

Dunnellon City Council Workshop Minutes
November 4, 2015
5:30 p.m.

Call to Order – Mayor Whitt at 5:35 p.m.

Pledge of Allegiance – Led by Mayor Whitt

Opening Prayer/Moment of Silence Pastor Russ Randall of the First Baptist Church provided the invocation in honor of Barbara Spitznogle.

Councilman Dillon said he would like to dedicate the new park in Barbara Spitznogle’s name.

Roll Call

Council		Staff
Mayor Whitt	Seat 1	Eddie Esch, City Manager
Vice Mayor Evans	Seat 2	Dawn Bowne, City Clerk
Councilwoman Fleeger	Seat 3	Jan Smith, Finance Officer
Councilman Dillon	Seat 4	Joe Campfield, Public Safety Director
Councilman Green	Seat 5	Virginia Cassady, City Attorney
		Lynn Wyland, Staff Assistant

Proof of Publication – Posted on City's website and City Hall bulletin board on Monday, November 2, 2015.

AGENDA ITEM NO. 1 – BOARD REPORTS

Councilman Dillon discussed the 125th Anniversary Committee plans for the proposed park. He stated Dominic Battista and Kathryn Taubert are working to retrieve a “phosphate cart” located in a pit in Blue Cove and if feasible, the cart would be displayed in the proposed park.

Vice-Mayor Evans stated his term will expire in February 2016 for the TDC. He said another council member may apply, or contact him if they are interested in representing the City.

Mayor Whitt reported on his meeting with the Tri-County Coalition, which includes Inglis, Yankeetown, Levy and Citrus counties regarding the trail connection, which is well underway.

Mayor Whitt stated Gerald Hethcoat, Mayor of Williston, reached out to him and offered any assistance the City may need with the Fire and Police Departments.

AGENDA ITEM NO. 2 – DUNNELLON BUSINESS ASSOCIATION REPORT

There was none.

AGENDA ITEM NO. 3 – CHAMBER OF COMMERCE REPORT

Penny Lofton, Executive Director, reported on previous and upcoming events. She also stated the Lowe's Home Improvement store on Hwy. 200, donated 100 flags for Veteran's Day, which were placed with the scarecrows in the medians within the City.

Mrs. Bowne stated for Veteran's Day, she is working to have flowers for the containers on each side of the memorial in front of City Hall. She requested Council's permission to prepare a proclamation for Veteran's Day to be placed on the agenda for approval on Monday for presentation to the American Legion.

Councilman Dillon reported on the 125th Anniversary Committee. He introduced committee member, Dominic Battista, 19860 SW 93rd Lane, Rainbow Springs.

Mr. Battista enlightened all to the project he named "Operation Dive for Dunnellon's History." He said because he doesn't dive, he talked to Kathryn Taubert, 19436 SW 101st Place Road, Rainbow Springs, and she provided him the names of two divers that are very well known for their ability: Bill Oestreich and Mark Long. Mr. Battista explained they will attempt to take photos of an old phosphate cart that has been in one of the pits located in Blue Cove for over 20 years. He stated everyone is volunteering their time and there would be no expense to the City. He stated if it's feasible, they would like to try and bring the cart to the surface and place it in the proposed park by the Chamber of Commerce.

AGENDA ITEM NO. 4 – MICHELLE-O-GRAM FOUNDATION – MRS. SHERRY ROBERTS

Councilman Green stated Dunnellon has lost two residents within an hour of one other, Barbara Spitznogle and Mrs. Robert's mother. He said Sherry Roberts could not be present due to her mother's passing.

Councilman Green provided a background of this foundation and the program's effort.

Mrs. Bowne stated the funds are kept local and the foundation was created after the passing of Michelle Blausner Standridge.

Moved after Item #4

AGENDA ITEM NO. 19–PUBLIC COMMENTS

Joan Duggins, 19687 SW 88th Loop, Rainbow Springs, commented on the Public Safety Director position and the Fire and Police departments.

Kathryn Taubert, 19436 SW 101st Place Road, Rainbow Springs, discussed the diving project to recover the phosphate cart. She also discussed the amendments to the Comprehensive Plan.

Robert Baumann, 11473 Seminole Rd., requested that Council apply Marion County's ordinance regarding laying hens within the City Limits.

