

**CITY OF DUNNELLON
CITY COUNCIL MEETING**

DATE: May 9, 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 5:35 p.m. and led the Council in the Pledge of Allegiance. A member of the audience provided the invocation.

ROLL CALL

The following members answered present at roll call:

Nathan Whitt, Mayor, Seat 1
Vacant, Seat 2
Chuck Dillon, Councilman, Seat 3
Walter Green, Vice-Mayor, Seat 4
Richard Hancock, Councilman, Seat 5

STAFF PRESENT

Eddie Esch, City Manager
Dawn Bowne, City Clerk
Jan Smith, Finance Officer
Lt. Troy Slattery, Interim Fire Chief
Mike McQuaig, Police Chief
Mandy Roberts, Assistant City Clerk

LEGAL COUNSEL

Andrew Hand
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, May 6, 2016.

Chair Comments

Mayor Whitt thanked Pastor Welch and his prayer group and praised the success of the National Day of Prayer.

Mayor Whitt referred to Agenda Items #23 and #24 and stated he feels the citizens have already made their decisions regarding these issues.

Mayor Whitt thanked Richard Powell for being in attendance to present the Audit Report and the members of the Marion County TPO for their efforts.

Councilman Dillon presented a Phosphate Pete t-shirt to Mrs. Joan Duggins to have something to remember Dunnellon by when she sells her house and moves.

Mayor Whitt called for public comments on agenda items only.

Kathryn Taubert, 19436 SW 101st Place Rd., commented on the City debt and finances and how they have improved. She encouraged Council to continue collecting data regarding the Fire Department. She said she feels the City is moving in the right directions.

Joan Duggins, 19687 SW 88th Loop, commented on Agenda Item #5 and asked why the City would consider waiving any fines in its current financial condition. Councilman Dillon explained it would cost the City more to foreclose on the property, and this option affords someone the ability to purchase the property and improve it. Mayor Whitt said he would rather not see the property become blighted. Mr. Esch explained it is a 50% waiver that will allow the City to collect some of the fine. Councilman Hancock suggested the City establish an enforceable fee/fine schedule.

Art Fisher, community member, encouraged the Council to consider the safest bicycle/pedestrian path alternative, as presented by the TPO, to mitigate liability exposure.

Jerry Vaughn, community member, encouraged the Council to consider the fact that the proposed bicycle/pedestrian path would be located in the CRA District and beneficial to the community.

Louise Kenny, 11970 Ibis Court, commented on Agenda Items #16 and #23. She supported the idea of mailing the surveys. She asked the Council to consider adding two additional questions with regard to the bike trail and on street parking.

CONSENT AGENDA:

1. City Council Workshop Minutes
April 6, 2016
2. City Council Minutes
April 11, 2016
3. Authorize Mayor to Sign Change Order #1 – Agreement #AGR2016-12 with GWP, Choice Hotel CDBG Water Main Extension Project, in the Increase Amount of \$11,137.35
4. Authorize Mayor to Sign Change Order #2, Agreement #AGR2016-12 with GWP, Choice Hotel Water Main Extension for 3 Inch Water Service in the Increased Amount of \$9,437.70 – **Removed from consent agenda**
5. Authorize City Manager to Waive \$11,750 of the Daily Fine Accrued Through 12/15/15 on Lien #LIEN2015-02 for 19084 St. George Dr.

6. Authorize Mayor to sign Voluntary Cooperation/Operational Assistance Agreement #AGR2016-02 with Belleview Police Dept.
7. Approve Proclamation #PRO2016-07, Women's Lung Health Week

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

Councilman Dillon asked to remove Item #4 from the consent agenda and move it to the regular agenda for discussion. Council agreed.

Councilman Dillon moved the consent agenda be approved as amended. Councilman Hancock seconded the motion and all were in favor. The vote was 4-0.

REGULAR AGENDA

AGENDA ITEM NO. 4 – AUTHORIZE MAYOR TO SIGN CHANGE ORDER #2, AGREEMENT #AGR2016-12 WITH GWP, CHOICE HOTEL WATER MAIN EXTENSION FOR 3 INCH WATER SERVICE IN THE INCREASED AMOUNT OF \$9,437.70

Councilman Dillon asked if the two businesses proposing to connect would pay impact fees. Mr. Esch replied yes, approximately \$1,300.00 each. Councilman Dillon asked for affirmation that the City would then recoup \$3,600.00 of the increased cost. Mr. Esch stated that is true. Councilman Dillon asked how many others could connect to the 3 inch line. Mr. Esch replied several, depending on the level of usage.

