicant ever sells the hotel property, would the property across the river that will be used for over-flow/off-street parking, going to be with metes and bounds description such that it could be sold with the hotel property? "

Attorney Cassady said, "Well, like I said this needs a development order and that development order needs to be filed in public records so that the parking in Citrus County is tied to the parking requirements that the Council is imposing, which the City's Code imposes. That means if the business is sold, or if the residence/off-street parking property is sold, the buyers are going to have record notice that there are parking bound requirements. That is why it is important that the development order be part of this and recorded." She began to discuss a long motion for the Council to consider.

Vice-Mayor Evans asked to discuss something else first. He said it was one of the points in the "Finding of Facts" section of the staff report that Councilman Dillon discussed during the hearing. Vice-Mayor Evans cited that section of the staff report:

"FINDINGS OF FACT:
b. Article V, Section 5.9, Exemptions:-
The requirements set out in article V for off street parking and loading shall not be applicable as it relates to existing structures, buildings or uses fronting upon Williams Street, which extends from the bridge a [at] the Withlacoochee River to the south and northward to

McKinney Avenue. Exterior or interior renovations shall be allowed under this exemption as long as it does not increase the square footage of the structure.

Response:
The existing parking lot structure for the proposed Motel will not be altered, repaired or reconstructed and therefore, it shall remain exempt from the increased parking requirements."

Vice-Mayor Evans said that verbiage definitely needs to be re-worked. Councilman Dillon said that if the applicant goes to this off-street parking, then that does not come into play because then he has enough parking spots. Vice-Mayor Evans said but, it is an existing parking lot. Councilman Dillon said, "It is not speaking to the parking lot; it is speaking to the exemption." Vice-Mayor Evans said, "That is not what I am interpreting." Councilman Dillon said, "He is looking at the exemption. It says the exemption has to leave that parking lot in place. That is what the exemption says. What I am saying is that he does not need that exemption anymore because he has the parking spots that he needs. "

Mayor Whitt said he will play devil's advocate, and if there was a Citrus County hurdle that the applicant could not jump, that he still has an option in a written form from a local business owner allowing shared parking.

Mayor Whitt asked should this be entered into public record now, or should we wait? Attorney Cassady said, "I think we should wait. If this does not come to fruition because of Citrus County, then this would need to come back to Council for a revision."

Councilman Dillon said an option is for the owner to also consider buying some cheap property in Dunnellon for off-street parking.

Attorney Cassady said, "If it does work out with Citrus County, it changes what potentially this body will have decided and he then has to come back because he needs a change in that because your motion is going to be based on, and contingent upon, the applicant obtaining a zoning verification letter from Citrus County. If that contingency does not happen, then he has to come back with plan B."

Mayor Whitt stated he was hoping to leave that flexibility in the applicant's lap. He asked if the Council can make a motion to move the site plan be approved contingent upon meeting the variance determined by the City. Attorney Cassady said, "You have to make sure that whatever happens there has to be follow-up through our office. Either we have to review the shared parking agreement and it has to be filed in public records, or assuming Citrus County provides a zoning verification letter, we will have a development order that would be ready to go and filed in the public records after the variance is obtained."

Attorney Cassady said, "Motion could say: #1 approve site plan contingent upon obtaining a variance for 40 parking spaces on his property in Citrus County , #2 contingent upon

obtaining a zoning verification letter which means letting us know that Citrus County is ok with it."

Mr. Esch asked if the variance has to be specific to his property. He said it should be specific to the number of parking spaces required. Councilman Dillon agreed. Mr. Esch stated that the applicant should be able to transfer the parking spaces somewhere else in the future if he wanted to, so long as they stay consistent with the need. Attorney Cassady said he would have to come back to the City to get approval if he is going to transfer to another off street parking location. Attorney Cassady said the variance would have to go before the Planning Commission.

Councilman Dillon moved to accept the site plan as being consistent with Dunnellon's Comprehensive Plan. Councilman Green seconded the motion. The vote was taken and all were in favor. The vote was 4-0.

Councilman Dillon moved to accept the site plan, contingent upon the owner providing the 26 additional parking spaces off site through a variance. Councilman Dillon asked if that motion is ok. Attorney Cassady said yes. Councilman Green seconded the motion. The vote was taken and all were in favor. The vote was 4-0

<u>AGENDA ITEM NO. 15 – YEAR-TO-DATE BUDGET UPDATE – Quarter ending December 31, 2015 – JAN SMITH</u>

Mrs. Smith provided Council with a PowerPoint presentation on the following funds:

CITY OF DUNNELLON
2015-2016 YEAR TO DATE SUMMARY
as of December 31, 2015 - 25% Collected/Used

TAX INCREMENT FINANCING DISTRICT (CRA)

		FY 15-16 REVISED/ AMENDED BUDGET	FY 15-16 YEAR TO DATE ACTUAL	PERCENT COLLECTED
40	REVENUES			
41	Taxes	156,607	151,251	96.6%
42	Miscellaneous	185	60	32.2%
43				
44	Total TIFD Revenues	156,792	151,311	96.5%

		FY 15-16 REVISED/ AMENDED BUDGET	FY 15-16 YEAR TO DATE ACTUAL	PERCENT USED
46	EXPENDITURES			
46	Personnel	20,619	4,490	21.8%
47	Operations	21,016	2,554	12.2%
48	Capital	-	-	0.0%
49	Transfer to Reserves	115,157	-	0.0%
50				
51	Total TIFD Expenditures	156,792	7,044	4.5%

CITY OF DUNNELLON
2015-2016 YEAR TO DATE SUMMARY
as of December 31, 2015 - 25% Collected/Used

WATER FUND

		FY 15-16 REVISED/ AMENDED BUDGET	FY 15-16 YEAR TO DATE ACTUAL	PERCENT COLLECTED
32	REVENUES			
33	Federal Grants	613,000	42,823	7.0%
34	Charges For Services	1,213,836	329,792	27.2%
35	Miscellaneous	1,784	429	24.0%
36	Transfers From Reserves	178,690	-	0.0%
37				
38	Total Water Revenues	2,007,310	373,044	18.6%

		FY 15-16 REVISED/ AMENDED BUDGET	FY 15-16 YEAR TO DATE ACTUAL	PERCENT USED
39	EXPENDITURES			
40	Personnel	264,595	61,624	23.3%
41	Operations	476,657	108,763	22.8%
42	Capital	608,000	67,997	11.2%
43	Debt Service	485,880	352,374	72.5%
44	Contribution to General Fund	71,106	17,776	25.0%
45	Transfer to Reserves	101,072	-	0.0%
46				
47	Total Water Expenditures	2,007,310	608,534	30.3%

SEWER FUND

		FY 15-16 REVISED/ AMENDED BUDGET	FY 15-16 YEAR TO DATE ACTUAL	PERCENT COLLECTED
68	REVENUES			
69	Federal Grants	37,000	-	0.0%
70	State Grants	-	-	0.0%
71	Charges For Services	1,470,292	391,444	26.6%
72	Miscellaneous	1,684	269	16.0%
73	Transfers from Reserves	133,985	-	0.0%
74				
75	Total Sewer Revenues	1,642,961	391,713	23.8%

		FY 15-16 REVISED/ AMENDED BUDGET	FY 15-16 YEAR TO DATE ACTUAL	PERCENT USED
76	EXPENDITURES			
77	Personnel	326,553	75,676	23.2%
78	Operations	562,391	77,441	13.8%
79	Capital	109,000	-	0.0%
80	Debt Service	556,757	377,998	67.9%
81	Contribution to General Fund	72,622	18,155	25.0%
82	Transfer to Reserves	15,638	-	0.0%
83				
84	Total Sewer Expenditures	1,642,961	549,270	33.4%

Richard Hancock discussed the sale of the school and the emergency equity reserves.

Louise Kenny commented on the Technical Assistant grant.
Council and staff engaged in brief discussion.

AGENDA ITEM NO. 16 – RATIFICATION OF AGREEMENT #AGR2015-34 WITH MARION COUNTY SHERIFF'S OFFICE FOR TEMPORARY ASSUMPTION OF LAW ENFORCEMENT

Councilman Dillon moved agreement #AGR2015-34 be approved and ratify the Mayor's signature on Marion County Sheriff's Office for Temporary Assumption of Law Enforcement Agreement. Councilman Green seconded the motion. The vote was taken and all were in favor. The vote was 4-0.

AGENDA ITEM NO. 17 – RESOLUTION #RES2016-01, SUPPORTING RAINBOW RIVER SWIM PLAN

Councilman Dillon moved resolution #RES2016-01 be read by title only. Councilman Green seconded the motion. The vote was taken and all were in favor. The vote was 4-0.

Mrs. Bowne read the following into the record:

RESOLUTION #RES2016-01

A RESOLUTION BY THE DUNNELLON CITY COUNCIL, DUNNELLON, FLORIDA, SUPPORTING THE RAINBOW RIVER SWIM PLAN PRESENTED BY THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT."

Councilman Dillon moved resolution #RES2016-01 be approved. Councilman Green seconded the motion. The vote was taken and all were in favor. The vote was 4-0.

Walk-on item regarding eCDBG Access Authorization Update

Mrs. Smith explained this form is the annual certification DEO requires in order for her to be able to access their automated website for the purpose of submitting request for funds (RFFs).

Councilman Dillon moved to authorize Mayor Whitt to sign the eCDBG Access Authorization Update. Councilman Green seconded the motion. The vote was taken and all were in favor. The vote was 4-0.

Walk-on item regarding moving $30,000 to the Blue Run Park project

Mayor Whitt explained a resolution will be required to move funds from the General Fund Public Safety Building Fund Reserve for Blue Run Park.

Council and staff engaged in discussion regarding a resolution being prepared to move and authorize the use of $30,000.

Mrs. Bowne read aloud the motion that was prepared by Attorney Cassady.
Vice-Mayor Evans moved to authorize the use of $30,000 from General Fund Public Safety Building Fund Reserve for Blue Run Park restroom facilities and, accordingly, memorialize that CRA funds will be used to reimburse the general fund reserves by August 1, 2016, as previously read aloud by Mrs. Bowne.

For the record, Attorney Cassady asked Vice-Mayor Evans if he agreed with the motion Mrs. Bowne read. Vice-Mayor Evans said yes.

Council and staff engaged in discussion regarding the required resolution and the transferring/allocation of the funds.

Councilman Dillon seconded the motion.

Mrs. Smith asked Attorney Cassady if CRA is unable to pay back the funds, could the resolution be extended. Attorney Cassady stated yes, by subsequent resolutions.

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

AGENDA ITEM NO. 18 – COUNCIL LIAISON REPORTS AND COMMENTS
There were none.

AGENDA ITEM NO. 19 – CITY MANAGER'S REPORT
Mr. Esch stated he had received telephone calls about an incident that occured over the weekend in Vogt Springs.

Lt. Spicher provided a report on the incident. He stated it was a home invasion.

AGENDA ITEM NO. 20 –CITY ATTORNEY'S REPORT
There was none.

AGENDA ITEM NO. 21 – ADJOURNMENT
At approximately 9:41 p.m. Councilman Dillon moved the January 11, 2016 City Council meeting be adjourned. Councilman Green seconded. All members voted in favor. The motion passed 4-0.

Attest:

_____ _____

Dawn Bowne, MMC
City Clerk

Nathan Whitt, Mayor

P:\minutes council meeting\20160111doc

PROCLAMATION #PRO2016-02

National Engineers Week

WHEREAS, National Engineers Week, founded in 1951 by the National Society of Professional Engineers, is always celebrated at the time of George Washington's birthday in February because he was our first president and a military engineer; and

WHEREAS, Engineers use their scientific and technical skills to the advancement and betterment of human welfare; and

WHEREAS, Engineers are dedicated to ensuring a diverse, vigorous and well educated workforce by increasing interest in engineering and technology oriented careers; and

WHEREAS, Engineers are encouraging our young math and science students to realize the practical power of their knowledge; and

WHEREAS, National Engineers Week promotes the importance of high level of math, science and technology literacy, and motivates youth to pursue engineering careers; and

WHEREAS, the theme of National Engineers Week in 2016 is **"Let's Make a Difference"**;

NOW THEREFORE, the City of Dunnellon, Florida, does hereby proclaim February 21-27, 2016, as

"ENGINEERS WEEK"

PASSED AND PROCLAIMED this 8th day of February 2016.

DUNNELLON CITY COUNCIL

_____
NATHAN WHITT, Mayor

_____
DENNIS D. EVANS, Vice-Mayor

_____
PENELOPE L. FLEEGER, Councilwoman

_____
CHARLES J.DILLON III, Councilman

_____
WALTER GREEN, Councilman

ATTEST:

_____
DAWN M. BOWNE, M.M.C.
City Clerk

Meeting Date: 3/8/2016

From (Dept): Community Development

Signature:

Approved for Agenda: for EE
City Manager

Official Use Only

Reviewed by City Attorney:

Council Action:

Date:

SUBJECT: Planning Commission Appointment and Reappointment

Request For Approval: Historic Board Reappointments

SUMMARY EXPLANATION & BACKGROUND:

Attached is Board/Commission Worksheet outlining NEW application for Planning Commission 2nd Alternate vacancy. Worksheet also includes reappointments/renewals for members in good standing as follows: one (1) Planning Commission current member and two (2) Historic Board current members.

FISCAL INFORMATION: No fiscal impact

RECOMMENDED ACTION: Staff recommends Council approve these appointments.

Initiated by: TAM

BOARD / COMMISSION
APPOINTMENT WORKSHEET

Council Workshop Date: 02/03/2016 **Regular Meeting Date:** 02/8/2016

App	Name	Address	Current/ Recent Board Member	Applied for Multiple Board Vacancies	Resi-dent	Business Owner # Yrs	Recommended Action
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JAN 13 2016
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Are you a registered Voter? Yes

Do you hold a public office? _____ Are you employed by the City? _____

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State any additional information you feel may be helpful in considering your qualifications to serve on a city board.

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Signature: William J. Maguire Date: JAN 13, 2016

This application is effective for one year from the date of completion. Please call the Community Development Office 465-8500 ext. 1010 if you have any questions. Form Amended 03/11/2015.

U:\dawn_bowne\Forms\Blank Board Member Application 03112015.doc

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This board meets on the third Tuesday of each month.

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From (Dept): Community Development

Signature:

Approved for Agenda: for EE
City Manager

Official Use Only

Reviewed by City Attorney:

Council Action:

Date:

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Request For Approval: Historic Board Reappointments

SUMMARY EXPLANATION & BACKGROUND:

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FISCAL INFORMATION: No fiscal impact

RECOMMENDED ACTION: Staff recommends Council approve these appointments.

Initiated by: TAM

BOARD / COMMISSION
APPOINTMENT WORKSHEET

Council Workshop Date: 02/03/2016 **Regular Meeting Date:** 02/8/2016

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Meeting Date: 3/8/2016

From (Dept): Community Development

Signature:

Approved for Agenda: for EE
City Manager

Official Use Only

Reviewed by City Attorney:

Council Action:

Date:

SUBJECT: Planning Commission Appointment and Reappointment

Request For Approval: Historic Board Reappointments

SUMMARY EXPLANATION & BACKGROUND:

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Address of your property: 20202 QUAIL RUN DRIVE, DUNNELLON FL

Do you own a business within the City limits? If so, have you maintained ownership for at least three years, and if not how long? NO
Address of your propety _____

Please check the board(s) you are interested in serving on:

X Planning Commission 2nd Alt Vacant
___Historic Preservation Board
___Utility Advisory Board
___Tree Board
X CRA Advisory Board no vacancies

State any additional information you feel may be helpful in considering your qualifications to serve on a city board.

See ATTACHED WORK EXPERIENCE

May we submit your application for the board(s) of your choice when vacancies occur rather than phone you? Yes

Your signature indicates that you have read and understand the Code requirements below for the City Board(s) you are applying for including any requirement to file a Statement of Financial Interest. All Board/Commission members shall conduct themselves in a manner consistent with Resolution 2013-07, "Public Code of Ethical Conduct," as may be amended from time to time.

Signature: William J. Maguire Date: JAN 13, 2016

This application is effective for one year from the date of completion. Please call the Community Development Office 465-8500 ext. 1010 if you have any questions. Form Amended 03/11/2015.

U:\dawn_bowne\Forms\Blank Board Member Application 03112015.doc

DESCRIPTION AND CODE REQUIREMENTS FOR CITY BOARDS

PLANNING COMMISSION: (This Board also serves as the Board of Adjustment)
In accordance with Article II, Section 94-31 of the City of Dunnellon Code of Ordinances:

Members of this board are required to file a FORM I, Statement of Financial Interest within 30 days of your appointment to the Commission and annually thereafter for each year you are a member in order to avoid penalties by the State of Florida, Commission on Ethics. Upon separation of the board you are also required to file a FORM 1F, Final Statement of Financial Interest.

This Commission consists of five (5) members, (2) alternate members serving a three (3) year term. A minimum of three members and one alternate shall be residents of the City. A maximum of two members and one alternate may be non-resident property owners and/or non-resident business owners. Non-resident property owners and/or non-resident business owners must have owned property and/or owned a business within the City for three years prior to being eligible for said appointment. No member of Planning Commission shall be a paid employee or elected official of City. Members of the Commission will act in an advisory capacity to the City Council relating to zoning and land use issues and as the local planning agency making recommendations to the Dunnellon City Council.

This board meets on the third Tuesday of each month.

Work Experience

Summary: International Operations/Supply Chain Executive with proven leadership in end to end supply chain management. Experience includes: Program and financial management, inventory optimization, technology application, customer order management, procurement, transportation, team building and facilities management. Career success driven by meticulous planning and swift execution. Experienced at Project Management, Corporate Strategic Planning and developing multi-year business plans.

Specific Career Highlights:

1974-2004 - Served in the United States Navy, retiring as a Navy Rear Admiral. More than 30 years of field and staff experience in all aspects of logistic support with particular emphasis on planning, finance, acquisition, inventory management, transportation and customer service. I am use to operating within a constrained operating budget and I mastered the art of prioritizing the most important requirements. Served proudly and with distinction on four United States Navy warships.

2005-2007-Regional Logistics Director The Coca Cola Company. - Responsible for South Region Logistics (Customer Service, Transportation, Warehousing) from Texas to Florida) Managed a $145 Million Transportation Budget and $60 Million warehouse budget. Received an award for coordinating logistics and humanitarian efforts for Coca Cola during hurricanes Katrina and Rita.

