Agenda
City of Dunnellon
20750 River Drive, Dunnellon, FL 34431
City Council Meeting
May 14, 2025, 5:30 PM

Dunnellon City Council meeting will be held on May 14, 2025, 5:30 pm.

Public Comment: Anyone who wishes to provide public comment will be able to do so by participating in the City Council meeting in person.

Supporting Documentation for Agenda items may not be ADA compliant for website posting. To obtain supporting documentation not published to the website, please contact the City Clerk's office.

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.

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 - The agenda was posted on the City's Website and City Hall bulletin board on Wednesday, May 7, 2025. The agenda was amended on Monday, May 12, 2025 to add item #1a. and minutes to the consent agenda.

Council's Comments Regarding Agenda

Public Comment on non-agenda items - 3 minute time limit

Consent Agenda

Accept public comment on consent agenda items prior to making a motion.

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

Approval of Minutes

Documents:
September 25 2024 Special Joint CRA Council Budget Meeting.pdf
October 7 2024 Workshop.pdf
October 16 2024 Meeting.pdf

November 4 2024 Meeting.pdf

Authorize the Mayor to sign Agreement #AGR2025-10, Special Magistrate

Documents:
Agreement AGR2025-10 Dunnellon Special Magistrate Contract.pdf

Authorize the City Clerk to appoint William Ary to the position of Community Development Manager as presented during the May 5th workshop

Documents:
Agenda Summary Community Development Manager.pdf

Public Hearing Statement

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.

Follow Public Hearing Notes - Public comment taken during public hearing

1. **Ordinances**

1.a Public Hearing - Ordinance #ORD2025-03, Stormwater Management (advertised on the City's website 4/23/2025 and in the Riverland News 5/2/2025)

Final Reading Ordinance #ORD2025-03, Stormwater Management
Accept Public Comment

Proposed Motion: I move Ordinance #ORD2025-03 be read by title only.

Proposed Motion: I move Ordinance #ORD2025-03 be approved.

Documents:
Ordinance ORD2025-03 Business Impact Statement.pdf
Ordinance ORD2025-03 Stormwater Management_Final.pdf

1.b First Reading Ordinance #ORD2025-04, Variance Text Amendments
Accept Public Comment

Proposed Motion: I move Ordinance #ORD2025-04 be read by title only.

Proposed Motion: I move Ordinance #ORD2025-04 be approved.

Documents:
Ordinance ORD2025-04 Business Impact Statement.pdf
Ordinance ORD2025-04 Variance Text Amendments.pdf
Staff Report for Ordinance ORD2025-04 Varinace Code Amendments.pdf

1.c First Reading Ordinance #ORD2025-07, Tobacco Free Parks
Accept Public Comment

Proposed Motion: I move Ordinance #ORD2025-07 be read by title only.

Proposed Motion: I move Ordinance #ORD2025-07 be approved.

Documents:
Ordinance ORD2025-07 Business Impact Statement.pdf
Ordinance ORD2025-07 Tobacco Free Parks_Second Draft.pdf

2. **Resolutions**

2.a Resolution #RES2025-15, Surplus Vehicles and Equipment
Accept Public Comment

Proposed Motion: I move Resolution #RES2025-15 be read by title only.

Proposed Motion: I move Resolution #RES2025-15 be approved.

Documents:
Resolution RES2025-15 Surplus Vehicles.pdf

3. **Board Appointments**

4. **Staff Agenda Items**

- Community Development Vacancy - Mandy Odom, City Clerk (backup to be provided)

5. **Department Reports**

6. **Council Liaison Reports and Comments**

7. **City Attorney Report**

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.

City of Dunnellon
Special Joint CRA/City Council Budget Meeting

Date: September 25, 2024
Time: 5:30 p.m.
Place: City Hall, 20750 River Dr., Dunnellon, FL 34431

Call to Order and Pledge of Allegiance
Mayor Green called the meeting to order at approximately 5:32 p.m. and led the Council in the Pledge of Allegiance.

Opening Prayer / Moment of Silence
Mayor Green invited any citizen wishing to volunteer to open with prayer. No one stepped forward and a moment of silence was observed.

Roll Call
Walter Green, Mayor, Seat 1
Vacant, Councilperson, Seat 2
Tim Inskeep, Vice-Mayor, Seat 3
Rex Lehmann, Councilman, Seat 4
Valerie Hanchar, Councilwoman, Seat 5

Staff Present
Mandy Odom, City Clerk
Jan Smith, Finance Officer
Schonna McLean, Finance Officer
Chad Ward, Public Works Manager
Chief Chris Scaglione, Police Department
Captain Ron Bray, Police Department
Michelle Leonard, Assistant City Clerk
Ron Brown, Community Development Supervisor
Julie Danowski, Records Clerk

Legal Counsel
Andrew Hand, Shepard, Smith, Kohlmyer & Hand, P.A. – Attended Remotely

Proof of Publication
The agenda was posted on the City's Website and City Hall bulletin board on Wednesday, September 18, 2024.

Council Comments Regarding Agenda
There were no Council comments.

Public Comments on Non-Agenda Items
Van Akin, 615 E. Silver Springs Blvd., shared with Council a good deed performed by Officer Ezra Ramjit last Thursday. Mr. Akin stated he had an accident when a wheel fell off his boat trailer. He explained Officer Ramjit shielded Mr. Akin from the traffic and was there to help as long as he needed.

Public Hearing Statement
Mrs. Odom read the following into the record:

"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."

REGULAR AGENDA
1) Final FY2024-2025 Budget
1.a) Public Hearing on the 2024 Final Millage Rate and Final Budget for the City of Dunnellon for the 2024-2025 budget year
Mayor Green stated, *"The final millage rate for the City of Dunnellon is 5.3557, which is .00% greater than the rolled back rate of 5.3557. The final budget proposed is $4,435,878." Mrs. Smith asked the Mayor to read the amount of the proposed budget again. Mayor Green stated, "the amount of the budget is $5,635,878."*

Mayor Green gaveled down and said, *"It is now 5:35 p.m. and I close the regular meeting and open the public hearing for staff to first make a presentation and then to anyone wishing to address the City Council on either the proposed millage rate or 2024-2025 budget."*

Staff Presentation
Mrs. Smith read the following into the record:

"Thank you, Honorable Mayor and City Council:
Pursuant to Part 1, Section 20 of the City Charter, the proposed budget for Fiscal Year (FY)2024-2025 is submitted for review and adoption by the City Council.

The first document is the FY 2024-2025 Proposed Budget Summary. This document provides a line-item review of multiple prior fiscal years actuals, FY 2023-2024 budget, actuals as of June 30, 2024, and projected year end 2024. This document is designed to provide the reader with the opportunity to make a comparison between FY 2023-2024 and the proposed budget for FY 2024-2025.

The second document, FY 2024-2025 Detail Line-Item Budget, provides the individual amounts that make up the total of each line item. These two documents combined represent the City's budget plan for the upcoming fiscal year.

Highlights - General Fund
Transfers-in are projected to come in under budget primarily due to capital projects cancelled or advancing to the new fiscal year as follows:

- *Playground Equipment $45,000 (cancelled)*
- *CCTV Security System $5,000 (cancelled)*
- *Stormwater Asset Mapping Project $118,526 (advancing to FY2024-2025)*
- *New work truck for Public Works $50,000 (advancing to FY2024-2025)*
- *The budgeted balance of the new financial ERP system $39,300 (advancing to FY2024-2025)*

Revenue is projected to come in over budget primarily due to interest income. Expenses for FY 2023-2024 are projected to be $294,799 under budget. This is primarily due to projects carried forward or cancelled as outlined in the transfers-in portion of this report. The net effect to the overall General Fund budget is a projected surplus of $391,933 that will be deposited into reserves subject to year-end audit.

As of June 30, 2024 the General Fund cash on hand is $8,265,443. These funds are allocated among unassigned, assigned, and committed reserves with varying restrictions as to when and how they are used either by Council or State Statute.

General Fund Accomplishments –
- *Fire Department dayroom roof $4,510*
- *Public Works security system $4,895*
- *ARPA grant funded intersection rehabilitation Cedar & Ohio Streets and Mockingbird Dr. $66,785 (total spent to date $135,369)*
- *Police Department generator $46,514*
- *Police Department vehicle $28,084*
- *Police Department IT software/hardware upgrade $48,339*
- *City Hall Parking Lot and Boat Ramp maintenance $8,480*
- *Public Works 4 new lawn mowers and 2 new trailers $58,692 (replacement of 4 lawn mowers and 2 trailers resulting from theft)*
- *City Volunteers-over 12 months and with a minimum of 2-10 volunteers per project accomplished the following:*

- *Maintenance of City Hall beautification (including fountain transformation, planting flowers in front of welcome sign, refreshing plantings in oversized planters outside front doors, replanting along front of building, weeding and re-mulching).*
- *Ernie Mills Park Beautification Project: flower beds-updating dead flowers, weeding of playground area, mulching and weeding around newly planted Live Oak trees.*
- *River clean-up at Chaplin A. Dinkins III Park (city beach).*
- *Created flower bed around sign at City Beach and planted bushes and flowers around Dan Adams memorial bench, pressure washed benches and wall and stained picnic tables and benches.*
- *Worked with RRC to clean signs and repaint benches at Blue Run Park.*
- *Decorated inside and outside of City Hall for Christmas Holiday.*

Expenses:
• Funding reserved and set aside for grants to residential and commercial property owners to assist with property renovations is $100,000. Applications in the amount of $35,000 have been received and processed.
• On February 11, 2019, City Council moved to authorize Marion County to commence with the Blue Run of Dunnellon Park restroom project in accordance with the Management Plan, site plan and construction drawings as presented by Marion County. The CRA Board committed a total of $210,400 of which $175,000 was appropriated in FY2022-2023. Marion County is overseeing the project and to date has not pulled the building permits with the City.

- *Funding Summary:*

$30,000 original commitment
($18,000) spent to date
$23,400 additional commitment from 125 Anniversary Park funds
$175,000 additional commitment FY 2023
$210,400 Total FY 2023 commitment

As of this presentation City Council has voted to rescind all financial commitments toward the project in order to address the immediate infrastructure needs of our residents.

