CITY OF DUNNELLON
CITY COUNCIL MEETING

DATE: March 14, 2016
TIME: 5:30 p.m.
PLACE: City Hall
20750 River Dr., Dunnellon, FL 34431

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Vice-Mayor Green called the meeting to order at approximately 5:30 p.m. and led the Council in the Pledge of Allegiance. Mayor Whitt arrived and Vice-Mayor Green passed the gavel. Tom Welch provided the invocation.

ROLL CALL

The following members answered present at roll call:
Nathan Whitt, Mayor, Seat 1
Johanna Soldato, Councilwoman, 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
Lonnie Smith, Community Development Director
Chief Mike McQuaig, Police Department
Mandy Roberts, Assistant City Clerk
Ken Metcalf, AICP, Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A.

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, March 11, 2016.

OATH OF OFFICE FOR SEAT 5 – RICHARD D. HANCOCK

Mrs. Bowne administered the oath of office to Mr. Hancock who will fill Seat #5, vacated by the resignation of Penelope Fleeger, until the next general election. Mr. Hancock repeated the Oath of Office before the general public, City Council, and the City Clerk as follows:

"I, Richard Hancock, 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."

Mayor Whitt thanked Councilman Hancock for his willingness to serve on the City Council.

CHAIRMAN'S COMMENTS REGARDING AGENDA:
Mayor Whitt asked to add an agenda item to discuss the property contiguous to the Chamber of Commerce, and authorize staff to negotiate with the property owner.

PUBLIC COMMENTS:
No comments were received from the public.

Councilman Dillon thanked the prayer group that meets on Mondays. He said he feels they have had a positive effect on what is happening in the City. He also thanked Vice-Mayor Green for re-instilling in him what it means to be a citizen of Dunnellon and what it means to be a part of this great community. Councilman Dillon said he truly respects his sense of community and he appreciates all of the work that Vice-Mayor Green has done.

CONSENT AGENDA:

1. City Council Workshop Minutes
   January 6, 2016
   February 3, 2016

2. City Council Minutes
   December 14, 2015

3. Approved Proclamation #PRO2016-03, Dunnellon High School Student Support Foundation Club

4. Approve Proclamation #PRO2016-04, Declaring Boomtown Days

5. Appoint Councilwoman Soldato as Finance Liaison to Work with Staff on Financial Matters of the City and Gather Information in Order to Hold Public Information Workshops and Make Recommendations to Council

6. Authorize Mayor to Sign Voluntary Cooperation/Operational Assistance Agreement #AGR2016-15 with Citrus County Sheriff's Office

7. Authorize Staff to Purchase 6 New Computer Workstations Via State Contract in the Amount of $6,720.78

8. Waive Open Container Ordinance 99-08, Specifically Sec. 6-4 of the City's Code, During the Hours of 10 A.M. to 9 P.M. on April 16, 2016 for Special Event

Application PZ1516-043 Boomtown Days, Restricted to Those Areas as Depicted on Event Map and Contingent Upon Placement of Appropriate Signage and Barricades

(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 as presented. Vice-Mayor Green seconded the motion and all were in favor. The vote was 5-0.

REGULAR AGENDA

AGENDA ITEM NO. 9 – PRESENTATION OF PROCLAMATION #PRO2016-03, DUNNELLON

Mayor Whitt read the following proclamation and presented the same to faculty members and students of Dunnellon High School.

"PROCLAMATION #PRO2016-03, DUNNELLON HIGH SCHOOL
STUDENT SUPPORT FOUNDATION

WHEREAS, In 2003 the first Student Support Foundation (SSF) club was opened at Olympia High School in Orlando, Florida. The Student Support Foundation operates as a youth philanthropy club in high schools and universities; and

WHEREAS, the club must decide what the need is in their own school community. They are responsible for creating and following their own bylaws and must decide on three main areas of funding. Once funding is received from the Morgridge Family Foundation, it is the club members' and sponsors' responsibility to receive grant requests from clubs, individuals, teachers and school staff. The club must decide whether the grant request meets their funding focus and decide if the grant should be funded. Each club is 100% responsible for their own grants, correspondence and meetings. Each club is expected to keep a detailed budget and not distribute more than what is in the SSF checking account. Each club is expected to fundraise at least $250.00 annually in addition to the annual $4,000 contribution from the Morgridge Family Foundation; and

WHEREAS, Dunnellon High School Intensive Reading and AP World History Teacher and DHS Golden Apple Teacher of the Year, Barry Carrus discovered the SSF opportunity provided by Ms. Carrie Morgridge, President of the Student Support Foundation, who is dedicated to advancing education in the U.S.; and