Councilman Dillon moved to authorize the Mayor sign Change Order #2, Agreement #AGR2016-12 with GWP, Choice Hotel Water Main Extension for 3 inch Water Service in the Increased Amount of \$9,437.70. Councilman Hancock seconded the motion.

Mayor Whitt called for discussion.

Vice-Mayor Green asked about the status of the connections. Mr. Esch explained the dentist office doesn't have much choice other than to connect. However, it is optional for the American Legion. He further explained connecting would be to their benefit as it would provide a better water source and increase their property values.

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

AGENDA ITEM NO. 8 – APPOINTMENT TO CITY COUNCIL SEAT NUMBER TWO (2) PER CITY'S CHARTER (Backup Added)

Councilman Dillon moved Larry Winkler be appointed to City Council Seat #2 until the next regular or special election. Councilman Green seconded the motion.

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

AGENDA ITEM NO. 9 – OATH OF OFFICE

Larry Winkler repeated the Oath of Office before the general public, City Council, and the City Clerk as follows, as administered by his son, Joseph Winkler:

“I, Larry Winkler, a citizen of the State of Florida and of the United States of America, being employed by and officer of the City of Dunnellon and a recipient of public funds as such employee and officer, do hereby solemnly swear or affirm that I will support the constitution of the United States and of the State of Florida.”

AGENDA ITEM NO. 10 – DUNNELLON CHAMBER OF COMMERCE REPORT

Penny Lofton reported on the success of Boomtown Days and thanked everyone who assisted with the event. She reported on upcoming events: Boomtown Blast, Trail of Treaters, Memorial Day events and the new ice cream store ribbon cutting. Mrs. Lofton stated 16 new members have joined the Chamber since her last report.

AGENDA ITEM NO. 11 – QUASI-JUDICIAL HEARING – PZ1516-045 FOR SITE PLAN REVIEW #SPL2016-01 – 11191 N. WILLIAMS ST. – ZIEGENFUSS OR DUNNELLON REAL ESTATE LLC FOR WENDY’S (NOTIFICATION TO APPLICANT AND ADJACENT PROPERTY OWNERS ON 04/22/2016)

Mayor Whitt gavelled down and said, “It is now 6:08 p.m. and I close the regular meeting and open this quasi-judicial hearing to discuss: Application #PZ1516-045 by Ziegenfuss or Dunnellon Real Estate LLC for Site Plan #SPL2016-01 Approval - Parcel 33639-006-01 & 33639-006-02, Wendy’s, 11191 N. Williams Street.

All witnesses addressing City Council in this matter will be asked to limit their comments to the specific subject being addressed. Witnesses should disclose any personal interest or relationship; and any business, professional, or financial interests with any individual, group, project or proposal regarding the subject matter under review. Witnesses should always err on the side of more public disclosure, not less, in order to provide integrity to the public process.

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 Site Plan.

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 Hand asked all who wish to present evidence to stand at the same time and he administered the oath.

Mayor Whitt asked Council members for any disclosure of contact, ex-parte communications or other evidence. There was none.

Lonnie Smith presented the following staff report:



CITY OF DUNNELLOON STAFF REPORT

APPLICATION INFORMATION

DATE OF HEARING: May 2, 2016

REQUEST FOR APPROVAL OF: Site Plan as submitted

PUBLIC HEARING: Quasi-Judicial

PROJECT NAME: Wendy's Restaurant w/drive-thru

PROJECT NUMBER: SPL 2016-01, PZ1516-045

PROJECT REPRESENTATIVE(S):
Applicant: Robert Ziegenfuss
Property Owner: Dunnellon Real Estate LLC

PROPERTY LOCATION:

Project Address(es):	Parcel ID Number(s):
11191 N. Williams Street	33639-006-01
Dunnellon, FL 34432	33639-006-02

PARCEL SIZE: .78 Acres

EXISTING FUTURE LAND USE MAP: Commercial

EXISTING ZONING: B-4

EXISTING USE: Restaurant/Car Wash - Inactive

STAFF EVALUATION AND FINDINGS

1. REQUEST:

- The Applicant is seeking 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 Restaurant 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:

In 1993 the subject property was originally used for a Checkers restaurant. In 2002 a car wash was built on the adjacent property 33639-006-01. The two parcels have been purchased and a new Wendy's restaurant is being proposed for the combined site. The applicant submitted a conceptual site plan for an initial feasibility determination. A pre-application meeting was conducted and it was determined that a landscape buffer depth variance would be required. Planning council and City council both approved a workable landscape buffer dimension.

The applicant has now submitted a site plan for review and approval for a 2,247 S.F. Restaurant on the subject property.

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.