Fiscal Year 2024-2025 Budget Highlights
The City has decreased the millage rate from 5.6933 mills to 5.3557 for the new fiscal year. The 5.3557 millage rate is .00% greater than the rollback rate of 5.3557 mills. Property values have increased approximately 8% citywide. The proposed millage rate for the Certification of Taxable Value is 7.0 mills, which was approved at the July 10, 2024 council meeting. The budget is balanced utilizing unassigned reserves of $60,000 to offset operational costs for comprehensive plan revisions.

Budget workshops were held June 12th, July 10th, August 5th and August 19th. Two public hearings with regard to the millage rate and the budget will be held on September 11th and September 25th at 5:30 pm.

General Fund
The FY 2024-2025 proposed General Fund Operating Budget is $4,635,878 and consists of the following percentages of the total budget: Personnel Expenses 38.1%, Operating Expenses 25.6%, Capital Expenses 26.7%, Debt Service 4.4% and 5.2% of budget will be retained and deposited into restricted operating and capital reserves on September 30, 2025.

Expenses have increased over FY 2023-2024 by $90,068. This is primarily due to increased personnel expenditures associated with 2 police officer positions which were frozen in the FY2023-2024 budget.

Staff and City Council are both committed to continuing the pursuit of additional revenue opportunities and reducing expenses in an effort to enhance the General Fund.

Tax Increment Financing District (CRA)
The proposed FY 2024-2025 Tax Increment Financing District (TIFD) budget is $1,005,982, a 63% increase over FY 2023-2024. This is primarily due to an increase in funding from reserves for capital projects. The TIFD Fund operating budget consists of the following percentages of the total budget: Personal Expenses 12.6%, Operating Expenses 9.4%, Capital Expenses 68.1% and Grants & Aid 9.9%.

TIFD is providing funding for:
- *5 capital road projects to improved roads within the historic district $608,300*
- *Parking lot rehabilitation for 3 parking lots $76,790*

Other Highlights
- *Continuing implementation of a new Enterprise Reporting Software implementation and training $84,335*
- *Replace City Hall Server $25,753*
- *Replacement Computers to resolve Windows 11 compatibility issues $9,500*
- *New work truck Public Works $50,000*
- *ARPA funded Stormwater & Roadway Enhancement project $846,026 (grant funded)*
- *New patrol vehicles (2) $130,000*

The budget has been prepared with input from all departments. Council's participation, guidance and overall support of staff's efforts are greatly appreciated.

This concludes staff's presentation and review of prior year accomplishments and new fiscal year goals."

Public Comment
There were no public comments.

Council Comment
Councilwoman Hanchar thanked staff for their hard work.

Councilman Lehmann asked what the transportation line included and Mrs. Smith replied it is the roads and streets budget. He also inquired if the monies budget for parking lot improvements included the police lot and Mrs. Smith replied yes.

Vice-Mayor Inskeep asserted he still believes the millage rate should be 5.1168 and the ad valorem tax should be reduced by $60,000. He stated there is supposed to be a 5-year road plan and there isn't. He spoke about losing millions due to lost tax revenue and stated the City has just lost another $36,000 over the next 10 years. He exclaimed we don't fully understand the logistics regarding how tax revenues work. He announced through the span of years from 2013 through 2023 there has been a loss of approximately 4 million dollars. He provided other statistics about financial loss and why they occurred, which included prior Council actions.

Councilman Lehmann stated he believes Vice-Mayor Inskeep's comments are very prudent and is looking forward to working with him for another two years. He pointed out for the last 18 months Council has been cleaning up issues from the past. He said he wanted to recognize Vice-Mayor Inskeep for the amount of time he has spent reviewing the budget.

There was further discussion regarding issues of the past, current problems, and needs of the future.

Mayor Green stated we are supposed to be listening to each other and honoring each other's opinions. He said he is very proud of this Council because we do listen to each other and the new Council member coming onboard will be a welcome addition. He commended Mrs. Smith for her years of service and efforts in providing for the needs of the City. He also commended Vice-Mayor Inskeep for fulfilling his promise to the citizens and attempting to squeeze every dime from the budget.

Mayor Green gaveled down and said, "It is now 5:59 p.m. and I close the public hearing held to discuss the proposed millage rate and 2024-2025 budget and reopen the regular Council meeting."

1.b) <u>Proposed Resolution #RES2024-27, Setting the 2024 Tax Millage Rate</u>
There were no staff comments.

Public Comment
There were no public comments.

Councilwoman Hanchar moved Resolution #RES2024-27 be read into the record. Councilman Lehmann seconded the motion. A vote was taken and the motion passed 3-1, with Vice-Mayor Inskeep opposed.

Mrs. Odom read the following into the record:

"RESOLUTION #RES2024-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNNELLON, FLORIDA, ADOPTING THE FINAL MILLAGE RATE FOR THE CITY OF DUNNELLON FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2024 AND ENDING ON SEPTEMBER 30, 2025.

WHEREAS, the City Council for the City of Dunnellon met on September 11, 2024 at 5:30 p.m. at City Hall, 20750 River Drive, Dunnellon, Florida, 34431, to consider the tentative amount of the tax millage to be collected on all real and personal property in the City of Dunnellon, Florida for the year 2024 in the amount of 5.3557 mills; and

WHEREAS, the City Council of the City of Dunnellon, Florida does hereby adopt its final millage rate of 5.3557 mills to be levied for the General Fund upon all real and tangible personal property located within the boundaries of the above named taxing authority; and

WHEREAS, the final levy of 5.3557 mills is .00% greater than the rolled-back rate of 5.3557 mills; and

WHEREAS, the final millage rate of 5.3557 is for the calendar year 2024 to fund the expenses for the fiscal year commencing October 1, 2024 and ending September 30, 2025.

DULY ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING HELD ON THE 25th DAY OF SEPTEMBER, 2024."

Councilman Lehmann moved Resolution #RES2024-27 setting the final 2024 tax millage at 5.3557 for the year. Councilwoman Hanchar seconded the motion. A vote was taken and the motion passed 3-1, with Vice-Mayor Inskeep opposed.

Mayor Green stated, "for the record, the final millage rate now adopted by the City Council is .00% greater than the rolled back rate of 5.3557."

Mayor Green gaveled down and said, "It is now 6:02 p.m. and I close the Special City Council Meeting and open the Special CRA Meeting."

1.c) Proposed Resolution #RES2024-29, Adopting a Budget for the City of Dunnellon Community Redevelopment Agency for the Fiscal Year 2024-2025
There were no staff comments.

Public Comment
There were no public comments.

Councilwoman Hanchar moved Resolution #RES2024-29 be read into the record. Councilman Lehmann seconded the motion. A vote was taken and the motion passed 3-1, with Vice-Mayor Inskeep opposed.

Mrs. Odom read the following into the record:

"RESOLUTION #RES2024-29

A RESOLUTION OF THE CITY OF DUNNELLON COMMUNITY REDEVELOPMENT AGENCY; ADOPTING A BUDGET FOR THE CITY OF DUNNELLON COMMUNITY REDEVELOPMENT AGENCY FOR FISCAL YEAR 2024-2025; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT RESOLUTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Dunnellon, Florida adopted Ordinance No. 2000-03 creating the City of Dunnellon Community Redevelopment Agency ("CRA") pursuant to Part III, Chapter 163, Florida Statutes; and

WHEREAS, the CRA is a dependent special district under Chapter 189, Florida Statutes, known as the Uniform Special District Accountability Act of 1989 ("Act"); and

WHEREAS, the Act requires all special districts, including dependent special districts such as the CRA, to adopt a budget for each fiscal year by resolution; and

WHEREAS, the City of Dunnellon Community Redevelopment Agency desires to comply with the requirement of the Act and takes this action in order to do so;

Section 1. Recitals. The foregoing recitals are deemed true and correct and are hereby fully incorporated herein by this reference and are deemed a material part of this Resolution.

Section 2. Adoption of the Budget. The Board Members of the City of Dunnellon Community Redevelopment Agency do hereby approve and adopt a budget attached hereto as Exhibit "A" for the CRA for Fiscal Year 2024-2025; beginning October 1, 2024 and ending September 30, 2025.

Section 3. Repeal of Prior Inconsistent Resolutions. All prior resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of the conflict.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereto.

Section 5. Effective Date. This resolution shall become effective immediately upon adoption by the Board Members of the City of Dunnellon Community Redevelopment Agency.

ADOPTED at a Regular Meeting of the Board Members of the City of Dunnellon Community Redevelopment Agency this 25th day of September, 2024."

Councilwoman Hanchar moved Resolution #RES2024-29 adopting the CRA Budget in the amount of $1,005,982 be approved as read. Councilman Lehmann seconded the motion. A vote was taken and the motion passed 3-1, with Vice-Mayor Inskeep opposed.

Mayor Green gaveled down and said, "It is now 6:07 p.m. and I close the Special CRA Meeting and re-open the Special City Council Meeting."

1.d) Proposed Resolution #RES2024-28, Setting the Final FY2024-2025 General Fund Budget
There were no staff comments.

Public Comment
There were no public comments.

Councilwoman Hanchar moved Resolution #RES2024-28 be read into the record. Councilman Lehmann seconded the motion. A vote was taken and the motion passed 3-1, with Vice-Mayor Inskeep opposed.

Mrs. Odom read the following into the record:

"RESOLUTION #RES2024-28
A RESOLUTION ADOPTING THE BUDGET FOR THE CITY OF DUNNELLON FOR THE FISCAL YEAR COMMENCING ON OCTOBER 1, 2024 AND ENDING ON SEPTEMBER 30, 2025

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DUNNELLON, FLORIDA THAT:

The proposed expenditures in the final budget are $4,635,878. The budget is based upon taxable value of real property of $233,427,289, personal property of $30,397,076, centrally assessed property of $560,346 and anticipated non ad valorem revenues of $3,081,065.

The final budget is approved and shall become effective at the beginning of the 2024-2025 fiscal year, and the taxing authority funds may be expended commencing on October 1, 2024 and ending on September 30, 2025.

Funds of the 2024-2025 final budget not expended during the fiscal year 2024-2025 may be used and expended during subsequent fiscal year(s).

DULY ADOPTED BY THE CITY COUNCIL AT THE REGULAR MEETING HELD ON THE 25th DAY OF SEPTEMBER 2024."

Councilman Lehmann moved Resolution #RES2024-28 setting the final FY2024-2025 General Fund Budget in the amount of $4,635,878 as proposed. Councilwoman Hanchar seconded the motion. A vote was taken and the motion passed 3-1, with Vice-Mayor Inskeep opposed.