Paul Marraffino, 19544 SW 82nd Place Rd., Rainbow Springs, discussed the proposed amendments to the Comprehensive Plan.

Burt Eno, 9220 SW 193rd Circle, Rainbow Springs, discussed the Rainbow River Ranch (RRR) settlement case and the Answer Brief, which was submitted and signed by Attorney Cassady.

Council and staff engaged in lengthy discussion regarding the signing the Answer Brief, in the RRR case, by Attorney Cassady.

Mary Ann Hilton, 12078 Palmetto Ct., Blue Cove, commented on the following:

- Item 5, City Poultry Regulations
- The parking and parking lots in the City
- Attorney Cassady signing the Answer Brief in the RRR case
- Planning Commission meetings for the Comprehensive Plan

Brenda D'Arville, 11661 Camp Drive, Blue Cove, discussed the Planning Commission meetings being cancelled many times and reiterated that the Planning Commission was only tasked to review certain parts of the elements of the Comp Plan. She commented on the additional changes to the proposed amendments not reviewed by the committee. She stated the need for clear directions from Council as to what they expect of the Commission.

Attorney Cassady addressed not being present at the Planning Commission meetings and the changes she proposed to the Comp Plan. She said the changes were discrepancies that should have been caught and vetted by the Committee. She stated she is not a planner, but she has been tasked with this by the Council even though she objected.

Attorney Cassady explained the requirement and urgency to submit the proposed amendments by December 1, 2015. She stated under the Community Planning Act, if the City does not submit the amendments by December 1st, DEO cannot consider any other plan amendments. She explained if the City does not transmit the documents from Monday night's Council meeting, it's going to cost the City thousands of dollars.

Louise Kenny, 19970 Ibis Ct., Blue Cove, discussed Item 6, the Comp Plan amendments and the changes the City Attorney proposed. She also commented on the RRR case Answer Brief.

Bill Vibbert, 9552 SW 192nd Court Rd., Rainbow Springs commented on the Comp Plan and recommended the Conservation Element be reviewed by the Planning Commission.

Pam MacIntyre, 11809 Camp Drive, Blue Cove, commented on the Comp Plan and recommended tabling until the commission has reviewed the proposed amendments.

Council and staff engaged in lengthy discussion regarding the timeframe and requirements of submitting the amendments to the Comp Plan.

Councilman Dillon stated he would like Council to submit the changes we have now and immediately start on the next amendments.

Mayor Whitt announced the Florida Department of Environmental Protection and Rainbow Springs Aquatic Preserves will hold a public meeting on Tuesday, December 8, 2015 from 6:00 p.m. to 7:30 p.m. at the Dunnellon Public Library located at 20351 Robinson Road, Dunnellon.

AGENDA ITEM NO. 5 – CITY POULTRY REGULATIONS – COUNCILMAN GREEN

Councilman Green stated some residents have contacted him inquiring about permission to own laying hens. He stated he is not requesting to allow roosters in the City, only laying hens. He stated he would like to see the City’s Code mirror the County ordinance, which allows six (6).

Vice-Mayor Evans stated the County’s ordinance states the resident of having a minimum of five acres.

Councilman Dillon said he did not want to see the chicken pens in resident’s front yard.

Council and staff engaged in brief discussion. Council requested staff to research and present a draft ordinance to Council.

AGENDA ITEM NO. 6 – COMPREHENSIVE PLAN AMENDMENT #CRP2015-01

Vice-Mayor Evans discussed the errors he found in the following response and comments from Florida Regional Planning Council dated October 26, 2015:

FLORIDA REGIONAL COUNCILS ASSOCIATION LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENT REVIEW FORM 01	
Regional Planning Council: North Central F1	Regional Planning Council Item No.: 82
Review Date: 10/22/15	Local Government: City of Dunnellon
Amendment Type: Draft Amendment	Local Government Item No.: Ord. 2015-10
	State Land Planning Agency Item No.: 15-IESR
Date Mailed to Local Government and State Land Planning Agency: 10/23/15 (estimated)	

Pursuant to Section 163.3184, Florida Statutes, Council review of local government comprehensive plan amendments is limited to adverse effects on regional resources and facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A written report containing an evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the state land planning agency within 30 calendar days of receipt of the amendment.