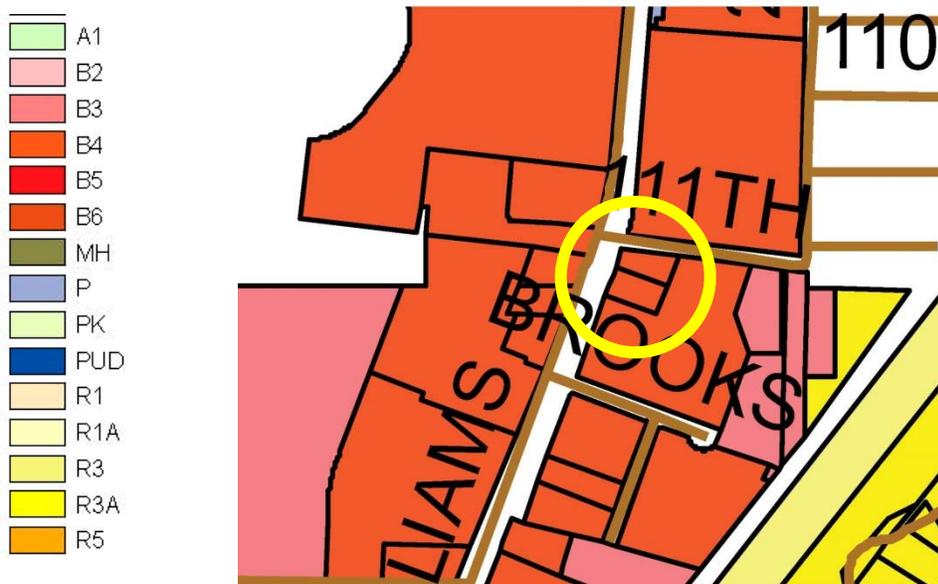
Site Area is 34,274 S.F. Impervious area is 20,871 S.F. = **ISR 62.8%**
Proposed Building height - **24 feet**

The Zoning classification is B-4 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(18) - Amount of off-street parking.

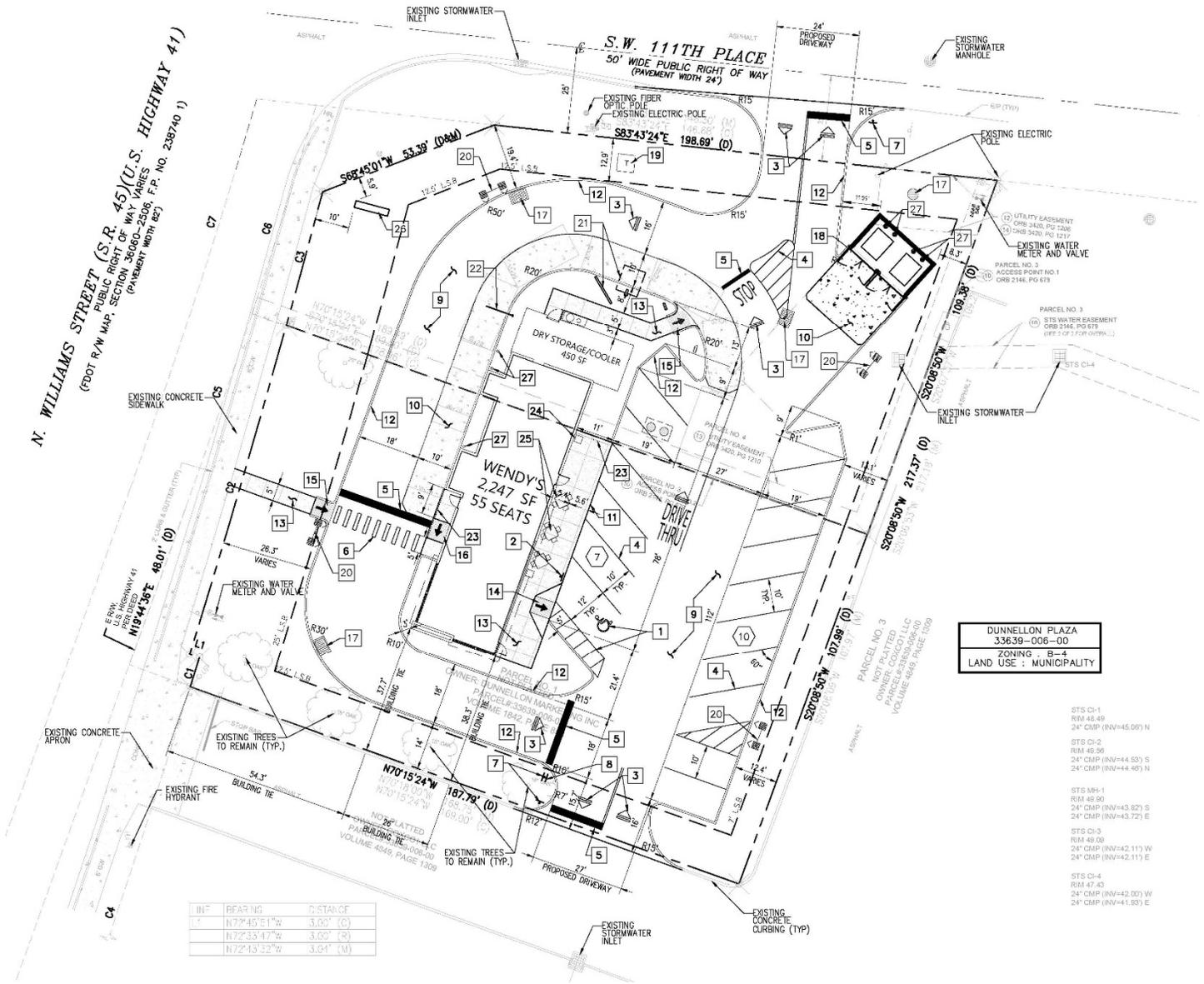
The off-street parking required by this article shall be provided and maintained on the basis of the following minimum requirements:

18. Restaurants, bars, beer gardens, clubs, nightclubs: One parking space for each **four seats** in the rooms for customer service.

Building seating capacity 55 (indoors) + 12 (outdoors) = 67 seats divided by 4 = 16.75 required
17 spaces have been provided

The Applicant meets the off-street parking requirements as set forth above.

Wendy's Site Plan

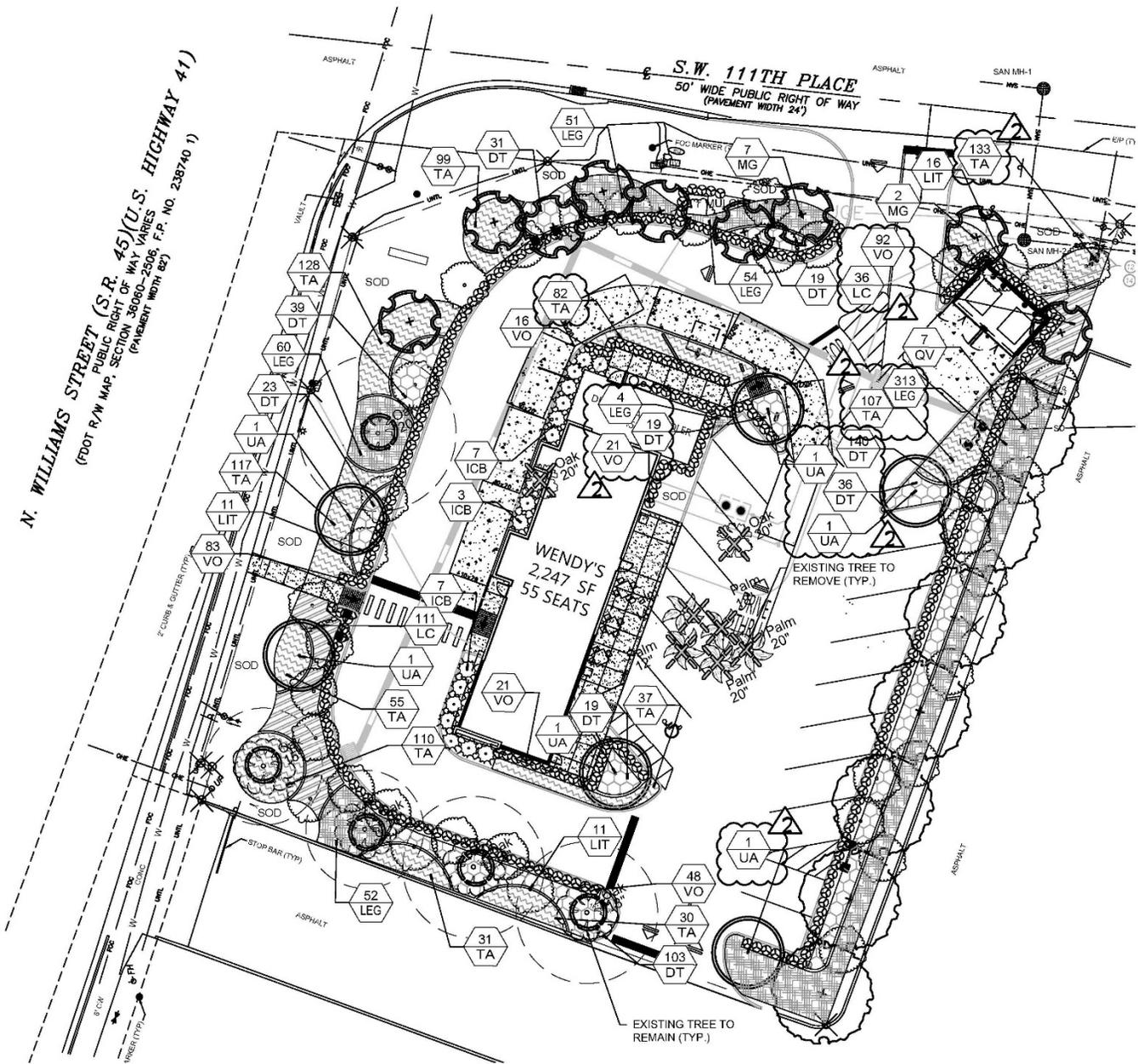


DUNNELLON PLAZA
 33639-006-00
 ZONING : B-4
 LAND USE : MUNICIPALITY

- STS C1-1
RM 45.49
24" CMP (INV=45.08) N
- STS C1-2
RM 45.35
24" CMP (INV=44.53) S
24" CMP (INV=44.45) N
- STS MH-1
RM 45.90
24" CMP (INV=43.82) S
24" CMP (INV=43.72) E
- STS C1-3
RM 45.09
24" CMP (INV=42.11) W
24" CMP (INV=42.11) E
- STS C1-4
RM 47.45
24" CMP (INV=42.00) W
24" CMP (INV=41.93) E

IN"	BEARING	DISTANCE
1	N72°45'51"W	3.00' (C)
1	N72°33'47"W	3.00' (R)
1	N72°43'32"W	3.04' (W)

Landscape Plan



	<u>Front</u>	<u>Sides</u>	<u>Rear</u>
Landscape Buffer Variance	25ft	12.5ft	7ft
Landscape Buffer Provided	26.3ft	12.9/14.5ft	7.8ft

The Applicant meets the landscape buffer variance requirements as set forth above.

Duties of planning commission in site development plan approval

- 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.
Response: Addressed on sheet C-1 of the site plan
- 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.
Response: Addressed on sheet C-3 of the site plan
- 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.
N/A
- D. Utilities, with reference to hook-in locations and availability and capacity for the use projects.
Response: Addressed on sheet C-2 of the site plan
- 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.
Response: Addressed on sheet C-1 and L-1 of the site plan
- 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.
N/A
- G. Density and/or purpose of the development, with attention to its relationship to adjacent and nearby properties.
Response: Addressed on sheet C-V of the site plan
- G. 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.