1.e) Approval of Final Tax Increment Financing District Budget
There were no staff comments.

Public Comment
There were no public comments.

Councilwoman Hanchar moved the Final FY2024-2025 Tax Increment Financing District Budget in the amount of $1,005,982 be approved as presented. Councilman Lehmann seconded the motion. A vote was taken and the motion passed 3-1, with Vice-Mayor Inskeep opposed.

2) Ordinance

2.a) Public Hearing for Ordinance #ORD2024-09, CRA Plan Amendments.

Mayor Green gaveled down and said, "It is now 6:12 p.m. and I close the Special Joint CRA/Council Meeting and open the Public Hearing for the Ordinance #ORD2024-09 CRA Plan Amendments. Advertised in the Riverland News on 9/13/2024 and posted on the City Website on 9/05/2024."

Mrs. Odom stated the first reading for this Ordinance was held on September 11th. She said the Ordinance was created to move certain projects out of the CRA plan, which included but is not limited to the Community Center, Blue Run Park Restroom, and the multi-modal trail project commitment. She said the Ordinance also adds some projects such as parking kiosks and road improvements. She announced this is the final reading for adoption.

Public Comments

There were no public comments.

Mayor Green gaveled down and said, "It is now 6:13 p.m. and I close the Public Hearing held to discuss Ordinance #ORD2024-09 and reopen the September 25th Special Joint CRA/City Council Meeting."

Councilwoman Hanchar moved Ordinance #ORD2024-09 be read by title only. Councilman Lehmann seconded the motion. A vote was taken and the motion passed 4-0.

Mrs. Odom read the following into the record:

"ORDINANCE #ORD2024-09

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, AMENDING THE DUNNELLON COMMUNITY REDEVELOPMENT PLAN; ADDRESSING FUTURE AMENDMENTS TO THE DUNNELLON COMMUNITY REDEVELOPMENT PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE."

Councilwoman Hanchar moved Ordinance #ORD2024-09 be approved. Councilman Lehmann seconded the motion. A vote was taken and the motion passed 4-0.

3) Resolutions

3.a) Proposed Resolution #RES2024-14, Surplus Property located at 20804 W Pennsylvania Avenue

Public Comment

There were no public comments.

Vice-Mayor Inskeep moved Resolution #RES2024-14 be read by title only. Councilwoman Hanchar seconded the motion. Mator Green called for discussion.

Councilman Lehmann stated because Rainbow Springs Art is moving, he would like Council to consider working with them. He also suggested Chief Scaglione consider the possibility of purchasing the Badcock Home Furniture store for their new police station. Vice-Mayor Inskeep replied this is a great idea, but it needs to be addressed in a workshop. Council agreed and Mayor Green asked Mrs. Odom to add the topic to the next workshop.

Vice-Mayor Inskeep stated the 20804 W. Pennsylvania Ave. property is worth approximately $300,000 and asked for information regarding how best to move forward with the sale. Mrs. Odom deferred to Attorney Hand for a response.

Attorney Hand provided an explanation, including how to solicit proposals and the fact the City is not obligated to accept the lowest proposal. He stated Council can discuss what the property is worth and decide if they will be interested in lower offers.

A vote was taken and the motion passed 4-0.

Mrs. Odom read the following into the record:

"RESOLUTION #RES2024-14
A RESOLUTION OF THE CITY OF DUNNELLON, FLORIDA, DECLARING PROPERTY OWNED BY THE CITY, PROPERTY ID NO. 3380-0467-00 LOCATED AT 20804 W. PENNSYLVANIA AVENUE AS SURPLUS AND PROVIDING FOR DISPOSAL THEREOF."

Vice-Mayor Inskeep moved Resolution #RES2024-14 be approved. Councilwoman Hanchar seconded the motion. A vote was taken and the motion passed 4-0.

3.b) Proposed Resolution #RES2024-30, Vacation Rental Ordinance - 2nd Enforcement Extension

Public Comment

There were no public comments.

Vice-Mayor Inskeep stated the language in the Resolution may prevent us from enforcing it if we are ready prior to April 01, 2025.

Mrs. Odom stated she has spoken to Mr. Brown and Mrs. Wyen and with the work Mrs. Wyen has been doing, we may be ready to enforce sooner than expected. She said we may even be ready as early as January 1, 2025.

Attorney Hand advised Council they shouldn't approve this Resolution if there is a chance they may want to change it to January. He suggested choosing the earliest date they might be ready, because they can always add another extension. He stated they can agree to amend the current motion with a different date and can amend the title tonight with the new date rather than waiting until the next meeting.

Council agreed to amend the date from April 1, 2025 to January 1, 2025.

Public comment
There were no public comments**.**

Vice-Mayor Inskeep moved to amend the Resolution changing the effective date from April 1, 2025 to January 1, 2025. Councilwoman Hanchar seconded the motion. A vote was taken and the motion passed 4-0.

Councilwoman Hanchar moved Resolution #RES2024-30 be read by title only. Vice-Mayor Inskeep seconded the motion. A vote was taken, and the motion passed 4-0.

Mrs. Odom read the following into the record:

"RESOLUTION #RES2024-30

A RESOLUTION OF THE CITY OF DUNNELLON, FLORIDA PROVIDING FOR THE EXTENSION OF THE ENFORCEMENT OF THE REGISTRATION REQUIREMENTS SET FORTH WITHIN ORDINANCE #ORD2022-05 TO JANUARY 1, 2025; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE."

Vice-Mayor Inskeep moved Resolution #RES2024-30 be approved. Councilwoman Hanchar seconded the motion. A vote was taken and the motion passed 4-0.

4) Board Appointments
4.a) Appointment for Fire & Police Pension Board of Trustees
Public Comment
There were no public comments.
Councilwoman Hanchar moved to appoint Karin DeWitt to the Fire & Police Pension board of Trustees for a two-year term, 09/25/2024 - 09/25/2026. Vice-Mayor Inskeep seconded the motion. A vote was taken and the motion passed 4-0.

4.b) Appointment for Planning Commission Board Member
Public Comment
There were no public comments.

Councilwoman Hanchar moved to appoint Don DeWitt to the Planning Commission to fill the unexpired term of Dusty Walters from 9/25/2024 - 01/11/2025. Councilman Lehmann seconded the motion. A vote was taken and the motion passed 4-0.

5) Department Reports
Mr. Brown reviewed the appointments of the Planning Commission board members. He stated he has been working with eda consultants and they have made a lot of headway getting them on board and working with Marion County. He explained they need a new license to operate within our system and they are working on this as well. Vice-Mayor Inskeep asked if Mr. Brown was tracking the related costs and he replied he was and Council will know the entire cost prior to staff moving forward. Mr. Brown reported eda consultants are being proactive in reviewing our comprehensive plan as well. He said they are seeking approval to get started in preparing for the November 12th Special Joint Planning Commission/City Council workshop.

Mr. Brown stated the Office of Floodplain Management has reached out to the City to provide guidelines regarding post storm insurance compliance.

Chief Scaglione provided an update on the progress of Hurricane Helene. He stated it looks like our side of Marion County will be hit with tropical storm winds in the morning. He said his team is watching to see if it will make another turn and recommended the City mimic Marion County by closing at noon tomorrow. He said we can always change the decision if it turns again.

Councilwoman Hanchar suggested Council provide considerations for staff members who live near the coast. Mayor Green commented he agrees we need to allow staff to take care of their homes and Council will do what they can to assist.

Vice-Mayor Inskeep stated this will be the second weather event we've had this year and lose 10 hours per person in production time when we send staff home. He said if we get too many of these events, he is going to suggest staff make up time.

Councilwoman Hanchar asserted her constituents care about each staff member and has no problem discussing the safety of our team with anyone who questions why they were sent home.

Mayor Green stated some staff members live in areas where they are in more jeopardy than others and we want to give them the opportunities they need to take care of things at home.

Vice-Mayor Inskeep stated he agrees with keeping our staff safe, but makeup days have nothing to do with safety. He said it is about running a business.

Mayor Green suggested Council allow Chief Scaglione and Mrs. Odom to manage the current hurricane issue and determine when to send people home and Council agreed.

Chief Scaglione stated there is a new link to an online form on the Marion County Property Appraisers web site. He said if you live in Marion County and have damage due to the storm, you can fill out their form to document your damage and possibly obtain tax assessment relief.

Mayor Green offered his appreciation of the Police Department and Public Worksfor the work they do to help during and after these storms. Councilwoman Hanchar added a citizen called her and asked her to commend Mr. Ward and his team for their work today.

Mrs. Odom stated she, Chief Scaglione, and Mr. Ward coordinated with Grubbs Services for storm debris removal if needed.

Councilman Lehmann asked if a proclamation needs to be completed. Mrs. Odom replied she has learned the Mayor can declare an emergency without calling a special meeting and because of this the proclamation has already been taken care of.

6) Council Comments

Vice-Mayor Inskeep asked for the status of the Dunnellon Little League President's visit to a Council meeting. Mr. Ward stated he is getting a lot of calls from the parents complaining about the ball field grounds not being cared for. He added there is a lot of confusion out there.

Councilwoman Hanchar stated she has been in communication with Todd Patterson, the new Little League President, and he will attend one of the October meetings. She is unsure if it will be the workshop or the regular meeting.

Vice-Mayor Inskeep stated the TPO is conducting a survey through their Active Transportation Plan regarding the multi-modal trails throughout the County. He said they plan to announce the survey results next month. He shared if anyone is interested, they can go to the TPO website and take the survey.

7) City Attorney Report

Attorney Hand stated he has no report today and wished everyone safety during the storm.

Adjourn

At approximately 6:52 p.m. Councilwoman Hanchar moved the City Council meeting be adjourned. Vice-Mayor Inskeep seconded the motion. A vote was taken and the motion passed 4-0.

_____
Penned signature of:
Walter L. Green, Mayor

Attest:

_____
Penned signature of:
Amanda Odom, CMC, City Clerk

City of Dunnellon
City Council Workshop

Date: October 07, 2024
Time: 5:30 p.m.
Place: City Hall, 20750 River Dr., Dunnellon, FL, 34431

Call to Order and Pledge of Allegiance
Mayor Green called the meeting to order at approximately 5:34 p.m. and led the Council in the Pledge of Allegiance.

Opening Prayer/Moment of Silence
Mayor Green invited any citizen wishing to volunteer to open with prayer. Councilwoman Hanchar provided the invocation.