2007-2008 - Led a $10 Million independent Software Company as the Chief Operating Officer. Responsibilities included Marketing, Sales, Business Development, Product Management, Research and Development and Quality Assurance. Developed a very aggressive 3 year business plan to double revenue and cut costs that laid the foundation for improved product sales.

2008-2010 - Chief Logistics Officer for Amtrak Executive responsible for Warehousing, Procurement, Material and Inventory management nationwide. Responsible for creating small business opportunities to meet Federal requirements. Awarded $1 Billion dollars in contracts, and helped in the implementation of major software programs that improved performance and cut costs.

Community Involvement:

1987-1990 Treasurer for the Coronado California Historical Association.

2002-2004-Volunteered to clean a stretch of interstate for the "Adopt a Highway "Program in Mechanicsburg, Pa

2012-2013 - Planned, organized and led the first ever Alzheimer's Family Support Walk in the Villages ,Florida. Event had over 3000 walkers and was a huge successes donating $35,000 to the Alzheimer's Family Organization of Central Florida.

2016-Being trained by Marion County to work at Voter Polling locations.

From:	CyberGrants Helpdesk
To:	Dawn Bowne
Subject:	[JIRA] (HD-135414) Walmart Foundation Support Request :
Date:	Tuesday, February 02, 2016 4:52:54 PM
Attachments:	image972868291052498688

Dawn,

In order to apply your organization must be verified per the instructions below :

There have been several significant changes made to this program since years past. One of these changes is that all organizations applying must be verified.

For government groups & municipalities:

If the requesting organization is a town, city, or borough, please provide a signed letter from an official of the town/city/borough, on an official letterhead or containing the official seal, that provides citation to the legislative act creating the town/city/borough and that authorizes the town, city, or borough to apply for funds. Please reply to this email with an electronic version of your letter (PDF or Word documents are preferred).

Some sample language is provided below:

> To Whom it May Concern:
>
> This letter is to verify that the City of _____, State is a certified City as recognized by the State of _____. The City of _____ was officially incorporated on (Date) by Legislative Act (citation to legislative act).
>
> As Mayor, I authorize the City of _____ to apply for funding from Walmart and the Walmart Foundation for the betterment of the community.
>
> Sincerely,
>
> Mayor

YOU MUST ATTACH THE DOCUMENT TO A REPLY TO THIS EMAIL. DO NOT SEND IT IN A SEPARATE EMAIL .

We appreciate your inquiry. If you have further questions please reply to this e-mail (with history). For Technical Support questions while completing the online application you can click on the 'Need Support?' link located at the bottom of each page of the application. Technical Support is available via email Monday-Friday 8:30-5:30 Eastern Time.

Thank you,

Casey
CyberGrants Support

> Proposal Type: LCC Giving (22074 - Regular Proposal Type)
> Source:

Organization Name: City of Dunnellon
Organization Address: 20750 River Drive
Organization City: Dunnellon
Organization State/Province: FL
Organization Zip/Postal Code: 34431
Organization Country:

Tax ID/Charity ID (if applicable): 59-6000311
School District ID (U.S. Pre-K-12 public schools and public school districts only):
School ID (U.S. Pre-K-12 public and private schools only):

Name: Dawn Bowne
E-mail Address: dbowne@dunnellon.org
Telephone Number: 352-208-5540

Password: bjdeg2735

NOTES:
We are a government entity "City of Dunnellon" (Municipality) with a Federal Tax EIN number and we are trying to apply for a community grant on your Walmart Corporate website. When doing so we are stopped with a bold red message that our Tax ID cannot be verified. I have a letter from IRS that I requested today confirming our Tax ID number. How can I proceed with applying for the Community Grant and clear up the issue with Walmart regarding them not being able to confirm our Tax ID? Thank you.

Walmart Foundation Support Request :

Key: HD-135414
Issue Type: Inquiry
Created: 02/02/2016 1:02 PM
Status: In Progress

We have received your request for support. You may expect a response to your inquiry within one - two business day (excluding holidays and weekends). Technical Support is available via email Monday-Friday 8:30 a.m. - 5:30 p.m. Eastern Time.

Thank You,

CyberGrants Support

This message was sent by Atlassian JIRA
(v6.2.7#6265-sha1:91604a8)

Presented To

Dunnellon Community Thrift Shop

In recognition of & appreciation for your contribution to ensure the safety of our First Responders & the general public

Dunnellon City Council
and
Dunnellon Volunteer Fire Rescue Inc.
February 8th, 2016

PROCLAMATION #PRO2016-02

National Engineers Week

WHEREAS, National Engineers Week, founded in 1951 by the National Society of Professional Engineers, is always celebrated at the time of George Washington's birthday in February because he was our first president and a military engineer; and

WHEREAS, Engineers use their scientific and technical skills to the advancement and betterment of human welfare; and

WHEREAS, Engineers are dedicated to ensuring a diverse, vigorous and well educated workforce by increasing interest in engineering and technology oriented careers; and

WHEREAS, Engineers are encouraging our young math and science students to realize the practical power of their knowledge; and

WHEREAS, National Engineers Week promotes the importance of high level of math, science and technology literacy, and motivates youth to pursue engineering careers; and

WHEREAS, the theme of National Engineers Week in 2016 is **"Let's Make a Difference"**;

NOW THEREFORE, the City of Dunnellon, Florida, does hereby proclaim February 21-27, 2016, as

"ENGINEERS WEEK"

PASSED AND PROCLAIMED this 8th day of February 2016.

DUNNELLON CITY COUNCIL

_____
NATHAN WHITT, Mayor

_____
DENNIS D. EVANS, Vice-Mayor

_____
PENELOPE L. FLEEGER, Councilwoman

_____
CHARLES J.DILLON III, Councilman

_____
WALTER GREEN, Councilman

ATTEST:

_____
DAWN M. BOWNE, M.M.C.
City Clerk

CITY OF DUNNELLON

20750 River Drive
Dunnellon, FL 34431
(352) 465-8500
FAX (352) 465-8505

US Mail and Emailed
01-22-2016

NOTICE OF QUASI JUDICIAL HEARING #PZ1516-024 FOR VARIANCES #VAR2016-01

Mr. Robert Jewett
12315 N. Osborne Ave
Dunnellon, FL 34434

Dear Property Owner:

The Dunnellon City Council will hold a quasi judicial hearing regarding variance application #VAR2016-01, #PZ1516-024 from Article V, Section 5.2(1) of the City of Land Development Regulations, which requires off-street parking facility on land within 300 feet of the plot, by Robert Jewett 12189 S. Williams Street, Parcel Number 34222-000-00. The public hearing will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Monday, February 8, 2016, at 5:30 p.m.,** or as soon thereafter as can be heard. If necessary, this public hearing may be continued to a time and date certain by announcement at the scheduled hearing without any further written notice to you. **Please be advised that your failure to appear at this public hearing will likely result in your application being denied.**

The application, filed as number PZ1516-024, by Robert Jewett, together with any back-up materials, including the proposed development orders, may be reviewed during normal business hours 8:00 a.m. to 4:00 p.m. at Dunnellon City Hall. For further information please contact the Community Development Department at (352) 465-8500, ext. 1010.

Pursuant to the City's Land Development Regulations, owners of property within 300 feet of your property have been sent notice of the public hearing on your application. Interested parties may appear at the meetings and be heard with respect to the requested variance. Please be advised that all oral and written communications prior to the hearing concerning the case between any member of the City Council and the applicant or the public are strongly discouraged under Florida law.

A person who decides to appeal any decision made by any board, agency, or council with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based (Florida Statutes, 286.0105).

Persons with disabilities needing assistance to participate in any of these proceedings should contact Dawn Bowne, City Clerk at (352) 465-8500 at least 48 hours prior to the date of the scheduled hearing.

Sincerely,

Dawn M. Bowne, M.M.C.
City Clerk

CITY OF DUNNELLON

20750 River Drive
Dunnellon, FL 34431
(352) 465-8500
FAX (352) 465-8505

US Mail and Emailed
01-22-2016

NOTICE OF QUASI JUDICIAL HEARING #PZ1516-024 FOR VARIANCE #VAR2016-01

Dear Surrounding Property Owner:

The Dunnellon City Council will hold a quasi judicial hearing regarding variance application #VAR2016-01, #PZ1516-024 from Article V, Section 5.2(1) of the City Land Development Regulations, which requires off-street parking facility on land within 300 feet of the plot, by Robert Jewett (Angler's Resort Motel) 12189 S. Williams Street, Parcel Number 34222-000-00. The public hearing will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Monday, February 8, 2016, at 5:30 p.m.,** or as soon thereafter as can be heard. If necessary, this public hearing may be continued to a time and date certain by announcement at the scheduled hearing without any further written notice to you. You are receiving this notice because you own property within 300 feet of the subject property.

The application, filed as number PZ1516-024, by Robert Jewett, together with any back-up materials, including the proposed development orders, may be reviewed during normal business hours 8:00 a.m. to 4:00 p.m. at Dunnellon City Hall. For further information please contact the Community Development Department at (352) 465-8500, ext. 1010.

Interested parties may appear at the meetings and be heard with respect to the requested variance. Please be advised that all oral and written communications prior to the hearing concerning the case between any member of the City Council and the applicant or the public are strongly discouraged under Florida law.

A person who decides to appeal any decision made by any board, agency, or council with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based (Florida Statutes, 286.0105).

Persons with disabilities needing assistance to participate in any of these proceedings should contact Dawn Bowne, City Clerk at (352) 465-8500 at least 48 hours prior to the date of the scheduled hearing.

Sincerely,

Dawn M. Bowne, M.M.C.
City Clerk

From:	Dawn Bowne
To:	"Jewett5151@att.net"
Cc:	Lonnie Smith; Teresa Malmberg; Eddie Esch
Subject:	Property Owner Notice of Quasi Judical Variance Hearing Before City Council
Date:	Friday, January 22, 2016 5:26:00 PM
Attachments:	PZ1516_024_Property Owner Notice_Variances_20160122.pdf

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Attached, please find the property owner notice for your Variance hearing scheduled for February 8, 2016 before the Dunnellon City Council.
I hope you have a great weekend! ☺

Dawn M. Bowne

Dawn M. Bowne, MMC
City Clerk
City of Dunnellon
20750 River Drive
Dunnellon, FL 34431
352-465-8500, ext. 1002
352-465-8505 fax
dbowne@dunnellon.org
www.dunnellon.org

Please Note: Florida has a very broad public records law. Written communication to or from city officials regarding city business is public record and open to inspection including names, addresses, and email addresses. Therefore, your email communication may be subject to public disclosure.

From:	Virginia Cassady
To:	Dawn Bowne; Andrew Hand; Eddie Esch; Lonnie Smith
Cc:	Teresa Malmberg
Subject:	Development Order for Variance - Anglers
Date:	Thursday, February 04, 2016 4:58:25 PM
Attachments:	image001.png DOR2016_01_Variance Order#VAR2016_01 Distance from property_Jewett Robt.docx Variance Development Order.pdf

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Attached is a revised development order for a variance for the public hearing on Monday night. After discussion with Andrew and Eddie, I believe it reflects an alternative method of addressing off-site parking in lieu of a shared parking agreement. The major changes begin at bottom of p. 3 and page 4. Also included on p. 2 is a list of current businesses and their required parking spaces.

I will not be in the office tomorrow and so am sending this to you today for inclusion in Council packets. If Andrew or anyone else sees revisions which should be made, I've included the document in Word format. The pdf copy includes the legal description (Exh. "A").

DISCLAIMER:

The information transmitted is intended only for the person or entity to which it is addressed and contains confidential and/or privileged materials protected under the Attorney-Client Privilege. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

PREPARED BY:
Virginia Cassady, Esq.
Shepard, Smith and Cassady, P.A.
2300 Maitland Center Parkway, Suite 100
Maitland, Florida 32751

PLEASE RETURN TO:
Dawn Bowne, City Clerk
City of Dunnellon
20750 River Drive
Dunnellon, FL 34431

PARCEL ID #: 34222-000-00

CITY OF DUNNELLON
DEVELOPMENT ORDER #DOR2016-01
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DEVELOPMENT ORDER GRANTING VARIANCE

APPLICANT:	Robert Jewett
VARIANCE #:	VAR2016-01
OWNER(s)/Manager:	Robert E. Jewett
ADDRESS OF PROPERTY:	12189 S. Williams Street Dunnellon, Florida 34432
ZONING DESIGNATION:	B-3/B-6
COMPREHENSIVE PLAN LAND USE DESIGNATION:	Commercial

/

THIS MATTER came before the City Council on the 8th day of February, 2016, pursuant to Section 94-37(11)(a) of the Land Development Regulations (LDR) and Section 13.15 of Appendix A, "Zoning," upon the Applicant's request for a variance from Article V Section 5.2(1) of Appendix A, "Zoning" (off-street, off-site parking must be within 300 feet of Property). After having considered the recommendation of the Planning Commission and Staff's Report, having heard testimony, and being otherwise duly advised on the matter, the following findings of fact and conclusions of law are made:

Findings of Fact.

1. The Subject Property comprises .92 acres± and is located at U.S. 41 (12189 S. Williams Street) in Dunnellon and is legally described in Exhibit "A" attached hereto and made a part of this Development Order.

2. The Subject Property is zoned Central Business (B-3) and Water-Oriented Commercial (B-6) with a Comprehensive Plan Future Land Use designation of Commercial. The

goals, objectives, and policies of the Comprehensive Plan do not prohibit variances from the Code requirement that off-street, off-site parking be located within 300 feet of the premises.

3. The Applicant sought a site plan to construct a motel with the same outer dimensions (footprint) as the previous motel which has been demolished. City Council approved the site plan for a new motel with conditions.

4. The following businesses are located on Applicant's Property and the number of parking spaces required for each use under the City's Code are as follows:

Restaurant (160 seats)	40 required parking spaces
Airboat tour	1 required parking space
Bait shop (1/300 sq.ft.)	2 required parking spaces
Motel – 12 rooms, 1 mgr.	13 required parking spaces
Boat rental	1 required parking space
Total	57 required parking spaces

5. The Applicant's Property has only 31 parking spaces and therefore the Property is deficient by 26 parking spaces to accommodate its current uses.

6. Article V Section 5.2(1) of Appendix A, "Zoning," states that:

> The off-street parking facilities required by this article shall be located on the same plot or parcel of land they are intended to serve, provided, however, when practical difficulties, as determined by the zoning director, prevent the establishment of such facilities on the same plot, **the off-street parking facilities shall be provided on land within 300 feet of the plot.**

7. There are no available sites within 300 feet of the Applicant's Property.

8. Section 5.4 of the City's Code states:

> Nothing in this article shall be construed to prevent collective provision for, or joint use of, off-street parking facilities for two or more buildings or uses by two or more owners or operators, **provided that the total of such parking spaces shall not be less than the sum of the requirements of the several individual uses computed separately in accordance with this article.**

9. Applicant seeks a variance from the 300-foot requirement of Section 5.2(1).

Conclusions of Law.

10. Granting the variance is not inconsistent with the City's Comprehensive Plan.

11. ***Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the B-4 zoning district.*** Without the variance, the Applicant's Property will incur a

hardship, and the owner will be unable to construct a motel on the Property and will otherwise limit the ongoing businesses on the property.

12. ***The special conditions and circumstances do not result from any actions of the Applicant.*** The Applicant's actions have not created the lack of suitable parking areas within 300 feet of the plot. The current businesses on Applicant's Property have previously been approved by the City.

13. ***Granting the variance requested will not confer on the applicant any special privilege that is denied by ordinance to other lands, buildings, or structures in the same zoning district.*** The Applicant will receive no special privileges as a result of granting the requested variance.

14. ***Literal interpretation of the provisions of the ordinance requiring that off-street, off-site parking be located within 300 feet of the Subject Property would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the Applicant.*** The Applicant, without this variance, would be severely limited in the continued businesses he could have on the Property, and the lack of adequate parking will cause a safety concern.

15. ***The variance granted is the minimum variance that will make possible the reasonable use of the land.*** The variance requested is the minimum to allow the reasonable use of the Property. A minimum of 26 off-site parking spaces is required, and there are no qualified parking areas within 300 feet of the Subject Property.

16. ***The grant of the variance will be in harmony with the general intent and purpose of the ordinance, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*** The Subject Property is located in a commercialized area bordered by U.S. Hwy. 41, a major highway. The requested variance does not pose any injury to the area and will alleviate traffic congestion on the Subject Property's parking lot and Highway 41 immediately adjacent to the Subject Property. Acquiring off-site, off-street parking on non-residential property which has/have excess parking available will not negatively impact the area or the public welfare.

17. In all other respects, the Applicant has met its burden of satisfying all criteria for the variance pursuant to Section 94-37(11)(a) of the LDR and Section 13.15 of Appendix A, "Zoning."

BASED ON THE FOREGOING, IT IS ORDERED:

A. A variance from Section 5.2(1) of Appendix A, "Zoning" is hereby granted.

B. To correct the existing business parking deficiency and the additional 3 spaces required for the new motel, the Applicant shall lease a minimum of 26 shared off-street parking spaces from local non-residential property owner(s). Lease

agreements to be entered into by the Applicant and non-residential property owner(s) shall be approved by the City to ensure that: (a) the lease agreement is legally binding; and (2) the lessor's property has surplus parking to accommodate 26 additional parking spaces pursuant to Section 5.4 of the City's Code.

C. If any lease agreement is terminated such that the Applicant will be deficient in parking, the Applicant shall notify the City in writing within seven (7) days of termination and shall acquire off-site parking from other non-residential property owner(s) to make up the deficiency. The Applicant shall comply with the requirements of paragraph B above within thirty (30) days of termination of the lease agreement. If the Applicant fails to obtain off-site parking, the Applicant shall cease operation of any existing businesses on the Property or reduce the use of the Property in order to bring the Property in conformance with the City Code's parking requirements.

D. If the Applicant changes any uses on its Property, it must notify the City to determine whether the parking requirements of its Property will change. If the parking requirements change as a result of changes in use, this Development Order shall be modified based on current City Code. A new or amended Development Order may be approved and executed by the City Manager and filed in Public Records of Marion County. If the City Manager determines that the Planning Commission and/or City Council should review this Development Order and approve any modification thereto, then the matter will be set for public meeting(s) without necessity of advertising public hearings in the newspaper or notifying property owners within 300 feet of the Subject Property.