WHEREAS, after a phone interview with Ms. Morgridge herself, Dunnellon High School became one of only 11 high schools in the nation to be awarded an SSF chapter designation and a $4,000 grant to carry out the Association's mission; and

WHEREAS, the Dunnellon City Council would like to sincerely thank and acknowledge Sponsor and Co-Sponsor Barry Carrus and Kim Williams, and the following students for their devotion to this foundation: Tiana Banda, Shemar Davenport, Joseph Dolloff, Brandie Kirkwood, Darby Langworthy, Michael Nelson, Quinnan Piestrup, Cameron Pike, Taylor Powell, Luis Quijano, Rebecca Ray, Nelmarie Santiago, Claire Sensibaugh, Kaylah Starks, Savannah Thompson and Cheyenne Youngblood.

NOW, THEREFORE, be it proclaimed that the Dunnellon City Council recognizes the Dunnellon High School Student Support Foundation and sponsors for their commitment to this program, their school and an impressive allegiance to an elevated level of education.

PASSED and PROCLAIMED this 14th day of March 2016."

AGENDA ITEM NO. 10 – SPECIAL PRESENTATION BY CHAMBER OF COMMERCE – PENNY LOFTON

Penny Lofton discussed the sponsored median decorations that have centered on the past several holidays. She said these projects have raised funds to benefit the 125 Anniversary Park. Mrs. Lofton presented the City Council with a check for $445.00.

AGENDA ITEM NO. 11 – PUBLIC HEARING ORDINANCE #ORD2016-01, AMENDMENTS TO THE ZONING CODE – ALLOWING CHICKENS TO BE KEPT IN RESIDENTIAL AREAS (Advertised on the City Website on 2/16/2016 and in the Riverland News on 3/3/2016 and in the Ocala Star Banner on 3/3/2016)

Mayor Whitt gaveled down and stated, "It is now 5:48 p.m. and I close the regular meeting and open the public hearing to discuss: Ordinance #ORD2016-01, Amendments to the Zoning Code allowing chickens to be kept in residential areas. Advertised on the City Website on 2/16/2016 and in the Riverland News on 3/3/2016 and in the Ocala Star Banner on 3/3/2016.

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.

Members of the public addressing City Council and boards/commissions on a specific project or proposal are requested to 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. Members of the public should always err on the side of more public disclosure, not less, in order to provide integrity to the public process."

Mayor Whitt called for staff presentation.

Mr. Esch stated the proposed ordinance was drafted at the request of Vice-Mayor Green, allowing residents to keep up to 6 hens in residential areas.

Mayor Whitt pointed out that this has been reviewed by the Planning Commission. He then called for public comments. There were none.

Mayor Whitt gaveled down and said, "It is now 5:50 p.m. and I close the public hearing held to discuss Ordinance #ORD2016-01 and reopen the March 14th Council meeting."

AGENDA ITEM NO. 12 – FIRST READING OF ORDINANCE #ORD2016-01, AMENDMENTS TO THE ZONING CODE (Allowing Chickens to be Kept in Residential Areas)

Councilman Dillon moved Ordinance #ORD2016-01 be read by title only. Vice-Mayor Green 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:

"ORDINANCE #ORD2016-01

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, AMENDING THE DUNNELLON CITY CODE, CHAPTER 14, "ANIMALS," TO ALLOW CHICKENS TO BE KEPT ON LOTS OR PARCELS WITH SINGLE FAMILY RESIDENTIAL ZONING DESIGNATIONS; AMENDING SECTIONS 7.1 AND 7.2 OF THE ZONING CODE TO ALLOW CHICKEN-KEEPING AS AN ACCESSORY USE IN CERTAIN RESIDENTIAL DISTRICTS AND DEFINING CHICKEN-KEEPING; PROVIDING SPECIFIC CRITERIA FOR CHICKEN-KEEPING; AMENDING VARIOUS SECTIONS OF THE CODE AND ZONING CODE TO BE CONSISTENT WITH THE INTENT AND PURPOSE OF THIS ORDINANCE; PROVIDING FOR PENALTIES; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE."

Councilman Dillon moved Ordinance #ORD2016-01 be approved. Vice-Mayor Green seconded the motion. The vote was taken and all were in favor. The vote was 5-0.

AGENDA ITEM NO. 13 – PUBLIC HEARING ORDINANCE #ORD2016-03, EAR BASED COMPREHENSIVE PLAN AMENDMENT – TRANSMITTAL #CPA2016-01 (Advertised on the City Website on 3/4/2016 and in the Ocala Star Banner on 3/4/2016)

Mayor Whitt gaveled down and stated, "It is now 5:55 p.m. and I close the regular meeting and open the public hearing to discuss: Ordinance #ORD2016-03, Ear Based Comprehensive Plan Amendment–Transmittal #CPA2016-01. Advertised on the City Website on 3/4/2016 and in the Ocala Star Banner on 3/4/2016.

