

**CITY OF DUNNELLON
CITY COUNCIL MEETING**

DATE: December 14, 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 5:41 p.m. and led the Council in the Pledge of Allegiance. He asked if any invitee or volunteer was present to open with prayer. Marilyn Welch 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 Fleegeer, Councilwoman, Seat 5
Arrived at 5:58 p.m.

STAFF PRESENT

Eddie Esch, City Manager
Dawn Bowne, City Clerk
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, December 11, 2015.

Chairman's Comments Regarding Agenda

Mayor Whitt read the following handout he provided to Council and staff:

Dunnellon Leadership, Healing, and Forgiveness

When I was elected three years ago I knew very clearly my main goal going forward was to provide solid leadership throughout all the turmoil I had knowingly stepped into. Admittedly, I was new to the role and new to being on City Council, but I understood that my leadership role was specifically going to involve working towards HEALING our City all the while asking for FORGIVENESS from those who had been alienated by the City.

To be a leader tonight, I feel my duty is to point out the unfortunate irony of tonight's agenda and do what I can to deal with it. If you have looked at the consent agenda we are approving the plans for building a 125th anniversary park, all the while in agenda item 12, one of our Councilmen is asking to go to a ballot initiative for potentially abolishing both the Fire and Police Departments, Professional Management, and abolishing our City! In my opinion, these notions are short-sighted and rooted in personal animosities, not facts. The 125th Anniversary Park should empower our community to move forward, not remind us of what might have been. With no professional City Manager in charge, no Police or Fire Departments, and no hope for the future, we would be just a series of unelected Councils doing their best to make a few meetings from time to time.

This Council should be so proud after the arduous task of hashing through a very tough budget process and I credit Mr. Green and Mr. Dillon for their attention to detail and urge to find solutions. However, I would ask who would have done the herculean task of compiling all of the information and intricately knowing the needs of every department? If it weren't for Mr. Esch, or another City Manager, working diligently with City staff to find solutions and ways to cut the budget, down to every last roll of toilet paper and print cartridge, down to every line item, it would have been solely up to us; four of us who ran unopposed and myself who fought to be elected by our citizens.

Again, we should be PROUD to have finally found a budget that the City can live with at current funding levels that keeps our Police and Fire Departments in tact, and remember this Council and Manager have come up with some innovative ideas to generate revenue going forward. These are the things that we should be debating, not trying to do away with any of our departments that we all cherish and are privileged to have in the city.

I for one have no interest in doing away with our wonderful Police Department, Fire Department or Professional Management for the City of Dunnellon, only stabilizing them. Let alone that never in my wildest dreams would I even consider dissolving our fair city. I was truly heartsick and embarrassed by both of last weeks meetings. Our City cannot move forward with the continued personal attacks on the City Manager and constant desire to dissolve our Fire Department. I would ask that we turn our focus to things we can agree on. For instance, the

debate over the capital improvement side of the Fire Department is key to the department's future and the results of the Fire Assessment Study this council has approved should help us understand it better. Unfortunately, we may not even get a chance to review the study. To that end, I have been in contact with Marion County administration who have said they would be willing to surplus trucks and equipment to the City. We must reach out and foster these alliances and partnerships. They only strengthen us and our entire area going forward.

In regards to abolishing your current City Manager, I would point out that it was Mr. Esch in Tallahassee in the Governors office keeping our city from bankruptcy, striking an outside-the-box deal with Regions Bank, settling the lawsuit with Rainbow Springs, working overtime to get every penny out of our hard-sought grant funding, and working out a deal to get out of the million dollar lease with the leasing company. To refresh your memory, Mr. Esch inherited three lawsuits and has gotten us out of all of them and kept us from any others. He has been vital to turning the city around throughout, arguably, the worst period in our City's history.

Remember, you can get rid of your City Manager, but then you're going to need to hire a Public Works Director. Your current Manager does both jobs and does his best to juggle both of them, all the while facing constant grilling, finger-pointing, and accusations just short of congressional-type-hearings from a few on this council. I would challenge any of you to follow him around for one day and then report to this Council that he is not necessary.