DESCRIPTION OF AMENDMENTS

The amendment contains text amendments to address numerous obsolete or legally deficient provisions contained within the Conservation Element, Future Land Use Element, Public Facilities Element, and the Aquifer Protection Element. Additionally, City Future Land Use Element Policy 1.10 is amended to allow three parcels to be developed as single family residences which are classified as Conservation on the Future Land Use Map. Finally, Conservation Element Policy 9.1 is amended to waive minimum setback requirements from rivers and springs for lots of record created prior to 2008 (see attached).

1. ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN

The City is bisected by U.S. Highway 41, and County Road 40, both of which are identified in the Withlacoochee Strategic Regional Policy Plan as Regional Transportation Facilities. Significant adverse impacts are not anticipated to these regional facilities as no significant increase in allowable use or intensity of use will occur as a result of the amendment.

Both the Rainbow and Withlacoochee Rivers, as well as Rainbow Springs, are located within the City. Both rivers as well as Rainbow Springs are identified and mapped as Natural Resources of Regional Significance in the Withlacoochee Strategic Regional Policy Plan.

Withlacoochee Strategic Regional Policy 4.3.6 states, "Retain vegetated buffer strips along the banks of regionally significant surface waters. Buffers should be of sufficient width to prevent erosion, trap the sediment in runoff, and filter out nutrients. Buffer width and vegetative material should be defined by local governments with assistance from the water management districts and the Florida Department of Environmental Protection."

Deletion of the 150-foot setback for lots of record prior to 2008 may result in significant adverse impacts to these Natural Resources of Regional Significance. Therefore, it is recommended that a buffer strip be reduced to a width of 75 feet. The 75-foot width reflects the minimum buffer for rivers and springs necessary to receive an Environmental Resources Permit from the Southwest Florida Water Management District (see attached).

Vice-Mayor Evans said from his point of view, these people do not understand all the comments they are making. He asked if an ERP from SWFWMD should be required to build on a water front lot in an existing platted subdivision. He stated if Council would approve, he would be willing to work with staff to come up with a response, with data-backed information on this so it can be returned to a point that if somebody wanted to build on those lots in Blue Cove or on Palmetto Way, they would not be subjected to the seventy-five foot setback.

He also discussed the insertion in the Conservation Element regarding nitrates and fertilizer infiltration into ground and surface water.

AGENDA ITEM NO. 7 – PUBLIC SAFETY DIRECTOR – CITY MANAGER EDDIE ESCH

Mr. Esch provided his update regarding the Public Safety Director. He said he is working in the direction of going with a Fire Chief and Police Chief. He stated Lt. Slattery, from the Fire Department is willing to move into the position of Interim Fire Chief. He stated Sergeant Webb is on vacation and he will be in touch with her regarding an interim position in the Police Department. Mr. Esch stated the City will be advertising for the Fire and Police Department positions in the near future.

Mr. Esch stated he has talked to the Florida Police Chief's Association and they have an "Interim Police Chief" program and can have someone available to the City if necessary. He said they will also assist the City in the selection of a new Police Chief as we move forward.

Councilman Dillon stated he doesn't feel the City can afford a full-time paid Fire Department. He proceeded to discuss the costs. He said he would like Marion County Fire Department to make a presentation to City Council to include options for the City to consider for the County to manage the department.

Council and staff engaged in lengthy discussion regarding the numbers provided by Stuart McElhaney, Marion County Fire Chief, during a meeting with Mr. Esch and Mayor Whitt.

Councilman Green expressed his respect and gratitude to Chief Campfield for his services to the City.

AGENDA ITEM NO. 8 – PARKING – COUNCILMAN DILLON

Councilman Dillon discussed his concern regarding the patrons and employees of the Blue Gator restaurant parking in the City's parking lot. He has asked staff for a legal opinion regarding the liability insurance.

Mrs. Bowne explained she contacted the Florida League of Cities and received a recommendation from David Cominsky in the Property & Liability Claims department. She stated Mr. Cominsky recommended having the City Attorney secure an indemnity agreement from the restaurant and request they list the City as an additional insured on their policy.

Mr. Esch explained the City has been working with the owner regarding the rebuild of the motel and addressing the continual parking issues.