Roll Call
Walter Green, Mayor, Seat 1
Vacant, Councilperson, Seat 2
Tim Inskeep, Vice-Mayor, Seat 3
Rex Lehmann, Councilman, Seat 4
Valerie Hanchar, Councilwoman, Seat 5

Staff Present
Mandy Odom, City Clerk
Jan Smith, Finance Officer
Schonna McLean, Finance Officer
Chad Ward, Public Works Manager
Chief Chris Scaglione, Police Department
Captain Ron Bray, Police Department
Michelle Leonard, Assistant City Clerk
Ron Brown, Community Development Supervisor
Julie Danowski, Records Clerk

Legal Counsel
Andrew Hand, Shepard, Smith, Kohlmyer & Hand, P.A.

Proof of Publication
The agenda was posted on the City's website and City Hall bulletin board on Monday, September 30, 2024. The agenda was amended on Wednesday, October 2nd to add Police Introductions, item #5d, backup to item #4c, and item #7a.

Police Officer Introductions
Chief Scaglione stated he had introduced his officers once before but it was quite a while ago and he has hired some new Officers. He proceeded to introduce each Officer present and announced Officer Bairstow has just transitioned from part-time to full-time. He added Officer Ezra Ramjit couldn't be present because he had to take someone to the jail.

Mayor Green thanked the Officers and Chief Scaglione for all their efforts.

1) Public Comment
There were no public comments.

2) Board Reports
There were no board reports.

3) Dunnellon Chamber and Business Association Reports
Judy Terwilliger, Executive Director, read the monthly report into the record:

"New Members
WS Fishing Sales
Patsy & Co. Salon
The Art Addicts
Jeff Norton Digital

Upcoming Events
Oct.7, 14, 21, 28 - Bingo Night at Cheers 5:00 pm – 7:00 pm. 19330 SW 83rd Place Rd.
Oct. 23- Musical Trivia at Cheers 6:30- 8:30 pm 19330 SW 83rd Place Rd.
Oct. 2, 16, 30 - Tropical Trivia at Cheers 6:30 pm – 8:30 pm. 19330 SW 83rd Place Rd.
Oct. 5, 12, 19, 26- Sparr Building Supply Farm Swap 8:00 am – 12:00 pm. 2915 W. Dunnellon Rd
Oct. 11- Tiny Jams at Gipsy Guitars Life. 20372 E. Pennsylvania Ave.
Oct. 12- Two Rivers Music Festival & Food Truck Rally 5:00 pm – 10:00 pm. Bostick St. & E. Pennsylvania Ave.
Oct. 17- Diabetes Support Group 8:00 am – 5:00 pm. River Life Church 2872 W. Dunnellon Rd.
Oct. 20- Dunnellon Poetry Meeting 2:00 pm – 4:00 pm Rainbow Springs Art. 20804 W. Pennsylvania Ave."

4) Discussion
4.a) Lease Agreement #AGR2020-05, Rainbow Springs Art, Inc.
Mrs. Odom reminded Council they directed staff to advertise and work with a realtor, if necessary, to solicit offers for the sale of 20804 W. Pennsylvania Ave. She explained Rainbow Springs Art is requesting a month-to-month lease extension, at their current rate, effective January 1, 2025. She stated she has left a voice mail for OpticalTel staff and will be sending a follow up email as well. She provided three options for Council to consider in reference to RSA's lease.

Councilman Lehman stated he supports proceeding with soliciting for proposals, but he would like a clause added to the contract allowing RSA to remain in the building until June. He added they can pay rent to OpticalTel, if they decide to purchase the building. He said we know RSA is in the process of transitioning to a new building and are trying to run a business. He asserted it is right to do as much as we can to try to help the businesses in our Historic District.

Mrs. Odom commented we can't be sure if another buyer would be willing to negotiate, but OpticalTel may be willing to allow the extended lease.

Councilwoman Hanchar stated regardless of who buys the building, having a tenant in a rental property is not typically detrimental to buyers. She asked about the termination clause and Mrs. Odom offered to look into it. She suggested going forward with speaking to a realtor if OpticalTel doesn't respond. She said she agrees we need to support our local businesses and added the taxpayers will not lose any money if we extended the lease.

Vice-Mayor Inskeep stated there needs to be language included in the lease in the event the buyer doesn't want to take on a tenant.

There was discussion between Councilwoman Hanchar and Vice-Mayor Inskeep regarding past Council decisions.

Mayor Green asserted we need to determine what is advantageous to the citizens at this time. He said anything which has happened in the past can be discussed, but we need to be congenial with each other.

Vice-Mayor Inskeep stressed his point regarding the importance of including a 30-day time limit on the RSA lease in the sales agreement.

Councilwoman Hanchar and Councilman Lehmann suggested a 60-day time limit. Vice-Mayor Inskeep rebutted, saying we should allow the buyer to determine the limit. Mayor Green stated he did not object to a 60-day time limit.

Vice-Mayor Inskeep stated RSA is seeking terms allowing them to continue their lease to June 1, 2025 and we need to give them an answer. He said this is why we need to determine the length of time now.

There was further discussion regarding the lease agreement details upon the sale of the property.

Vice-Mayor Inskeep asked when staff will advertise the sale. Mrs. Odom replied she has been waiting for Council consensus regarding RSA before listing it.

Councilman Lehmann questioned Vice-Mayor Inskeep about the reason he is pushing to have the building sold. He stated it seems Vice-Mayor Inskeep knows someone who may have an interest in purchasing. Vice-Mayor Inskeep retorted he doesn't know anyone other than OpticalTel who may be interested in the building. He emphatically added this question has come up before and is not pushing to get rid of it, but rather trying to help the taxpayers.

A discussion followed regarding past conversations and where this idea had originated.

Mayor Green stated we have expressed our thoughts on this issue and our City Clerk has asked for direction. He commented three Council members have agreed 60 days is fine. Vice-Mayor Inskeep stated he understands and is aware it will be up for a vote next week.

4.b) Dunnellon Little League Use Agreement #AGR2022-08

Councilwoman Hanchar announced the President from the Dunnellon Little League is unable to make the workshop but will attend the meeting next week instead. Vice-Mayor Inskeep replied this discussion should be held in a workshop because meetings are for matters which have already been discussed. Councilwoman Hanchar stated his schedule didn't work with our workshop date. She added she invited him to introduce himself to Council and to provide some facts about the Dunnellon Little League rather than to discuss problems.

Mayor Green asked if Council is interested in having this discussion at the meeting. Council majority agreed, with Vice-Mayor Inskeep objecting. Mayor Green asked Mrs. Odom to add this to the meeting agenda.

Vice-Mayor Inskeep asserted there are agreements in place for a reason and they are made so people understand and follow the rules. He stated we are receiving numerous complaints and agreement breaches. He said the ball field must be maintained in season or out of season. He explained the City is also receiving numerous complaints from the neighborhood citizens about ball field attendees speeding on their roads. He exclaimed we need to exercise the clauses in the agreement and stop the traffic before someone's child is hit by a car. He commented it isn't right to ignore the concerns of the residents in Dunnellon Heights simply because it is the Dunnellon Little League.

Mayor Green stated if we have a problem involving safety and speed, it is a law enforcement issue and we are to rely on them. He said we do have problems in that area and we need to curtail the speeding on those streets.

Chief Scaglione said his team is looking into it and he needs to confirm speed limit studies have been completed. He added it would be helpful if the Dunnellon Little League would send a schedule of their games. Councilwoman Hanchar replied she will ask him to bring a schedule next week.

Mr. Ward remarked we have received nine complaints about the condition of the ballfield and they are blaming the City when their kids become covered with sand spurs. He advised we need to review the contract to understand whose job it is to maintain the field. Councilwoman Hanchar replied the field has always been maintained by the parents.

There was further debate regarding the agreement.

4.c) Stormwater Education for MS4 Compliance

Mrs. Odom stated she and Mr. Ward attended a stormwater permit compliance audit on August 29th which was very enlightening. She explained we have been partly negligible in our public outreach and education. She said to meet the public education requirement for our permit, she will read the Public Education Handout.

Mrs. Odom read the following into the record:

"The Public Services Department is responsible for maintaining and improving stormwater management throughout the City limits to include swales, storm drains, drainage retention areas (DRA) and water retention areas (WRA) not maintained by the county or state, and responding to flood emergencies to prevent future events, and responding to and addressing citizen complaints or requests.

In order to comply with the City's stormwater permit and MS4 reporting requirements, the City is required to distribute educational materials or conduct equivalent outreach activities about the adverse environmental impacts caused by polluted stormwater and the steps the public can take to reduce pollutants in stormwater runoff.

In that effort, we have distributed "Illicit Discharge Detection & Elimination" brochures to tonight's meeting guests. We would also like to provide some very basic information to Council and the public addressing illicit discharge into our storm drains.

What is Illicit Discharge?
An Illicit Discharge is ANY disposal, emptying or dumping of any substance other than rainfall into the stormwater drainage system. Pollutants entering Dunnellon's stormwater system do not flow to the water treatment plant; they empty into our local rivers and wetlands! Chemicals and nutrients become stormwater pollution as they are soaked up by the passing water. The stormwater pollution is harmful and can lead to algae blooms, resulting in inadequate oxygen levels and other impacts to fish and wildlife.

Improper disposal of oil-based paints, mineral spirits, pool chemicals, pesticides, or other home chemicals can pollute Dunnellon's sensitive environment. Did you know that used automobile batteries and fluids can be returned to an auto parts shop?

Stormwater runoff is rain that does not soak into the ground where it falls. This water runs off yards, streets and parking lots into storm sewers or waterways and carries a variety of pollutants including fertilizers, yard waste, paint, gasoline, motor oil, pesticides, weed killer, pet wastes, detergents and soaps.

These pollutants entering storm drains end up in our Rainbow and Withlacoochee Rivers. Be sure to maintain a "fertilizer-free" zone around all storm drains and be sure that pet waste and yard clippings near storm drains are picked up and disposed of properly.