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.

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Mayor Whitt called for staff presentation.

Mr. Esch explained the City received a Technical Assistance Grant from the Department of Economic Opportunity (DEO) to fund this project. He noted a deadline was missed in December which tightens the timeline for submission. He further explained the City is prohibited from adopting other types of plan amendments until such time as the City adopts the required evaluation-based plan amendments. Mr. Esch called upon Mr. Ken Metcalf to make a presentation.

Mr. Metcalf handed out a flowchart (attached hereto and made a part of these minutes) illustrating the planning process which began in September 2015, as required by DEO Grant #2015-22 and Section 163.3184, Florida Statutes. He explained the first goal in this process was to perform an administrative exercise to consolidate the comprehensive plan amendments into a single binder, referred to as The Consolidated Plan.

Mr. Metcalf explained the Statute requires that the City evaluate whether comprehensive plan amendments are necessary, approximately every seven years, in response to changes in state laws. He stated the City submitted an Evaluation & Appraisal Letter (EAL), dated November 19, 2014 to DEO, which specified the types of plan amendments that should be adopted, typically referred to as "evaluation-based" amendments. He further explained the Statute requires the City to adopt evaluation-based comprehensive plan amendments within

one year of submitting the EAL, but due to the grant schedule, this was not possible and resulted in a prohibition of the adoption of other types of plan amendments.

Mr. Metcalf reviewed the proposed amendments and explained this is a transmittal only to the State. He explained once reply is received from the State, the City has six months to modify and adopt the amendments.

Mr. Metcalf handed out an Errata Sheet (attached hereto and made a part of these minutes) outlining corrections to the proposed amendments. He also reviewed the executive summary dated March 1, 2016. There was much discussion about the Aquifer Protection and Aquifer Recharge Elements with regard to fertilizer sales and use.

Councilman Dillon stated he feels that to "discourage" rather than "prohibit" is unenforceable. Mr. Metcalf explained that there is a conflict between Policy 2.4 in the Conservation Element and Policy 2.1 of the Aquifer Protection Element. He stated the proposed change is to make the policies consistent with one another.

Mr. Esch further explained he recalls Attorney Cassady stating that the City could not use the word "prohibit" in these sections. Attorney Hand stated he is unsure why Attorney Cassady would make that statement unless it would make the policy inconsistent with State law. He stated he would research further. Planning Commission Chair Brenda D'Arville concurred, and stated she believes it is prohibited by the Commerce Act.

Mayor Whitt stated he understands Councilman Dillon's concern, but he felt that "prohibit" was a very strong term, but he would lean toward the term "prohibit."

Councilman Hancock asked if we could submit the document with the word "prohibit" and ask the State to comment. Mr. Metcalf explained the State would probably not comment, unless specifically asked to.

Mary Ann Hilton pointed out that most certified professional lawn and landscaping services follow the local laws and guidelines.

Vice-Mayor Green discussed whether or not the City would be able to fund an educational program to "discourage" the sale and use. However, he felt that proper notice to the public is important if we use the word "prohibit."

After much discussion and review, the consensus of the Council was to keep the word "prohibit" rather than "discourage" regarding the sale and use of fast release pesticides and fertilizers within the city limits. Mayor Whitt stated that a motion could be made outside of the public hearing to amend this language.

There was also much discussion about restricted land use activities in certain areas. Vice-Mayor Green discussed drive-up facilities.

Councilman Dillon asked specifically if the transmittal document could be amended to exempt lots of record.

Mr. Metcalf explained the report is evaluation-based only, but lots of record are fairly standard in comprehensive plans. There was discussion with regard to amending the transmittal letter.

Councilman Hancock asked for further clarification on the process, and whether or not the same information was presented to the Planning Commission. Mr. Metcalf stated it was, and then some. He reviewed the timeline and flowchart.

Councilman Hancock asked if the Planning Commission voted unanimously on the proposed amendments. Chairwoman Brenda D'Arville stated no; the vote was 4-1.

Mayor Whitt called for public comments.

Louise Kenny, 19970 Ibis Court, said she felt there was little opportunity for the public to participate in this process, and this item should have not been placed on an agenda with 25 other items.

Councilman Hancock stated he feels more involvement and participation is necessary.

Planning Commission member Mary Ann Hilton stated she was the one dissenting vote on the Planning Commission when the vote was taken to move the proposed amendments forward to the City Council for review and consideration. She explained she is not sure of what is being transmitted and it has been very confusing. She said she believes there are other changes outside of the EAR requirements.