E. All provisions contained in this Development Order shall run with the land described in Exhibit "A" and shall be binding on and enforceable against the Applicant, its successors in interest and assigns, and future holders in fee simple title to the Subject Property and their respective heirs, legal representatives, and successors and assigns.

F. If any provisions of this Development Order are judicially declared to be illegal or invalid, the other provisions herein shall remain in full force and effect.

G. This Development Order shall be recorded in Public Records by the City Clerk or designee. The Applicant shall reimburse the City for the cost of recording this Development Order.

H. A condition precedent to the City's issuance of any building or construction permits on the Subject Property shall be the execution and recording of this document in Public Records, Marion County.

Upon motion duly made and carried, the foregoing Development Order was approved and passed upon the public hearing on the 8th day of February, 2016.

ATTEST:

CITY OF DUNNELLON

_____
Dawn M. Bowne, M.M.C.
City Clerk

_____
Nathan Whitt, Mayor
City of Dunnellon
20750 River Drive
Dunnellon, Florida 34431

Date: _____

Witnesses:

_____
Print Name: _____

_____
Print Name: _____

STATE OF FLORIDA)
COUNTY OF MARION)

The foregoing instrument was acknowledged before me this _____ day of _____, 2012, by Nathan Whitt, as Mayor of the City of Dunnellon, a Florida Municipal Corporation, who executed the foregoing instrument and acknowledged before me that he executed the same for the uses and purposes therein expressed, and who is personally known to me and did not take an oath.

SEAL

_____
Notary Public

_____
Type or Print Name
My Commission Expires

Approved as to Form and Legal Sufficiency:

_____
Andrew Hand, City Attorney

I HEREBY CERTIFY that a copy of the foregoing Development Order was sent by electronic mail to Robert Jewett at jewett5151@att.net and by U.S. Mail to Robert Jewett, 12315 N. Osborne Ave., Dunnellon 34434 on the _____day of February, 2016.

_____
Dawn M. Bowne M.M.C., City Clerk

EXHIBIT "A"

Lots 2 and 3 of Southside Subdivision of the Town of Dunnellon, as recorded in Plat Book D, Page 55, Public Records of Marion County, Florida.

LESS and EXCEPT a portion of Lot 2 of Southside Subdivision as recorded in Plat Book D, Page 55, Public Records of Marion County, Florida, being more particularly described as follows:

Begin at the most Easterly corner of said Lot 2; thence North 89°10'05" West, along the North line of said Lot 2 and also being the South line of Lot 581 of the Plat of the Townsite of Dunnellon, as recorded in Plat Book A, Page 174-A, Public Records of Marion County, Florida, a distance of 20.92 feet to the intersection with a line being 3 feet Northeasterly and parallel with the Southwesterly line of said Lot 581; thence South 51°35'09" East, along the Southeasterly extension of last said line, a distance of 16.63 feet to an intersection with the Southeasterly line of aforesaid Lot 2 of Southside Subdivision; thence North 38°11'56" East, along last said line, a distance of 12.76 feet to the Point of Beginning.

AND

Lot 582 of the Townsite of Dunnellon, a subdivision according to the Plat thereof, as recorded in Plat Book A, Page 174-A, Public Records of Marion County, Florida, and the Southwesterly 3.0 feet of Lot 581 of said Townsite of Dunnellon, according to the Plat thereof, as recorded in Plat Book A, Page 174-A, Public Records of Marion County, Florida, all lying Southeasterly of the existing right-of-way line of State Road No. 45, being more particularly described as follows:

Begin at the most Westerly corner of Lot 582 of the Townsite of Dunnellon, Florida, according to Plat thereof, recorded in Plat Book A, Page 174-A, Public Records of Marion County, Florida; run thence North 38°12'48" East, along the right-of-way line of U.S. Highway 41 (State Road 45), a distance of 53.64 feet to the beginning of a curve, concave Northwesterly; thence along said curve to the left, having a Delta Angle of 00°19'04", a radius of 3863.22 feet, an arc distance of 21.43 feet and a chord bearing North 41°09'18" East, 21.43 feet; thence leaving said right-of-way line, South 51°35'09" East, along a line being 3.0 feet Northeasterly and running parallel with the Southwesterly line of said Lot 581, a distance of 96.67 feet to an intersection with the South line of said Lot 581 and also being the North line of Lot 2 of Southside Subdivision, as recorded in Plat Book D, Page 55, Public Records of Marion County, Florida; thence North 89°10'05" West, along said line, a distance of 123.04 feet to the Point of Beginning.

CITY OF DUNNELLON
STAFF REPORT

APPLICATION INFORMATION

DATE OF HEARING: February 2, 2016

REQUEST FOR APPROVAL OF: Variance from Off-Site Parking distance requirement

PUBLIC HEARING: Quasi-Judicial

PROJECT NAME: Angler's Resort Motel

PROJECT NUMBER: PZ1516-024 / VAR 2016-01

PROJECT REPRESENTATIVE(S):
Applicant: Robert Jewett
Property Owner: Robert Jewett

PROPERTY LOCATION:

Project Address(es):	Parcel ID Number(s):
12189 S. Williams Street Dunnellon, FL 34432	34222-000-00

PARCEL SIZE: .92 Acres

EXISTING FUTURE LAND USE MAP: Commercial

EXISTING ZONING: B-3/B-6

EXISTING USE: Motel

STAFF EVALUATION AND FINDINGS

1. **REQUEST:**

- The Applicant seeks a variance from Article V Section 5.2(1) of the City Code to allow off-street parking on land greater than 300'(ft) from the plot.

2. **REVIEW REQUIREMENTS:**

Variances: In accordance with City Code Chapter 94, Article II, Section 94-37(11) the Planning Commission's powers and duties regarding requests for variances are as follows:

a. The commission may recommend to the city council approval of a request for a variance from the terms of the relevant ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary and undue hardship. Hardship means an unreasonable burden that is unique to a parcel of property, such as peculiar physical characteristics. Economic problems may be considered but may not be the sole basis for finding the existence of a hardship.

b. In order to recommend a variance from the terms of the relevant ordinance, the commission must find that:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

2. The special conditions and circumstances do not result from the actions of the applicant.

3. Granting the variance requested will not confer on the applicant any special privilege that is denied by ordinance to other lands, buildings, or structures in the same zoning district.

4. Literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant.

5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

6. The grant of the variance will be in harmony with the general intent and purpose of the ordinance and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The applicant must meet all six (6) criteria above in order to be granted the variances sought.

3. BACKGROUND:

The Motel was built in 1957 and operated as a 9 unit motel for many years. The owner recently obtained a demolition permit from the City and did demolish the motel. Because the owner wishes to replace the motel with a structure of the same outer dimensions (footprint) as the existing building, an application for a site plan was submitted to the City. The Planning Commission approved the site plan with conditions on December 22, 2015. The new motel will be redesigned internally to allow for 12 sleeping rooms instead of 9.

The City Council held a public hearing on the site plan on January 11, 2016 and approved the site plan with conditions. To accommodate the existing business parking deficiency as well as the additional 3 spaces required for the new motel, one of the conditions imposed by the City Council was that the owner must seek off-street parking from a local property owner for an additional 26 spaces.

The owner has secured an agreement with a local business proprietor to provide the 26 spaces;[1] however, as shown on the map below, the location of the aforementioned spaces exceeds the distance limit set forth in Article V Section 5.2(1) of the City Code, which reads: "*The off-street parking facilities shall be provided on land within 300 feet of the plot.*"

The owner intends to shuttle the patrons to and from this off-site parking area as has been the practice from other public parking areas to date.

4. COMPREHENSIVE PLAN:

FUTURE LAND USE ELEMENT GOALS, OBJECTIVES, AND POLICIES

Policy 1.4:
*The **Commercial** land use category includes retail, entertainment, eating establishments, offices, medical facilities, personal services, trade services, wholesale and discount establishments, storage facilities, lodging establishments, recreational vehicle parks, fueling facilities, rental establishments, religious facilities, and facilities for repair and maintenance of vehicles and equipment. The maximum impervious surface is 65 percent and the maximum building height is forty (40) feet.*

The subject property is located in the land use designation of Commercial. The Zoning classification is B-3 and is one of the permitted classifications in this land use category. The nature and type of building development is not considered inconsistent with the comp plan.

5. REVIEW OF APPLICATION:

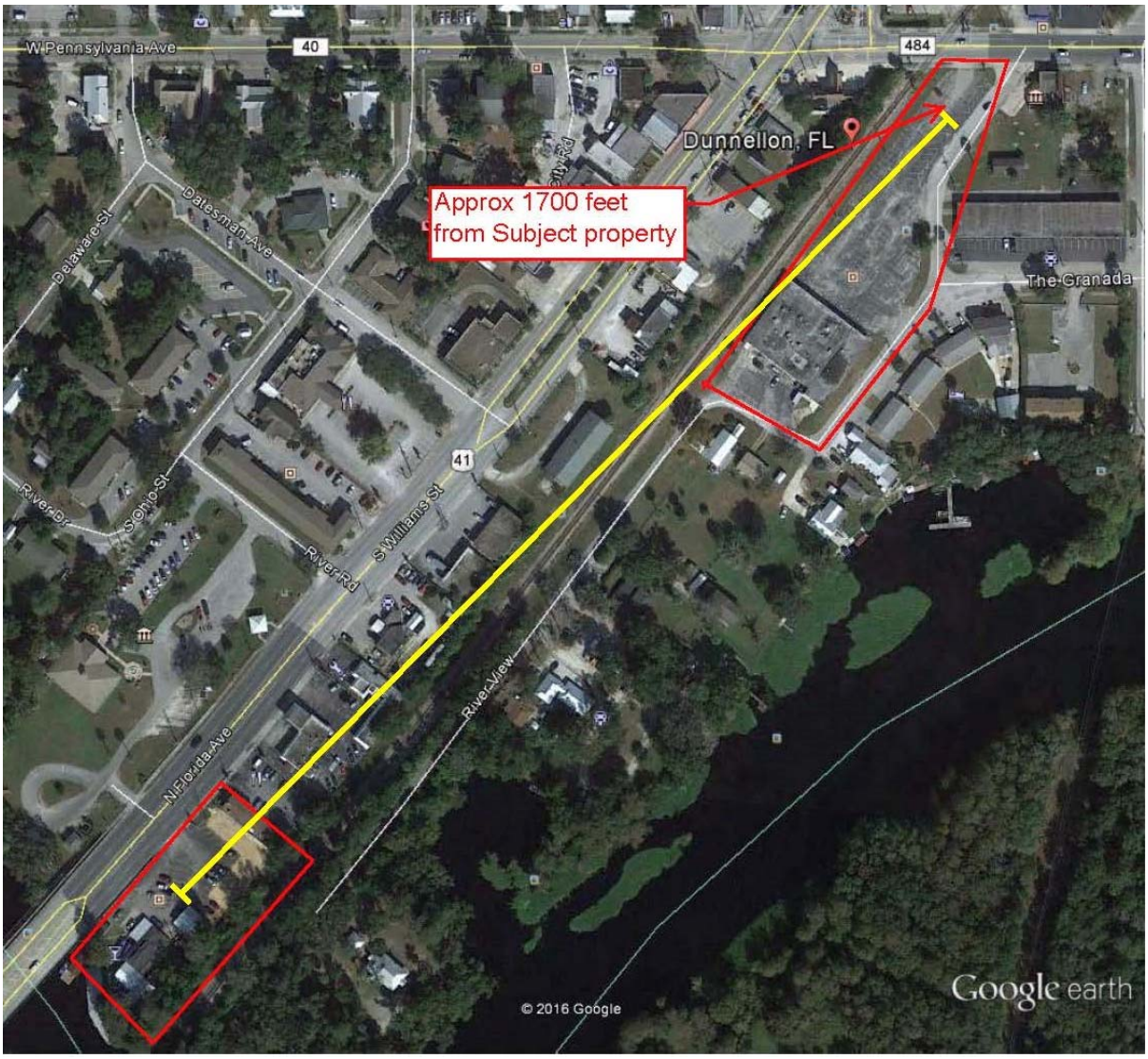
<u>Relevant Sections of the Code</u>

- *Land Development Code, Appendix A, Article V* ***Section 5.2(1)- Location, character and size***
  1) The off-street parking facilities required by this article shall be located on the same plot or parcel of land they are intended to serve, provided, however, when practical difficulties, as determined by the zoning director, prevent the establishment of such facilities on the same plot, ***the off-street parking facilities shall be provided on land within 300 feet of the plot.***

Applicant is seeking an allowance for greater than 300 feet for off-street parking as opposed to the required 300 foot maximum.

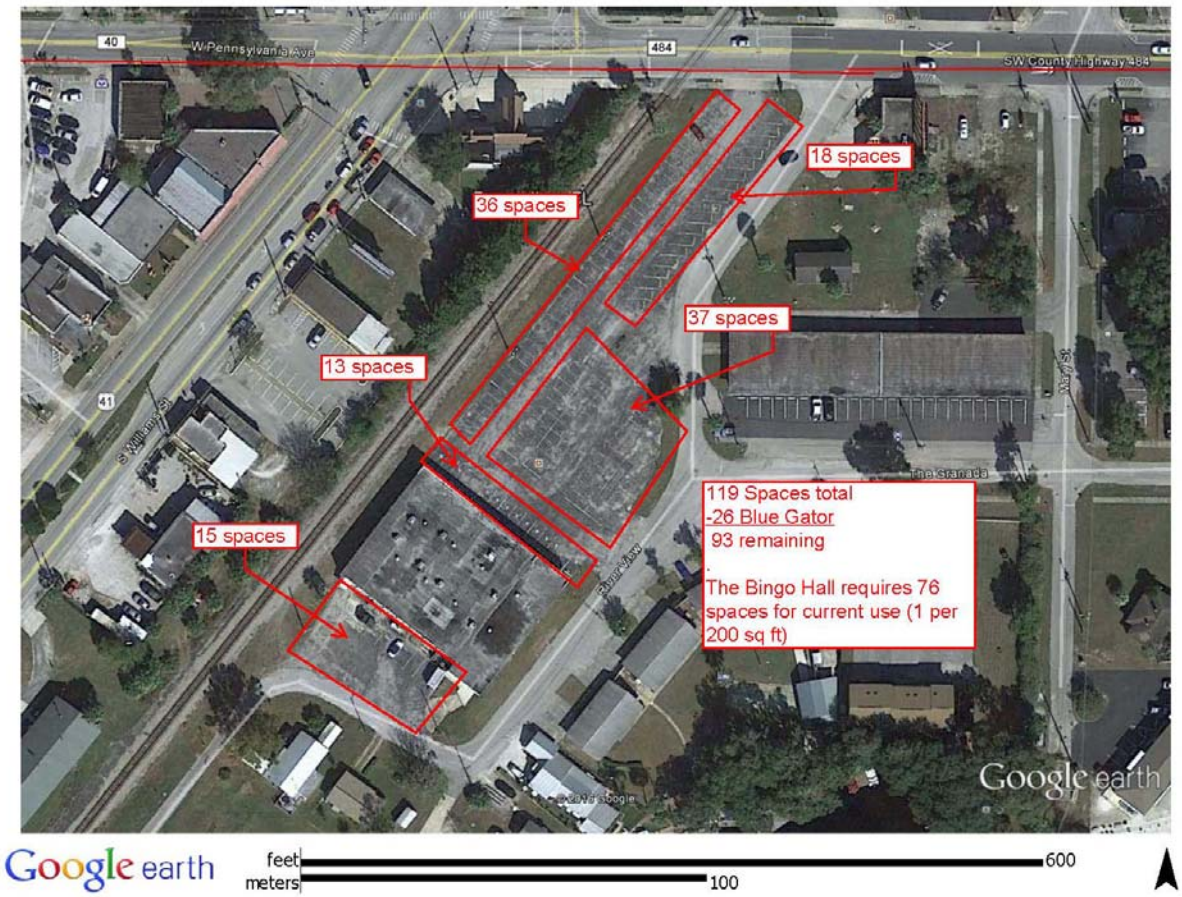
[1] Per the conditions set by City Council, the shared parking agreement must be approved in form and substance by the City Attorney and filed in public records. This has not yet occurred.

Map showing both locations and the approximate distance between the owner's business and the property which will accommodate 26 extra parking spaces:



- ***Section 5.4. - Combined off-street parking.***
  Nothing in this article shall be construed to prevent collective provision for, or joint use of, off-street parking facilities for two or more buildings or uses by two or more owners or operators, ***provided that the total of such parking spaces shall not be less than the sum of the requirements of the several individual uses computed separately in accordance with this article.***

Applicant has contracted with the owner of the local Bingo Hall to provide 26 parking spaces from his surplus.



6. FINDINGS OF FACT

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

Response: There are no available sites within 300 ft of the subject property which can accommodate the owner's 26 deficient off-street parking spaces. Without the variance, the subject property will incur a hardship, and the owner will be unable to continue his businesses on the property.

2. The special conditions and circumstances do not result from the actions of the applicant.

Response: The applicant's actions have not created the lack of suitable parking areas within 300 ft of the plot. The current businesses have previously been approved by the City.

3. Granting the variance requested will not confer on the applicant any special privilege that is denied by ordinance to other lands, buildings, or structures in the same zoning district.

Response: The applicant will receive no special privileges as a result of granting the requested variance.

4. Literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant.

Response: The applicant, without this variance, would be severely impacted financially and be unable to rebuild the motel that had existed in that location for over 58 years.

5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

Response: The variance requested is the minimum to allow the reasonable use of this property. There are no qualifying parking areas any closer to the subject property than the one contracted.

6. The grant of the variance will be in harmony with the general intent and purpose of the ordinance and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Response: The requested variance does not pose any injury to the area as the variance will help alleviate traffic congestion in the existing parking lot. The off-site location currently has excess parking available and therefore will not be negatively impacted by the additional parking activity. A well-established shuttle service will allow effective use of the parking facility and continue to protect the public welfare.

7. STAFF RECOMMENDATION:

Staff recommends the Planning Commission recommend City Council approve the requested variance as presented.

Granting the variance will not be inconsistent with the Comprehensive Plan.