***Disposing Cooking Waste** - Cooking oil and grease are wastes that the sewer system cannot handle and should not be discarded down the sink. Dumping grease, fats and oil can clog sewer lines causing sewage back-ups and flooding. Sewage back-ups can damage personal property, public property and the surrounding environment. DO NOT dump cooking oil, poultry fat and grease into the kitchen sink or the toilet bowl. DO NOT use hot water and soap to wash grease down the sink because it will cool and harden in your pipes or in the sewer down the line. DO place*

cooled cooking oil, poultry and meat fats in sealed non-recyclable containers and discard with your regular garbage. DO use paper towels to wipe residual grease or oil off dishes, pots and pans prior to washing them.

***Disposing Pharmaceuticals** - Flushing medications down the toilet or throwing them into your trash can also be harmful to our environment. These pharmaceuticals can end up in our water system. Residents can dispose properly of expired prescriptions, over-the-counter medications, needles and "sharps," by visiting the Dunnellon Police Department at 12014 S. Williams Street, 352-465-8510.*

Water quality is important to improve and sustain our springs and waterways in Dunnellon and Marion County for future generations to enjoy. Keeping this ecosystem and fishery healthy is critical to protecting the quality of life of the community and wildlife, as well as our local economy.

If you have any questions, or to report a possible illicit discharge, please call the City of Dunnellon (352) 465-8500 x 1102 or visit the City's website at http://www.dunnellon.org and select Departments, Public Works, NPDES Stormwater Compliance."

Mrs. Odom stated, in addition, we have a storm water page on our website and folded brochures are available in the lobby.

Councilman Lehmann asked Mrs. Odom to clarify why this had to be read into the record. Mrs. Odom replied it is something which must be done annually for public outreach. She said we are trying to catch up and get back on track so our next audit will be a little easier.

4.d) Vacation Rental Registration Fees

Mrs. Odom announced she added this topic to the agenda to begin Council discussions regarding annual registration fees and renewals. She said she will need to bring forward a Resolution establishing fees soon if we would like to meet the January 1st deadline.

Attorney Hand added the fees Council decides upon must be reasonable. He stated he is unable to provide data from another City because every community is different and fees are dependent upon staff incurred expenses. He said any fee they choose can always be adjusted in the future.

There was further Council discussion regarding the quotes for software, whether software is even needed, and State registrations.

Attorney Hand stated these fees are about registration rather than enforcement and there are a lot of options. He reiterated it is important for Council to make sure everything is in the realm of reasonable when it comes to fees.

Mrs. Odom stated she will research the estimated staff time and work toward the software information, but she doesn't believe implementing the software by January 1st will be possible.

Mrs. Smith announced a company interested in the City's business has reached out to her on numerous occasions. She described the company's business plan in reference to tracking short-term rental ownership and registration. She said she will provide the information to Mrs. Odom because it may be worth considering rather than purchasing software.

Further discussion followed regarding people who don't register with the State, fairness, impact fees, and the possibility of needing more police services.

5) Regular Agenda Items

5.a) Amendment #6 to Agreement #AGR2009-03, Powell & Jones CPA's

Mrs. Smith stated this is the last year of the City's contract. She said the audit will begin again in the middle of December with a contract extension for an additional three years. She explained the fee increase is $1,000 per year and that there could be a stand-alone CRA audit depending on the CRA funds at the end of the year. She said Powell & Jones CPA's are interested in continuing their relationship with the City and staff has had an excellent working relationship with them. She sated staff is requesting Council's authorization to amend the agreement.

Councilwoman Hanchar asked if we have received quotes from other companies. Mrs. Smith replied she doesn't know what other firms charge. She said it would be a major process to go out to bid because it involves establishing an audit committee. She explained audit firms book quickly and an RFP would need to be issued very soon if Council would like to move in that direction.

Mrs. McLean stated she has worked with Powell & Jones as well and they are easy to work with. She said other firms are good at causing interruptions for staff, but Powell & Jones tries very hard to avoid this.

Mrs. Smith suggested waiting to consider making a change to allow time for the new Finance Officer to get up to speed. Vice-Mayor Inskeep commented a 3% increase is much more reasonable and asked if the Powell & Jones' increase was negotiable. Mrs. Smith replied she will bring the question to them and find out.

There was further discussion regarding a single budget audit.

5.b) Historic Board Appointments

Mr. Brown spoke about the Historic Board member changes which include Wilton Martin's reappointment, Jane Keele's resignation, and Angie Rosier's desire to promote to a full member. He stated he needs to reconfirm with Ms. Rosier before next week.

Councilwoman Hanchar suggested recognizing Ms. Keele, in November, for her many years of dedication to the board and Council agreed.

5.c) Disposal of Surplus Property in response to Bid #BID2024-05 for Chestnut Street Lot

Mrs. Odom stated Council passed a Resolution to surplus the property located at the corner of Ohio and Chestnut Streets. She stated she received one offer from Practical Behavior Solutions

in the amount of $25,000. She explained the property is adjacent to them and they currently use it for parking. Mrs. Odom asked for a special CRA meeting next week to put it before the board for a vote followed by a Council vote at the regular meeting.

Attorney Hand stated their firm will develop the closing documents and the City will request the purchaser pay the closing costs. He said this means all costs will be incurred by the purchaser, including attorney fees other than his own final review.

Vice-Mayor Inskeep stated he has no issue with the offer and suggested having the CRA meeting at 5:30 p.m. next week. He said it will only take a moment for this discussion, then we can immediately follow it with the Council meeting and Council agreed.

Mrs. Odom asked Attorney Hand if there must be a reasonable offer based on the property value. Attorney Hand replied the City doesn't have to accept the highest and best offer. He explained if there comes a situation where the property is disposed of at less than value, it needs to be discussed at a public hearing. He stated he will review the law to make sure no additional advertisements need to be posted.

Councilman Lehmann stated there is a problem with available parking on Walnut St. and asked if there are any other citizens using this area for parking. Vice-Mayor Inskeep stated Practical Behavioral Solutions uses the entire space.

5.d) Agreement #AGR2024-26 Lexipol, LLC – Law Enforcement Policy Manual
Captain Bray reminded Council this topic was discussed in August and they presented three vendors who met their criteria. He said they chose Lexipol as their primary vender. He provided selection details and fees involved. He spoke further about the labor agreement, police policy, and governmental compliance.

Mayor Green confirmed this manual places us in compliance with best practices for our Police Department. Captain Bray stated the funds were added to the budget and asked Council to allow them to use those funds and move forward.

Councilwoman Hanchar asked how long the agreement will recur at the same rate. Captain Bray replied it shouldn't change because it's just maintenance going forward.

Council agreed to add this item to the consent agenda.

6) Staff Agenda Items
6.a) Impact Fees – Jan Smith, Finance Officer
Mrs. Smith stated she has spoken with financial consultants regarding the steps needed to impose impact fees. She said there are four steps we need to take and they include developing a CIP, hiring a consultant, consultant review, and fee adoption by Ordinance. She added this will go hand in hand with the long-term Capital Improvement Plan.

7) Resolutions

7.a) Resolution #RES2024-32, Surplus Equipment

Mrs. Odom stated we have electronics, miscellaneous office supplies, two mowers, and a trailer which require surplussing. She said Mr. Ward feels he can get more money for the mowers and trailer with a sealed bid and have determined a minimum bid of $8,000 for them to be sold as a package.

8) Council Agenda Items

8.a) Vice-Mayor Inskeep

* Pay Policies During Declared Emergencies

Vice-Mayor Inskeep stated it is reasonable for staff to be required to make up lost hours after being sent home for weather related safety. He said the amount of production time being lost is significant and provided examples.

Councilman Lehmann stated he doesn't see this as an issue. He said if we get a damaging storm, staff's work pace increases when they return because of clean up responsibilities. He stated there will be a lot of extra work which makes up for the time they lost.

Vice-Mayor Inskeep stated employees already have 25 paid days off per year, which does not include vacation time. He said we need to put an emotional shield up and make sure there is productivity.

Councilwoman Hanchar stated there is no agency which she has found, in the State of Florida or Georgia, which require staff to make up time after an emergency. She said she will never vote to have any employee make up work. She further asserted the City leadership and their staff are on call for 24 hours during these storms.

Mayor Green stated any time there is an emergency, the world continues to turn. He said the public doesn't see what goes on behind the scenes. He pointed out the after-hour emails and phone calls which are answered by our staff members, who are dedicated to serve the citizens, regardless of the time of day. He asserted he has never had a problem with obtaining a response, anytime day or night, and he appreciates this. He said sometimes their obligation is less, but sometimes it's a whole lot more and believes the service time balances out. He advised Council we have a City Clerk who has been here many years and knows how to balance her staff. He commented he will leave it to her to discuss the issues with her employees.

* Sick Leave

Vice-Mayor Inskeep asked to table this topic.

* Christmas Parade Cost/Split

Vice-Mayor Inskeep stated last year the City split the cost of the Christmas Parade event with the Dunnellon Chamber and Business Association. He said because the Christmas Parade is a local event, it makes sense to him to split the cost again with the DCBA. He explained last year it was roughly $500 in service hours. Mrs. Odom added when the parade is permitted, Chief Scaglione

determines how many officers are needed and Mr. Ward's department takes care of the barricades. Council agreed with Vice-Mayor Inskeep to split the cost.

* Police Department Structure
Vice-Mayor Inskeep asked to table this topic.

8.b) Councilman Lehmann
* Blue Run Park Management
Councilman Lehmann spoke about the letter the Council sent to Marion County regarding the management of Blue Run Park. He pointed out Marion County stated the park was the gemstone of their aquatic adventures and they are eager to assume ownership. He asked because we didn't dispute their ownership comment, does it mean they can assume control without our approval. Attorney Hand replied no, because assuming control will require a charter amendment and a referendum.

9) Department Reports
Mrs. Smith spoke about the Capital Improvement Plan. She stated because of the gas tax issue, which was brought forward during the last meeting, she had a conversation with the auditors and there is a way to capture road and transfer projects within the CRA budget.

She suggested Council place road projects on hold for a couple of years to allow Marion County to capture the data in their five-year analysis plan. She explained this action could help fund the roads in the future by providing a larger revenue from the gas tax. She stated we wouldn't budget roads, but we would earmark the funds.

There were further questions and discussion regarding road funding, impact fees, and adding accounting lines.

Vice-Mayor Inskeep stated we have lost $360,000 in tax revenue because we didn't understand how these tax distributions work. He said we need to examine the conditions of our roads and add as many as we can. He spoke about how the auditors review our reports, correcting coding, future Councils, 1 cent tax, school tax, and how the plan will be paid for.