There was discussion with regard to the Planning Commission holding more than one meeting per month.

After all public comments were heard, Mayor Whitt gaveled down and said, "It is now 8:55 p.m. and I close the public hearing held to discuss Ordinance #ORD2016-03 and reopen the March 14th Council meeting."

AGENDA ITEM NO. 14 – FIRST READING ORDINANCE #ORD2016-03, EAR BASED COMPREHENSIVE PLAN AMENDMENT – TRANSMITTAL #CPA2016-01

Councilman Dillon made a motion to add lots of record to the EAL for transmittal. Councilman Hancock seconded the motion and all were in favor. The vote was 5-0.

Councilman Dillon moved Ordinance #ORD2016-03 be read by title only. Councilwoman Soldato 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:

"ORDINANCE #ORD2016-03

AN ORDINANCE AMENDING VARIOUS ELEMENTS OF THE COMPREHENSIVE PLAN OF THE CITY OF DUNNELLON, FLORIDA, TO REFLECT CHANGES REQUIRED BY THE COMMUNITY PLANNING ACT PURSUANT TO THE SECTION 163.3191, FLORIDA STATUTES, AND THE CITY'S EVALUATION AND APPRAISAL NOTIFICATION LETTER TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AMENDING GOALS, OBJECTIVES, AND POLICIES CONSISTENT THERETO; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR THE FORWARDING OF THIS ORDINANCE TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY AND REVIEW AGENCIES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE."

Councilman Dillon moved Ordinance #ORD2016-03 be approved. Councilwoman Soldato seconded the motion. Mayor Whitt called for discussion.

Councilman Dillon stated he is comfortable sending this very basic information to the State, knowing that there will be sufficient time to review and amend as necessary over the next six months. Councilman Hancock concurred.

Mayor Whitt applauded Mr. Metcalf on his efforts and a very through presentation.

Mayor Whitt called for a vote. The vote was taken and all were in favor. The vote was 5-0.

AGENDA ITEM NO. 15 – QUASI-JUDICIAL HEARING – REZONING APPLICATION #REZ2015-02, #ORD2016-02, 20799 WALNUT ST – MYERS (Advertised on the City Website on 2/4/2016 and in the Riverland News on 3/3/2016)

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.

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business, professional, or financial interests with any individual, group, project or proposal regarding the subject matter under review. Members of the public should always err on the side of more public disclosure, not less, in order to provide integrity to the public process."

Mayor Whitt gaveled down and stated, "It is now 9:00 p.m. and I close the regular meeting and open the public hearing to discuss: Ordinance #ORD2016-02, Rezoning #REZ2015-02 requested by Nancy Myers, 20799 Walnut Street, Dunnellon, Florida. Advertised in the Riverland News on 3/3/2016 and on the City's website on 2/4/2016.

At the conclusion of this hearing, the City Council of the City of Dunnellon will make a decision whether or not to approve Ordinance #ORD2016-02, Rezoning #REZ2015-02.

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.

The applicants are seeking to rezone parcel number 3380-1844-00 from RBO Residential Business Office to B-3 Central Business District."

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. Each Council member replied they had none.

Mayor Whitt called for staff presentation.

Mr. Smith reviewed the staff report. He explained the applicant has applied for the 0.14 acre property to be rezoned from Residential Business Office (RBO) to Central Business (B3). He stated the parcel currently has split zoning condition and the property owner would like to open a small Deli/Bakery in the location to support the existing business patrons as well the general public.

Mr. Smith reported the proposed B-3 zoning is consistent with the surrounding properties in the area. He explained the adjacent properties are either B-3 or RBO and there are many similar small businesses in the local vicinity. He also stated the land use is consistent with the zoning, and approval was recommended by the Planning Commission.

Mayor Whitt called upon the applicant for comment or presentation. There was no applicant comment or presentation.

Mayor Whitt called for presentation of evidence from the public. There was none.

Mayor Whitt gaveled down and said, "It is now 9:10 p.m. and I close the public hearing held to discuss Ordinance #ORD2016-02 and reopen the March 14th Council meeting."

Councilman Dillon state he feels the Council should support this type of business in the Historic District.

Councilman Hancock said he feels the establishment fits the character of the neighborhood.

Vice-Mayor Green said he looks forward to dining at the establishment.

AGENDA ITEM NO. 16 – CONSIDERATION OF REZONING APPLICATION #REZ2015-02, 2ND AND FINAL READING OF ORDINANCE #ORD2016-02, REZONING OF 20799 WALNUT ST.