I am asking this council to think long and hard about the motions they are proposing tonight and if any of you feel that abolishing this city is even an option after our proud 125 year history, I and many others in this City would suggest that you leave your personal feelings at the door. We need Council members who want to work with Professional Management, who want their Fire Department, who want their Police Department, and who want their City moving forward.

Every Council member needs to seriously consider what you are proposing remembering one important fact: You can find 10% of any population to vote for just about anything and once it's on the ballot, those who would love to see this City wiped away will be working overtime to campaign for that very thing. This is dangerous and irresponsible for the future of our city, our police and fire departments, and our professional management. If you are in any way shape or form interested in abolishing this city after our 125 proud years, please step down!

I know there are folks in the crowd tonight that feel the same way, and I hope they will come forward and stand up for your departments, your professional management, and your City. Leadership is vital at this time in our city's history and admittedly, even when I fall short, I am always striving to be a better leader. What I do know is that we can HEAL this City. We can embrace and ask for FORGIVENESS and we are PROUD to live in the City of Dunnellon!

Public Comments

Joan Duggins, 19687 SW 88th Loop, Rainbow Springs, questioned why Sergeant Webb has not been reinstated to the Lieutenant position. She also addressed Agenda Item # 12.

Virginia Saalman, 11540 Camp Drive, discussed the Christmas Parade and thanked all and said she is proud of the city of Dunnellon.

Mathew Baillargeon, 22637 SW Surf Blvd, Ocala, thanked the volunteers for their help with the Christmas Parade.

Blake Fugate, attorney in Williston, asked Council if they had any question regarding his bid for City Attorney.

Mary Ann Hilton, 12078 Palmetto Ct., commented on the parade and Agenda Item #12. She discussed the upcoming City Attorney. She said she prefers a local attorney vs. a large firm.

Louise Kenny, 19970 Ibis Ct., discussed Agenda Item #12 and suggested tabling this item and she supports the Mayor's comments regarding this agenda.

Paul Marraffino, 19544 SW 82nd Place Rd., commented that Dunnellon is his community and he has lived here for 8 years and he supports the City.

Brenda D'Arville, 11661 Camp Dr., thanked the Mayor for his opening remarks and supports the dedication of all.

Tom Golden, Pastor from First Assembly of God stated he supports Mayor Whitt's opening comments.

Jon Kudiak, 20553 Audubon Ave., discussed Agenda Item #12 and asked to rescind this item.

Mr. Esch addressed Agenda Item No. #3, the 125 Anniversary Park. He said the plans are only conceptual plans to build as best we can. He explained there is a possibility that some of the park fixtures may require to be moved a little due to aged, existing waterlines.

Council and staff engaged in discussion regarding the existing, active waterlines and the costs.

Mr. Esch explained it would be best to replace the oldest waterlines that may be a problem in the future. He said maintenance and repair funds are built into the budget every year for this type of change out projects.

CONSENT AGENDA

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

1. APPROVE PROCLAMATION 2015-07, CENSURE COUNCILWOMAN FLEEGER
2. APPOINT VIRGINIA SAALMAN TO A TWO-YEAR TERM AS A RESIDENT TRUSTEE TO THE POLICE OFFICERS AND FIREFIGHTERS PENSION BOARD TERM EFFECTIVE 12/14/2015 – 12/14/2017
3. APPROVE “125TH ANNIVERSARY PARK” AS THE NAME FOR THE PARK THAT WILL BE DEVELOPED AT THE SITE OF THE OLD WATER TOWER. ADDITIONALLY THE PARK WILL BE DEDICATED TO BARBARA KELLY SPITZNOGLE
4. APPROVE THE 11-15-15 SITE PLAN AND DESIGN PROPOSED FOR THE 125TH ANNIVERSARY PARK

CONSENT AGENDA APPROVAL

Councilman Dillon moved the consent agenda be approved as presented. Councilman Green seconded the motion.

Councilman Fleeger said she had a statement to read into the record.

Council and staff engaged in discussion regarding the Consent Agenda and Agenda Item No. 1. After brief discussion, it was agreed to leave the motion as is, with Councilwoman Fleeger abstaining. She said she would read her statement later in the meeting. (Note: Councilwoman Fleeger did not at any point read a statement into the record.”

The vote was taken and all were in favor. The motion passed 4-0. Councilwoman Fleeger abstained from voting.

