

STEARNS WEAVER MILLER
WEISSLER ALHADEFF & SITTERSON, P.A.

AGR2015-26

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December 22, 2015

Mr. Eddie Esch
City Manager
Dunnellon City Hall
20750 River Drive
Dunnellon, FL 34431

Dear Mr. Esch:

Eddie

Stearns Weaver Miller, P.A., ("SWM") is pleased to submit this first deliverable pursuant to our engagement letter with the City of Dunnellon ("City") and in accordance with the requirements of the Technical Assistance Grant Agreement (2015-22) executed between the City and the Department of Economic Opportunity ("Department"). This submittal includes the following documents:

1) A Binder which includes the following documents:

- a. City of Dunnellon Comprehensive Plan in a consolidated format that incorporates all comprehensive plan amendments adopted by the City and which became legally effective pursuant to the requirements of s. 163.3184, Florida Statutes (the "Consolidated Comprehensive Plan" as referenced herein). The adopted components include the goals, objectives and policies of each element and several required maps as follows: Future Land Use Element, Traffic Circulation Element, Conservation Element, Housing Element, Intergovernmental Coordination Element, Infrastructure Element, Public Facilities Element, Recreation and Open Space Element and Capital Improvements Element, including the Capital Improvements Schedule; the Future Land Use Map ("FLUM") series (includes multiple maps) and the Future Traffic Circulation System Map. Please note that for plan amendments adopted prior to the enactment of the Community Planning Act in 2011, those amendments became effective pursuant to the compliance determinations published by the Florida Department of Community Affairs ("DCA"). For those comprehensive plan amendments adopted after the passage of the Community Planning Act, such plan amendments became effective, pursuant to s. 163.3184(3)(c)4, Florida Statutes, 31 days following a determination of completeness by the Department.

- b. A matrix documenting the controlling language in each adoption ordinance, which determined the specific provisions of each comprehensive plan element that were amended and adopted as part of the comprehensive plan. In addition, this matrix documents the Department's Notices of Intent (i.e., compliance determinations) for each amendment and provides additional background information regarding settlement agreements, remedial amendments and other related information which support the findings relied upon to determine the adopted components of the Consolidated Comprehensive Plan.
 - c. A copy of each adoption Ordinance without the exhibits.
 - d. A copy of each Notice of Intent issued by the Department.
 - e. Annotated version of Future Land Use Map showing amendment boundaries.
 - f. The agenda for the workshop held on December 9, 2015, a copy of the powerpoint presentation presented by Ken Metcalf and a summary of the discussion at the workshop.
- 2) A CD that includes a complete copy of the binder and each plan amendment package obtained from the Department's on-line archive and GIS files supporting the consolidated Future Land Use Map with documentation regarding amendments.
 - 3) A chart summarizing our compliance with the specific deliverables and performance measures as set forth in our engagement letter with the City and as specified in Attachment 1, Scope of Work, as attached to the Grant Agreement.
 - 4) Our invoice to the City in the amount of \$10,000 for the work completed for this first deliverable.

As discussed at the 12/9/2015 Planning Workshop, SWM utilized several methods to confirm the scope of the adopted components of the Dunnellon Comprehensive Plan. The following briefly highlights some of the key findings from our work in producing this first deliverable:

1. Neither the Department's on-line archives nor the City's records include a copy of Ordinance 91-05 with "Exhibit A" actually attached. The Ordinance refers to Exhibit A as the adopted comprehensive plan. Three elements (Future Land Use, Infrastructure and Capital Improvements) from the originally adopted comprehensive plan were found Not In Compliance by DCA. The City adopted a Remedial Comprehensive Plan amendment

on August 24, 1992, pursuant to Ordinance 92-07. The Department's on line records and the City's records are consistent and include these three elements, which are identified with a date of "6/92" and are easily distinguished from the remainder of the elements, all of which are dated October 14, 1991.