Vice-Mayor Green moved Ordinance #ORD2016-02 be read by title only. Councilman Dillon 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:

"ORDINANCE #ORD2016-02

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA; CHANGING THE ZONING CLASSIFICATION FROM RESIDENTIAL BUSINESS OFFICE (RBO) TO CENTRAL BUSINESS (B-3) OF THAT PARCEL (LOT 1846) COMPRISING .14 ACRES LOCATED AT THE NORTHEAST CORNER OF THE WALNUT STREET AND CEDAR STREET INTERSECTION; PROVIDING DIRECTIONS TO THE CITY MANAGER; PROVIDING FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE."

Vice-Mayor Green moved Ordinance #ORD2016-02 be approved. Councilman Hancock seconded the motion. The vote was taken and all were in favor. The vote was 5-0.

AGENDA ITEM NO. 17 – QUASI-JUDICIAL HEARING – APPLICATION #PZ1516-028 BY ROBERT ZIEGENFUSS. DUNNELLON REAL ESTATE, LLC FOR VARIANCE #VAR2016-02 LOCATED AT 11191 N. WILLIAMS ST. (Notification to Applicant and Adjacent Property Owners on 2/24/2016)

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.

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Members of the public addressing City Council and boards/commissions on a specific project or proposal are requested to 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. Members of the public should always err on the side of more public disclosure, not less, in order to provide integrity to the public process."

Mayor Whitt gaveled down and said, "It is now 9:14 p.m. and I close the regular meeting and open the quasi judicial hearing to discuss:

Application #PZ1516-028 for Variance #VAR2016-02 Approval. Notification To Applicant By Email And Mail And Adjacent Property Owners By Mail On 2/24/2016.

At the conclusion of this hearing, the City Council of the City of Dunnellon will make a decision whether or not to approve Variance #VAR2016-02 for Application #PZ1516-028.

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 a variance for Landscape Buffer at 11191 N. Williams Street. The Planning Commission heard this request 2/16/2016 and found the application to be consistent with the Comprehensive Plan and recommended approval with provisions."

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. Each Council member replied they had none.

Mayor Whitt called for staff presentation.

Mr. Smith reviewed the staff report. He explained the subject property was originally used for a Checkers restaurant and 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 in that meeting it

was determined that a landscape buffer variance would be needed in order to move the project forward.

Mr. Smith stated the applicant is seeking a variance from Section 74-108(4)a of the City Code and Section 9.3-1(a)1 of the City Land Development Regulations to allow an East 7'(ft), South 12.5' (ft), North 12.5 (ft), and West 25' (ft) landscape buffer rather than the 25' perimeter buffer that is required.

Mr. Smith stated the Planning Commission has recommended that City Council approve the landscape buffer variance as presented.

Mayor Whitt called upon the applicant for presentation.

Mr. Bob Ziegenfuss, Engineer for the project, explained in an effort to comply with the City's zoning codes and maintain the 25ft buffer, they have actually downsized the building and opted for a smaller Wendy's prototype to be constructed on the property. He stated it will be a beautiful building.

Mayor Whitt called for presentation of evidence from the public.

Linda Fernandez, 12499 N. Water Way, stated she has been the registered owner/broker of Dunnellon Real Estate for over 30 years in the State of Florida and no other entity should be using that name. Mr. Ziegenfuss stated he would be sure to report this to the developer.

Mayor Whitt gaveled down and stated, "It is now 9:29 p.m. and I close the Quasi-Judicial hearing held to discuss variance approval (#VAR2016-02) as part of Application PZ1516-028, and reopen the March 14th council meeting."

AGENDA ITEM NO. 18 – CONSIDERATION OF DEVELOPMENT ORDER #DOR2016-02, REQUEST FOR APPROVAL OF LANDSCAPE BUFFER VARIANCE #VAR2016-02 ROBERT ZIEGENFUSS, DUNNELLON REAL ESTATE FOR APPLICATION #PZ1516-028 11191 N. WILLIAMS ST

Vice-Mayor Green moved Development Order #DOR-02 be approved. Councilman Dillon seconded the motion. The vote was taken and all were in favor. The vote was 5-0.

AGENDA ITEM NO. 19 – RESOLUTION #RES2016-10 ELECTRONIC FILING FOR CAMPAIGN FINANCE REPORTS

Vice-Mayor Green moved Resolution #RES2016-10 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 #RES2016-10

A RESOLUTION OF THE CITY OF DUNNELLON, FLORIDA, IMPLEMENTING THE PROVISIONS OF SECTION 106.07(2)(a)2.,FLORIDA STATUTES, REQUIRING ELECTRONIC FILING OFCAMPAIGN FINANCE REPORTS OF LOCAL CANDIDATES ANDPOLITICAL COMMITTEES; ESTABLISHING AN ELECTRONIC FILING SYSTEM AND REQUIRING A WRITTEN ACKNOWLEDGEMENT REGARDING CERTAIN MATTERS PERTAINING TO THE ELECTRONIC FILING SYSTEM AND PROVIDING FOR EFFECTIVE DATE."