Councilwoman Fleeger’s completed and signed the following *Form 8B Memorandum of Voting conflict for County, Municipal, and Other Local Public Officers*:

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS	
LAST NAME—FIRST NAME—MIDDLE NAME <i>FLEEGER PERCLOPE L.</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>City Council, Dunnellon</i>
MAILING ADDRESS <i>117 35 E. BLUE LOVE DRIVE</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Dunnellon</i>	NAME OF POLITICAL SUBDIVISION: <i>Dunnellon</i>
COUNTY <i>Marion</i>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE
DATE ON WHICH VOTE OCCURRED <i>Dec. 8, 2015; Dec. 14, 2015</i>	

RECEIVED
 DEC 14 2015
 City of Dunnellon

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Penelope L. Fleeger, hereby disclose that on Dec. 8 and Dec. 14, 20 15:

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Proposed proclamation for my censuresship since I receive a stipend as an elected official.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

12-14-15
Date Filed

Penelope L. Fleeger
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

REGULAR AGENDA

Mayor Whitt discussed Agenda Item No. 12 and the straw ballot. He stated the proposed motion # 1 gives the Council the ability to do what the straw poll would ask Council to consider, but motions #2, #3 and #4 do not. He said he would make a motion to strike the entire motion. He asked for a second. He explained if you read closely, it gives City Council the consideration to abolish the Fire Department. He said numbers 2, 3 & 4 do not, they go to Charter amendment, and he said this gives him pause.

Council and staff engaged in discussion and agreed to continue to Agenda Item No. 5, and then move to Agenda Item No. 12 for discussion.

AGENDA ITEM NO. 5 - SPECIAL PRESENTATION BY DUNNELLOON CITY COUNCIL TO CHIEF JOE CAMPFIELD

Mayor Whitt made a presentation to Chief Campfield. He stated, "With our utmost gratitude we thank you for 23 years of dedicated service to the residents of our City. Your passion to serve this community is truly commendable and will forever be cherished. From June 15, 1992 to November 27, 2015. Presented by the City Council today, December 14, 2015."

Mr. Esch introduced Lt. Spicher from the Marion County Sheriff's Office. Lt. Spicher provided his background and commented on the City and the Police Department.

Mayor Whitt asked if there is a motion to move Agenda Item No. 12 on the agenda. Councilman Dillon made motion to move to Agenda Item No. 12. Councilman Green seconded the motion.

Mayor Whitt asked for discussion. There was none.

The vote was taken and all were in favor. The vote was 5-0.

AGENDA ITEM NO. 12 - CONSIDERATION OF MOVING FORWARD WITH A STRAW POLL OF REGISTERED VOTERS – COUNCILMAN DILLON

Councilman Dillon stated his only purpose in proposing these amendments was because the City cannot afford to continue to fund the Fire and Police Departments. He said we need to either raise taxes or something to provide the opportunity to have a first rate Fire Department and a first rate Police Department. Councilman Dillon said he was not able to make his fellow Council members understand that. He said because he could not make them understand that, he will not be able to make the citizens understand it and he is prepared to withdraw the proposal. Councilman Dillon stated he was never for getting rid of anything. He stated our people have not had raises for so long, and in order to support the Fire Department we are going to have to infuse additional tax dollars. He said the City Council members received a memo stating if the Police Department didn't have at least ten (10) members, the suggestion was to do away with the Police Department and go with the

Sheriff's Department. He said he didn't think the residents want to do that, but would support the Police Department and additional funding. However, the residents need to make that decision. He said he is not a divisive person; he works for this City and anyone that knows him in the thirty (30) years he has lived here will tell you that. He said for someone to accuse him of wanting to close the City down, get rid of the Fire and Police Departments, is incredible to him. So, he said he is withdrawing this item. He stated he is a big enough man to know when he made a mistake, but he wanted everyone to know what he was looking for. He said he was not looking to dissolve the Fire or the Police Department. He said he was looking for citizen input and asking specifically whether or not they wanted to pay for the services that they have.

Vice-Mayor Evans explained the process and the information required to a straw poll. He said he used the *Florida Municipal Officials Manual*. He stated if we would ever try to do this again, he feels the Council would need to form a special board and appoint citizens to gather information.