2. Ordinance 91-05 clearly distinguishes between the goals, objectives and policies as an adopted component of the Dunnellon Comprehensive Plan and the supporting data and analysis that were not adopted as components of the Dunnellon Comprehensive Plan. Ordinance 91-05 also set forth the goals, objectives and policies in a separate volume from the supporting data and analysis. None of the subsequently adopted amendments to the Dunnellon Comprehensive Plan altered that relationship. The goals, objectives and policies were amended and adopted as a component of the Dunnellon Comprehensive Plan, while the supporting data and analysis were periodically amended as part of the amendment package, but not proposed as an adopted component. The adopted components of the Dunnellon Comprehensive Plan include the goals, objectives and policies of each element, the future land use map series, the future transportation map and the Capital Improvements Schedule. These are included in the consolidated Dunnellon Comprehensive Plan.
3. We have identified several past scrivener errors that warrant explanation.
 - a. The City enacted Ordinance 2008-03 on January 12, 2009 (DCA Amendment No. 09-1PV/08-2), which expressly adopted amendments to the Public Facilities Element, Recreation and Open Space Element and Intergovernmental Coordination Element. Each of these elements includes a note confirming their adoption by the City Council on January 12, 2009. However, the amendment package transmitted to DCA included a draft version of a proposed Aquifer Recharge Element, dated November 29, 2007. This draft element was not referenced in the adoption ordinance or the transmittal letter. We also reviewed the City Council minutes of the public hearing and no specific mention was made of any intent to adopt the draft element. The Aquifer Recharge Element was not adopted by this amendment. The recent adoption of Ordinance 2015- includes amendments adopted as strike-through/underline changes to the Aquifer Recharge Element. As this element was not previously adopted, our opinion is that the 2015 amendments thereto are not valid. Therefore, the consolidated Comprehensive Plan does not include the Aquifer Recharge Element. We propose though to include the Aquifer Recharge Element as part of the proposed comprehensive plan amendments that may be considered for adoption as part of the EAR-based amendments.

- b. Ordinance 2008-03 also described the adoption of amendments in strike-through/underline format to the Public Facilities Element, but this actually represented the initial adoption of this particular element. For clarification, the strike-through/underline changes identified in the amendment compared the adopted version to the proposed version. This Ordinance also referenced strike-through/underline amendments to the Recreation and Open Space Element, but actually adopted a completely re-drafted version of the element without identifying the amendments in strike-through and underline format. We consider this to be a scrivener error in the Ordinance and that the City's intention was to adopt a new element replacing the former element in its entirety. The consolidated Comprehensive Plan includes this version of the Recreation and Open Space Element, as amended by subsequent amendments.

- c. Ordinance 2007-25 states that "[T]he Concurrency Management System is hereby adopted as a component of the Dunnellon Comprehensive Plan as set forth in Exhibit "A"." This wording suggests that the Concurrency Management System ("CMS") had not been previously adopted, but Ordinance 92-07 did adopt limited CMS provisions as part of the remedial amendments correcting the originally adopted Comprehensive Plan from 1991. The 2007 amended version of the CMS does not identify the full extent of the amendments in strike-through/underline format as compared to the 1992 CMS. However, the Ordinance is sufficiently clear that the City Council intended to adopt the entire CMS as presented in Exhibit A to the ordinance. The Consolidated Comprehensive Plan incorporates the 2007 CMS.

- d. We have also identified various other minor discrepancies where an amendment identified proposed changes in strike-through/underline format, and inadvertently included scrivener errors in other objectives and policies that were not intended to be changed and were not identified in strike-through/underline format. The Consolidated Comprehensive Plan incorporates corrections based on the exact language adopted by the City through each comprehensive plan amendment.

- e. We have also worked closely with Mr. Lonnie Smith in preparing an updated FLUM, which incorporates each of the map amendments adopted by the City. To assist the City in reviewing those amendments, we have also included an annotated FLUM, which shows the boundaries of each FLUM amendment adopted by the City.

Mr. Eddie Esch
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The attached chart summarizes the specific deliverables and performance measures completed in accordance with the requirements of our engagement letter with the City and as specified in Attachment 1, Scope of Work, as set forth in the Grant Agreement. Based on our fulfillment of the required work tasks, we respectfully request that the City complete its required sections of the grant forms and provide a complete transmittal to the Department no later than December 28, 2015. This will allow a few days for any final revisions as may be requested to ensure that the Department finds the final deliverable and required forms complete by the due date of December 31, 2015. Pursuant to the terms of our engagement letter, we request that the City provide payment for our services within two weeks of the City receiving payment for same from the Department. If you have any questions regarding this first deliverable, please do not hesitate to contact me at 850-519-6165.

Sincerely,

A handwritten signature in black ink that reads "Kenneth Metcalf". The signature is written in a cursive, flowing style with a large, prominent initial "K".