Councilman Dillon moved Resolution #RES2016-10 be approved. Councilwoman Soldato seconded the motion. The vote was taken and all were in favor. The vote was 5-0.

AGENDA ITEM NO. 20 – FIRST READING OF ORDINANCE #ORD2016-04, AMENDMENT TO SECTION 39 OF CITY'S CHARTER NEEDED TO COMPLY WITH FEDERAL REQUIREMENTS FOR MAILING OF OVERSEAS BALLOTS

Councilman Dillon moved Ordinance #ORD2016-04 be read by title only. Councilwoman Soldato 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:

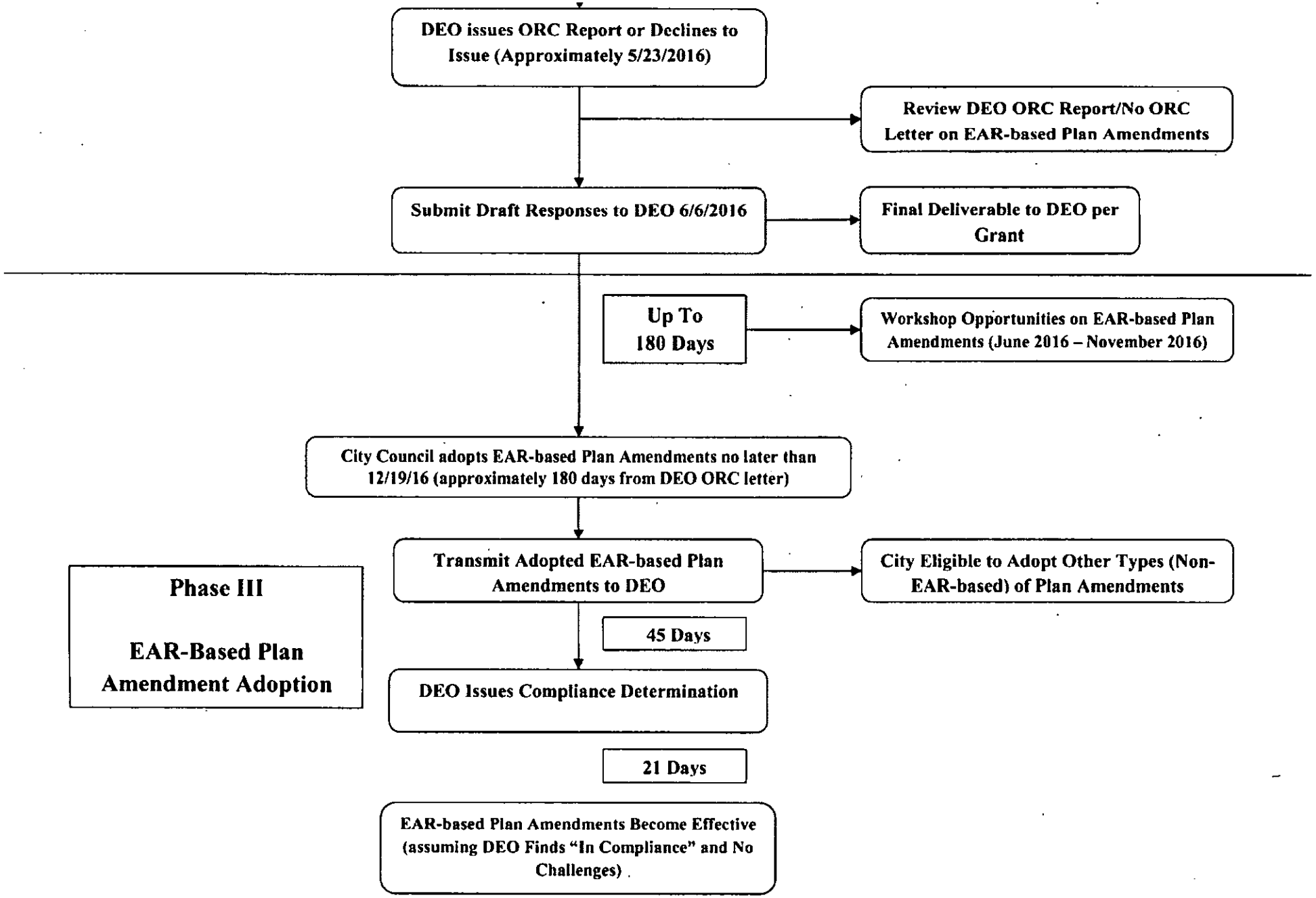
"ORDINANCE #ORD2016-04

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, SUBMITTING TO THE ELECTORS OF DUNNELLON A PROPOSED AMENDMENT TO SECTION 39 OF THE CITY CHARTER CHANGING THE DAY AND MONTH OF A RUN-OFF ELECTION IN THE EVENT OF A TIE VOTE TO BE CONSISTENT WITH FEDERAL LAW; PROVIDING THE BALLOT TITLE, SUMMARY, AND TEXT FOR THE PROPOSED AMENDMENT; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR THE EFFECTIVE DATE OF THE CHARTER AMENDMENT IF APPROVED BY A MAJORITY OF ELECTORS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND EFFECTIVE DATE FOR THIS ORDINANCE."

Councilman Dillon moved Ordinance #ORD2016-04 be approved. Councilwoman Soldato seconded the motion. The vote was taken and all were in favor. The vote was 5-0.

AGENDA ITEM NO. 21 – LOTS OF RECORD

A motion was made and a vote was taken on this Agenda Item under Agenda Item #14 as follows: Councilman Dillon made a motion to add lots of record to the EAL for transmittal. Councilman Hancock seconded the motion and all were in favor. The vote was 5-0.



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Provided to Council by Ken Metcalf during 3/14/2016 Council meeting