Response: Addressed in the body of this report
- H. Loss of pervious surfaces with attention to the lowering of recharge capabilities and increasing runoff.
Response: Addressed on sheet C-0 and C-3 of the site plan
- I. Such other standards as may be imposed by these zoning regulations for the particular use of activity involved.
N/A
- J. Consistency with neighborhood and historical character.
Response: Addressed in the body of this report

6. STAFF RECOMMENDATION:

Staff recommends the Planning Commission recommend City Council to approve the site plan as presented.

Mr. Bob Ziegenfuss, on behalf of the applicant, thanked City staff for working with him on this application and provided a brief overview of the project and plans. He stated demolition will begin in the next 30-60 days and it will take a total of about 6 months to complete the project.

Mayor Whitt asked for public comments. There were none.

Mayor Whitt gaveled down and stated, "It is now 6:24 p.m. and I close this quasi-judicial hearing, and now reopen the May 9, 2016 City Council Meeting."

AGENDA ITEM NO. 12 – CONSIDERATION OF SITE PLAN #PZ1516-045, 11191 N. WILLIAMS ST., ZIEGENFUSS OR DUNNELON REAL ESTATE LLC FOR WENDY'S

Councilman Dillon moved to find the site plan consistent with the City's Comprehensive Plan. Vice-Mayor Green seconded the motion. The vote was taken and all were in favor. The vote was 5-0.

Councilman Dillon moved the site plan for Wendy's be approved. Councilman Winkler seconded the motion.

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

AGENDA ITEM NO. 13 – QUASI-JUDICIAL HEARING – TREE REMOVAL PERMIT APPLICATION #PZ1516-047 FOR 11680 CHEROKEE CIRCLE (Notice to to Property Owner Mailed and Emailed on 5/6/2016)

Mayor Whitt gaveled down and said, "It is now 6:27 p.m. and I close the regular meeting and open this quasi-judicial hearing to discuss: Tree Removal Permit Application PZ1516-047 to Consider Removal of One (1) 23.8 D.B.H. Heritage Cypress Tree at 11680 Cherokee Circle, Matthew Remail.