Councilman Green stated what has driven a lot of concern for the past year from the business owners and the citizens of Dunnellon, is that we must live within our means. He said for the last three (3) years, our city has spent thousands of dollars of reserve funds, supplementing the operation of this city daily.

Councilman Dillon moved to remove Item #12 from the agenda. Councilman Green seconded the motion.

Mayor Whitt asked if any further discussion. There was none.

The vote was taken and all were in favor. The vote was 5-0.

AGENDA ITEM NO. 6 - QUASI-JUDICIAL HEARING – TREE REMOVAL PERMIT APPLICATION #PZ1516-002 FOR 12078 PALMETTO CT

Mayor Whitt gaveled down and stated, "It is now 6:44 p.m. and I close the regular meeting and open this quasi-judicial hearing:

Mr. and Mrs. Hilton, property owners of 12078 Palmetto Ct. Dunnellon, Florida, Parcel 3381-006-019, has requested authorization to remove 1 Heritage 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. All Council members said no except Councilman Dillon. He stated he spoke to Mrs. Hilton regarding the tree. Attorney Cassady asked Councilman Dillon if any communication he had with Mrs. Hilton and her husband would prejudice him from considering the evidence presented during this hearing in making a fair and impartial decision. Councilman Dillon replied no.

Mr. Esch stated the application for removal of a Heritage Tree was heard by the Tree Board on November 24, 2015. He said the tree is a Water Oak of Heritage size, 34.39 D.B.H. He said the tree represented as being a danger to property, both owner and neighbor's property. He said Mr. Vibbert, who has a B.S. in Plant Sciences/Forestry, inspected the tree and noted in his report that due to the extreme size and multiple split boles, the tree presents a safety hazard. Mr. Esch said the Tree Board unanimously recommended approval to remove the tree.

Mr. and Mrs. Hilton were present to answer questions.

Council and staff engaged in discussion.

Mayor Whitt gavelled down and said, "It is now 6:52 p.m. I close this quasi-judicial hearing, and now reopen the December 14, 2015 City Council Meeting."

**AGENDA ITEM NO. 7 - CONSIDERATION OF TREE REMOVAL PERMIT
#PZ1516-002, 12078 PALMETTO CT**

Vice-Mayor Evans stated he would not vote "no" for any tree removal on a residential piece of property where the homeowner believes that his welfare, safety and property is in danger from a fallen tree or a limb. He discussed the River Corridor Protection Ordinance, Comp

Plan and Tree Ordinance. He stated based his understanding the Tree Ordinance should not affect or impact lots of records that are smaller than two or three acres. He stated the ordinance was designed to prevent things that happened at the Rainbow River Ranch. He said he does not believe that this Council and this City should tell people that a tree on their property cannot be removed if they feel it is unsafe and a hazard to their health and welfare.

Mr. Esch stated Mr. Marraffino and the Tree Board began rewriting the Tree Ordinance and have called upon Attorney Cassady for legal review.

Councilwoman Fleeger moved permit #PZ1516-002 be approved. Councilman Dillon seconded the motion.

Council and staff engaged in brief discussion regarding waiving the residential fee. Staff agreed to research the language of the resolution which gives the City Manager authority to waive fees.

The vote was taken and all were in favor. The vote was 5-0.

AGENDA ITEM NO. 8 - QUASI-JUDICIAL HEARING – TREE REMOVAL PERMIT APPLICATION #PZ1516—014 FOR 11535 E. BLUE COVE DR.

Mayor Whitt gavelled down and stated, “It is now 7:07 p.m. and I close the regular meeting and open this quasi-judicial hearing:

Chris Haigh with CMH Landclearing, representing property owners of 11535 E. Blue Cove Dr. Dunnellon, Florida, Parcel 3453-001-001, has requested authorization to remove 1 Heritage Live 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.

Attorney Cassady asked Council members for any disclosure of contact, ex-parte communications or other evidence. All replied no except for Vice-Mayor Evans. He stated he drove by the property and saw two trees and both should be removed. Attorney Cassady asked Vice-Mayor Evans if there was anything he saw that would prejudice him in making a fair and impartial decision.

Vice-Mayor Evans replied yes, he already decided that he can remove both of the trees.

Mr. Esch stated this was handled through Community Development. He stated there is a possibility the applicant applied for removal of two trees, but only one falls under the Heritage size limit, which requires this process.