RECEIVED
JAN 13 2016
CITY OF DUNNELLON
COMMUNITY DEVELOPMENT

City of Dunnellon
Planning and Zoning Application

PZ1516-024

Date: 1-13-2016 Application No.: VAR2016-01

Applicant Name: Robert Jewett Phone# 352-586-4657
Address: 12315 N. Osborne Ave. Fax # 1-888-522-6926
Dunnellon, FL 34434 Email Address: jewett5151@att.net

Applicant is: ☒ Owner ☐ Agent ☐ Purchaser ☐ Lessee ☐ Other

Owner(s) Name: Robert Jewett Phone # 352-586-4657
Address: 12315 N. Osborne Ave. Fax # 1-888-522-6926
Dunnellon, FL 34434 Email Address: jewett5151@att.net

Application Type

- ☐ Annexation
- ☐ Lot Line Deviation
- ☐ Site Plan Review
- ☐ Final Plat
- ☐ Road/Easement Vacation
- ☐ Rezoning
- ☐ Variance-Residential
- ☐ Preliminary Plat Review
- ☐ Special Exception Use
- ☐ Concurrency Review
- ☐ Comprehensive Plan Amendment
- ☐ Administrative Appeal
- ☒ Variance-Commercial
- ☐ Construction Plan Review
- ☐ Planned Unit Development
- ☐ Other:

Reason for Request: offsite parking lot variance

Project Title (Site Plans, future/existing subdivisions only):

Property Address: 12189 S. Williams St. Property Size (acres): .92 +/-

Parcel ID Number: 34222-000-00

Existing Use of Property: MOTEL

Existing Zoning: B3 Current/Future Land Use: no change

Current number of structures on the property: 4

Type of structure(s) on property (house, shed, etc.): Restaurant, Retail Sales, Motel, Shed

Proposed Use of Property: no change

Proposed Zoning: no change Proposed Land Use: no change

Please Explain Your Request for the Proposed Zoning and/or Future Land Use: N/A

What utilities currently exist on the site?

☑ Water ☑ Sewer ☐ Well ☐ Septic ☐ None

What utilities are proposed to be used?

☐ Water ☐ Sewer ☐ Well ☐ Septic ☐ None

Have any previous applications been filed within the last year in connection with this property?

☒ Yes ☐ No

If yes, please describe and give Application Numbers: SPL 2015-03

Submittal Requirements: Check Box For Each Item You Are Attaching

All Applications MUST provide the following:

- ☐ **Required advertising to placed in: ☐ Riverland News (default) ☐ Ocala Star Banner (expedited)**
- ☐ Completed Planning & Zoning Application
- ☐ Copy of the Recorded Deed(s) for the property
- ☐ Copy of Property Record Card(s) (Available online at http://www.pa.marion.fl.us)
- ☐ Owner's / Agent's Affidavit (Last page of this Application)

All Applications MUST provide the following upon request by the City:

- ☐ Lot Plan
- ☐ Survey of the Property
- ☐ Diagram

Specific Attachments:

- ☐ Annexation: Complete Electronic Legal Description in MS Word Format
  Annexation Letter (sample attached)
- ☐ Large Scale Comprehensive Plan Amendment (LSCPA): Complete Electronic Legal Description in MS Word Format
- ☐ Variance: Survey of property detailing variance request
- ☐ Special Exception: Survey of property detailing special exception request
- ☐ Site Plan Approval: 7 copies of site plan and 1 electronic copy
- ☐ Preliminary Plat Application: 7 copies of site plan and 1 electronic copy
- ☐ Construction Plan Approval: 3 copies of site plan and 1 electronic copy
- ☐ Final Plat Application: 7 copies of site plan and 1 electronic copy
- ☐ Road / Lot / Parcel / Plat / Easement Vacation: Survey detailing request
- ☐ Planned Unit Development (PUD) Zoning: 7 copies of site plan and 1 electronic copy
- ☐ Other: _____

ONLY CONCURRENT ANNEXATION, REZONING, AND COMPREHENSIVE PLAN AMENDMENTS ARE ALLOWED ON A SINGLE APPLICATION

ADDITIONAL INFORMATION: PLEASE READ

The applicant is requested to be present during the public hearing before the Planning Commission and City Council. Although a city employee may be present, they are there to give advice and answer questions only. If for any reason you cannot attend the scheduled meeting, please contact the Community Development Department at (352) 465-8500. Your application may be tabled until a new public hearing can be scheduled and advertised.

Fee Schedule
Application Fees are required at the time the application is submitted.

	Voluntary Annexation	$500.00
	Re-zoning	$500.00
	Small Scale Comprehensive Plan Amendment ≤ 10 acres	$1,200 .00
	Large Scale Comprehensive Plan Amendment > 10 acres	$2,500 .00
	Variance	$500.00
	Special Exception Use	$750.00
	Vacation of Plat	$750.00
	Abrogation	$750.00
	Concurrency Application	$1,000.00
	Developer's Agreement	$6,000.00
	Amendment to Developer's Agreement	$3,000.00
	Site Plan	
	First 10,000 square feet	$250.00
	Each Additional 10,000 square feet or portion thereof	$150.00 (maximum of $2,500.00
	Minor Site Plan Review (Improvements to existing site)	$500.00
	Subdivisions	
	Pre-Conceptual Plan Fee	$300.00
	Preliminary Plat	
	First 15 lots	$250.00
	16 lots or more	$500.00
	Plus (per lot or parcel)	$25.00
	Improvement (Construction) Plan Review	$600.00
	Plus (per 100 feet of roadway)	$30.00
	Final Plat	
	First 15 lots	$250.00
	16 lots or more	$500.00
	Plus - per lot or parcel	$25.00
	PUD (Required if Site Plan Approval was not part of the PUD Comp Plan Amendment	$2,500.00
	Admin Appeal to the City Council	$250.00
	D.R.I.	$15,000.00
	Written Zoning Verification	$50.00
	Admin Fee	$50.00

The applicant shall pay all costs of advertising and other fees, including attorney fees in accordance with the City of Dunnellon Code of Ordinances, Chapter 94, Planning, Article II, Planning Commission, Section 94.37 (16).

Prior to Application Hearing before City Council ALL Incurred Fees to date MUST Be Paid to the City Clerk's Office. If you have any questions regarding any outstanding fees, please contact the City Clerk's office at (352) 465-8500.

Fees Are Non-Refundable, Unless The Application Is Withdrawn, In Writing, Within Five (5) Business Days Of Submittal (Not Including City-Observed Holidays), Unless Otherwise Approved By The City Manager Or By Majority Vote Of The City Council.

Applicant _____ Date 1-13-2016

CITY OF DUNNELLON
20750 River Dr
Dunnellon, FL 34431

Permit # **PZ1516-024**

FLORIDA MUNICIPAL SERVICES

Permit Address: 12189 S. Williams St
Parcel ID: 34222-000-00

Permit Type: Variance

2nd Permit Type: Administrative Fee

Owner: Robert Jewett

Address: 12315 N. Osborne Ave, Dunnellon, FL 34434

Remarks:

Notes:

Permit	Fee	Total	Charge Code
Change of Occupancy			
Fire Inspection			
Area <= 1,000 Sq. Ft.	$65.00		
Area > 1,000 <= 3,000 Sq, Ft.	$85.00		
Area > 3,000 Sq. Ft.	$100.00 plus $0.01 /Sq. Ft. ($0.005 /Sq. Ft. Annual Inspection)		
Backflow Valve Inspection	$30.00		
Grease Trap Inspection	$30.00		
Variance	**$500.00**	**$500.00**	**32202**
Administrative Fee	**$50.00**	**Waived**	**32201**
After the Fact Permit Penalty	Double Permit Fee(s)		
Other:			
Other:			
Other:			
Other:			
Trash Deposit (Refundable)	$300.00		36000

	Bank	Check #	CC Type	Amount
Cash:				
Check:	ST	7135		500.00
Credit:				
Refund:				

TOTAL: **$500.00** **Signed:** [signature] **Date:** 1/14/16

COPY provided to PC 2/2/2016 and Council 2/8/2016 for informational purposes reference VAR2016-01.

This Instrument To be Returned To:
Robert E. Jewett
12189 South Williams Street
Dunnellon, Florida 34432

SHARED PARKING AGREEMENT

This Shared Parking Agreement ("Agreement") is entered into this ___ day of _____, 2016, by and between Dunnellon Bingo, Inc., a Florida Corporation, ("Lessor") whose address is 20520 E. Pennsylvania Avenue, Dunnellon, FL 34432, and Robert E. Jewett and Dallise W. Jewett, husband and wife ("Lessee"), whose mailing address is 12315 N. Osborne Ave., Dunnellon, FL 34434 ("Grantee").

Recitals

1. To relieve traffic congestion in the streets, to minimize any detrimental effects of off-street parking areas on adjacent properties, and to ensure the proper and uniform development of parking areas throughout the City, the City of Dunnellon Zoning Code establishes minimum number of off-street parking and loading spaces necessary for various land uses in the City of Dunnellon.

2. Lessor owns certain property located at 20520 E. Pennsylvania Avenue, Dunnellon, FL, with a Marion County Tax Parcel Identification Number of 3381-000-011, such property being legally described in Exhibit "A" attached hereto and made a part of this Agreement.

3. Lessee owns certain property with a Marion County Tax Parcel Identification Number of 34222-000-00 & 3380-0582-00, such property being legally described in Exhibit "B" attached hereto and made a part of this Agreement.

4. Lessee's Property does not have the number of parking spaces required under the City's Zoning Code for the uses to which Lessee's Property is put and is deficient by 26 parking spaces.

5. Lessor's Property contains approximately 119 parking spaces, and Lessor's on-site business requires 76 parking spaces for its current uses under the City of Dunnellon Zoning Code; therefore, Lessor has a surplus of parking spaces.

6. Lessee desires to use some of the off-street parking spaces on Lessor's Property to satisfy Lessee Property's off-street parking requirements, and such shared parking is permitted by the City of Dunnellon Zoning Code Sections 5.2.1 and 5.4.

7. City of Dunnellon Zoning Code Section 5.2.1 requires that off-street parking facilities of lessors be within 300 feet of a lessee's property. Lessor's Property is

approximately 1,700 feet from the Lessee's Property, and Lessee therefore sought and received a variance from the City Council from this 300-foot requirement.

8. The City requires that a written shared use parking agreement be entered into by Lessor and Lessee.

9. The Lessee will offer a shuttle service to and from Lessor's Property to assist Lessee's patrons and customers in transportation to Lessee's Property.

NOW, THEREFORE, for and in consideration of these premises, and for good and valuable consideration, the receipt, adequacy, and sufficiency of which are hereby expressly acknowledged, the parties agree as follows:

10. The foregoing recitals are true and correct and are incorporated herein by this reference.

11. Lessor shall make available a minimum of 26 parking spaces on its Property described in Exhibit "A" for the Lessee's existing businesses on its Property described in Exhibit "B." This number of parking spaces has been determined to conform to the City's Zoning Code, and the parties agree to maintain the parking spaces to meet the City's standards.

12. Lessee's interest in such parking spaces is non-exclusive.

13. This Agreement shall run with the land for the properties referenced in paragraph 11 above and shall be enforceable against successors in interests and assigns of the signing parties.

14. If the off-street parking spaces on Lessor's Property are no longer available, Lessee will be required to cease operation or reduce the use of the Lessee's property to an intensity approved by the City in order to bring the property in conformance with the City's parking requirements.

15. If the Lessee changes the uses on its Property, it must notify the City to determine whether the parking requirements of its Property will change.

16. This Agreement is in perpetuity and can only be terminated if replacement parking for Lessee has been approved by the City and written notice of termination of this Agreement has been provided to the other party at least sixty (60) days prior to the termination date.

17. This Agreement shall be effective upon execution by both parties and when signed as approved by the City Manager of the City of Dunnellon.

18. This Agreement shall not be amended or terminated without subsequent written agreement of both parties and the consent of City Council of the City of Dunnellon.

19. This Agreement represents the entire understanding between the parties with respect to the transaction contemplated herein and supersedes, incorporates and merges all prior representations and agreements, whether oral or written. All understandings and agreements heretofore had between the parties are merged into this Agreement, which alone fully and completely expresses their agreement.

20. This Agreement will be recorded by the City Clerk or designee in Public Records of Marion County, Florida. The Lessee shall bear the costs of recordation.

21. Nothing contained herein shall create any obligation on the part of the City of Dunnellon.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed, sealed and delivered, all as of the date and year first above written.

Witnesses:

LESSOR
Dunnellon Bingo, Inc.

_____
Print Name:_____

_____
Frank King, President

_____
Print Name:_____

STATE OF FLORIDA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Frank King as President of Dunnellon Bingo Corporation, a Florida Corporation, who executed the foregoing instrument and acknowledged before me that (s)he executed the same for the uses and purposes therein expressed, and who is personally known to me or has produced _____ (type of identification) as identification and did not take an oath.

_____ SEAL
Notary Public

_____
My Commission Expires:

Witnesses:

LESSEE:

_____
Print Name:_____

_____
Robert E. Jewett

_____
Print Name:_____

STATE OF FLORIDA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Robert E. Jewett, who executed the foregoing instrument and acknowledged before me that (s)he executed the same for the uses and purposes therein expressed, and who is personally known to me or has produced _____ (type of identification) as identification and did not take an oath.

_____
Notary Public

SEAL

_____
Type or Print Name
My Commission Expires:

[THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK]

Witnesses:

LESSEE:

_____
Print Name:_____

_____
Dallise W. Jewett

_____
Print Name:_____

STATE OF FLORIDA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Dallise W. Jewett, who executed the foregoing instrument and acknowledged before me that (s)he executed the same for the uses and purposes therein expressed, and who is personally known to me or has produced _____ (type of identification) as identification and did not take an oath.

_____
Notary Public

SEAL

_____
Type or Print Name
My Commission Expires:

The above Shared Parking Agreement has been approved by the City Attorney for Dunnellon and is approved by Eddie Esch, City Manager for the City of Dunnellon, on the _____ day of _____, 2016.

_____
Eddie Esch, City Manager
City of Dunnellon

Exhibit A

Lots 20, 21, 22, 23, 24, 25 and 26, of Block 3, MINNETRISTA SUBDIVISION, Dunnellon, Florida, as per plat thereof recorded in Plat Book D, Pages 37, 38 and 39, of the Public Records of Marion County, Florida; AND

Beginning at the most Southerly corner of Lot 344, Town of Dunnellon, as per plat recorded in Plat Book A, Page 174-A, Public Records of Marion County, Florida; thence Northwesterly along the lot line between said Lot 344 and Lot 13, Block 3, Minnetrista, as per plat recorded in Plat Book D, Page 37, Public Records of Marion County, Florida, to the most Westerly corner of said Lot 344, said point being 30.00 feet from and at right angle to the centerline of the Atlantic Coastline Railroad; thence N. 37°26'00" E., parallel to and 30.00 feet from said Railroad centerline, to the South right of way line of Pennsylvania Avenue; thence East, along said South right of way line to a point 90.00 feet from and at right angle to said Railroad centerline; thence S. 37'26'00" W., parallel to and 90.00 feet from said Railroad centerline, to the Westerly right of way line of Bridge Street as per plat of Minnetrista; thence South, along said West right of way line to the point of intersection of said right of way line with the Northwesterly right of way line to Palmetto Way as per plat of Minnetrista; thence S. 37°26'00" W., along said Northwesterly right of way line, 273.85 feet to the Point of Beginning; AND Beginning at the most Westerly corner of Block 344, Plat of the Townsite of Dunnellon, as recorded in Plat Book A, Page 174-A, Public Records of Marion County, Florida; said point being 30.00 feet from and at right angles to the centerline of Seaboard Coast Line Railroad Company's main track; thence N. 37°26'00" E., parallel to and 30.00 feet from said centerline, to the South right of way line of Pennsylvania Avenue according to said plat of the Townsite of Dunnellon; thence East along said South right of way line to a point 90.00 feet from and at right angles to the centerline of said main track; thence S. 37°26'00" W., parallel to and 90.00 feet from said main track centerline to the Westerly right of way line of Bridge Street, as per plat of Minnetrista as recorded in Plat Book D, Page 37, Public Records of Marion County, Florida; thence South, along said right of way line to the Northeast corner of Lot 26, Block 3, Minnetrista; thence West, along the North boundary of said Lot 26 to the Northwest corner of said Lot 26; thence S. 39°32'00" W., along the North boundary of Block 3 of said Minnetrista and a Southwesterly projection thereof to the Point of Beginning; AND

Lots 342, 343 and 344, TOWN OF DUNNELLON, as per plat thereof recorded in Plat Book A, Page 174, Public Records of Marion County, Florida.

Parcel Identification Number: R3381-000-011

EXHIBIT "B"

Lots 2 and 3 of Southside Subdivision of the Town of Dunnellon, as recorded in Plat Book D, Page 55, Public Records of Marion County, Florida.

LESS and EXCEPT a portion of Lot 2 of Southside Subdivision as recorded in Plat Book D, Page 55, Public Records of Marion County, Florida, being more particularly described as follows:

Begin at the most Easterly corner of said Lot 2; thence North 89°10'05" West, along the North line of said Lot 2 and also being the South line of Lot 581 of the Plat of the Townsite of Dunnellon, as recorded in Plat Book A, Page 174-A, Public Records of Marion County, Florida, a distance of 20.92 feet to the intersection with a line being 3 feet Northeasterly and parallel with the Southwesterly line of said Lot 581; thence South 51°35'09" East, along the Southeasterly extension of last said line, a distance of 16.63 feet to an intersection with the Southeasterly line of aforesaid Lot 2 of Southside Subdivision; thence North 38°11'56" East, along last said line, a distance of 12.76 feet to the Point of Beginning.

AND

Lot 582 of the Townsite of Dunnellon, a subdivision according to the Plat thereof, as recorded in Plat Book A, Page 174-A, Public Records of Marion County, Florida, and the Southwesterly 3.0 feet of Lot 581 of said Townsite of Dunnellon, according to the Plat thereof, as recorded in Plat Book A, Page 174-A, Public Records of Marion County, Florida, all lying Southeasterly of the existing right-of-way line of State Road No. 45, being more particularly described as follows:

Begin at the most Westerly corner of Lot 582 of the Townsite of Dunnellon, Florida, according to Plat thereof, recorded in Plat Book A, Page 174-A, Public Records of Marion County, Florida; run thence North 38°12'48" East, along the right-of-way line of U.S. Highway 41 (State Road 45), a distance of 53.64 feet to the beginning of a curve, concave Northwesterly; thence along said curve to the left, having a Delta Angle of 00°19'04", a radius of 3863.22 feet, an arc distance of 21.43 feet and a chord bearing North 41°09'18" East, 21.43 feet; thence leaving said right-of-way line, South 51°35'09" East, along a line being 3.0 feet Northeasterly and running parallel with the Southwesterly line of said Lot 581, a distance of 96.67 feet to an intersection with the South line of said Lot 581 and also being the North line of Lot 2 of Southside Subdivision, as recorded in Plat Book D, Page 55, Public Records of Marion County, Florida; thence North 89°10'05" West, along said line, a distance of 123.04 feet to the Point of Beginning.