Mr. Ward stated his department is gearing up for the hurricane. He said we have a record number of people getting sandbags and could use volunteers. He announced he expects traffic to increase over the next two days and already receiving calls regarding traffic jams. Councilwoman Hanchar noted the Sheriff's prisoners have helped in the past. Mr. Ward replied the Sheriff's Department doesn't have the staffing available to stand guard with the inmates.

Chief Scaglione informed Council the State confirmed the delivery location of the electronic message board, sating it should be here by now but might be caught in traffic. Mr. Ward advised everyone in the days following the hurricane, Public Works' priority will be to clear downed power lines and tree debris from the roadway. He asserted our citizens need to understand the priority, because safety is our first concern.

Councilman Lehmann stated there are a lot of large piles of debris in Vogt Springs and asked if we have contracted with anyone. Mr. Ward replied we do have a company we work with for storm debris removal, but didn't have enough debris to make it worth their while to come out. Councilman Lehmann made suggestions about letting citizens know about debris pickup. Mrs. Odom explained the Waste Management process for debris removal.

Chief Scaglione stated they conducted a traffic operation, which resulted in 60 contacts and at least one arrest. He shared there is a new family in Dunnellon Heights with teenage kids and the kids have been causing problems by destroying things in the ball field. He provided details about how the kids have been made to make amends. He spoke about impact fees and how the implementation will cause increased needs for the Police Department.

Chief Scaglione provided an update on storm preparation and stated his team is starting 12-hour shifts. He said the traffic did build up, but seemed to handle itself. He advised the gas stations have run out of gas and there have been altercations at the pumps. He explained one station who had gas asked the police to close the station for them because it was getting out of hand. He stated he sent a request to Marion County Department of Corrections to come out to help open the roads and they agreed to open CR 484 and US 41, but everything else will be for Public Works to handle. He stated he had also asked for help from Sheriff Deputies with the traffic if needed, but the request was denied. He said he understands they are overwhelmed too.

Chief Scaglione announced Marion County has issued a mandatory evacuation for mobile homes and RV's, which was amended to include anyone who feels unsafe in their home. He said there are eight shelters open throught the County, with Westport High School accepting special needs citizens. He advised Council he will wait until tomorrow to decide when to close City Hall.

Mayor Green complimented Chief Scaglione on his social media posts. He noticed it is being copied and shared a lot. He said the citizens are glad to see their posts.

10) Council Comments

Councilman Lehmann stated he will likely be leaving Wednesday or Thursday to help with storm issues in Georgia and may not make the next meeting.

Vice-Mayor Inskeep stated MAX-Air did not perform work they agreed upon at the Police Department. He said the bill has been paid and now they will only come out at their convenience. Mrs. Odom replied Mr. Ward explained to her the contractor plans to rework according to the original estimate and suggested we give them an opportunity to do so. She said then if they don't show up, we will get Attorney Hand involved.

11) City Attorney Comments

Attorney Hand stated if there is a contractual problem with MAX-Air, we will write letters. He stated there was an impact fee study done in May of 2020 and they are usually conducted every 5 years.

Attorney Hand advised Council the City has received a letter from the school board because one of their members is considering joining our Planning Commission. He said it is provided for within the interlocal agreement and a non-voting seat must be allowed by statute. He stated he and Mrs. Odom are working on a simple change to the City code to provide for this.

12) Public Comment

Madeline asked to withhold her personal information and her request was granted by Mayor Green. She asked if it is true businesses are being shut down or not allowed to open because there isn't enough water. Vice-Mayor Inskeep replied this is not true. He said we have spoken to the water company and the new businesses had issues filing their paperwork. He added the car wash isn't open because they are in the process of selling.

Mr. Brown advised Council the new buyer of the car wash is a family from the Miami area who have relocated recently. He said they are seeking to be part of the community and will be inviting Council to a ribbon cutting event. He explained they are currently finishing their paperwork and have not announced an opening date.

Kathy Dunn, 11386 SW Hendrix Dr., stated she has gotten a lot of calls about the car wash and Right Turn Auto. She suggested putting the information on social media to let people know we aren't holding them up. She said she expects staff to come in on Friday to make up time if they get a day off for a storm.

Adjournment

The meeting was adjourned at approximately 8:22 p.m.

_____

Penned signature of:
Walter L. Green, Mayor

Attest:

_____

Penned signature of:
Amanda Odom, CMC, City Clerk

City of Dunnellon
City Council Meeting

Date: October 16, 2024
Time: 5:30 p.m.
Place: City Hall, 20750 River Dr., Dunnellon, FL 34431

Call to Order and Pledge of Allegiance
Mayor Green called the meeting to order at approximately 5:38 p.m. and led the Council in the Pledge of Allegiance.

Opening Prayer / Moment of Silence
Mayor Green invited any citizen wishing to volunteer to open with prayer. No one stepped forward and a moment of silence was observed.

Roll Call
Walter Green, Mayor, Seat 1
Vacant, Councilperson, Seat 2
Tim Inskeep, Vice-Mayor, Seat 3
Rex Lehmann, Councilman, Seat 4
Valerie Hanchar, Councilwoman, Seat 5

Staff Present
Mandy Odom, City Clerk
Jan Smith, Finance Officer
Schonna McLean, Finance Officer
Chad Ward, Public Works Manager
Chief Chris Scaglione, Police Department
Captain Ron Bray, Police Department
Sergeant Josh Hoffmann, Police Department
Michelle Leonard, Assistant City Clerk
Ron Brown, Community Development Supervisor
Julie Danowski, Records Clerk

Legal Counsel
Andrew Hand, Shepard, Smith, Kohlmyer & Hand, P.A.

Proof of Publication
The agenda was posted on the City's Website and City Hall bulletin board on Wednesday, October 09, 2024. The agenda was amended on Tuesday, October 15th to add backup to item #4a.

Council Comments Regarding Agenda
Mayor Green read the following into the record:

"City Council Code of Conduct
In public meetings
Practice civility and decorum in discussions and debate: Difficult questions, tough

challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Councilmembers to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

Honor the role of the Chair in maintaining order: It is the responsibility of the Chair to keep the comments of Councilmembers on track during public meetings. Councilmembers should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions in enforcing the rules of order set forth herein, those objections should be voiced politely and with reason. If the rest of Council disagrees with the decision of the Mayor, a majority vote of Council is binding.

Avoid personal comments that could offend other Councilmembers: If a Councilmember is personally offended by the remarks of another Councilmember, the offended Councilmember should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Councilmember to justify or apologize for the language used. The Chair will maintain control of this discussion.

Council Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff, who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior toward staff is not acceptable. Questions of City staff and/or requests for additional background information should be directed only to the City Clerk, City Attorney, or Department Heads.

In Unofficial Settings

Remember that Dunnellon will always be a small town at heart.
Councilmembers are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of Dunnellon. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Councilmembers, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

Proper conduct IS ...

Keeping promises, Being dependable, Building a solid reputation, Participating and being available, Demonstrating patience, Showing empathy, Holding onto ethical principles under stress, Listening attentively, Studying thoroughly, Keeping integrity intact, Overcoming discouragement, Going above and beyond, time and time again and

Modeling a professional manner.

Proper conduct IS NOT …
Showing antagonism or hostility, Deliberately lying or misleading, Speaking recklessly, Spreading rumors, Stirring up bad feelings or divisiveness or Acting in a self-righteous manner. It all comes down to respect. Respect for one another as individuals, respect for the validity of different opinions, respect for the democratic process and respect for the community that we serve."

Vice-Mayor Inskeep noted there is no City Manager. Attorney Hand stated Ordinances have replaced the City Manager term with City Clerk and this would apply to policies as well.

Public Comments on Non-Agenda Items
Dave Porter, 11835 E. Blue Cove Dr., asked Mr. Ward to consider making the bright green control boxes in the City more attractive and find out if FDOT could wrap them.

CONSENT AGENDA
- Approval of Minutes
- Authorize Mayor to Sign Agreement #AGR2024-26, Lexipol, LLC – Law Enforcement Policy Manual

Public Comments
There were no public comments.

Councilman Lehmann moved the consent agenda be approved. Councilwoman Hanchar seconded the motion. A vote was taken and the motion passed 4-0.

REGULAR AGENDA
1) Discussion
1.a) Dunnellon Little League President, Todd Patterson
Mayor Green welcomed Mr. Patterson to the meeting**.**

Mr. Patterson thanked Councilwoman Hanchar for inviting him. He introduced himself and provided information about his history with the Dunnellon Little League (DLL). He stated they have 150 kids registered for the fall season and 350 kids for the spring season. He said his goal is to increase attendance. He shared the efforts of the DLL to repair and maintain the baseball field which includes replacing the well, moving fences, mowing the grounds with old mowers, trimming trees, and caring for the lighting.

He spoke about fundraising activities to revamp the dugouts and their efforts to get the field in better shape. He stated during the mid-season tournament parents complained about the roads and asked what the City's long-term plans are for road improvements. Vice-Mayor Inskeep explained the City's financial limitations for paving roads, the new road grading agreement, and

when grading occurs. He asked Mr. Patterson to issue a notice to the parents and members of the DLL to respect the posted speed limit for protection of the children.

Council asked a variety of questions including who plays on the field, how many people attend, when the games are held, fundraising suggestions, and the need to let the Police Department know when the games are scheduled to help control crowds and speeding.

Mr. Ward asked who maintains the field and what days the games are held. Mr. Patterson responded he and two other league members take care of the fields and provided the game schedule. Mr. Ward stated the City is receiving complaints about the kids getting into sand spurs and ants while on the fields. Mr. Patterson replied there wasn't a parent meeting this year because of the hurricanes and they are trying to get the field maintenance in a position where the parents aren't required to help. He said they are working on the sand spurs and ants, but his priority has been to repair power lines and the roof. He said they plan to till the fields this weekend.

Mayor Green stated it is interesting to him there are grandparents out there watching their grandkids play on the same field they themselves played on so many years ago. He said the field has always been maintained by volunteers and he commended the DLL Board for their efforts.

Public Hearing Statement
Mrs. Odom read the following into the record:

"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."

2) Ordinances
2.a) <u>Public Hearing – Ordinance #ORD2024-08, School Speed Zone</u>

Mayor Green gaveled down and said, "It is now 6:20 p.m. and I close the City Council meeting and open the public hearing held to discuss Ordinance #ORD2024-08, School Speed Zone. Advertised in the Riverland News on 10/04/2024 and Posted on the City Website on 09/26/24."

