

**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 88<sup>th</sup> 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 gavelled 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, except 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 the 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 gavelled 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 assessed 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 15<sup>th</sup> and December 22<sup>nd</sup>, 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 22<sup>nd</sup>, 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

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**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): 12189 S. Williams St  
Dunnellon, FL 34432  
Parcel ID Number(s): 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

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**STAFF EVALUATION AND FINDINGS**

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**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:

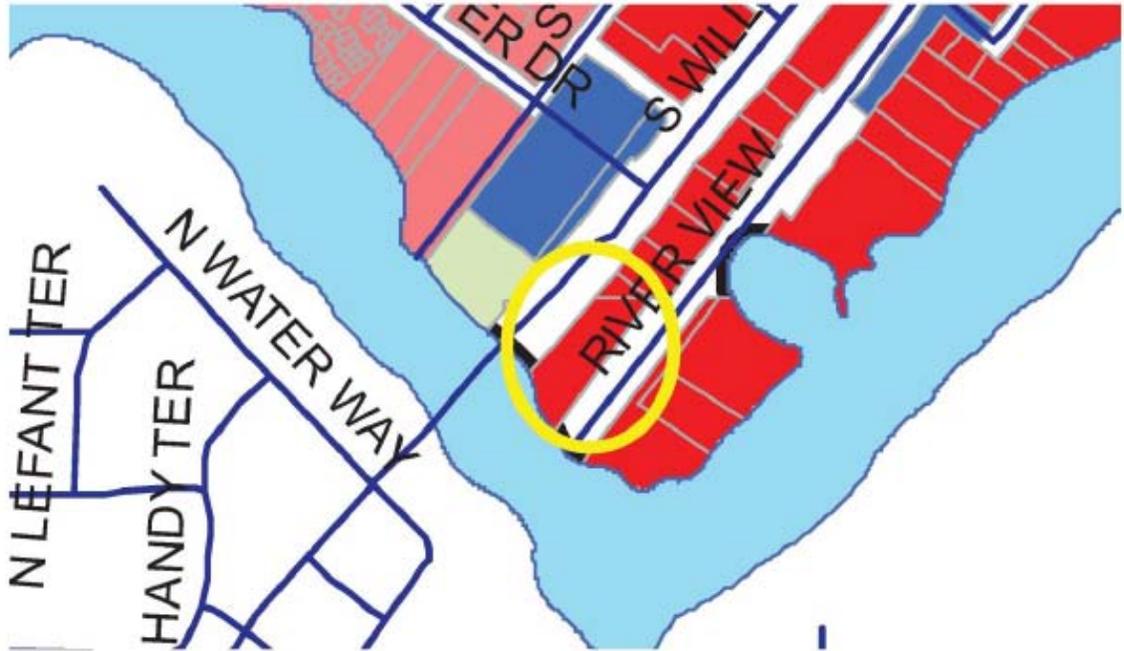
#### FUTURE LAND USE ELEMENT GOALS, OBJECTIVES, AND POLICIES

##### **Policy 1.4:**

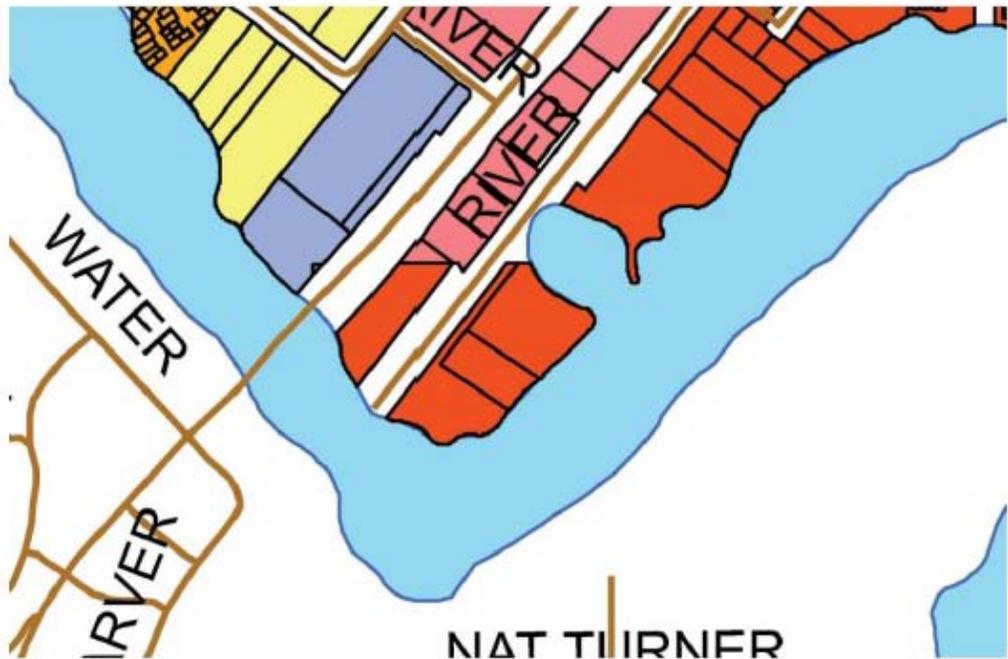
The **Commercial** land use category includes retail, entertainment, eating establishments, offices, medical facilities, personal services, trade services, wholesale and discount establishments, storage facilities, lodging establishments, recreational vehicle parks, fueling facilities, rental establishments, 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.

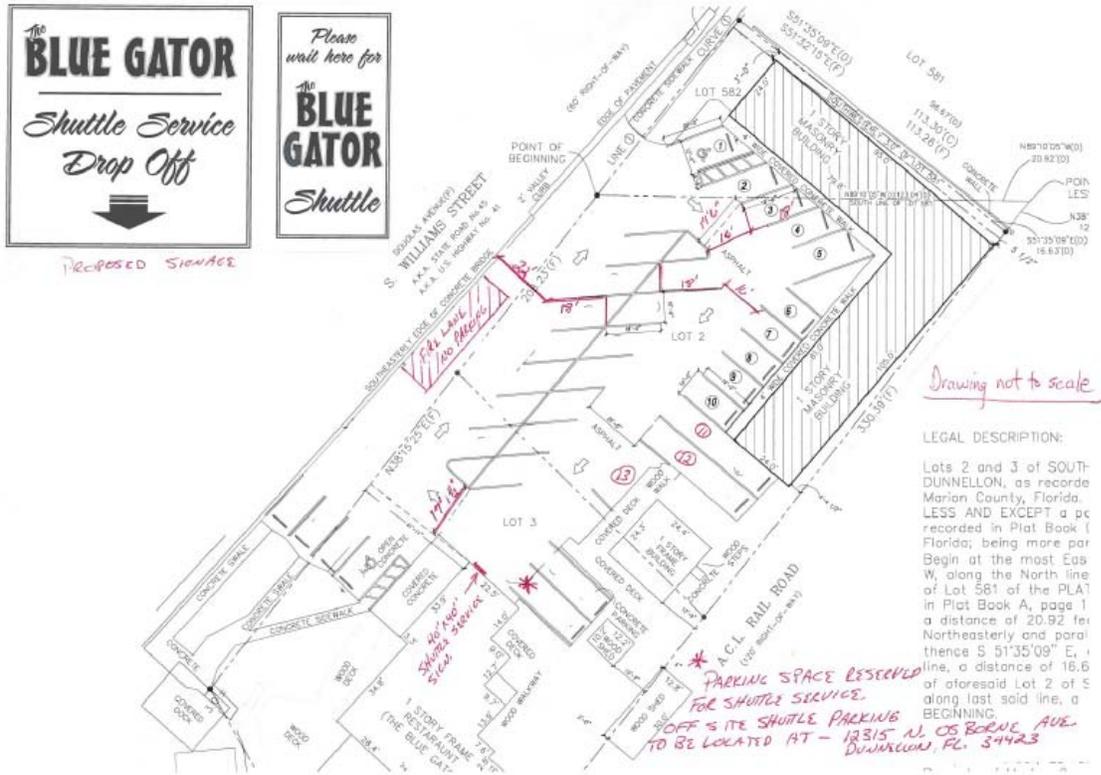
The subject property is located in the land use designation of Commercial. The Zoning classification is B-3 and is one of the permitted classifications in this land use category. The nature and type of building development is not considered inconsistent with the comp plan.