TO: **Ocala Star Banner**

FROM: Teresa Malmberg

DATE: January 15, 2016

RE: Legal Notice

Please publish the ad below on or before Tuesday, January 19, 2015, in the Legal Section.

Please provide a proof for our review prior to publication.

NOTICE OF PLANNING COMMISSION QUASI-JUDICIAL PUBLIC HEARINGS TO CONSIDER APPLICATION FOR A VARIANCE APPROVAL

The Planning Commission will hold quasi-judicial public hearings for recommendations to the City Council regarding a variance review for property located at 12189 S. Williams St, being Parcel Number 34222-000-00, situated on the Northeast corner of the base of the Withlacoochee Bridge, more commonly known as the Blue Gator. The Applicant seeks a variance from Article V Section 5.2(1) of the City Land Development Regulations, which require an off-street parking facility on land within 300 feet of the plot.

The public hearings will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Tuesday, February 2, 2016, at 5:30 p.m.,** or as soon thereafter as can be heard. If necessary, any of these public hearings may be continued to a time and date certain by announcement at the scheduled hearing without any further written notice.

The applications, filed under application numbers PZ1516-024/VAR2016-01, submitted by Robert Jewett, together with any back-up materials may be reviewed during normal business hours 8:00 a.m. to 4:00 p.m. at Dunnellon City Hall. For further information please contact the Community Development Department at (352) 465-8500, ext. 1010.

APPEAL: NECESSITY OF RECORD. Notice is given that if any person desires to appeal any action taken by the Planning Commission at the above hearings, a verbatim record of the proceedings may be necessary pursuant to Florida Statutes, 286.0105. The City assumes no responsibility for furnishing said record, however, the hearings will be audio recorded by the City for public use.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of the City Clerk at 352-465-8500.

Ocala Gainesville Media
CLASSIFIED ADVERTISING
2700 SW 13th Street, Gainesville, FL 32608
352-372-4222 fax 352-338-3131
2121 SW 19th Ave. Rd., Ocala, FL 34474
352-732-9565 fax: 352-867-4126

Order:	A000880501	Pubs:	1,11	Rate:	LG
Phone:	(352)465-8500	Class:	0001	Charges:	$ 0.00
Account:	100400	Start Date:	01/19/2016	List Price:	$ 123.56
Name:	N/A,	Stop Date:	01/19/2016	Payments:	$ 0.00
Caller:	Teresa Malmberg	Insertions:	2	Balance:	$ 123.56
Taken By:	O050	Columns:	1	Lines:	57
Schedule:	1/19 1x, 1/19 1x, , ,			Taken On:	01/15/2016

NOTICE OF PLANNING COMMISSION QUASI-JUDICIAL PUBLIC HEARINGS TO CONSIDER APPLICATION FOR A VARIANCE APPROVAL

The Planning Commission will hold quasi-judicial public hearings for recommendations to the City Council regarding a variance review for property located at 12189 S. Williams St, being Parcel Number 34222-000-00, situated on the Northeast corner of the base of the Withlacoochee Bridge, more commonly known as the Blue Gator. The Applicant seeks a variance from Article V Section 5.2(1) of the City Land Development Regulations, which require an off-street parking facility on land within 300 feet of the plot.

The public hearings will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Tuesday, February 2, 2016, at 5:30 p.m.,** or as soon thereafter as can be heard. If necessary, any of these public hearings may be continued to a time and date certain by announcement at the scheduled hearing without any further written notice.

The applications, filed under application numbers PZ1516-024/VAR2016-01, submitted by Robert Jewett, together with any back-up materials may be reviewed during normal business hours 8:00 a.m. to 4:00 p.m. at Dunnellon City Hall. For further information please contact the Community Development Department at (352) 465-8500, ext. 1010.

APPEAL: NECESSITY OF RECORD. Notice is given that if any person desires to appeal any action taken by the Planning Commission at the above hearings, a verbatim record of the proceedings may be necessary pursuant to Florida Statutes, 286.0105. The City assumes no responsibility for furnishing said record, however, the hearings will be audio recorded by the City for public use.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of the City Clerk at 352-465-8500.

January 19, 2016
#A000880501

Attention:_____ **Fax:**_____

This is a final proof. If any information is incorrect, please contact your sales representative prior to the deadline of the first insertion. Otherwise your order is accepted as having been approved.

CITY OF DUNNELLON
20750 River Drive
Dunnellon, FL 34431
(352) 465-8500
FAX (352) 465-8505

January 15, 2016

Application PZ1516-024/VAR2016-01

Mr. Robert Jewett
12315 N. Osborne Ave
Dunnellon, FL 34434

RE: Public hearing before Planning Commission: application for a variance from Article V Section 5.2(1) of the City Land Development Regulations, which require an off-street parking facility on land within 300 feet of the plot, Parcel 34222-000-00.

Dear Applicant:

Please take notice that your application for a variance will be heard by the Planning Commission of the City of Dunnellon on Tuesday, February 2, 2016 at 5:30 p.m., or soon thereafter as can be heard, in the Council Chambers at Dunnellon City Hall, 20750 River Drive, Dunnellon, Florida 34431. **Please be advised that your failure to appear at this public hearing will likely result in your application being denied.**

Your application, together with any back-up materials, may be reviewed during normal business hours 8:00 a.m. to 4:00 p.m. at Dunnellon City Hall. For further information please contact the Community Development Department at (352) 465-8500, ext. 1010.

Pursuant to the City's Land Development Regulations, owners of property within 300 feet of your property have been sent notice of the public hearing on your application. Interested parties may appear at the hearing and be heard with respect to your application. Please be advised that all oral and written communications concerning your application prior to the public hearing between any member of the Planning Commission and an applicant or interested person is strongly discouraged under Florida law.

A person who decides to appeal any decision made by any board, agency, or council with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is

made, which includes the testimony and evidence upon which the appeal is based (Florida Statutes, 286.0105).

The City of Dunnellon Land Development Regulations are available for inspection at City Hall, during normal business hours, 8:00 a.m. to 4:00 p.m. Persons with disabilities needing assistance to participate in this hearing should contact Dawn Bowne, City Clerk at (352) 465-8500 at least 48 hours prior to the date of the scheduled hearing.

It is anticipated that the second hearing will be heard by City Council on Monday, February 8, 2016, at 5:30 p.m. or soon thereafter as can be heard in the Council Chambers at Dunnellon City Hall 20750 River Drive, Dunnellon, Florida, 34431. If this date changes, you will be notified by the City. **Please be advised that your failure to appear at either of these public hearings will likely result in your application being denied.**

Sincerely,

Eddie Esch, Sr.
City Manager

CITY OF DUNNELLON

20750 River Drive
Dunnellon, FL 34431
(352) 465-8500
FAX (352) 465-8505

January 15, 2016

NOTICE OF QUASI JUDICIAL HEARING #PZ1516-024 FOR VARIANCE #VAR2016-01

Dear Property Owner:

The Planning Commission of Dunnellon will hold a public hearing for recommendation to the City Council regarding a variance from Article V Section 5.2(1) of the City Land Development Regulations, which require an off-street parking facility on land within 300 feet of the plot, requested by Mr. Robert Jewett, for that parcel located at 12189 S. Williams St, situated on the Northeast corner of the base of the Withlacoochee Bridge, more commonly known as the Blue Gator, being Parcel Number 34222-000-00. The public hearing will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Tuesday, February 2, 2016, at 5:30 p.m.,** or as soon thereafter as can be heard. If necessary, this public hearing may be continued to a time and date certain by announcement at the scheduled hearing without any further written notice to you.

A second hearing will be held before the City Council as soon as practicable after the Planning Commission makes its recommendation in this matter. After the Planning Commission's hearing on the above date, you may contact the Community Development Department at (352) 465-8500, ext. 1010, to find out the date and time of the hearing before the City Council.

The application, filed under application number PZ1516-024/VAR2016-01, submitted by Mr. Robert Jewett, together with any back-up materials may be reviewed during normal business hours 8:00 a.m. to 4:00 p.m. at Dunnellon City Hall. For further information please contact the Community Development Department at (352) 465-8500, ext. 1010.

Interested parties may appear at the meetings and be heard with respect to this matter. Please be advised that all oral and written communications prior to the hearing concerning the case between any member of the Planning Commission and the applicant or the public are strongly discouraged under Florida law.

A person who decides to appeal any decision made by any board, agency, or council with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based (Florida Statutes 286.0105).

The City of Dunnellon Land Development Regulations are available for inspection at City Hall, during normal business hours, 8:00 a.m. to 4:00 p.m. Persons with disabilities needing assistance to participate in any of these proceedings should contact Dawn Bowne, City Clerk at (352) 465-8500 at least 48 hours prior to the date of the scheduled hearing.

Sincerely,

Eddie R. Esch, Sr.
City Manager

Variance VAR2016-01 / PZ1516-024

Teresa Malmberg

From: Lonnie Smith
Sent: Wednesday, November 25, 2015 2:35 PM
To: Teresa Malmberg
Subject: 300ft buffer

6 neighbor notices
1 applicant notice
7 total letters @ $0.485 = $3.395

RAINBOW CONNECTION SHUTTLE SVC LLC	12121 RIVER VIEW	DUNNELLON FL 34432-6096
JEWETT ROBERT E	12315 N OSBORNE AVE	DUNNELLON FL 34434
NIEVES ANGEL M REV RIVERVIEW PLAZA TRUST	PO BOX 428	DUNNELLON FL 34430-0428
CJ'S TRANSMISSIONS INC	12115 S WILLIAMS ST	DUNNELLON FL 34432-6066
WESTON ALFRED S TR	1171 AUDUBON WAY	MAITLAND FL 32751-5451
ESTRADA RALPH A	555 NW 170TH CT	DUNNELLON FL 34432-1224

Thanks,

Lonnie Smith
IT/ Community Development
City of Dunnellon
352-465-8500 x1011
lsmith@dunnellon.org

Please Note: Florida has a very broad public records law. Written communication to or from city officials regarding city business is public record and open to inspection including names, addresses and email addresses. Therefore, your email communication may be subject to public disclosure.

Teresa Malmberg

From: Andrew Hand <ahand@shepardfirm.com>
Sent: Friday, January 15, 2016 7:35 AM
To: Lonnie Smith; Virginia Cassady
Cc: Teresa Malmberg; Eddie Esch; Dawn Bowne
Subject: RE: Anglers ad for Variance

Lonnie,

I have reviewed the ad and find it to be legally sufficient.

Best Regards,

DISCLAIMER:
The information transmitted is intended only for the person or entity to which it is addressed and contains confidential and/or privileged materials protected under the Attorney-Client Privilege. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

From: Lonnie Smith [mailto:lsmith@dunnellon.org]
Sent: Thursday, January 14, 2016 4:50 PM
To: Virginia Cassady <vcassady@shepardfirm.com>; Andrew Hand <ahand@shepardfirm.com>
Cc: Teresa Malmberg <tmalmberg@dunnellon.org>; Eddie Esch <EEsch@dunnellon.org>; Dawn Bowne <dbowne@dunnellon.org>
Subject: Anglers ad for Variance

Virginia/Andrew,
Please review ad for submission to Star Banner for noticing requirement. I have called 4 PC members and have secured OK's to attend a special PC meeting on Feb 2nd to review Anglers Variance application.

Thanks,

Lonnie Smith
IT/ Community Development
City of Dunnellon
352-465-8500 x1011
lsmith@dunnellon.org

Please Note: Florida has a very broad public records law. Written communication to or from city officials regarding city business is public record and open to inspection including names, addresses and email addresses. Therefore, your email communication may be subject to public disclosure.

Teresa Malmberg

From: Andrew Hand <ahand@shepardfirm.com>
Sent: Friday, January 15, 2016 1:19 PM
To: Lonnie Smith
Cc: Virginia Cassady; Teresa Malmberg; Dawn Bowne
Subject: Re: Notices to owner/neighbors for Anglers variance

These notices are sufficient per the City's code requirements in Ch. 94.

Sent from Andrew's iPhone

On Jan 15, 2016, at 13:07, Lonnie Smith <lsmith@dunnellon.org> wrote:

> Andrew,
> Hopefully you can glance these over and let me know if they are OK. I've taken them from an approved template so hopefully there are no mistakes. I need to send these out today to meet requirements.
>
> Thanks,
>
> Lonnie Smith
> IT/ Community Development
> City of Dunnellon
> 352-465-8500 x1011
> lsmith@dunnellon.org
> <image001.png>
> Please Note: Florida has a very broad public records law. Written communication to or from city officials regarding city business is public record and open to inspection including names, addresses and email addresses. Therefore, your email communication may be subject to public disclosure.
>
> <Anglers Variance NOTICE TO APPLICANT Planning.docx>
>
> <Anglers Variance NEIGHBOR NOTICE PC final.docx>

RESOLUTION #RES2016-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNNELLON, FLORIDA, RECOMMENDING THAT THE CITY COUNCIL ❑APPROVE; ☐ DISAPPROVE; OR ☐ APPROVE WITH CONDITIONS A VARIANCE FROM CERTAIN OFF-STREET PARKING REQUIREMENTS OF THE DUNNELLON CITY CODE, SECTION 5.2.1 OF ARTICLE V OF THE ZONING CODE REQUESTED BY ROBERT JEWETT, OWNER OF ANGLER'S RESORT MOTEL LOCATED AT 12189 SOUTH WILLIAMS STREET (U.S. HWY. 41), LOCATED ON THE EAST SIDE OF WILLIAMS STREET, BEING THE LAST PROPERTY BEFORE CROSSING THE WITHLACOOCHEE RIVER; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Dunnellon Planning Commission held a quasi-judicial public hearing on February 2, 2016 to consider a request by the Applicant Robert Jewett, owner of Angler's Resort Motel, to approve a variance from the requirements of Section 5.2.1 of Article V of the Zoning Code, such property being located at 12189 South Williams Street, located on the east side of Williams Street, and is the last property before crossing the Withlacoochee River.

WHEREAS, the Applicant's agent previously sought and received a demolition permit from the City to demolish the Angler's Resort Motel, which was built in 1957 and operated as a 9-unit motel for many years.

WHEREAS, on January 11, 2016, the City Council of Dunnellon conditionally approved a site plan for a new motel on the site which will have the same outer dimensions as the previous Motel but will accommodate twelve (12) motel units.

WHEREAS, Section 5.2.1 of the Zoning Code requires that, when practical difficulties prevent an establishment from providing off-street parking facilities on the same lot as the establishment, off-street parking facilities shall be provided on land within 300 feet of the lot of the establishment. Staff has determined that practical difficulties prevent the owner from providing additional off-street parking.

WHEREAS, at the public hearing before Council, there was testimony that the site is 26 spaces deficient in parking but that no surplus parking spaces were available within 300 feet of the site in compliance with Section 5.2.1; therefore, when City Council approved the site plan, as a condition of approval, the owner is required to obtain a shared parking agreement and a variance from Section 5.2.1 of the Code.

WHEREAS, the Planning Commission does have the authority under Section 94-37(11) of the Code of Ordinances to recommend to the City Council approval, disapproval, or approval with conditions of a variance from the terms of the relevant ordinance as will not be contrary to the public interest, so long as an applicant proves that all of the criteria of Section 94-37(11) are met.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑ has ☐ has not shown that owing to special conditions, a literal enforcement of the provisions of the Section 5.2.1 of the Zoning Code would result in unnecessary and undue hardship.

WHEREAS, the Planning Commission ❑ does ☐ does not find that the Applicant ❑ has ☐ has not shown that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑has ☐ has not shown that the special conditions and circumstances do not result from the actions of the Applicant.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑has ☐ has not shown that granting the variance will not confer on the Applicant any special privilege that is denied by ordinance to other lands, buildings, or structures in the same zoning district.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑has ☐ has not shown that literal interpretation of the provisions of Section 5.2.1 would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the Applicant.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑has ☐ has not shown that the variance proposed is the minimum variance which makes possible the reasonable use of the land, building, or structure.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑has ☐ has not shown that the granting of the variance will be in harmony with the general intent and purpose of the ordinance and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

WHEREAS, the City of Dunnellon Planning Commission has determined that a recommendation of ❑approval ☐ disapproval ☐ approval with conditions is consistent with Dunnellon's Comprehensive Plan.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF DUNNELLON PLANNING COMMISSION THAT:

A recommendation of ☐ approval ☐ disapproval ☐ approval with conditions in regard to the requested application for a variance requested by Robert Jewett for property he owns at 12189 South Williams Street, located on the east side of Williams Street, being Marion County Tax Parcel Identification Number 34222-000-00, subject to the following recommended conditions:

1. <u>Pursuant to the approval of the site plan by City Council, the applicant shall present shared parking agreement(s) entered into with owner(s) of property, which agreement(s) shall meet the requirements of Section 5.4 of the Code and all other requirements of the Code, and are satisfactory to the City Attorney in form and</u>

substance; such parking agreement(s) to be subsequently filed in the Public Records of Marion County.

2. _____
3. _____
4. _____

Severability. If any portion of this Resolution shall be declared unconstitutional or if the applicability of this Resolution or any portion thereof to any person or circumstances shall be held invalid, the validity of the remainder of this Resolution and the applicability of this Resolution, or any portion thereof to other persons or circumstances, shall not be affected thereby.

Effective Date. This Resolution shall become effective upon adoption.

Upon motion duly made and carried, the foregoing Resolution was approved on February 2, 2015 by the Planning Commission upon a motion by Commissioner _____ and seconded by Commissioner _____ and upon being put to a vote, the result was as follows;

Commissioner Brenda D'Arville	☐Yes	☐No	☐Abstain	❑Did Not Vote
Commissioner Lisa Sheffield	☐Yes	☐No	☐Abstain	❑Did Not Vote
Commissioner Tracy Fero	❑Yes	☐No	☐Abstain	☐Did Not Vote
Commissioner Wilber Vanwyck	☐Yes	☐No	☐Abstain	❑Did Not Vote
Commissioner Paul Cowan	❑Yes	☐No	☐Abstain	☐Did Not Vote
Commissioner Hilton - 1st Alt	❑Yes	☐No	☐Abstain	☐Did Not Vote

Attested by:
PLANNING COMMISSION,
CITY OF DUNNELLON

BY: _____
Brenda D'Arville, Chairwoman
Planning Commission, City of Dunnellon

This 2nd day of February, 2016.