Staff Comment
Attorney Hand stated nothing has changed from the first reading, but he is happy to answer any questions the Council may have. There were no Council questions.

Public Comment
There were no public comments.

Mayor Green gaveled down and said, "It is now 6:21 p.m. and I close the public hearing held to discuss Ordinance #ORD2024-08, School Speed Zone and reopen the October 16th City Council meeting."

Mayor Green stated we will now move on the final reading of Ordinance #ORD2024-08 School Speed Zone and invited public comments.

Public Comments
There were no public comments.

Councilwoman Hanchar moved Ordinance #ORD2024-08 be read by title only. Councilman Lehmann seconded the motion. A vote was taken and the motion passed 4-0.

Mrs. Odom read the following into the record:

"ORDINANCE #ORD2024-08

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, AMENDING THE CITY CODE BY VACATING AND DELETING 'CHAPTER 39 – TRAFFIC MANAGEMENT, TRAFFIC CALMING, PARKING AND PEDESTRIAN SAFETY' IN ITS ENTIRETY; CREATING 'CHAPTER 66, ARTICLE IV – SCHOOL SPEED ZONE ENFORCEMENT'; ESTABLISHING A SCHOOL ZONE SPEED ENFORCEMENT PROGRAM TO AUTHORIZE THE USE OF SPEED DETECTION SYSTEMS WITHIN THE CITY; PROVIDING FOR PROGRAM IMPLEMENTATION REQUIREMENTS; PROVIDING FOR DESIGNATION OF SCHOOL ZONES; PROVIDING FOR ENFORCEMENT PROCEDURES; PROVIDING FOR COLLECTION OF EVIDENCE, PUBLIC RECORDS, AND RETENTION REQUIREMENTS; PROVIDING FOR ANNUAL REPORTING REQUIREMENTS; PROVIDING FOR THE REMITTANCE OF COLLECTED FINES AND COSTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE."

Councilwoman Hanchar moved Ordinance #ORD2024-08 be approved. Councilman Lehmann seconded the motion. A vote was taken and the motion passed 4-0.

3) Resolutions
3.a) Resolution #RES2024-32 Surplus Equipment

Public Comment
There were no public comments.

Councilman Lehmann moved Resolution #RES2024-32 be read by title only. Vice-Mayor Inskeep seconded the motion. A vote was taken and the motion passed 4-0.

Mrs. Odom read the following into the record:

"RESOLUTION #RES2024-32
A RESOLUTION OF THE CITY OF DUNNELLON, FLORIDA, DECLARING CERTAIN PROPERTY AS SURPLUS AND PROVIDING FOR DISPOSAL THEREOF."

Councilwoman Hanchar moved Resolution #RES2024-32 be approved. Councilman Lehmann seconded the motion. A vote was taken and the motion passed 4-0.

3.b) Resolution #RES2024-33 Vacation Rental Registration Fees
Mrs. Odom spoke about the discussion which was held at the workshop last week. She reminded Council they directed staff to come back with estimated expenses which could be applied to the registration fees. She said since that conversation staff has gone back to looking at software. She announced staff will most likely not be prepared to bring a Resolution to Council until December.

Mrs. Odom stated last year staff received a proposal from Granicus for approximately $14,000 to manage our Vacation Rental registrations and have 42 short-term rental owners. She proposed an implementation team where she can assign tasks departmentally. She said there are two other software companies we would like to review, would like to poll other cities to see what they are using, and how they like their programs. She explained she has already sent an email to other City Clerks to see if anyone is using the software systems we are currently interested in. She advised Council of the next steps if they choose to move forward with software which included the funding source, implementation plan, coordination with Marion County Fire Inspectors, public notices, and letters to owners advising them when enforcement will begin.

Councilman Lehmann asked if we could impose a fine on those who haven't registered. Attorney Hand replied he believes this information is already in the Ordinance. Councilman Lehmann asked if the City could track Code Enforcement staff time and tie those expenses to the Vacation Rental Owners registration fee in the following year. Attorney Hand responded permitting fees are only to recoup the cost of the City issuing the permit and cannot be used to penalize the owner. He added violators will be assessed in the same way as other Code Enforcement issues.

Council agreed to allow Mrs. Odom to go forward with her research into software.

4) Regular Agenda Items
4.a) Amendment #6 to Agreement #AGR2009-03, Powell & Jones CPA's
Public Comment
There were no public comments.

Councilwoman Hanchar moved to authorize the Mayor to sign Amendment #6 to Agreement #AGR2009-03 for Powell & Jones CPA's. Vice-Mayor Inskeep seconded the motion.

Mrs. Smith stated she has submitted two proposals based on Council direction from the last meeting. She said the first is 5% per year and the second is based on CPI. She advised Council the motion will need to clarify which amendment the Mayor will sign and recommended Council approve the original proposal of 5% per year, because it will present no surprises.

Councilwoman Hanchar amended her motion and moved to authorize the Mayor to sign Amendment #6 to Agreement #AGR2009-03, as suggested by staff with the 5% annual increase. Vice-Mayor Inskeep seconded the motion. A vote was taken and the motion passed 4-0.

4.b) Historic Board Appointments

Public Comment

There were no public comments.

Vice-Mayor Inskeep moved to re-appoint Mr. Wilton Martins to a full member of the Historic Preservation Board for a three-year term, effective January 22, 2024 to January 22, 2027. Councilwoman Hanchar seconded the motion. A vote was takenand the motion passed 4-0.

Councilwoman Hanchar moved to appoint Ms. Angie Rosier as a full member of the Historic Preservation Board for a three-year term, effective November 8, 2024 to November 8, 2027. Vice-Mayor Inskeep seconded the motion. A vote was taken and the motion passed 4-0.

5) Department Reports

Mrs. Odom stated Waste Management contacted her and advised the debris which is piling up around the City is getting to be more than what they are contracted to remove. She said they will continue to pick up the small piles and have offered to contract with us to pick up the larger piles at an hourly rate. She added Gaston Tree Debris Recycling stated there isn't enough debris to engage their contract. She said this will be reimbursed by FEMA.

Mr. Ward stated Waste Management doesn't typically pick up the larger piles and limbs but they can provide dumpsters, at no cost, allowing Public Works to pick up the debris with their grapple truck. He said another option is to make the residents responsible for their own clean up.

There was further discussion regarding hiring a smaller contractor, steps for FEMA reimbursement, measuring debris, the debris piling up at the cemetery, EPA requirements, difficulty measuring staff time, and the Waste Management contract. Mrs. Odom added Waste Management charges $235 per hour, plus disposal costs.

Attorney Hand advised staff and Council to be careful because federal funding requires federal clauses within the contract. He said we need to be sure these clauses are not required by FEMA for this particular storm.

Mayor Green commented if Waste Management is involved, then they are involved all over the State which means they should be well versed in the required documentation. He stated he believes hiring Waste Management is the best choice, because we need to secure the safety of the community. Mrs. Odom said she will confirm with Waste Management tomorrow if they are aware of the FEMA requirements. Mrs. Smith said she will reach out to FEMA and find out their requirements.

Councilwoman Hanchar asked for an EOC contact and Chief Scaglione stated he will get it to her. Councilman Lehmann asked Mr. Ward if there is any special equipment Public Works requires to help them with storm clean up. Mr. Ward replied his biggest problem is finding a central location to deposit the debris.

Attorney Hand stated regardless if the contract we are working with has the FEMA language, the debris must be removed. He said Council just needs to understand they may not be reimbursed. Mrs. Smith reminded Council they have an emergency reserve to pull from if it is not.

There was further discussion regarding a Waste Management contractual limit, with Council agreeing $25,000 would be a safe number.

Councilman Lehmann moved to authorize Waste Management to remove the remaining storm debris with a financial limit of $25,000. Vice-Mayor Inskeep seconded the motion.

Councilwoman Hanchar stated the motion should be to authorize Mrs. Odom to execute an agreement with Waste Management.

Councilman Lehmann revised his motion and moved to authorize Mrs. Odom to execute an agreement with Waste Management to remove storm debris with a financial limit of $25,000. Vice-Mayor Inskeep seconded the motion.

Public Comment
There were no public comments.

A vote was taken and the motion passed 4-0.

Ms. Leonard provided an update regarding the new internet and phone service, and the process of transferring from multiple providers to a single provider, Lumen. She said we are still on track despite setbacks which included the AT&T strike and two hurricanes. She stated the final installation for the internet will be Friday for the Police Department and Monday for City Hall and Public Works. She said she hopes they will be able to flip the switch next week. She added when this happens there should be little to no internet disruptions for staff.

Mr. Ward reported his team has spent 15 hours on clean-up work, which included removing trees from the roadways. He said he was hoping to have Dunnellon Heights graded in November but right now the quarries are flooded and the grading company can’t pull the material.

Mayor Green suggested putting this information on the City website, to help get the word out.

Vice-Mayor Inskeep suggested adding the contract information regarding the seasonal grading as well. He stated it would be helpful if we can let the citizens know we will grade every November and every May.

Mr. Ward announced Public Works issued over 9,000 sandbags for Hurricane Milton and he thanked all the volunteers who showed up to assist.

Councilman Lehmann asked Mr. Ward if there are sandbag machines to help make the job easier. Mr. Ward replied there is and he has applied for a grant to obtain funding for one. Mayor Green suggested he speak with Troy Slattery about the one they have in Crystal River. Mr. Ward replied he has all the information he needs, he's just waiting his turn for grant funding.

Mr. Brown stated permitting and inspections were delayed because of the storms, but he has received positive comments from citizens about every department in the City. He added he has even received appreciation for answering the phone and rescheduling quickly.

Chief Scaglione stated the monthly report includes three natural deaths and 100 traffic stops resulting in 62 warnings and 18 citations. He said the marine unit had 3 requests for response and 112 contacts on the river. He announced the department audits have been completed and they were found in compliance.

Councilwoman Hanchar stated citizens have asked her to compliment the police for their activities during the storm. She said the citizens felt comforted knowing they were out patroling.

Chief Scaglione provided the emergency management report for Hurricane Milton, stating there was no damage to City property. He said two trees fell damaging a house and camper in Blue Cove. He spoke about the traffic increase, scarcity of fuel, why US 41 was so busy, a gas station shut down, and how the officers were directed to patrol in zones throughout the City all night. He shared photos of the current condition of the river, which included high water but no flooding.