Mr. Esch stated Chris Haigh, from CMH Landclearing and Hauling, submitted PZ1516-014 application for a permit to remove a Heritage Live Oak that is 22" D.B.H. The tree is presented as leaning and showing some signs of rot and poses a threat to property due to proximity to home and driveway. He said the Tree Board recommends Council approve the application to remove the tree

Mr. Marraffino, Chair of Tree Board, said the Board unanimously recommended approval of this permit and it is their observation that the trees represent a hazard and therefore, should be given permission to be removed. He also stated there are a number of trees on this site and therefore did not recommend "replacement trees".

Mr. Esch clarified why only the Live Oak is on the application. He said the Water Oak is 19.5" D.B.H. and does not require a permit to remove.

The applicant was not present.

Mayor Whitt asked if there was any public presentation. There was none.

Mayor Whitt gaveled down and stated, "It is now 7:14 p.m. I close this quasi-judicial hearing, and now reopen the December 14, 2015 City Council Meeting."

AGENDA ITEM NO. 9 - CONSIDERATION OF TREE REMOVAL PERMIT #PZ1516-015, 11535 E. BLUE COVE DR.

Councilman Dillon moved permit #PZ1516-014 be approved. Councilwoman Fleeger seconded the motion. Mayor Whitt called for discussion.

Vice-Mayor Evans recommended refunding the fee of \$75.00.

Mayor Whitt stated this was up to Mr. Esch's to decide.

The vote was taken and all were in favor. The vote was 5-0.

AGENDA ITEM NO. 10 - AWARD RFP #BID2015-07 FOR LEGAL SERVICES

Councilman Dillon moved RFP #BID2015-07 for legal services be awarded to Andrew Hand of Shepard, Smith & Cassidy, P.A. Vice-Mayor Evans seconded the motion.

Mayor Whitt called for discussion.

Council and staff engaged in brief discussion regarding the proposals. Councilman Dillon commented on Mr. Fugate's comment regarding the Comp Plan. He stated that he doesn't think it would be fair to re-negotiate the contract at this point.

Councilman Green expressed his desire to hire a local attorney who has deep connections to the community and said he feels that Mr. Fugate is the better choice.

The vote was taken and all were in favor except for Councilman Green who opposed. The vote was 4-1.

AGENDA ITEM NO. 11 - RESOLUTION #RES2015-37, SUBLEASE APPLICATION WITH STATE OF FLORIDA FOR LITTLE LEAGUE BALL FIELD PROPERTY

Mr. Esch stated this is a lease with the State, which has expired and slipped through the cracks. He said because this has been expired for a number of years, the State is requiring the City to re-apply. He explained part of the requirement is a resolution authorizing Mr. Esch to make this application on behalf of the City.

Councilman Dillon moved Resolution #RES2015-37 be read by title only. Councilwoman Fleeger seconded the motion. The vote was taken and all were in favor. The vote was 5-0.

Mrs. Bowne read the following into the record:

“RESOLUTION #RES2015-37

A RESOLUTION OF THE CITY COUNCIL OF DUNNELLON,
FLORIDA, REQUESTING TO SUBLEASE A PARCEL VESTED IN

THE STATE OF FLORIDA BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND; DIRECTING CITY MANAGER OR DESIGNEE TO SUBMIT A COMPLETED SUBLEASE APPLICATION TO THE STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.”

Councilman Dillon moved Resolution #RES2015-37 be approved. Councilman Green seconded the motion. Mayor Whitt called for discussion. There was none. The vote was taken and all were in favor. The vote was 5-0.

AGENDA ITEM NO. 13 - COUNCIL LIAISON REPORTS AND COMMENTS

Councilman Dillon stated he is requesting clarification regarding the purchasing and signing of documents on behalf of the City Council. He stated the City has entered into a contract with the Sheriff’s Office for \$7,300. He then read sections from the City’s Purchasing Policy in the Charter.

Councilman Dillon stated he saw a contract that was signed by Mr. Esch and Mayor Whitt. He said his question is, if the Mayor can contractually make Council responsible for something without it going before Council, he would like to know that. He said the contract was signed and dated Wednesday, December 9, 2015 and Council had a workshop meeting Wednesday evening but nothing was mentioned about the contract. He stated there was a discussion about moving forward with the Sheriff’s office but nothing said about the Mayor and City Manager having already signed a contract. Councilman Dillon stated he was informed about the decision when the newspapers were notified.