Approved as to Legal Form:

BY: _____
Andrew Hand, Esq.
City Attorney

This 2nd day of February, 2015.

From:	Virginia Cassady
To:	Dawn Bowne; Andrew Hand; Eddie Esch; Lonnie Smith
Cc:	Teresa Malmberg
Subject:	Development Order for Variance - Anglers
Date:	Thursday, February 04, 2016 4:58:25 PM
Attachments:	image001.png DOR2016_01_Variance Order#VAR2016_01 Distance from property_Jewett Robt.docx Variance Development Order.pdf

---

Attached is a revised development order for a variance for the public hearing on Monday night. After discussion with Andrew and Eddie, I believe it reflects an alternative method of addressing off-site parking in lieu of a shared parking agreement. The major changes begin at bottom of p. 3 and page 4. Also included on p. 2 is a list of current businesses and their required parking spaces.

I will not be in the office tomorrow and so am sending this to you today for inclusion in Council packets. If Andrew or anyone else sees revisions which should be made, I've included the document in Word format. The pdf copy includes the legal description (Exh. "A").

DISCLAIMER:

The information transmitted is intended only for the person or entity to which it is addressed and contains confidential and/or privileged materials protected under the Attorney-Client Privilege. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

PREPARED BY:
Virginia Cassady, Esq.
Shepard, Smith and Cassady, P.A.
2300 Maitland Center Parkway, Suite 100
Maitland, Florida 32751

PLEASE RETURN TO:
Dawn Bowne, City Clerk
City of Dunnellon
20750 River Drive
Dunnellon, FL 34431

PARCEL ID #: 34222-000-00

CITY OF DUNNELLON
DEVELOPMENT ORDER #DOR2016-01
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DEVELOPMENT ORDER GRANTING VARIANCE

APPLICANT:	Robert Jewett
VARIANCE #:	VAR2016-01
OWNER(s)/Manager:	Robert E. Jewett
ADDRESS OF PROPERTY:	12189 S. Williams Street Dunnellon, Florida 34432
ZONING DESIGNATION:	B-3/B-6
COMPREHENSIVE PLAN LAND USE DESIGNATION:	Commercial

/

THIS MATTER came before the City Council on the 8th day of February, 2016, pursuant to Section 94-37(11)(a) of the Land Development Regulations (LDR) and Section 13.15 of Appendix A, "Zoning," upon the Applicant's request for a variance from Article V Section 5.2(1) of Appendix A, "Zoning" (off-street, off-site parking must be within 300 feet of Property). After having considered the recommendation of the Planning Commission and Staff's Report, having heard testimony, and being otherwise duly advised on the matter, the following findings of fact and conclusions of law are made:

Findings of Fact.

1. The Subject Property comprises .92 acres± and is located at U.S. 41 (12189 S. Williams Street) in Dunnellon and is legally described in Exhibit "A" attached hereto and made a part of this Development Order.

2. The Subject Property is zoned Central Business (B-3) and Water-Oriented Commercial (B-6) with a Comprehensive Plan Future Land Use designation of Commercial. The

goals, objectives, and policies of the Comprehensive Plan do not prohibit variances from the Code requirement that off-street, off-site parking be located within 300 feet of the premises.

3. The Applicant sought a site plan to construct a motel with the same outer dimensions (footprint) as the previous motel which has been demolished. City Council approved the site plan for a new motel with conditions.

4. The following businesses are located on Applicant's Property and the number of parking spaces required for each use under the City's Code are as follows:

Restaurant (160 seats)	40 required parking spaces
Airboat tour	1 required parking space
Bait shop (1/300 sq.ft.)	2 required parking spaces
Motel – 12 rooms, 1 mgr.	13 required parking spaces
Boat rental	1 required parking space
Total	57 required parking spaces

5. The Applicant's Property has only 31 parking spaces and therefore the Property is deficient by 26 parking spaces to accommodate its current uses.

6. Article V Section 5.2(1) of Appendix A, "Zoning," states that:

> The off-street parking facilities required by this article shall be located on the same plot or parcel of land they are intended to serve, provided, however, when practical difficulties, as determined by the zoning director, prevent the establishment of such facilities on the same plot, **the off-street parking facilities shall be provided on land within 300 feet of the plot.**

7. There are no available sites within 300 feet of the Applicant's Property.

8. Section 5.4 of the City's Code states:

> Nothing in this article shall be construed to prevent collective provision for, or joint use of, off-street parking facilities for two or more buildings or uses by two or more owners or operators, **provided that the total of such parking spaces shall not be less than the sum of the requirements of the several individual uses computed separately in accordance with this article.**

9. Applicant seeks a variance from the 300-foot requirement of Section 5.2(1).

Conclusions of Law.

10. Granting the variance is not inconsistent with the City's Comprehensive Plan.

11. ***Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the B-4 zoning district.*** Without the variance, the Applicant's Property will incur a

hardship, and the owner will be unable to construct a motel on the Property and will otherwise limit the ongoing businesses on the property.

12. ***The special conditions and circumstances do not result from any actions of the Applicant.*** The Applicant's actions have not created the lack of suitable parking areas within 300 feet of the plot. The current businesses on Applicant's Property have previously been approved by the City.

13. ***Granting the variance requested will not confer on the applicant any special privilege that is denied by ordinance to other lands, buildings, or structures in the same zoning district.*** The Applicant will receive no special privileges as a result of granting the requested variance.

14. ***Literal interpretation of the provisions of the ordinance requiring that off-street, off-site parking be located within 300 feet of the Subject Property would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the Applicant.*** The Applicant, without this variance, would be severely limited in the continued businesses he could have on the Property, and the lack of adequate parking will cause a safety concern.

15. ***The variance granted is the minimum variance that will make possible the reasonable use of the land.*** The variance requested is the minimum to allow the reasonable use of the Property. A minimum of 26 off-site parking spaces is required, and there are no qualified parking areas within 300 feet of the Subject Property.

16. ***The grant of the variance will be in harmony with the general intent and purpose of the ordinance, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*** The Subject Property is located in a commercialized area bordered by U.S. Hwy. 41, a major highway. The requested variance does not pose any injury to the area and will alleviate traffic congestion on the Subject Property's parking lot and Highway 41 immediately adjacent to the Subject Property. Acquiring off-site, off-street parking on non-residential property which has/have excess parking available will not negatively impact the area or the public welfare.

17. In all other respects, the Applicant has met its burden of satisfying all criteria for the variance pursuant to Section 94-37(11)(a) of the LDR and Section 13.15 of Appendix A, "Zoning."

BASED ON THE FOREGOING, IT IS ORDERED:

A. A variance from Section 5.2(1) of Appendix A, "Zoning" is hereby granted.

B. To correct the existing business parking deficiency and the additional 3 spaces required for the new motel, the Applicant shall lease a minimum of 26 shared off-street parking spaces from local non-residential property owner(s). Lease

agreements to be entered into by the Applicant and non-residential property owner(s) shall be approved by the City to ensure that: (a) the lease agreement is legally binding; and (2) the lessor's property has surplus parking to accommodate 26 additional parking spaces pursuant to Section 5.4 of the City's Code.

C. If any lease agreement is terminated such that the Applicant will be deficient in parking, the Applicant shall notify the City in writing within seven (7) days of termination and shall acquire off-site parking from other non-residential property owner(s) to make up the deficiency. The Applicant shall comply with the requirements of paragraph B above within thirty (30) days of termination of the lease agreement. If the Applicant fails to obtain off-site parking, the Applicant shall cease operation of any existing businesses on the Property or reduce the use of the Property in order to bring the Property in conformance with the City Code's parking requirements.

D. If the Applicant changes any uses on its Property, it must notify the City to determine whether the parking requirements of its Property will change. If the parking requirements change as a result of changes in use, this Development Order shall be modified based on current City Code. A new or amended Development Order may be approved and executed by the City Manager and filed in Public Records of Marion County. If the City Manager determines that the Planning Commission and/or City Council should review this Development Order and approve any modification thereto, then the matter will be set for public meeting(s) without necessity of advertising public hearings in the newspaper or notifying property owners within 300 feet of the Subject Property.

E. All provisions contained in this Development Order shall run with the land described in Exhibit "A" and shall be binding on and enforceable against the Applicant, its successors in interest and assigns, and future holders in fee simple title to the Subject Property and their respective heirs, legal representatives, and successors and assigns.

F. If any provisions of this Development Order are judicially declared to be illegal or invalid, the other provisions herein shall remain in full force and effect.

G. This Development Order shall be recorded in Public Records by the City Clerk or designee. The Applicant shall reimburse the City for the cost of recording this Development Order.

H. A condition precedent to the City's issuance of any building or construction permits on the Subject Property shall be the execution and recording of this document in Public Records, Marion County.

Upon motion duly made and carried, the foregoing Development Order was approved and passed upon the public hearing on the 8th day of February, 2016.

ATTEST:

CITY OF DUNNELLON

_____
Dawn M. Bowne, M.M.C.
City Clerk

_____
Nathan Whitt, Mayor
City of Dunnellon
20750 River Drive
Dunnellon, Florida 34431

Date: _____

Witnesses:

_____
Print Name: _____

_____
Print Name: _____

STATE OF FLORIDA)
COUNTY OF MARION)

The foregoing instrument was acknowledged before me this _____ day of _____, 2012, by Nathan Whitt, as Mayor of the City of Dunnellon, a Florida Municipal Corporation, who executed the foregoing instrument and acknowledged before me that he executed the same for the uses and purposes therein expressed, and who is personally known to me and did not take an oath.

SEAL

_____
Notary Public

_____
Type or Print Name
My Commission Expires

Approved as to Form and Legal Sufficiency:

_____
Andrew Hand, City Attorney

I HEREBY CERTIFY that a copy of the foregoing Development Order was sent by electronic mail to Robert Jewett at jewett5151@att.net and by U.S. Mail to Robert Jewett, 12315 N. Osborne Ave., Dunnellon 34434 on the _____day of February, 2016.

_____
Dawn M. Bowne M.M.C., City Clerk

EXHIBIT "A"

Lots 2 and 3 of Southside Subdivision of the Town of Dunnellon, as recorded in Plat Book D, Page 55, Public Records of Marion County, Florida.

LESS and EXCEPT a portion of Lot 2 of Southside Subdivision as recorded in Plat Book D, Page 55, Public Records of Marion County, Florida, being more particularly described as follows:

Begin at the most Easterly corner of said Lot 2; thence North 89°10'05" West, along the North line of said Lot 2 and also being the South line of Lot 581 of the Plat of the Townsite of Dunnellon, as recorded in Plat Book A, Page 174-A, Public Records of Marion County, Florida, a distance of 20.92 feet to the intersection with a line being 3 feet Northeasterly and parallel with the Southwesterly line of said Lot 581; thence South 51°35'09" East, along the Southeasterly extension of last said line, a distance of 16.63 feet to an intersection with the Southeasterly line of aforesaid Lot 2 of Southside Subdivision; thence North 38°11'56" East, along last said line, a distance of 12.76 feet to the Point of Beginning.

AND

Lot 582 of the Townsite of Dunnellon, a subdivision according to the Plat thereof, as recorded in Plat Book A, Page 174-A, Public Records of Marion County, Florida, and the Southwesterly 3.0 feet of Lot 581 of said Townsite of Dunnellon, according to the Plat thereof, as recorded in Plat Book A, Page 174-A, Public Records of Marion County, Florida, all lying Southeasterly of the existing right-of-way line of State Road No. 45, being more particularly described as follows:

Begin at the most Westerly corner of Lot 582 of the Townsite of Dunnellon, Florida, according to Plat thereof, recorded in Plat Book A, Page 174-A, Public Records of Marion County, Florida; run thence North 38°12'48" East, along the right-of-way line of U.S. Highway 41 (State Road 45), a distance of 53.64 feet to the beginning of a curve, concave Northwesterly; thence along said curve to the left, having a Delta Angle of 00°19'04", a radius of 3863.22 feet, an arc distance of 21.43 feet and a chord bearing North 41°09'18" East, 21.43 feet; thence leaving said right-of-way line, South 51°35'09" East, along a line being 3.0 feet Northeasterly and running parallel with the Southwesterly line of said Lot 581, a distance of 96.67 feet to an intersection with the South line of said Lot 581 and also being the North line of Lot 2 of Southside Subdivision, as recorded in Plat Book D, Page 55, Public Records of Marion County, Florida; thence North 89°10'05" West, along said line, a distance of 123.04 feet to the Point of Beginning.

SECTION 00500 – AGREEMENT

This Agreement made this 08 day of February, 2016 by and between the City of Dunnellon hereinafter called "Owner", and GWP Construction, Inc. doing business as a corporation hereinafter call "Contractor", for the construction of the Choice Hotel Water Main Extension.

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned:

1. The Contractor will furnish all of the material, supplies, tools, equipment, labor and other services necessary for construction and completion of the work described in the Contract Documents and comply with the terms therein for the sum of $ 458,382.60 or as shown in the Bid Schedule.

2. The Contractor will furnish a Performance and Payment Bond, in an amount equal to 100 percent (100%) of the Contract Price, and submit such Bond to the Owner within ten (10) calendar days from the date of the Notice of Award.

3. The Contractor will purchase and maintain such comprehensive general liability and other insurance such as required by the General and Supplementary Conditions and furnish Certificates of Insurance to the Owner within ten (10) calendar days from the date of the Notice of Award.

4. The Contractor will commence the work required by the Contract Documents within ten (10) calendar days after the date of the Notice to Proceed, and will achieve Substantial Completion (**operational**) within 90 calendar days. The date of Final Completion will be 30 calendar days following the date of Substantial Completion. Unless the period for Substantial Completion is extended otherwise by the Contract Documents, the Contractor will be assessed liquidated damages in the amount of $500 per calendar day past the date of Substantial Completion. In addition, for Final Completion, the Contractor will be assessed liquidated damages in the amount of $500 per calendar day past the date of Final Completion.

5. The Owner will pay to the Contractor in the manner and at such times as set forth in the General Conditions such amounts as required by the Contract Documents.

6. Progress payments will be made in an amount equal to 90% (ninety percent) of the value of work completed, and may include 90% (ninety percent) of the value of materials and equipment not incorporated into the work, but delivered and suitably stored, less, in each case, the aggregate of payments previously made. At the sole discretion of the Owner, monthly progress payments may be increased after 50% (fifty percent) of the work is completed to 95% (ninety-five percent) of the value of work completed and materials and equipment not incorporated but delivered and suitably stored (less the aggregate of previous payments) provided that:

   (a) Contractor is making satisfactory progress, and

   (b) There is no specific cause for greater withholding.

   However, the Owner may subsequently resume retaining 10% (ten percent) of the value of work completed and materials delivered if, in sole determination of the Owner, the Contractor is not performing according to the Contract Documents or not complying with the current progress schedule.

7. The Contractor will provide the Owner with a list of all Sub-contractors and Suppliers used by the Contractor in performing the work covered by this Contract. The Contractor will be required to submit to the Owner appropriate partial Release of Lien from the appropriate Suppliers and Sub-contractors with each Application for Payment before payment is made by the Owner. Final payment will be paid to the Contractor when the Contractor and all Sub-contractors and Suppliers

have provided the Owner with their final Release of Lien.

8. The term "Contract Documents" means and includes the following:
   (a) Invitation For Bids
   (b) Instruction to Bidders
   (c) Bid
   (d) Bid Bond
   (e) Agreement
   (f) Performance and Payment Bond
   (g) Certificate of Insurance
   (h) General Conditions
   (i) Supplementary Conditions
   (j) Notice Of Award
   (k) Notice To Proceed
   (l) Change Order Form
   (m) Application For Payment Form
   (n) Certificate of Substantial Completion
   (o) Technical Specifications prepared or issued by Kimley-Horn and Associates, Inc. dated November 2015.
   (p) Addenda As Follows:

      No. __1__ dated _December 18, _2015_

      No. __2___ dated _December 23, _2015_

      No. _____ dated _____, _____

      No. _____ dated _____, _____

      No. _____ dated _____, _____

9. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

10. The Contractor agrees that all materials, techniques, methods and safety are exclusively the responsibility of the Contractor and not the Engineer or Owner.

11. Contractor agrees to immediately notify Owner if Contractor is adjudged as bankrupt or insolvent, or makes a general assignment for the benefit of its creditors, or if a trustee or receiver is appointed for the Contractor or for any of its property, or if Contractor files a petition or take advantage of any debtor's act, or to reorganize under the bankruptcy or applicable laws.

12. The Contractor shall indemnify and save harmless the City of Dunnellon its officers, agents and employees from all suits, actions or claims of any character, name and description brought for, or on account of any injuries, deaths or damages received or sustained by any person, persons or property by or from the Contractor, his agents or employees, or by, or in consequence of, any neglect in

safeguarding the work or through the use of unacceptable materials in the construction of the improvement, or by, or on account of, any act or omission, neglect, or misconduct of the Contractor, his agents or employees, or by, or on account of, any claims or amounts recovered for any infringement of patent, trademarks, or copyright or from any claims or amounts arising or recovered under the Workmen's Compensation Law or any other laws, by-laws, ordinances, order or other decree, and so much of the money due to Contractor under any virtue of his contract as shall be considered necessary to the Engineer, may be retained for use of the Owner, or in case of money is due, his Surety shall be held until such suit or lawsuits, action or actions, claim or claims, for injuries, deaths or damages, as aforesaid, shall have been settled and suitable evidence to that effect furnished to the Owner. The Contractor agrees to furnish insurance coverage in the type and amounts stipulated by the Specifications and Contract Documents.

13. The breach of any provision of this contract and those provisions stated more fully in the specifications for the Choice Hotel Water Main Extension, dated November 2015 shall entitle Owner to collect damages against Contractor and if necessary, to seek injunctive relief against Contractor, and to collect costs and attorney's fees through all appeals.

IN WITNESS WHEREOF, the parties thereto have executed, or caused to be executed by their duly authorized officials, this Agreement in triplicate each of which shall be deemed an original on the date first above written.