Kenneth Metcalf, AICP

Deliverables and Tasks	Performance Measures	Completed Task
Deliverable 1. Integrated Comprehensive Plan, Identification of Adopted Data and Analysis, and Kick Off Workshop		
<p>Task 1.1 – Determine what goals, objectives, and policies (GOPs) are currently in effect and prepare one integrated, cohesive Comprehensive Plan with all GOPs currently in effect, in Word format.</p> <p>Task 1.2 – Determine what data and analysis have been adopted into the Comprehensive Plan by past ordinances adopting plan amendments, to be vacated and deleted by subsequent plan amendment.</p> <p>Task 1.3 - Hold kickoff workshop on amendment process.</p>	<p>Completion of tasks in Deliverable 1 as evidenced by all of the following:</p> <p>Task 1.1</p> <ul style="list-style-type: none"> • Integrated Comprehensive Plan currently in effect (with no-strike-through, underlining, or tracked-changes): one paper copy or one electronic copy of text (GOPs) in Word format; maps to be provided on a compact disk (CD) in portable document format (PDF), size ANSI-E. <p>Task 1.2</p> <ul style="list-style-type: none"> • A list of past ordinances which have adopted data and analysis into the Comprehensive Plan and for which elements, to be vacated and deleted by subsequent ordinance: one paper copy or one electronic copy in Word format. <p>Task 1.3</p> <p>One paper copy or one electronic copy of each of the following in Word format:</p> <ul style="list-style-type: none"> • Public notice of workshop. • Workshop agenda. • Workshop minutes or summary of workshop and input received. 	<p>Task 1.1.</p> <ul style="list-style-type: none"> • The binder includes one paper copy of the integrated/consolidated version of the Dunnellon Comprehensive Plan currently in effect including the adopted Goals, Objectives, and Policies and adopted maps. We have also provided an electronic copy of same on a CD in Word and PDF format. <p>Task 1.2.</p> <ul style="list-style-type: none"> • The Matrix includes a list of the Ordinances which have adopted the Goals, Objectives, and Policies and maps set forth in the Dunnellon Comprehensive Plan. None of the Ordinances adopted data and analysis as part of the adopted components of the Dunnellon Comprehensive Plan. <p>Task 1.3</p> <p>The binder includes a paper copy of each document and an electronic copy of same on a CD in Word format.</p>

**STEARNS WEAVER MILLER
WESSLER ALHADEFF & SITTERSON, P.A.**

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City of Dunnellon
Attn. Eddie R. Esch, Sr.
20750 River Drive
Dunnellon, FL 34431

Invoice Date: December 18, 2015
Invoice Number: 15900869
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For Professional Services Rendered Through December 18, 2015

Our Matter # 42051.0001
Comprehensive Plan Update

Date	Professional	Description	Hours
09/30/15	KBM	Call with V. Cassady regarding schedule.	0.30
10/07/15	KBM	Coordinating with assistant on documenting DEO list of amendments and review of table summarizing amendments; direction to C. Smith on review, coordination email to City staff regarding schedule and requesting documentation previously compiled by City.	0.50
10/12/15	KBM	Conducting review of Ordinances/Plan Amendments	0.50
10/22/15	KBM	Review of 92-R1 amendment package and adoption ordinance to confirm scope of adopted provisions.	1.30
10/22/15	CPS	Review adopted ordinances, comprehensive plan amendments from City of Dunnellon and Florida Department of Economic Opportunity files.	1.00
10/27/15	CPS	Continue review of adopted ordinances and comprehensive plan amendments from City of Dunnellon and Florida Department of Economic Opportunity files; comparing files and eliminating duplicate copies.	3.50
10/29/15	KBM	Review of email transmittal from City providing copy of original comprehensive plan for comparison to DEO 92-1R remedial amendment.	0.50
10/29/15	CPS	Review of adopted comprehensive plan amendments from Florida Department of Economic Opportunity files.	2.00
10/30/15	CPS	Review Ordinance No. 91-05. Original Comp Plan Ordinance received from City of Dunnellon.	1.30
11/10/15	KBM	Drafted Template Chart for documenting findings regarding scope of comprehensive plan amendments adopted by City. Summarized findings regarding Ordinance 91-05. Drafted summary of documentation and format of binder to be prepared for first	2.50