Errata Sheet

The Volume II proposed amendments shall be revised to include the following corrections:

1. Change Policy 1.4.D. to 1.4.C.8 in the Future Land Use Element and re-letter the remaining sub-policies.
2. Change Policy 1.10.A. to change Parcel Identification No. "33757-003-09" to "33757-003-08" in the Future Land Use Element
3. Change Policy 7.2.D to change "September 2, 2003" to "January, 2009" in the Conservation Element.
4. Change language in Policy 2.1.D from "a state or federal agency" to "the applicable state or federal agency" in the Conservation Element.
5. Change Policy 2.1 in the Aquifer Protection Element to "The City will discourage the sale and use of fast release pesticides and fertilizers within city limits through educational programs."

   Note: Policy 2.4 in the Conservation Element was not changed by the 2015 Amendment and is not consistent with Policy 2.1 of the Aquifer Protection Element. The following amendment is recommended to make this policy consistent with Policy 2.1:

   > "The City ~~shall prohibit~~ will discourage the sale and use of fast release pesticides and fertilizers within ~~the~~ city limits through educational programs."

6. Change Policy 2.2 in the Aquifer Protection Element to "The City should provide funding for programs which assist in educating residents about proper use of fertilizers and irrigation practices."

7. Include the following insertion in the Aquifer Recharge Element and renumber accordingly:

   "Objective 3.0:

   Restrict land use activities that have the potential to pollute public water supply facilities and/or the Floridan Aquifer.