OWNER: City of Dunnellon

BY: _____

NAME: _____
Please Type/Print

TITLE: _____

DATE: _____

ATTEST:

_____

NAME: _____
Please Type/Print

TITLE: _____

CONTRACTOR: GWP Construction, Inc

BY: Cheryl P Riggs

NAME: Cheryl P Riggs, Ex. Vice President
Please Type/Print

ADDRESS: 4269 NW 44th Ave. Suite A
Ocala, FL 34482

DATE: 1/20/16

ATTEST:

Ivonne Helano

NAME: Ivonne Y Helano
Please Type/Print

TITLE: Office Manager

END OF SECTION

SECTION 00842 – NOTICE TO PROCEED

To: GWP Construction, Inc
CONTRACTOR

4269 NW 44th Ave,
ADDRESS

Ocala FL 34482
CITY STATE ZIP

PROJECT: Choice Hotel Water Main Extension

You are hereby notified to commence work in accordance with the Agreement dated February 8, 2016. The Contract time for Substantial Completion is 90 consecutive calendar days from the date of commencement. The Contract time for Final Completion is 120 consecutive calendar days from the date of commencement. The Contract time commences to run on February 15, 2016. The date of Substantial Completion is May 15, 2016. The date of Final Completion is June 14, 2016.

OWNER: City of Dunnellon

BY: _____

DATE: _____

BY: _____

DATE: _____

You are required to return an acknowledged copy of the Notice to Proceed to the office of the Engineer.

ACCEPTANCE OF NOTICE

Receipt of the above Notice to Proceed is hereby acknowledged by _____ this _____ day of _____, 2016.

BY: _____

TITLE: _____

END OF SECTION

CITY OF DUNNELLON, FLORIDA
STATEMENT OF NET POSITION
JANUARY 31, 2016
UNAUDITED

	General Fund	Tax Increment Financing District Fund	Total
Assets			
Cash and investments	$ 2,340,962	346,869	$ 2,687,831
Accounts Receivable-net	20,545		20,545
Other assets	100	-	100
Capital assets, tot being depreciated	3,210,071	-	3,210,071
Capital assets, being depreciated	4,177,011	-	4,177,011
Less accumulated depreciation	(2,929,251)	-	(2,929,251)
Total assets	6,819,438	346,869	7,166,307
Liabilities			
Accounts payable	2,709	-	2,709
Deferred revenue	612	-	612
Long-term liabilities:			
Due within one year	254,585	-	254,585
Due in more than one year	2,921,564	-	2,921,564
Total liabilities	3,179,470	-	3,179,470
Net Position			
Invested in capital assets, Net of related debt	4,457,831	-	4,457,831
Restricted for:			
Debt service	14,583	-	14,583
Infrastructure	56,247	-	56,247
Roads and streets	1,546,931	-	1,546,931
Public safety	65,313	-	65,313
Cemetery perpetual care	47,930	-	47,930
Tree Fund	373		373
Emergency reserve	2,597		2,597
Assigned for:			
Capital projects	156,748		156,748
Restricted		346,869	346,869
Unrestricted	(2,708,585)	-	(2,708,585)
Total Net Position	$ 3,639,968	$ 346,869	$ 3,986,837

CITY OF DUNNELLON, FLORIDA
STATEMENT OF NET POSITION
PROPRIETARY FUNDS
JANUARY 31, 2016
UNAUDITED

	Business-Type Activities		
	Water Fund	Sewer Fund	Total
Assets			
Current Assets			
Cash and Investments	$ 253,004	$ 221,751	$ 474,755
Accounts Receivable-Net	(56,111)	103,661	47,550
Total Current Assets	196,893	325,412	522,305
Restricted Assets			
Cash:			
Utility Deposit Cash	124,114	-	124,114
Water capital improvement funds	3,792	-	3,792
Sewer capital improvement funds		42,628	42,628
Emergency reserve	4,184	2,667	6,851
Revenue bond proceeds	930,821	524,962	1,455,783
Debt Service - State Revolving Loan	-	33,893	33,893
Debt Service - Revenue Bonds	314,776	311,409	626,186
Total Restricted Assets	1,377,687	915,561	2,293,248
Utility Plant in Service			
Cost of Capital Assets	6,063,795	25,592,204	31,656,000
(Accumulated Depreciation)	(1,853,892)	(5,645,601)	(7,499,492)
Construction in Progress	86,000	102,747	188,747
Total Utility Plant in Service - Cost Less Depreciation	4,295,904	20,049,350	24,345,254
Deferred outflows of resources			
Bond Issuance Costs (Net of Amortization)	31,436	33,445	64,881
Total Assets	$ 5,901,919	$ 21,323,768	$ 27,225,688

CITY OF DUNNELLON, FLORIDA
STATEMENT OF NET POSITION
PROPRIETARY FUNDS
JANUARY 31, 2016
UNAUDITED

	Business-Type Activities		
	Water Fund	Sewer Fund	Total
Liabilities and Net Assets			
Current Liabilities, Unrestricted			
Payable from Current Assets:			
Accounts, Wages and Retainage Payable	$ (555)	-	$ (555)
Compensated Absences - Due Within One Year	49,996	57,659	107,655
Total Current Liabilities, Unrestricted	49,441	57,659	107,100
Current Liabilities, Restricted			
Payable from Restricted Assets:			
Customer Deposits	124,114	-	124,114
Revenue Bonds Payable - Due Within One Year	-	-	-
Total Current Liabilities, Restricted	124,114	-	124,114
Total Current Liabilities	173,555	57,659	231,214
Long-term Liabilities			
Revenue Bonds - Noncurrent Portion	5,815,490	6,496,185	12,311,675
State Revolving Loan	-	13,887	13,887
Settlement Payable	93,280	118,720	212,000
OPEB payable	5,520	5,520	11,041
Compensated Absences - Noncurrent Portion	26,921	31,047	57,968
Total Long-term Liabilities	5,941,211	6,665,359	12,606,570
Total Liabilities	6,114,767	6,723,018	12,837,784
Net Position			
Invested in Capital Assets, Net of Related Debt	248,305	19,082,133	19,330,438
Restricted for Debt Service	314,776	187,311	502,087
Restricted for bond financed capital projects	930,821	524,962	1,455,783
Unrestricted	(1,706,750)	(5,193,656)	(6,900,406)
Total Net Position (Deficit)	(212,848)	14,600,750	14,387,902
Total Liabilities and Net Position	$ 5,901,919	$ 21,323,768	$ 27,225,688

Meeting Date: February 8, 2016

From (Dept): Finance

Signature: _____
Department Director

Approved for Agenda: _____
City Manager

Official Use Only

Reviewed by City Attorney: _____

Council Action: _____

Date: _____

SUBJECT: AGR#2012-68 Rio Vista Wastewater Decommissioning-Amendment #3

SUMMARY EXPLANATION & BACKGROUND: We have received the final closeout documents from FDEP for the Rio Vista wastewater decommissioning project. The project costs came in less that the grant amount of $938,206. This amendment adjusts the total cost of the project to $914,294. As such, FDEP requires the execution of this amendment to close out the grant.

FISCAL INFORMATION: N/A

RECOMMENDED ACTION: Authorize Mayor to sign amendment 3 to FDEP grant agreement #SG420800

Initiated by: JS

AGR # 2012-68

Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

November 24, 2015

Mr. Eddie Esch
City Manager
City of Dunnellon
20750 River Drive
Dunnellon, Florida 31161

Re: SG420800 – Dunnellon
Collection and Transmission Facilities

Dear Mr. Esch:

Attached is a copy of proposed Amendment 3 to the City of Dunnellon's agreement under the Small Community Wastewater Facilities Grant program. This amendment reduces the grant and administratively closes the project.

Please have the appropriate officials sign and seal two copies, and return them to us within three weeks at 3900 Commonwealth Boulevard, Mail Station 3505, Tallahassee, Florida, 32399-3000. We will sign the documents and mail a fully executed original to you.

If you have any questions about this amendment, please call Hana Juman at (850) 245-2920.

Sincerely,

Angela Knecht

Angela Knecht, Program Administrator
State Revolving Fund Management

AK/fj

Attachment

cc: Honorable Nathan Witt – City of Dunnellon

AGR 2012-68

SMALL COMMUNITY WASTEWATER FACILITIES
AMENDMENT 3 TO GRANT AGREEMENT SG420800
CITY OF DUNNELLON

This amendment is executed by the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (Department) and the CITY OF DUNNELLON, FLORIDA, ("Grantee") existing as a municipality under the laws of the State of Florida.

WITNESSETH:

WHEREAS, the Department and the Grantee entered into a Small Community Wastewater Facilities Grant Agreement, Number SG420800, as amended, authorizing a Grant amount of $938,206; and

WHEREAS, the project has been completed; and

WHEREAS, the Grant needs adjustment to reflect the actual disbursed amount; and

WHEREAS, the Department needs to amend the Agreement to administratively close-out the Grant.

NOW, THEREFORE, the parties hereto agree as follows:

1. The Grant amount is hereby reduced by $23,912, and the adjusted total disbursed Grant amount is $914,294.

2. The Grantee and the Department acknowledge that changes in Project costs may occur as a result of the Grantee's Project audit or a Department audit pursuant to Chapter 62-505 of the Florida Administrative Code. Unless this Agreement is amended subsequent to an audit, the following Project disbursements shall be final.

Total Project Costs and Grant Paid Amount:

Line Item	Total Project Costs
Allowances	82,621
Special Studies	28,871
Construction	755,546
Gopher Tortoise Relocation	7,684
Technical Services	39,572
Total Project Costs	$914,294

Summary of Grant Funding To Date:

Increment	Grant Awarded
Original Agreement	632,437
Amendment 1	371,947
Amendment 2	(66,178)
Amendment 3	(23,912)
TOTAL	$914,294

3. Section 2.01(12) of the Agreement, as amended, is deleted and replaced as follows:

The Department's Grant Manager for this Agreement is identified below.

Tim Banks	
State Revolving Fund Management	
Florida Department of Environmental Protection	
3900 Commonwealth Boulevard, MS 3505	
Tallahassee, Fl. 32399-3000	
Telephone No.:	(850) 245-2969
E-mail Address:	Timothy.Banks@dep.state.fl.us

4. Unless this Agreement is amended subsequent to a Department audit, the Project disbursements shall be final.

5. The Project-specific audit required under Subsection 5.01(3)(D) of the Agreement shall be submitted within twelve months after the effective date of this amendment.

6. All other terms and provisions of the Grant Agreement shall remain in effect.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

This Amendment 3 to Grant Agreement SG420800 shall be executed in two or more counterparts, any of which shall be regarded as an original and all of which constitute but one and the same instrument.

IN WITNESS WHEREOF, the Department has caused this Amendment to be executed on its behalf by the Secretary or Designee and the Grantee has caused this Amendment to be executed on its behalf by its Authorized Representative. The effective date of this Amendment shall be as set forth below by the Department.

CITY OF DUNNELLON

By:_____
Mayor

Date:_____

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:_____
Secretary or Designee

Date:_____

_____
Tim Banks, Grant Manager

List of attachments/exhibits included as part of this Agreement

Specify Type	Letter/Number	Description (include number of pages)
Attachment	Exhibit D-3	Special Audit Requirements (1 page)

EXHIBIT D–3

FUNDS AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

Federal Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following:					
Federal Program Number	Federal Agency	CFDA Number	CFDA Title	Funding Amount	State Appropriation Category

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Matching Resources for Federal Programs:					
Federal Program Number	Federal Agency	CFDA	CFDA Title	Funding Amount	State Appropriation Category

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Resources Subject to Section 215.97, F.S.:						
State Program Number	Funding Source	State Fiscal Year	CSFA Number	CSFA Title or Funding Source Description	Funding Amount	State Appropriation Category
Original Agreement	Federal Grants Trust Fund – Line Item 1687	2012-2013	37.075	Small Community Wastewater Facility Grant	632,437	143276
Amend 1	Federal Grants Trust Fund – Line Item 1644	2013-2014	37.075	Small Community Wastewater Facility Grant	371,947	143276
Amend 2	Federal Grants Trust Fund – Line Item 1644	2013-2014	37.075	Small Community Wastewater Facility Grant	(66,178)	143276
Amend 3	Federal Grants Trust Fund – Line Item 1644	2013-2014	37.075	Small Community Wastewater Facility Grant	(23,912)	143276

Total Award	$914,294	

For each program identified above, the recipient shall comply with the program requirements described in the Catalog of Federal Domestic Assistance (CFDA) [http://12.46.245.173/cfda/cfda.html] and/or the Florida Catalog of State Financial Assistance (CSFA) [https://apps.fldfs.com/fsaa/searchCatalog.aspx]. The services/purposes for which the funds are to be used are included in the Contract scope of services/work. Any match required by the recipient is clearly indicated in the Contract

ORDINANCE #ORD2016-02

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA; CHANGING THE ZONING CLASSIFICATION FROM RESIDENTIAL BUSINESS OFFICE (RBO) TO CENTRAL BUSINESS (B-3) OF THAT PARCEL (LOT 1846) COMPRISING .14 ACRES LOCATED AT THE NORTHEAST CORNER OF THE WALNUT STREET AND CEDAR STREET INTERSECTION; PROVIDING DIRECTIONS TO THE CITY MANAGER; PROVIDING FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owners and applicants, William Dane and Nancy Myers, requested a rezoning of their Property from Residential Business Office (RBO) zoning to Central Business (B-3); and

WHEREAS, the Property lies within the municipal limits of the City of Dunnellon and consists of .14 acres, more or less, and is located at the northeast corner of the Walnut street and Cedar street intersection; and

WHEREAS, the property has a proposed land use designation of Commercial as shown on the City of Dunnellon Comprehensive Plan Future Land Use Map; and

WHEREAS, a Central Business (B-3) zoning is consistent with the City of Dunnellon Comprehensive Plan's land use designation of the Property; and

WHEREAS, the City of Dunnellon Planning Commission, sitting as the Local Planning Agency, recommended approval of a change in the zoning classification of the Property and found that the rezoning is consistent with the City's Comprehensive Plan;

WHEREAS, the City of Dunnellon has followed all statutory and Code requirements for noticing and advertising this rezoning Ordinance and public hearings associated with the rezoning; and

WHEREAS, the City Council has received public input on the rezoning and a recommendation from staff; and

WHEREAS, the City Council of the City of Dunnellon finds that the applicants have met the criteria for rezoning under Section 13.11 of the Code and that rezoning will not adversely affect the public interest.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Dunnellon, Florida, as follows:

Section 1: Findings. The "Whereas" clauses above are the findings of the City of Dunnellon.

Section 2: Legal Description. The legal description of the Property is:

Lot 1846, of the Townsite Dunnellon, according to the Plat thereof, as recorded in Plat Book A, Page 174, of the Public Records of Marion County, Florida.

Parcel Identification No. 3380-1844-00.

Section 3: Zoning Classification; Directions to the City Manager. The Property shall hereafter be classified on the Official Zoning Map as Central Business (B-3) in accordance with the Land Development Code of the City of Dunnellon, Florida. The City Manager or designee is hereby directed to amend, alter, and implement the Official Zoning Map of the City of Dunnellon, Florida, to include said classification of the Property consistent with this Ordinance.

Section 4: Severability. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 5: Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6: Effective Date. This Ordinance shall be effective immediately upon adoption at the second reading/public hearing.

Upon motion duly made and carried, the foregoing Ordinance was approved upon the first reading on the 8th day of February, 2016.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second and final reading and public hearing on the 14th day of March, 2016.

Ordinance Posted on the City's website on February 4, 2016. Public hearing advertised on the City's website on February 4, 2016 and advertised in the Riverland News on March 3, 2016.

ATTEST: **CITY OF DUNNELLON**

_____ _____

Dawn M. Bowne, M.M.C.
City Clerk

Nathan Whitt, Mayor

Approved as to Form and Legal Sufficiency:

_____

Andrew Hand, City Attorney

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and the Dunnellon Library, in the City of Dunnellon, Florida, and on the City's Official Website this 4th day of February 2016.

_____

Dawn M. Bowne M.M.C.
City Clerk

CITY OF DUNNELLON
20750 River Drive
Dunnellon, FL 34431
(352) 465-8500
FAX (352) 465-8505

February 4, 2016

Application PZ1516-022

Mr. and Mrs. William Dane Myers
10925 SW 186th Circle
Dunnellon, FL 34332

RE: Quasi Judicial hearing before City Council: application for Rezoning #REZ2015-02, Ordinance #ORD2016-02, from Residential Business Office (RBO) to Central Business (B3) 20799 Walnut Street, Parcel 3380-1844-00, Lot 1846 comprising of .14 acres

Dear Applicant:

Please take notice that your application for rezoning will be heard by the Dunnellon City Council during a quasi judicial hearing on Monday, March 14, 2016 at 5:30 p.m., or soon thereafter as can be heard, in the Council Chambers at Dunnellon City Hall, 20750 River Drive, Dunnellon, Florida 34431. If necessary, this hearing may be continued to a time and date certain by announcement at the scheduled hearing without any further written notice to you. **Please be advised that your failure to appear at this public hearing will likely result in your application being denied.**

Your application, together with any back-up materials, may be reviewed during normal business hours 8:00 a.m. to 4:00 p.m. at Dunnellon City Hall. For further information please contact the Community Development Department at (352) 465-8500, ext. 1010.

Pursuant to the City's Land Development Regulations, owners of property within 300 feet of your property have been sent notice of the quasi judicial hearing on your application. Interested parties may appear at the hearing and be heard with respect to your application. Please be advised that all oral and written communications concerning your application prior to the public hearing between any member of the City Council and an applicant or interested person is strongly discouraged under Florida law.

A person who decides to appeal any decision made by any board, agency, or council with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is

made, which includes the testimony and evidence upon which the appeal is based (Florida Statutes, 286.0105).

The City of Dunnellon Land Development Regulations are available for inspection at City Hall, during normal business hours, 8:00 a.m. to 4:00 p.m. Persons with disabilities needing assistance to participate in this hearing should contact Dawn Bowne, City Clerk at (352) 465-8500 at least 48 hours prior to the date of the scheduled hearing.