All witnesses addressing City Council in this matter will be asked to limit their comments to the specific subject being addressed. Witnesses should disclose any personal interest or relationship; and any business, professional, or financial interests with any individual, group, project or proposal regarding the subject matter under review. Witnesses should always err on the side of more public disclosure, not less, in order to provide integrity to the public process.

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 Hand asked all who wish to present evidence to stand at the same time and he administered the oath.

Mayor Whitt asked Council members for any disclosure of contact, ex-parte communications or other evidence. There was none.

Lonnie Smith presented the following staff report:



Official Use Only

Meeting Date: May 9, 2016

From (Dept.): Community Development

Signature: tam for EEsch
Department Director

Approved for
Agenda: tam for EEsch
City Manager

Reviewed by
City Attorney: _____

Council Action: _____

Date: _____

Subject: Quasi-Judicial Hearing for Tree Removal - PZ1516-047 - 11680 Cherokee Circle

Request for Approval:

Summary Explanation and Background:

Applicant, Matthew Remai of Trenton Tree Service, on behalf of property owner, submitted an application for removal of one Heritage Cypress, 23.8" D.B.H., located 105' from the water's edge. On April 26, 2016, members of the tree board heard the case, reviewed the supporting documents, and voted unanimously to forward a recommendation of approval to City Council for this tree to be removed. Roots are causing extensive damage to the property owner's driveway and A/C pad. Damage to driveway is creating a safety hazard.

Fiscal Information:

_____ - _____ - _____ - _____ - _____ - _____

Project No.
(If applicable)

Amount: _____

Procurement Method: _____

Purchase Requisition Number: _____

Recommended Action: Tree Board recommends Council approval of the application to remove the tree.

Initiated by: tam / ls

Teresa Malmberg

From: noreply@civicplus.com
Sent: Tuesday, March 22, 2016 1:37 PM
To: Teresa Malmberg
Subject: Online Form Submittal: Tree Removal Permit Application

Tree Removal Permit Application

Step 1

City of Dunnellon

Applicant Information

Type Residential

Applicant First Name Matthew

Last Name Remai

Address 11680 Cherokee Circle

Address2 *Field not completed.*

City Dunnellon

State FL

Zip 34431

Phone Number 3522316402

Cell Phone *Field not completed.*

Other Phone *Field not completed.*

Email Trentontreeservice@outlook.com

Property Address 11680 Cherokee Circle

Address2 *Field not completed.*

City Dunnellon

State FL

Zip 34431

Contact Person if other than above *Field not completed.*

Phone *Field not completed.*

Tree Information

Species/Diameter 4.5 ft. above ground Cyprus/ 20 in **75"DIA / 23.8"D.B.H. (HERITAGE)**
Tree is 105' from water's edge

Replaced with (maintain 16 trees per acre) Live Oak

Reason for Removal Tree is doing property damage. The roots are raising the concrete drive way and and is starting to lift parts of the foundation. *Also, lifting the A/C pad.* **Visual verification by L.Smith**

Upload site plan sketch here *Field not completed.*

If Applicable

Contractor Name Trenton Tree Service

Phone Number 352 231 6402

Address 1900 SW 50th ST Trenton FL 32619

License Number *Field not completed.*

City Registration Number *Field not completed.*

Acknowledgments

Detailed Code Information available at the City's website, www.dunnellon.org, City Code, Chapter 74 Vegetation, Article III, Trees; and more specifically Sec. 74-63. - Tree removal permit requirements and procedures. I understand that this application for tree removal must be reviewed and approved prior to any removal taking place. I also understand that replacement trees, if required to meet the City of Dunnellon's minimum 16 trees per acre requirement, must be completed within 60 days of issuance of the permit. NOTE: Failure to secure a permit may result in fines in accordance with City Tree Code I certify that I have read and understand the application and requirements for tree removal. If completed and signed by Contractor, a signed, notarized letter of authorization from the owner is included.

I have read and understood the foregoing statement Yes

Signature Matthew Remail

Sec. 74-70. - Standards for tree removal in special circumstances.

(a)

The city hereby declares that special circumstances exist with regard to Pond Cypress and Bald Cypress trees, including their knees, located along the shoreline or within 150 feet of the ordinary high water line of the Rainbow River or the Withlacoochee River or their navigable coves.

(1)

All Pond Cypress and Bald Cypress trees, and their knees, regardless of size, are protected.

(2)

No such trees shall be removed unless a tree removal permit has been issued in compliance with the requirements of [section 74-63](#) and the standards set forth in subsection [74-70\(3\)](#).

(c)

(2)

Occupied lots.

b.