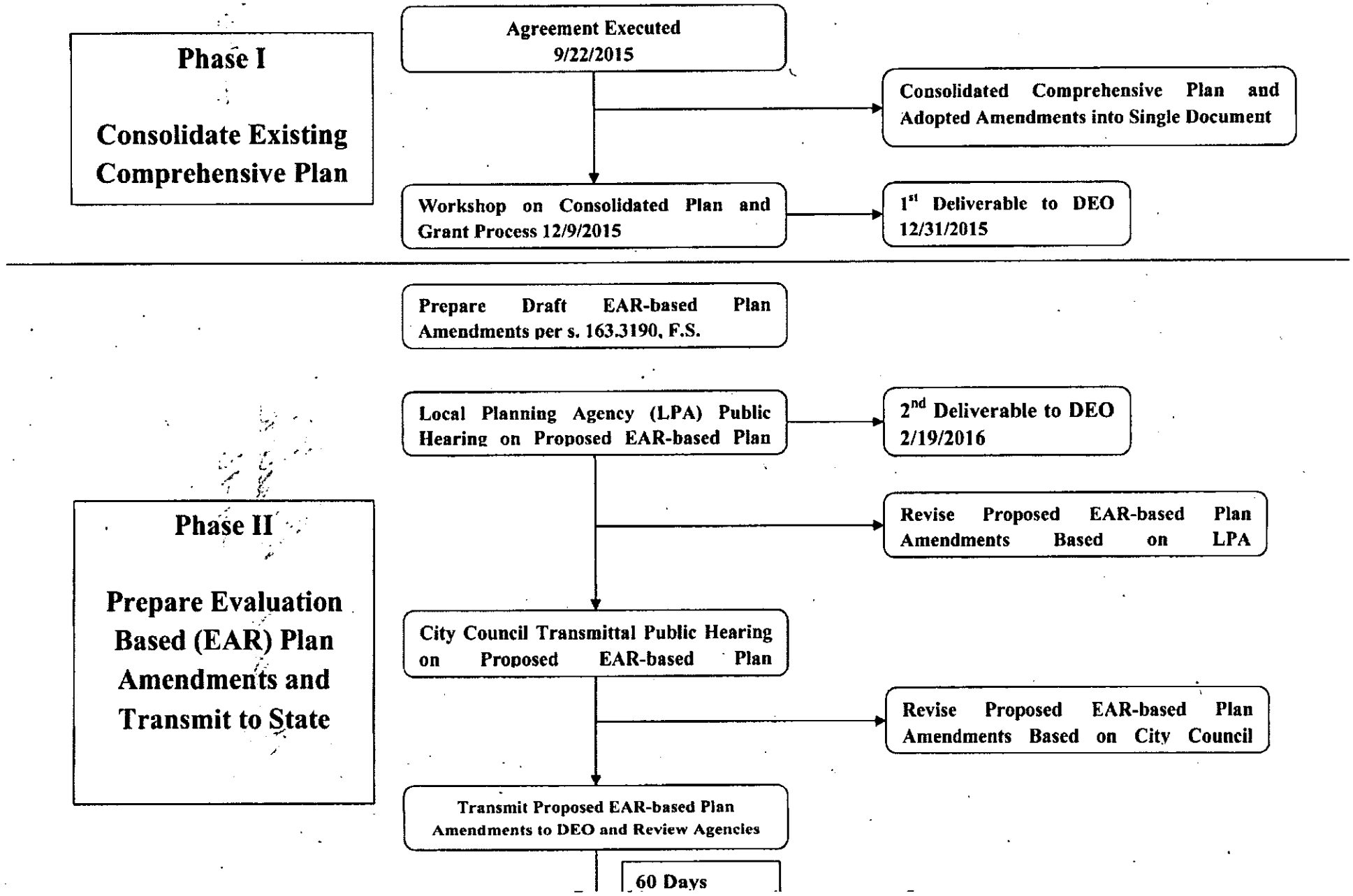
   Policy 3.1

   Control point sources of groundwater pollution by implementing land development regulations to restrict any land use that will diminish groundwater quality and quantity. The following land uses shall be regulated to reduce potential impacts:

   A. Vehicle sales, repair, rental, storage, or maintenance;
   B. Hazardous waste facilities;
   C. Buildings larger than 80,000 sq. ft.;
   D. Drive-up facilities;
   E. RV Parks"

Provided to Council by Ken Metcalf during 3/14/2016 meeting.

City of Dunnellon
Planning Process Required by DEO Grant #2015-22
and Section 163.3184, Florida Statutes



AGENDA ITEM NO. 22 – CITY COUNCIL LIAISON ASSIGNMENTS

TPO Liaison Assignment – Vice-Mayor Green made a motion to appoint Councilwoman Soldato as liaison to the Marion County TPO. Councilman Dillon seconded the motion and all were in favor. The vote was 5-0.

TDC Liaison Assignment – Mayor Whitt made a motion to appoint himself as liaison to the Marion County TDC. Councilman Dillon seconded the motion and all were in favor. The vote was 5-0.

Councilwoman Soldato volunteered to serve as liaison to the Chamber of Commerce.

Vice-Mayor Green stated he would continue to serve as the liaison to the DBA and Chatmire.

Councilman Hancock volunteered to serve as the liaison to the SWFWMD and the UAB.

Mayor Whitt made a motion to authorize staff to work with Shay and Vaughn Woodside on the potential purchase of the property contiguous to the old water tower property that could potentially become a parking lot. Councilman Dillon seconded the motion and all were in favor. The vote was 5-0.

AGENDA ITEM NO. 23 – COUNCIL REPORTS AND COMMENTS

Mr. Burt Eno provided an update on the RRR Case.

AGENDA ITEM NO. 24 – CITY MANAGER'S REPORT

Mr. Esch provided his report.

AGENDA ITEM NO. 25 –CITY ATTORNEY'S REPORT

Attorney Hand stated he has nothing to report.

AGENDA ITEM NO. 26 – ADJOURNMENT

At approximately 9:50 p.m. Councilman Dillon moved the March 14, 2016 City Council meeting be adjourned. Vice-Mayor Green seconded. All members voted in favor. The motion passed 5-0.

Attest:

Dawn Bowne, MMC 4-11-16
City Clerk

Nathan Whitt, Mayor 4-11-16

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