Amended Agenda City of Dunnellon Special City Council Meeting March 21, 2022, 5:30 P.M. Join Zoom

https://dunnellon.zoom.us/j/82957306056?pwd=bEsvOWdKMC9raEVOa0YyeUJXc3g5QT09

Meeting ID:829 5730 6056

Dunnellon City Council meeting will be held on March 21, 2022, 5:30 p.m. at Dunnellon City Hall

Public Comment: Anyone who wishes to provide public comment will be able to do so by participating in the City Council meeting in person, or via the Zoom "AUDIO ONLY" platform and/or telephone, by speaking during public comment portions of the meeting when recognized per the instructions below or by submitting written comments, evidence and/or written testimony in advance of the meeting via email to the City Clerk at modom@dunnellon.org

Members of the public who would like to participate are encouraged to register in advance by 12:00 noon on Monday, March 21, 2022. Please see instructions below on how to register.

Public input on non-agenda items will be heard at the beginning of the meeting. A three (3) minute time limit will be strictly administered.

Instructions on How to Listen and/or Participate in the Meeting

Attachment: Meeting Instructions (PDF)

Call to Order

Pledge of Allegiance

Opening Prayer/Moment of Silence (suggested time limit: 1 minute

Mayor to request if any invitee is present to open with prayer; if no invitee is present, Mayor will ask if a Dunnellon citizen will volunteer. If no volunteers, a moment of silence will be offered. If a citizen outside of Dunnellon requests to open with prayer, (s)he may do so if no invitees/citizens volunteer.)

Roll Call

Proof of Publication - Posted on the City's website and City Hall bulletin board on Monday, March 14, 2022. The agenda was amended on March 15th to add item #1 and on March 16th to Cancel the Public Hearing.

Council's Comments Regarding Agenda

 Proclamation #PRO2022-02, In Honor Of Reverend Paul E.C. Hamilton (Backup To Be Provided) Proposed Motion: I move Proclamation #PRO2022-02 be approved.

2. First Reading - Ordinance #ORD2022-02, Blue Run Park Commercial Use Exceptions

Accept Public Comments

Proposed Motion: I move Ordinance #ORD2022-02 be read by title only.

Proposed Motion: I move Ordinance #ORD2022-02 be approved.

Documents:

Ordinance ORD2022-02 Blue Run Park Commercial Use Exceptions.pdf

3. Adjourn

Proposed Motion: I move the City Council meeting be adjourned.

ANY PERSON REQUIRING A SPECIAL ACCOMMODATION AT THIS HEARING BECAUSE OF A DISABILITY OR PHYSICAL IMPAIRMENT SHOULD CONTACT THE CITY CLERK AT (352) 465-8500 AT LEAST 48 HOURS PRIOR TO THE PROCEEDING. IF A PERSON DESIRES TO APPEAL ANY DECISION WITH RESPECT TO ANY MATTER CONSIDERED AT THE ABOVE MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY IS NOT RESPONSIBLE FOR ANY MECHANICAL FAILURE OF RECORDING EQUIPMENT.

1	ORDINANCE #ORD2022-02
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3	AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA,
4	AMENDING SECTION 46-79 OF THE CODE OF ORDINANCES OF THE
5	CITY OF DUNNELLON TO CLARIFY THE PROHIBITION ON
6	COMMERCIAL USES WITHIN BLUE RUN PARK; PROVIDING FOR
7	CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR
8	CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.
9	WHERE AC also City and is also as to 10 diameter #ORD2021 02 and in a late it during
10	WHEREAS, the City previously enacted Ordinance #ORD2021-02 enacting detailed rules
11 12	for the use of Blue Run Park consistent with the Blue Run Park Management Plan; and
13	WHEREAS, said Ordinance prohibited unauthorized commercial use of the Park as
14	required by the Blue Run Park Management Plan; and
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16	WHEREAS, said prohibition could be read to include activities which are allowed or
17	protected by statute, property right or constitution; and
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19	WHEREAS, to provide clarity to police, park employees and others enforcing the Code,
20	the City desires to specify services which could be interpreted as commercial uses but which are
21	not meant to be included within the prohibition; and
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23	WHEREAS, Florida Communities Trust ("FCT") has reviewed the amendments and
24	exceptions proposed herein and approved same in writing; and
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26	WHEREAS, City Council of the City Dunnellon finds that the provisions of this Ordinance
27	are consistent with the Blue Run Park Management Plan; and
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29	WHEREAS, the City Council of the City of Dunnellon determines that it is in the best
30	interest of the health, safety, and welfare of its residents to adopt the rules, regulations, and
31	provisions of this Ordinance as stated herein.
32	LEGICI ATINE INDEDGGODING II I I I I I I I I I I I I I I I I I
33	LEGISLATIVE UNDERSCORING: <u>Underlined words</u> constitute additions to the City of
34	Dunnellon Code of Ordinances, strikethrough constitutes deletions from the original, and asterisks
35 26	(***) indicate an omission from the existing text which is intended to remain unchanged.
36 27	NOW THEDEFORE RE IT ORDAINED BY THE CITY OF DUNNELLON ELODIDA
37 38	NOW THEREFORE BE IT ORDAINED BY THE CITY OF DUNNELLON, FLORIDA AS FOLLOWS:
39	SECTION 1: The "whereas" clauses cited herein are the legislative findings of the City
40	Council.