Demonstration that the tree poses an imminent threat and removal is required to protect public health, safety, and welfare. Such removal shall be the minimum necessary to accomplish the purposes stated herein.

Matthew Remai of Trenton Tree Service, on behalf of the property owner, explained the property damage that is occurring as a result of the tree roots and the safety hazard it creates.

Mayor Whitt asked for public comments. There were none.

Mayor Whitt gaveled down and stated, "It is now 6:33 p.m. and I close this quasi-judicial hearing, and now reopen the May 9, 2016 City Council Meeting."

AGENDA ITEM NO. 14 – CONSIDERATION OF TREE REMOVAL PERMIT #PZ1516-047, 11680 CHEROKEE CIRCLE, PARCEL NUMBER 3366-097-000, MATTHEW REMAI

Councilman Dillon moved to affirm the Tree Board's recommendation to allow removal of one (1) 23.8" D.B.H. Heritage Cypress Tree – 11680 Cherokee Circle. Councilman Winkler seconded the motion.

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

AGENDA ITEM NO. 15 – FY2014-2015 ANNUAL FINANCIAL REPORT – PRESENTATION BY RICHARD POWELL OF POWELL AND JONES, CPA

Mr. Richard Powell of Powell & Jones, CPA, provided a summary overview of the audit for the Council. He expressed his appreciation for the City staff's assistance in the preparation of the audited financial report.

There was much discussion and Mr. Powell answered Council questions regarding the Annual Financial Report, which can be viewed at:

<http://www.dunnellon.org/DocumentCenter/View/1187>

AGENDA ITEM NO. 16 – E. PENNSYLVANIA AVE BIKE TRAIL CONCEPTUAL PLAN – MARION COUNTY TPO AND KIMLEY HORN

Mr. Greg Slay of the Marion County TPO and Mr. John Sewell of Kimley Horn provided a brief review of the previous meetings held to discuss this topic and an overview of the alternatives that were presented.

There was much discussion among Council, staff, TPO and Kimley Horn regarding the various alternatives and many aspects of the project.

Councilman Dillon moved to select the option labeled Pennsylvania Avenue Alternate "C" as presented by TPO in the Design Alternatives Study dated April 2016 prepared by Kimley Horn with the stipulation that the design will allow for parking on the south side of Pennsylvania Avenue. Mayor Whitt seconded the motion.

The vote was taken. The vote was 4-1. Councilman Winkler voted no.

AGENDA ITEM NO. 17 – #LIEN2012-43, 20717 WALNUT STREET

Vice-Mayor Green moved to authorize the City Manager to waive \$683.27 of the interest accrued through April 25, 2016 on #Lien2012-43, 20717 Walnut Street. Councilman Hancock seconded the motion.

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

Councilman Dillon completed and signed the following *Form 8B Memorandum of Voting conflict for County, Municipal, and Other Local Public Officers*:

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, CHARLES J. DILLON, III, hereby disclose that on MAY 9,, 20 16:

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

- 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 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:

I AM CURRENTLY NEGOTIATING THE PURCHASE OF THE PROPERTY ON WALNUT ST.

RECEIVED
MAY 11 2016

5/9/16
Date Filed

[Signature]
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.

AGENDA ITEM NO. 18 – AGREEMENT #AGR2016-21, KIMLEY HORN IPO#52 – SHORT TOWER WAY RECONSTRUCTION

Mr. Esch explained several requests have been received from residents and businesses along Short Tower Way that the road be improved. He said the City also experiences maintenance issues with dirt washing out into Pennsylvania Avenue. He stated the project would be funded with gas tax capital improvement funds, and the proposed IPO is for engineering services.

Councilman Winkler explained the City Charter requirement for the City and property owners on each side of the road to be paved to pay 1/3 each of the cost.

Councilman Dillon said although we have gas tax reserves, we will continue to receive less and less, and should be frugal with what we have.

Councilman Hancock agreed, and suggested staff should contact the property owners via formal request to determine if they are interested in sharing the cost.

Council directed Mr. Esch to proceed with contacting the property owners on each side of Short Tower Way.

AGENDA ITEM NO. 19 – AGREEMENT #AGR2016-22, KIMLEY HORN IPO#53 – JULIETTE FALLS WASTEWATER TREATMENT FACILITY OPERATION PERMIT RENEWAL

Mr. Esch explained the Juliette Falls Wastewater Treatment Facility operates under a FDEP Domestic Wastewater Facility Permit that expires on April 3, 2017. Chapter 62-620 of the FL Administrative Code requires submittal of the operating permit renewal application no later than 180 days before the expiration date. Mr. Esch stated the proposed IPO is for the preparation of the permit application.

Councilman Hancock stated he would prefer this expense be reviewed by the UAB before presentation to Council for approval.