Sincerely,

Dawn M. Bowne, MMC
City Clerk

CITY OF DUNNELLON

20750 River Drive
Dunnellon, FL 34431
(352) 465-8500
FAX (352) 465-8505

February 4, 2016

NOTICE OF QUASI JUDICIAL HEARING FOR REZONING #REZ2015-02, #ORD2016-02

Dear Property Owner:

The Dunnellon City Council will hold a quasi judicial hearing to consider a rezoning application submitted by W. Dane & Nancy Myers at 20799 Walnut Street, for that parcel number 3380-1844-00 located at the northeast corner of the Walnut Street and Cedar Street intersection, Lot 1846, comprising of 0.14± acres, from Residential Business Office (RBO) to Central Business (B3), pursuant to the Land Development Regulations, Section 7.1, Table of Permitted Uses. The hearing will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Monday, March 14, 2016, at 5:30 p.m.,** or as soon thereafter as can be heard. If necessary, this public hearing may be continued to a time and date certain by announcement at the scheduled hearing without any further written notice to you.

The application, filed under application number PZ1516-022, submitted by W. Dane & Nancy Myers, together with any back-up materials may be reviewed during normal business hours 8:00 a.m. to 4:00 p.m. at Dunnellon City Hall. For further information please contact the Community Development Department at (352) 465-8500, ext. 1010.

Interested parties may appear at the meetings and be heard with respect to this matter. Please be advised that all oral and written communications prior to the hearing concerning the case between any member of the City Council and the applicant or the public are strongly discouraged under Florida law.

A person who decides to appeal any decision made by any board, agency, or council with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based (Florida Statutes, 286.0105).

The City of Dunnellon Land Development Regulations are available for inspection at City Hall, during normal business hours, 8:00 a.m. to 4:00 p.m. Persons with disabilities needing assistance to participate in any of these proceedings should contact Dawn Bowne, City Clerk at (352) 465-8500 at least 48 hours prior to the date of the scheduled hearing.

Sincerely,

Dawn M. Bowne, MMC
City Clerk

RESOLUTION #RES2016-04

A RESOLUTION OF THE CITY OF DUNNELLON, FLORIDA, SUPPORTING PROPOSALS FOR THE SOUTH LEVY RECREATIONAL AREA IMPROVEMENTS IN AND AROUND THE CROSS FLORIDA BARGE CANAL AND SURROUNDING REGIONS; RECOGNIZING THE RESULTING OPPORTUNITY FOR COOPERATION BETWEEN THE TOWN OF INGLIS, THE TOWN OF YANKEETOWN, LEVY COUNTY AND CITRUS COUNTY REGARDING THE SAME; APPROVING SUCH COOPERATION IN CONCEPT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it has been proposed that Levy County recreational trails be expanded and improved, and that it's marine access and boating facilities be expanded and improved, and that other improvements be made which will increase the opportunity for shore-based fishing, birding and other nature based activities from the existing trails and improved areas adjacent to, and accessible from, the Cross Florida Barge Canal; and

WHEREAS, such improvements will increase the enjoyment, benefit, and use of these facilities by the public at large; and

WHEREAS, such proposal, if implemented, will increase economic activity in the surrounding area; and

WHEREAS, the City of Dunnellon wishes to indicate its support for the concept of a regional inter local agreement between the Town of Inglis, the Town of Yankeetown, Levy County and Citrus County for the provision of potable water and sewer service to the region; and

WHEREAS, approval of the concept does not commit the City of Dunnellon to enter into an inter local agreement for the same, it serves only as an expression to the City's interest in exploring the opportunities presented.

NOW, THEREFORE, be it resolved by the City Council of the City of Dunnellon, Florida, that:

1. The City of Dunnellon supports the Levy County proposal to improve the recreational trails, marine access, recreational boating facilities, and to make improvements in and around the Cross Florida Barge Canal which will increase opportunities for shore-based fishing, birding and other nature-based activities in and around the Canal.

2. The City of Dunnellon supports the concept of an inter local agreement between the Town of Inglis, the Town of Yankeetown, Levy County and Citrus County for the provision of potable water & sewer service to meet the current demand and potential increased demand which could result from the improvements described in Paragraph 1 of the Resolution.

3. This Resolution shall become effective upon adoption by the City of Dunnellon, Florida.

Upon motion duly made and carried, the foregoing Resolution was adopted by the City Council of the City of Dunnellon this 8th day of February, 2016.

ATTEST:

_____
DAWN M. BOWNE, M.M.C.
CITY CLERK

CITY OF DUNNELLON, FLORIDA

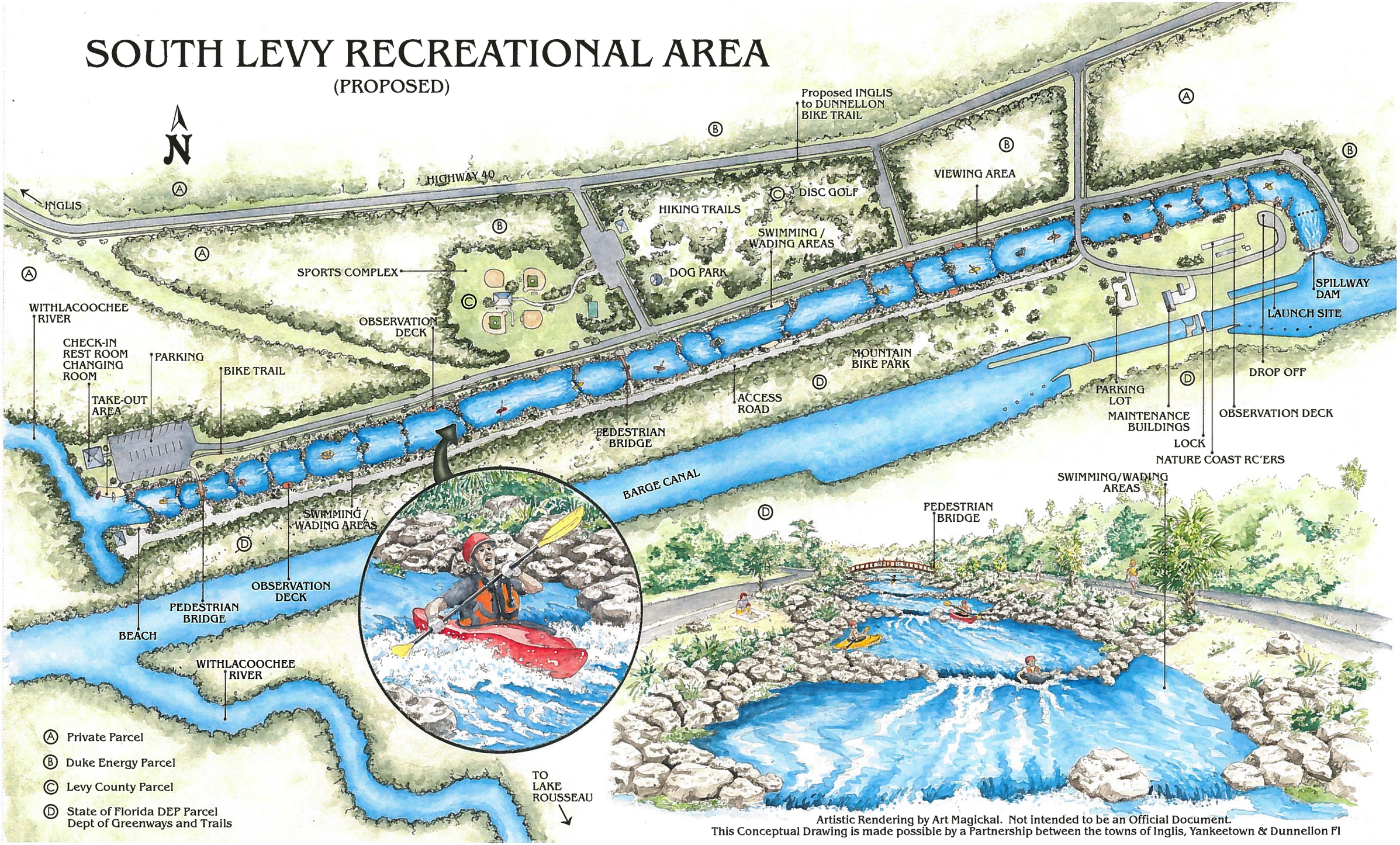
_____
NATHAN WHITT, MAYOR

Approved as to form and legality:

_____
Andrew Hand, City Attorney

SOUTH LEVY RECREATIONAL AREA

(PROPOSED)



Artistic Rendering by Art Magickal. Not intended to be an Official Document.
This Conceptual Drawing is made possible by a Partnership between the towns of Inglis, Yankeetown & Dunnellon Fl

RESOLUTION #RES2016-05

A RESOLUTION OF THE CITY OF DUNNELLON, FLORIDA, DECLARING CERTAIN PROPERTY AS SURPLUS AND PROVIDING FOR DISPOSAL THEREOF.

WHEREAS, The City of Dunnellon has certain property that is considered as surplus; and

WHEREAS, The City of Dunnellon wishes to dispose of said property by auction (Weeks of Ocala) and or destruction (only non-functional and unable to be used for parts), or sealed bids where date and time will be scheduled by staff and noticed to the public via city website and published in the newspaper at least fifteen days prior to the required bid submittal date.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Dunnellon, Florida, that:

1. The property outlined in "Exhibit A" be declared as surplus and distributed to Weeks Auction and/or Public Services for destruction, with the exception of:

    A. Furniture and automobiles may be disposed of by the sealed bid process.

Upon motion duly made and carried, the foregoing resolution was adopted by the City Council of the City of Dunnellon this 8th day of February 2016.

ATTEST: **CITY OF DUNNELLON, FLORIDA**

_____ _____

DAWN M. BOWNE, M.M.C. NATHAN WHITT, MAYOR
CITY CLERK

Approved as to form and legality:

_____

Andrew Hand, City Attorney

RESOLUTION #RES2016-05
EXHIBIT A
Revised 02/01/2016

VEHICLES & EQUIPMENT

YEAR	MAKE	MODEL	BODY	VIN	SERIAL #	DEPT	NOTES
1989	CHEVY (RUNS/BAD TRANSMISSION)	CHEYENNE 2500	PICKUP TRUCK	1GCFC24K5KE265379		ROADS & STREETS	OUT OF SERVICE
1994	CHEVY	CAPRICE	CAR - SEDAN	1G1BL52W2RR113092		MULTIPLE - COURIER	RUNNING
2000	FORD	RANGER	PICKUP TRUCK	1FTYR10C4YTB02582		POLICE	SCRAP
2007	FORD	CROWN VICTORIA	CAR - SEDAN	2FAFP71WX7X140267		POLICE #119	RUNNING
2007	FORD	CROWN VICTORIA	CAR - SEDAN	2FAFP71W37X155032		POLICE #124	RUNNING
2000	FORD	CROWN VICTORIA	CAR - SEDAN	2FAFP71W8YX106619		FIRE #110	RUNNING

MISCELLANEOUS EQUIPMENT & SUPPLIES

QTY	GENERAL DESCRIPTION	BRAND/MODEL	MFG DATE	INVENTORY TAG #	SERIAL #		X=DESTROY
1	Printer	HP Deskjet 6127		N/A		Clerk	
1	Printer	HP Deskjet 6127		N/A		Clerk	
1	Printer	HP Deskjet 990cxi		N/A		Clerk	
1	Printer	HP Deskjet 990cxi		N/A		Clerk	
1	Calculator	Sharp EL 2630 P II		N/A		Clerk	X
1	Calculator	Sharp EL 2630 G II		N/A		Finance	X
1	Calculator	Canon P100 DH II		N/A		Finance	X
1	Calculator	Casio HR100TE		N/A		Clerk	X
1	CRT Monitor	DELL M782 17"		N/A		Clerk	
1	Mouse PS/2	PS/2		N/A		Finance	
1	Digital Camera	Kodak Easy Share M5550		N/A		Comm Dev	X
1	Modem (analog)	AT&T TDD2700	6/14/1905	N/A		Clerk	
1	Cassette Recorder	Gran Prix Model 600		N/A		Clerk	
1	Digital Clock	RCA RP5420A		N/A		Clerk	
1	Leather chair	N/A		N/A		Comm Dev	SEALED BIDS
1	Couch	N/A		N/A		Comm Dev	SEALED BIDS
1	Coffe table	N/A		N/A		Comm Dev	SEALED BIDS
1	Lamp	N/A		N/A		Comm Dev	SEALED BIDS
1	Center table	N/A		N/A		Comm Dev	SEALED BIDS
1	5x7 Area Rug	N/A		N/A		Comm Dev	SEALED BIDS
5	BAGS OF 20 KEY TAGS	0		N/A		POLICE	
3	DESK TOP TAPE DISPENSER	0		N/A		POLICE	
5	STACKABLE LETTER TRAY	0		N/A		POLICE	
6	MAGAZINE HOLDER	0		N/A		POLICE	
3	CLIPBOARD	0		N/A		POLICE	
4	STAPLER	0		N/A		POLICE	
1	2 HOLE PUNCH	0		N/A		POLICE	
1	3 HOLE PUNCH	0		N/A		POLICE	
2	CALCULATOR	0		N/A		POLICE	
1	CASIO LABEL MAKER	KL-7000		N/A		POLICE	

MISCELLANEOUS EQUIPMENT & SUPPLIES							
QTY	GENERAL DESCRIPTION	BRAND/MODEL	MFG DATE	INVENTORY TAG #	SERIAL #		X=DESTROY
1	JOHN BOAT 12 FT. ALUMINUM	Lew Fuji Fisherman		N/A		POLICE	
1	LAWN MOVER	Briggs & Stratton		625E		POLICE	
44	CAMPAIGN HAT BAND	SILVER		N/A		POLICE	
6	CAMPAIGN HAT BAND	GOLD		N/A		POLICE	
3	CLIP-ON NECK TIE	NAVY		N/A		POLICE	
6	TRAFFIC WANDS	5.11		N/A		POLICE	
5	YELLOW TRAFFIC WAND	0		N/A		POLICE	
6	TICKET BOOK HOLDER	0		N/A		POLICE	
10	FLASHLIGHT HOLDER	5.11		N/A		POLICE	
4	RADIO CLIPS	0		N/A		POLICE	
3	DUAL MAGAZINE HOLDER	0		N/A		POLICE	
2	INNER BELT	SAFARILAND		N/A		POLICE	
1	HANDCUFF POUCH	ASP		N/A		POLICE	
3	BELT KEEPERS	0		N/A		POLICE	
3	FLASHLIGHT HOLDERS	0		N/A		POLICE	
3	PISTOL HOLSTER	UNCLE MIKE'S		N/A		POLICE	
6	TASER CARTRIDGE HOLDER	0		N/A		POLICE	
2	DUAL MAGAZINE HOLDERS	0		N/A		POLICE	
10	TASER HOLSTER	Gould & Goodrich K351 M26W		N/A		POLICE	
10	FLASHLIGHT HOLSTER	5.11 ATAC XL		N/A		POLICE	
2	FLASHLIGHT LOOP HOLDER	0		N/A		POLICE	
2	OPEN TOP FLASHLIGHT HOLDER	0		N/A		POLICE	
2	COVERED COMPACT LIGHT HOLDER	0		N/A		POLICE	
1	HOLSTER	SAFARILAND		N/A		POLICE	
1	BATON HOLSTER	MONADNOCK		N/A		POLICE	
7	POLYCARBONATE BATON	0		N/A		POLICE	
6	SAFETY GLASSES	SPERIAN		N/A		POLICE	
5	HEARING PROTECTION HEADSETS	0		N/A		POLICE	
6	FACE MASK FOR TRAINING	UTM		N/A		POLICE	
6	GOGGLES FOR TRAINING	UTM		N/A		POLICE	
2	TRAINING MAGAZINES	UTM		N/A		POLICE	
2	TRAINING MUNITIONS - LARGE	UTM		N/A		POLICE	
4	TRAINING MUNITIONS - SMALL	UTM		N/A		POLICE	
1	PORTABLE PRINTER	CANNON IP90		N/A		POLICE	
1	PORTABLE PRINTER	CANNON IP90		N/A		POLICE	
1	PORTABLE PRINTER	CANNON IP90		N/A		POLICE	
1	PORTABLE PRINTER	CANNON IP90		N/A		POLICE	
1	SET DESKTOP SPEAKERS	HARMAN KARDON		N/A		POLICE	
2	SET DESKTOP SPEAKERS	DELL - A215		N/A		POLICE	
1	DESKTOP SPEAK BAR	0		N/A		POLICE	
2	BAG PHONE	MOTOROLA		N/A		POLICE	

MISCELLANEOUS EQUIPMENT & SUPPLIES							
QTY	GENERAL DESCRIPTION	BRAND/MODEL	MFG DATE	INVENTORY TAG #	SERIAL #		X=DESTROY
1	PRINTER	HP		N/A		POLICE	
1	CAMERA	POLOROID MINI-PORTRAIT		N/A		POLICE	
33	TASER BATTERY MAGAZINES	TASER X26P		N/A		POLICE	
1	TTY MACHINE	ULTRATEC		N/A		POLICE	
1	TINT METER	TM100		N/A		POLICE	
1	TINT METER	TM100		N/A		POLICE	
1	TINT METER	POCKETDETECTIVE		N/A		POLICE	
1	TINT METER	POCKETDETECTIVE		N/A		POLICE	
1	TINT METER	POCKETDETECTIVE		N/A		POLICE	
1	TINT METER	POCKETDETECTIVE		N/A		POLICE	
1	TINT METER	POCKETDETECTIVE		N/A		POLICE	
1	TINT METER	POCKETDETECTIVE		N/A		POLICE	
1	TINT METER	RADIOTRONICS TM200		N/A		POLICE	
4	RADIO BATTERY CHARGERS	MOTOROLA IMPRESS		N/A		POLICE	
2	RADIO BATTERY CHARGERS	0		N/A		POLICE	
5	DIGITAL CAMERA	SAMSUNG		N/A		POLICE	
1	DIGITAL CAMERA	CANON		N/A		POLICE	
3	HAND-HELD TAPE RECORDER	GE		N/A		POLICE	
1	TAPE RECORDER	GE		N/A		POLICE	
7	EXECUTIVE DESKS	NATL. BUSINESS FURNITURE		N/A		POLICE	
4	GUEST CHAIRS	NATL. BUSINESS FURNITURE		N/A		POLICE	
5	DESK CHAIRS	NATL. BUSINESS FURNITURE		N/A		POLICE	
1	ROUND TABLE WITH 4 CHAIRS	0		N/A		POLICE	
1	METAL STORAGE CABINET	DIGITAL		N/A		POLICE	
1	2-DRAWER WOOD FILE CABINET	0		N/A		POLICE	
1	SIDE BY SIDE FRIDGE/FREEZER	HOT POINT		N/A		DONATED	
100	CANS IF INERT OC SPRAY	0		N/A		POLICE	