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SECTION 2: Section 46-79 of the City's Code of Ordinances is hereby amended as follows:

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- 44 Sec. 46-79. Prohibition on Commercial Use.
 - a) Commercial use of the park is prohibited except by written agreement approved by the City of Dunnellon and Florida Communities Trust as otherwise provided herein.

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b) For purposes of this section, 'commercial use' shall mean:

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i. the sale or rental of any item, good, concession, or merchandise within the boundaries of Blue Run Park; and

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ii. the provision of any service performed within the boundaries of Blue Run Park regardless of whether compensation for such service is paid onsite or offsite.

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c) Governmental provision of park services by Marion County for water-based recreation and/or other passive recreation programs are exempt from this section so long as such services are authorized both via Interlocal Agreement 2007-14 (entered into between the City and Marion County on May 14, 2007) and per the requirements of the Blue Run Park Management Plan. The K.P. Hole shuttle service provided by Marion County (or its contractor on behalf of Marion County) is the sole transportation service authorized per the requirements of the Blue Run Park Management Plan.

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d) This Section shall not be read to prohibit:

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<u>i.</u> emergency services such as ambulances, tow trucks, and roadside assistance;

67 68 <u>ii.</u> performance of park-related services and activities for the City or other governmental agency as consistent with the Blue Run Park Management Plan;

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<u>iii.</u> <u>engagement in expressive activities protected by the First Amendment;</u>

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<u>iv.</u> <u>disability accommodations authorized by the City;</u>

71 72 v. utility services provided on site or the maintenance of any utility improvements located on site; and

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vi. activities or services the City must allow under state or federal law.

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- **SECTION 3. CONFLICTS.** In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the
- higher standards for the promotion and protection of the health and safety of the people shall
- 77 prevail.

Ordinance #ORD2022-02 Exceptions to Blue Run Park Commercial Use Prohibition Page 3 of 4

SECTION 4. **SEVERABILITY**. If any section, sentence, phrase, word, or portion of this 78 79 Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, 80 word, or portion of this Ordinance not otherwise determined to be invalid, unlawful or 81 unconstitutional. 82 **SECTION 5.** CODIFICATION. The provisions of this Ordinance shall be codified as and 83 become and be made a part of the City of Dunnellon Code of Ordinances. The sections of this 84 85 Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word. 86 The Code codifier is granted liberal authority to codify the provisions of this Ordinance. 87 **SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective on April 1, 2022 88 89 following Ordinance #ORD2021-02. 90 Upon motion duly made and carried, the foregoing Ordinance was approved upon the first reading on the 21st day of March 2022. 91 92 Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon 93 the second and final reading and public hearing on the 28th day of March 2022. 94 95 Ordinance Posted on the City's website on March 3, 2022. Public hearing advertised on the City's 96 97 website on March 16, 2022 and advertised in the Ocala Star Banner on March 18, 2022. 98 99 ATTEST: CITY OF DUNNELLON 100 101 William P. White, Mayor Amanda L. Odom, CMC 102 City Clerk 103 104 105 Approved as to Form: 106 107 108 Andrew J. Hand, City Attorney 109 110 111 112 113 114 115

116	CERTIFICATE OF POSTING
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118	I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall, the
119	Chamber of Commerce, and Dunnellon Library, in the City of Dunnellon, Florida, and on the
120	City's Official Website this 3 rd day of March 2022.
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124	Amanda L. Odom, CMC
125	City Clerk