Council agreed to have staff to present this for review by the UAB before Council's consideration for approval.

AGENDA ITEM NO. 20 – AGREEMENT #AGR2016-25, AMENDMENT ONE (1) TO GRANT AGREEMENT #PO139 WITH THE DEPARTMENT OF ECONOMIC OPPORTUNITY

Mr. Esch explained the DEO offered the City an additional \$24,000 in grant funds to expedite provisions of the technical assistance grant.

Vice-Mayor Green moved the Mayor be authorized to sign Amendment One (1) to Grant Agreement #PO139 with the Department of Economic Opportunity. Councilman Dillon seconded the motion.

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

AGENDA ITEM NO. 21 – RESOLUTION #RES2016-12, ADOPTING LOCAL MITIGATION STRATEGY (LMS) PLAN 2015 UPDATE

Councilman Dillon moved Resolution #RES2016-12 be read by title only. Councilman Hancock 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 #RES2016-12

A RESOLUTION BY THE CITY OF DUNNELLON, FLORIDA, ADOPTING THE MARION COUNTY LOCAL MITIGATION STRATEGY PLAN 2015 UPDATE; PROVIDING FOR REPEAL AND CONFLICT; PROVIDING AN EFFECTIVE DATE.”

Councilman Dillon moved Resolution #RES2016-12 be approved. Councilman Winkler seconded the motion.

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

AGENDA ITEM NO. 22 – REPAYMENT OF DEBT TO WATER & SEWER FUNDS

Councilman Dillon moved in recognition of City Council’s affirmation that Resolution #RES2012-29 is a valid financial obligation that may be repaid from the General Fund to the Water/Sewer Emergency Reserve Account, and in recognition of the attached recommendation received from the Utility Advisory Board at the April 20, 2016 Special Council Meeting, the City will include partial re-payment of this obligation within the annual budget for the fiscal year 2016-17, and recognizing that it is the current intent and goal to satisfy this obligation, that any possible future payments thereafter will be considered on an annual basis. Councilman Hancock seconded the motion.

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

AGENDA ITEM NO. 23 – FORMAL RESPONSE FROM THE VOTERS AND TAXPAYERS

Councilman Hancock moved City Council agreed to create a ballot to be mailed to both the property tax payers and registered voters of the city of Dunnellon that will contain both education and ballot questions/options pertaining to level of services, assessment fees, and ad valorem tax rate in order to acquire formal input to assist the Council in determining future operating direction and decision making. Councilman Dillon seconded the motion.

Mayor Whitt called for discussion.

Mrs. Bowne explained the proposed process and asked the Council to be thinking about specific questions and education they would like included on the survey. She noted it would be necessary to workshop further in order to finalize. She also explained she is working with the property appraiser to collect data and the mail house to determine the cost.

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

AGENDA ITEM NO. 24 – CHARTER REFERENDUM, CITY MANAGER

Councilman Dillon moved to direct the City Attorney to prepare a referendum ordinance submitting to the electors of Dunnellon a proposed amendment abolishing section 18a – City Manager and amending the remaining sections that are affected by this change as appropriate. Councilman Winkler seconded the motion.

Mayor Whitt called for discussion.

Councilman Hancock suggested providing the public with the education in the survey as to why this particular item must be passed via referendum, as it is a Charter amendment.

The vote was taken and all were in favor. The vote was 4-1. Mayor Whitt voted no.

AGENDA ITEM NO. 25 – COUNCIL LIAISON REPORTS AND COMMENTS

Councilman Dillon discussed the previous council workshop becoming a council meeting when he had not received any notice there would be a change.

Mrs. Bowne explained it was changed at the request of Mayor Whitt after she discussed it with Mr. Esch and was given direction to proceed.

Mr. Esch explained the intent was to address the request by Marion Senior Services in the event that a motion became necessary.

Vice-Mayor Green announced the DHS Red & Black Game will be held on Friday at 6:00 p.m. and the school is also having a BBQ chicken dinner fundraiser.

AGENDA ITEM NO. 26 – CITY MANAGER’S REPORT

Mr. Esch stated Marion Senior Services have withdrawn their request to use the library building. He also discussed the BB&T and Regions Bank loans.

AGENDA ITEM NO. 27 –CITY ATTORNEY’S REPORT

None

AGENDA ITEM NO. 28 – ADJOURNMENT

At approximately 9:40 p.m. Councilman Dillon moved the May 9, 2016 City Council meeting be adjourned. Vice-Mayor Green seconded. All members voted in favor. The motion passed 5-0.

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Attest:

Dawn Bowne, MMC
City Clerk

Nathan Whitt, Mayor

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