Questions were received from the following:

- Paul Cowan, 20101 Short Tower Way
- Patricia Slattery, 19784 SW 93rd Lane, Rainbow Springs
- Linda Fernandez, 12499 N. Waterway

Council and staff engaged in discussion regarding the restaurant and public parking lot.

**AGENDA ITEM NO. 9 – BUILDING INSPECTION SERVICES RFP #BID2015-06
(STAFF SUMMARY TO BE PROVIDED AT MEETING)**

Mr. Esch presented the following staff report:

STAFF SUMMARY

BID2015-06 BUILDING INSPECTION SERVICES – RESIDENTIAL / COMMERCIAL

CURRENT: Our cost is 80% of the permit fees for building and zoning as per Schedule A.

PROPOSED: Cost increasing to 90% up to \$100,000 permit fee; 85% for permit fee over \$100,000.

CODE ENFORCEMENT SERVICES (optional at city's discretion): \$35/HOUR for services rendered during regular business hours. See Tab 8, paragraph 2 for detail of services to be provided.

Staff does not agree with the 90% rate. The rate needs to remain at 80% because the city provides:

- Permitting services to applicants from initial application to completion
- Permit submission accuracy
- Package preparation
- Communication liaison
- Applicant education
- Document management
- Financial tracking and reporting
- Fee determination and collection

The building inspection services company provides:

- Plan reviews
- Inspections scheduling
- Interim and final inspections
- Staff and applicant education
- Designated floodplain manager

Both staff and building services do a great deal of work and customer support, providing top level customer service with great turnaround times. The fees for services should remain the same, not increase as the level and type of service provided will not increase.

The addition of *optional* Code Enforcement services, if considered/accepted, would be covered by the bid amount.

RECOMMENDATION: Staff recommends negotiating the existing bid submission for building inspection services at 80%.

Council agreed with staff's recommendation.

AGENDA ITEM NO. 10 – CITY ATTORNEY RFP #BID2015-07 (Item Modified to add backup)

Mrs. Bowne stated two proposals were received. One from Andrew Hand with Shepard, Smith & Cassady, P.A. and the other from Norm D. Fugate, P.A. in Williston, FL.

She presented the following:

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 and staff engaged in brief discussion. Council requested staff to schedule interviews with both at the next Council workshop on December 9, 2015.

AGENDA ITEM NO. 11 – RESOLUTION #RES2015-36, PERSONNEL MANUAL AMENDMENT

Mrs. Bowne discussed the recent modifications to the City’s Pay and Classification plan in the City’s Personnel Manual, approved by the City Manager, to include the position of Public Safety Director.

Council agreed to place this item on the consent agenda.

AGENDA ITEM NO. 12 – AMENDMENT TO SECTION 39 OF CITY’S CHARTER NEEDED TO COMPLY WITH FEDERAL REQUIREMENTS FOR MAILING OF OVERSEAS BALLOTS

Mrs. Bowne stated Mr. Wesley Wilcox, CERA, Marion County Supervisor of Elections notified the City that our run-off election date outlined in our Charter does not provide him adequate time to mail overseas ballots. Mr. Wilcox stated he would prefer a minimum of 70 days.

Mrs. Bowne explained there are areas that do not affect the Charter but do affect the City’s Election Code creating conflict and need to be corrected. Various places in the Code state when the new Council members will take office, which is the first meeting after the election. She explained there could be a conflict because the City cannot put someone in office until the Supervisor of Elections has formally and officially certified these election results. Mrs. Bowne said there could be an issue that requires a recount, and a number of issues that could

cause a delay. She stated it is possible, Council's first meeting following an election may not provide the Supervisor of Elections enough time. She said Mr. Wilcox would like to address the run-off election by either completely removing the requirement for a special election and draw lots, or extending the date for the special election.

Mrs. Bowne recommended placing this item on the regular agenda for the next meeting and Council could make a motion as to which way they would like to draft an ordinance. After some discussion by Council and staff, City Council directed staff to draft a referendum ordinance for a special election in the event of a tie, to be held the third Tuesday in January.

Councilman Dillon recommended placing this along with the fire assessment referendum and presenting to the voters at the same time.