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

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

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/<br>AMENDED | FY 15-16<br>YEAR TO DATE | PERCENT<br>ACTUAL COLLECTED |  |
| 40 REVENUES                            | BUDGET              | ACTUAL                   |                             |  |
| 41 Taxes                               | 156,007             | 151,251                  | 96.6%                       |  |
| 42 Miscellaneous                       | 185                 | 60                       | 32.2%                       |  |
| 43                                     |                     |                          |                             |  |
| 44 Total TIFD Revenues                 | 156,792             | 151,311                  | 96.5%                       |  |
|  |                     |                          |                             |  |
|  | FY 15-16            | FY 15-16                 |                             |  |
|  | REVISED/<br>AMENDED | YEAR TO DATE             | PERCENT<br>USED             |  |
| 46 EXPENDITURES                        | BUDGET              | ACTUAL                   |                             |  |
| 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<br>REVISED/<br>AMENDED<br>BUDGET | FY 15-16<br>YEAR TO DATE<br>ACTUAL | PERCENT        |              |
| 32         | <b>REVENUES</b>                           |                                    |                |              |
| 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         | <b>Total Water Revenues</b>               | <b>2,007,310</b>                   | <b>373,044</b> | <b>18.6%</b> |
|            |   |                                    |                |              |
|            | FY 15-16<br>REVISED/<br>AMENDED<br>BUDGET | FY 15-16<br>YEAR TO DATE<br>ACTUAL | PERCENT        |              |
| 38         | <b>EXPENDITURES</b>                       |                                    |                |              |
| 39         | Personnel                                 | 264,595                            | 61,624         | 23.3%        |
| 40         | Operations                                | 476,657                            | 108,763        | 22.8%        |
| 41         | Capital                                   | 608,000                            | 67,997         | 11.2%        |
| 42         | Debt Service                              | 485,880                            | 352,374        | 72.5%        |
| 43         | Contribution to General Fund              | 71,306                             | 17,776         | 25.0%        |
| 44         | Transfer to Reserves                      | 101,072                            | -              | 0.0%         |
| 45         | <b>Total Water Expenditures</b>           | <b>2,007,310</b>                   | <b>608,534</b> | <b>30.3%</b> |
|            |   |                                    |                |              |
| SEWER FUND |   |                                    |                |              |
|            | FY 15-16<br>REVISED/<br>AMENDED<br>BUDGET | FY 15-16<br>YEAR TO DATE<br>ACTUAL | PERCENT        |              |
| 46         | <b>REVENUES</b>                           |                                    |                |              |
| 47         | Federal Grants                            | 37,000                             | -              | 0.0%         |
| 48         | State Grants                              | -                                  | -              | 0.0%         |
| 49         | Charges For Services                      | 1,470,292                          | 391,444        | 26.6%        |
| 50         | Miscellaneous                             | 1,684                              | 269            | 16.0%        |
| 51         | Transfers from Reserves                   | 133,985                            | -              | 0.0%         |
| 52         | <b>Total Sewer Revenues</b>               | <b>1,643,961</b>                   | <b>391,713</b> | <b>23.8%</b> |
|            |   |                                    |                |              |
|            | FY 15-16<br>REVISED/<br>AMENDED<br>BUDGET | FY 15-16<br>YEAR TO DATE<br>ACTUAL | PERCENT        |              |
| 53         | <b>EXPENDITURES</b>                       |                                    |                |              |
| 54         | Personnel                                 | 326,553                            | 75,676         | 23.2%        |
| 55         | Operations                                | 562,391                            | 77,441         | 13.8%        |
| 56         | Capital                                   | 109,000                            | -              | 0.0%         |
| 57         | Debt Service                              | 556,757                            | 377,998        | 67.9%        |
| 58         | Contribution to General Fund              | 72,622                             | 18,155         | 25.0%        |
| 59         | Transfer to Reserves                      | 15,638                             | -              | 0.0%         |
| 60         | <b>Total Sewer Expenditures</b>           | <b>1,643,961</b>                   | <b>549,270</b> | <b>33.4%</b> |

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 DUNNELLOON CITY COUNCIL, DUNNELLOON, 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 occurred 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