Mr. Esch apologized and stated it was not his intention to notify the press before Council. He stated there was a misunderstanding on “sole source” and he thought he had authorization up to \$15,000, based on the purchasing approval process. He stated the contract is a “monthly” contract, not a three (3) month, it has a three (3) month time limit.

Councilman Dillon stated he just wants clarification as to whether or not the Mayor can sign a contract without Council’s approval. He said the Charter says he can’t sign anything without Councils approval. He stated it’s a simple a lack of communication.

Mr. Esch explained he didn’t know the contract required the Mayor’s signature until later that evening and he hurriedly put it in front of the Mayor for signature. He said he had direction from Sheriff Blair to have it signed and immediately sent back to him. Mr. Esch said Monday morning he had questions about the contract, but when he went to get the copy off his desk, it was missing the signature page and the back half of it. He said that raises a whole other question.

Councilman Dillon stated it’s the process he’s talking about. He said we have a process and he is requesting we all follow the process. He said it is very frustrating.

Mrs. Bowne asked Councilman Dillon to clarify his statement for the record, because Mr. Esch made a comment alluding to the fact that he is concerned that something went missing from his office. She said Mr. Esch approached her and staff members, asking if anyone had something to do the missing pages. Mrs. Bowne stated no one enters his office, typically, unless he knows we are looking for something. She said no one on her staff had any idea about what he was referring to. She stated for the record, that she and her staff were not aware of this contract until Councilman Dillon brought a copy to City Hall on Thursday afternoon.

Councilman Dillon stated Mrs. Bowne's office did not provide him anything. He said he got a copy of it and when he read it and saw signatures, he went to the Charter and the Purchasing Policy. He stated Mrs. Bowne had absolutely nothing to do with this.

Councilman Dillon said he would appreciate Council having a "heads up" because it's very frustrating when he's out working and a resident calls and ask if he knows about "this" and he has no knowledge of it.

Mr. Esch asked in return, when he does send things to Council that he get some kind of response back. He said he sends numerous things and receives no response.

Attorney Cassady commented on the Purchasing Policies, and if Mr. Esch went under "sole source" or "emergency", because one does require Council approval and the other just an "after-the-fact" report. She discussed the possibility of Mr. Esch providing a report and placing it on the next agenda, thus fulfilling the obligations of the Purchasing Policy. She asked Councilman Dillon if that would satisfy his request.

Councilman Dillon said he is satisfied.

AGENDA ITEM NO. 14 - CITY MANAGER'S REPORT

Mr. Esch commented on the following:

- Letter to Hotel Development Group
- Commented on a Fire/Rescue incident Interim Chief Slattery attended prior to meeting
- Firefighter of the Year Luncheon, January 20, 2016, 11:30 a.m.-2:00 p.m. at the train depot, held by Restoration Specialist to honor Firefighter of the year, Matt Pudio
- The Christmas Parade
- City Manger Goals Monthly Update 11/14/15 – 12/14/15
- Public presentation regarding the trails

Councilman Dillon asked Mr. Esch to contact FDOT regarding the status of the Crossing/Crosswalk near City Hall and the Blue Gator restaurant. Mr. Esch stated this project is still in process.

Mr. Esch said FDOT conducted a speed study on East and West Pennsylvania Avenue. They concluded the current speed of 35 miles per hour on East Pennsylvania Avenue is still a sufficient and adequate speed, while the speed limit on the West Pennsylvania should be reduced to 30 miles per hour due to the shops and businesses.

AGENDA ITEM NO. 15 - CITY ATTORNEY'S REPORT

Attorney Cassady stated she had nothing new to report. She said the Court had not set a date on the Oral Argument.

AGENDA ITEM NO. 16 - ADJOURN

At approximately 8:00 p.m. Councilman Dillon moved the December 14, 2015 City Council meeting be adjourned. Councilman Green seconded. All members voted in favor. The motion passed 5-0.

Attest:

Dawn Bowne, MMC
City Clerk

Nathan Whitt, Mayor