Date	Professional	Description	Hours
		deliverable. Working with C. Smith and assistant in reviewing preliminary findings and directing work on additional documentation to complete deliverable.	
11/10/15	CPS	Phone conversation with Dunnellon City Clerk (Dawn M. Bowne) to obtain certified copies of Ordinances 91-05 and 92-07. Follow up email to Mrs. Bowne specifying request.	0.60
11/10/15	CPS	Email to Lonnie Smith (Community Development) requesting GIS shapefiles for creating an Ordinance inventory map.	0.20
11/10/15	CPS	Review, inventory, and summarize adopted ordinances from DEO and City of Dunnellon: 1991 DNL No - PLAN, 1992-R1, 1996-1 pv 94-1.	4.00
11/11/15	CPS	Review, inventory, and summarize adopted ordinances from DEO and City of Dunnellon: 1997-S1, 1998-S1, 1999-PS1, 1999-R1, 2000-S1, 2000-S2, 2000-1 and 2000-S3.	2.80
11/12/15	KBM	Review of 1991 Florida Statutes to confirm scope of amendments required for adoption.	0.30
11/13/15	KBM	Review of Certified Ordinances and call with D. Bowne regarding same and Clerk's recording procedures. Review of related City Council minutes and LPA minutes provided by D. Bowne. Review of comprehensive elements provided by D. Bowne and consolidated version formerly prepared by B. Day at Withlacoochee Regional Planning Council.	1.50
11/13/15	CPS	Review, inventory, and summarize adopted ordinances from DEO and City of Dunnellon: 2001-R1- Cabbage Settlement Agreement 2003-1, 2005-1, 2004-S1, 2006-1, 2007-1, 2008-1, 2009-1 PV 08-2.	5.30
11/17/15	CPS	Review, inventory, and summarize adopted ordinances from DEO and City of Dunnellon: Continued 2009-2, 2010-11, 2014-07. Dunnellon FLUM setup.	2.30
11/18/15	CPS	Compile GIS dataset base layers for GIS exhibits.	4.50
11/24/15	KBM	Calls with DEO and City of Dunnellon regarding schedule and final deliverable. Email to Eddie Esch regarding same.	0.50
11/25/15	KBM	Working with assistant on summary of amendments.	0.40
12/02/15	KBM	Review of statutory requirements for FLUM series and reviewed and confirmed adopted map set as referenced by 1991 consultant report and adoption ordinance.	1.00
12/03/15	KBM	Prepared workshop presentation and emailed to City regarding logistics for workshop.	4.50
12/04/15	CPS	Create ordinance GIS layers over the existing FLUM Map.	6.00
12/07/15	CPS	Create individual layers for Future Land Use Map amendments and forward to Lonnie Smith for review.	4.50

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Date	Professional	Description	Hours
12/08/15	CPS	Produce a linked FLUM Map with Ordinance changes for reference and viewing exact map exhibits from original adopted ordinances.	2.50
12/09/15	KBM	Attended Planning Workshop, made presentation on planning process based on DEO grant requirements, statutory requirements and progress report on first deliverable.	7.00
12/11/15	CPS	Make edits to FLUM per feedback from Lonnie Smith.	1.50
12/16/15	KBM	Drafting transmittal letter to City. Final check quality control review on elements.	3.40
12/16/15	CPS	Review of 2015 adopted Elements for accuracy with respect to the original adopted Elements and any subsequent amendments.	6.00
12/17/15	CPS	Final edits to the Future Land Use Map table and layout. Create FLUM Map based on Ordinances, WRPC GIS Coverage, and City FLUM 2008. Create Map with Amendment parcels by Ordinance in an overlay with the FLUM.	2.00

TOTAL DUE THIS INVOICE

\$ 10,000.00

R.L. Bouthillier

**STEARNS WEAVER MILLER
WEISSLER ALHADEFF & SITTERSON, P.A.**

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REMITTANCE PAGE
For Professional Services Rendered

City of Dunnellon
Attn. Eddie R. Esch, Sr.
20750 River Drive
Dunellon, FL 34431

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TOTAL DUE THIS INVOICE: \$ 10,000.00
GRAND TOTAL: \$ 10,000.00

<p>Please make checks payable to:</p> <p>Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A. 150 W. Flagler Street, Suite 2200 Attention: ACCOUNTS RECEIVABLE Miami, Florida 33130</p> <p>F.E.I. 59-2126062</p>	<p>To pay via wire transfer:</p> <p>Citibank, N.A. ABA Number: 266086554 Account Number: 3200530069</p> <p>Please include invoice/matter number(s) to avoid delays and errors in processing.</p>
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