AGENDA ITEM NO. 13 – DUNNELLON AIRPORT SIGN (Letter from Larry Winkler)

Mr. Esch discussed the letter Mr. Winkler sent to the editor of the newspapers and provided the history and naming of the airport. He stated that he contacted Mounir Bouyounes, Marion County Administrator, regarding this issue.

Mr. Esch stated based on his conversation with Mr. Bouyounes, in respect to the Army Airfield, they are going to do a memorial at the entrance to the FBO recognizing it as the "Dunnellon Army Airfield" as it was, and also on the entrance sign of 484, they are going to leave it "Marion County Airport" and add "Dunnellon Field" or "Dunnellon, Florida". Mr. Esch stated he reassured the County that airport is a key component and identifier for Dunnellon.

AGENDA ITEM NO. 14 – #AGR2012-97, AMENDMENT #4 TO IPO #41 WITH KIMLEY HORN – US 41/SR45-EAST MCKINNEY WATER MAIN REPLACEMENT

Mr. Esch explained the increase is due to the additional construction administration services required, caused by unforeseen conditions involving inaccurate and unreliable as-built, record drawings and historical data. He said this amendment increases the contract amount by \$7,500 for a total contract amount of \$107,500.

Mr. Esch said the good news is the construction side of the project itself came in under budget, but because Kimley-Horn's inspection times were extended beyond the anticipated time, the project ran over approximately 12 weeks. He stated the project is completed and this is the last amendment.

Council agreed to place this item on the consent agenda.

AGENDA ITEM NO. 15 – ASF GRINDER PUMP EXCHANGE PURCHASE ORDER REQUEST

Mr. Esch stated the City utilizes E1 pumps in the sanitary sewer system. He said Water Resource Technologies (WRT) is the sole distributor for R1 in the Florida area. He

explained in 2013, plant operations successfully negotiated a replacement/exchange agreement with WRT in order to save money and down-time for critical needed equipment. Mr. Esch said for efficiency and administrative time savings, an ongoing purchase is requested encumbering \$16,200 of FY2016 funds budgeted specifically for this program. He stated any unspent funds at the closing of the purchase order will revert back into the budget.

Council agreed to place this item on the consent agenda.

AGENDA ITEM NO. 16 – COUNCIL COMMENTS – Councilman Dillon
125 Anniversary Project Update

Councilman Dillon addressed this item earlier in the meeting during the “Board Reports”.

AGENDA ITEM NO. 17 – COUNCIL COMMENTS – Councilman Green
Dunnellon Memorial Gardens Road

Councilman Green discussed the deplorable condition of the roads in Dunnellon Memorial Gardens Cemetery. He stated the cemetery is not in the City limits, therefore gas taxes cannot be used to fund road improvements. He stated he would like to contact adjacent properties to the cemetery regarding voluntarily annexing in the City and then proceed with annexing the cemetery.

Hotel Utility Update

Councilman Green attended the UAB meeting. He and Mr. Esch discussed the inner-connection of the hotel and the Rainbow Springs water system.

Consolidation of City Employee Positions

Councilman Green discussed combining the positions of the City Clerk and the City Manager. There was discussion by Council. Mrs. Bowne stated for the record she did not know about this agenda item until right before publication of the agenda. She stated she did advise Mr. Esch of the agenda item. She also stated she discussed her concerns with Councilman Green and is no way lobbying for the City Manager position. Councilman Green confirmed Mrs. Bowne’s statement.

Councilman Dillon stated it would have to go to referendum because it’s in the City’s Charter.

Councilman Dillon announced that his wife, Jayne Dillon, who is a member of the Police Officers and Firefighters Pension Board, will be attending a class in Orlando for the Pension Board. He stated he will be accompanying her and City will be funding her expenses only.

AGENDA ITEM NO. 18–CITY MANAGER COMMENTS

Mr. Esch provided his report on the following:

- Meeting with Mounir Bouyounes, County Administrator, regarding the possibility of turning the traffic lights over to the County. Also, discussed with Mr. Bouyounes the possibility of helping the City with the 125th Anniversary.

- Conceptional drawings of trails
- The deed for Lumapas
- Plan to subsidized the gas tax. County looking to do something
- Fuel-piggy back off of the County

The meeting was adjourned at approximately 10:17 p.m.

Attest:

Dawn Bowne, MMC
City Clerk

Nathan Whitt, Mayor