Chief Scaglione stated he received a call from Marion County Emergency Management asking us to close our boat ramp in response to a Citrus County request. He advised Council the boats on the river are causing property damage due to the high water and Citrus County has closed all their boat ramps to mitigate the issue. He said the Dunnellon Police will be out patrolling on the water beginning tomorrow.

Chief Scaglione stated the Mayor has requested they keep people updated utilizing social media, but he also suggests adding an employee information hotline and a citizen information hotline. He explained it will save Mrs. Odom from having to call everyone when the offices are to be closed and the citizen hotline will let everyone else know if there are any current issues.

Chief Scaglione stated the new generator didn't work during the storm, which appeared to be a dead battery issue. He said when it did come on, it didn't power what it was supposed to power. He announced a work order has been sent in to correct these problems.

Chief Scaglione stated he had received a few emails regarding the speed trailer sitting at Public Works during the hurricane and a patrol car parked on San Jose. He advised Council the speed trailer needs a new sim card, but also it would have sustained damage in hurricane force winds. He said there are many legitimate reasons why a patrol car may be sitting rather than patrolling and provided examples. Chief Scaglione announced he received another email criticizing him for introducing his officers to the Council and said there are Council members who would like to see the Police Department shut down because of his poor leadership. He complained these comments were disheartening and undeserved. Chief Scaglione pointed out there are people he doesn't know who have been copied on these emails and because of this they are a security threat. Chief Scaglione shared his concern about who may have been blind copied, the possibility of trojan horses, redaction requirements, and unvetted information going out to the public which could become false. He added it is ridiculous to say he paraded his officers in front of Council in their dress blues because they don't own dress blues.

Councilwoman Hanchar stated it was she who asked Chief Scaglione to bring the officers in for introdutions. She said it was so they could see who we are and we could see who they are. She confirmed they were not in dress blues and it wasn't a stunt on her part. She pointed out this was also for the people who watch meetings live so they could know who the officers.

Chief Scaglione stated when an unknown citizen reads these emails they assume it is truth and when it is discussed differently elsewhere, they may think there is a cover up. He said there is also a potential for violating FBI and CJIS policies. He announced going forward he will only reply to emails verbally during Council meetings and will provide a citizen complaint form to anyone.

Chief Scaglione stated the Emergency Management Coordinator is a position the Council put in place and would like to think he did not abuse this power. He said he requested a message board to utilize during a storm because the most important thing we can do for our citizens is to provide them with information. He advised the message boards did not come in when they were requested but when they arrived they were put out.

He asserted he received a phone call from a Councilmember accusing him of wasting Public Works time by asking them to do something. He said it "pushed his buttons." He stated he had spoken to other department heads and it has become clear Vice-Mayor Inskeep is playing department heads against one another. He announced when we are in a state of emergency, the Public Works Manager needs to help rather than clean up the park for a concert. He asserted we prepare for the worst and hope to receive no damage. He pointed out it is up to the Council to decide if they want to change the Charter because they are unhappy with his decisions about when to open and close the City. He agreed the main portions of the City were good after the storm, but there were a lot of areas still without power on Thursday. He added there was no internet service on Thursday and doesn't know what work staff could have gotten completed had

they come in. He asserted your general City employees are not essential personnel and his job is to keep the employees as safe as he can, which means they did not need to be here.

Chief Scaglione informed Council Vice-Mayor Inskeep has created a hostile work environment and he will not tolerate it nor force his officers to put up with it. He said he is seeking direction from Council, because he will be unable to work with Vice-Mayor Inskeep at this time.

Mayor Green thanked Chief Scaglione, stating the Council appreciates the information he provided regarding the storm. He stated he deeply appreciates the constant communication between the Police Department and Public Works. He said he has received several comments from the citizens who are appreciative of it as well. He reported Mrs. Odom, Ms. Leonard, and Chief Scaglione were in constant contact with him. He was impressed with Chief Scaglione's actions and congratulated him on a job well done.

Mr. Ward spoke about the generator, stating they contacted Tradewind today and Victor Oliver, along with the salesmen, will be out to figure out the problem. He said it is unacceptable to them it didn't work correctly and they think it may have been set up for the wrong server room.

Vice-Mayor Inskeep stated he was the one who went out to help Captain Bray at the height of the storm to get the generator going. He said the stores and businesses were open on Thursday and it was a nice day. He commented he didn't understand why the City wasn't open by 10:00 a.m.

There was further discussion regarding the generator issues.

Vice-Mayor Inskeep stated when the old police regime was in place, there was no oversight. He explained what Chief Scaglione and Captain Bray had to rebuild was ridiculous. He said the new officers didn't even have operating tasers when they started. He asserted the rub this Chief and I have is this Chief doesn't think he needs to have oversight either. He explained when he asks questions, the response comes from a victim mentality. He advised Council Chief Scaglione told him he was considering discontinuing business checks and he will not babysit the Public Works Department. Vice-Mayor Inskeep remarked if the gate is not locked, it is not babysitting. He asserted it is a reason to contact Mr. Ward and find out why.

Vice-Mayor Inskeep announced if he can't achieve cooperation working behind the scenes, then he will involve the public. He responded about the patrol car parked on San Jose and asserted Chief Scaglione acts like this has happened only once, but he has several pictures proving otherwise. He spoke about citizens parking in the DRA causing ground compaction without tickets being issued. He said the Police Department doesn't write tickets unless someone like himself asks why. He added citizens are asking why they haven't seen officers out patrolling.

Councilwoman Hanchar stated she received a card at her business address showing the police are conducting business checks. Chief Scaglione replied we have ordered 1,000 cards and we are halfway through them already.

Councilwoman Hanchar commented we don't have to like each other and sometimes we raise our voices when we try to get our point across. She said she hopes our staff is not feeling micromanaged. She commented she would like to correct the issues and move forward positively.

Mayor Green stated Council is responsible to the citizens of the community and decide who the department heads are. He said when there are issues, these issues can and should be exposed in a Council meeting. He explained this should be an ongoing process and the entire Council should be aware of issues and work together. He shared he does not micromanage and when he sits down with staff members he receives answers to his questions without getting mad or having to take action. He expressed his desire to see the Council working together while constructively handling criticism. He remarked if all Councilmembers do not act accordingly, then we would have an action against a Councilmember. He reminded Council of the Code of Conduct and stated he will insist it is enforced.

6) Council Liaison Reports and Comments
There were no liaison reports or comments.

7) City Attorney Report
There was no City Attorney report.

Public comment:
Kathy Dunn, 11386 SW Hendrix Dr., stated she is appalled by a department head who would stand up and say he will not work with an elected Councilmember. She advised she will stop public commenting and start calling the Mayor or Councilmember directly. She said citizens feel like there is no accountability in our government.

Adjourn
At approximately 8:25 p.m. Councilwoman Hanchar moved the City Council meeting be adjourned. Vice-Mayor Inskeep seconded the motion. A vote was taken and the motion passed 4-0.

_____
Penned signature of:
Walter L. Green, Mayor

Attest:

_____
Penned signature of:
Amanda Odom, CMC, City Clerk

City of Dunnellon
City Council Workshop
Meeting Minutes

Date: November 04, 2024
Time: 5:30 p.m.
Place: City Hall, 20750 River Dr., Dunnellon, FL, 34431

Call to Order and Pledge of Allegiance
Mayor Green called the meeting to order at approximately 5:30 p.m. and led the Council in the Pledge of Allegiance.

Opening Prayer/Moment of Silence
Mayor Green invited any citizen wishing to volunteer to open with prayer. Kathy Dunn provided the invocation.

Roll Call
Walter Green, Mayor, Seat 1
Vacant, Councilperson, Seat 2
Tim Inskeep, Vice-Mayor, Seat 3
Rex Lehmann, Councilman, Seat 4
Valerie Hanchar, Councilwoman, Seat 5

Staff Present
Mandy Odom, City Clerk
Jan Smith, Finance Officer
Schonna McLean, Finance Officer
Chad Ward, Public Works Manager
Chief Chris Scaglione, Police Department
Captain Ron Bray, Police Department
Michelle Leonard, Assistant City Clerk
Ron Brown, Community Development Supervisor
Julie Danowski, Records Clerk

Legal Counsel
Andrew Hand, Shepard, Smith, Kohlmyer & Hand, P.A.

Proof of Publication
The agenda was posted on the City's website and City Hall bulletin board on Monday, October 28, 2024. The agenda was amended on Monday, October 28th to add items #5.c and #6.b. and on October 29th to add backup to items #6.b and #8.a. and on October 31st to add items #7.c. and #7.d.

1) Public Comment

Kathy Dunn, 11386 Hendrix Dr., stated she felt threatened by remarks made by Chief Scaglione during the last meeting. She discussed the observation she had reported to the Police Department, which led to his comments. She emphasized her strong support for the Police Department but also conveyed her concern regarding the recent robberies. She asserted it is the responsibility of the citizens to report what they see.

2) Board Reports

There were no board reports.

3) Dunnellon Chamber and Business Association Reports

Judy Terwilliger, Executive Director, read the monthly report into the record:

"New Members
Boundless Data
Portraits By Adri
River Oak Services

Upcoming Events
Nov 2- Sparr Farm Swap 8 am – 12 pm 2915 W, Dunnellon Rd.
Nov 9- Sparr Farm Swap 8 am – 12 pm 2915 W, Dunnellon Rd.
Nov 16- Sparr Farm Swap 8 am – 12 pm 2915 W, Dunnellon Rd.
Nov 23- Sparr Farm Swap 8 am – 12 pm 2915 W, Dunnellon Rd.

Nov 4- Bingo Night at Cheers 5-7 pm. 19330 SW 83rd Place Rd.
Nov 11- Bingo Night at Cheers 5-7 pm. 19330 SW 83rd Place Rd.
Nov 18- Bingo Night at Cheers 5-7 pm. 19330 SW 83rd Place Rd.
Nov 25- Bingo Night at Cheers 5-7 pm. 19330 SW 83rd Place Rd.

Nov 6- Tropical Trivia at Cheers 6:30-8:30 pm 19330 SW 83rd Place Rd.
Nov 13- Tropical Trivia at Cheers 6:30-8:30 pm 19330 SW 83rd Place Rd.
Nov 27- Tropical Trivia at Cheers 6:30-8:30 pm 19330 SW 83rd Place Rd.
Nov 20- Musical Bingo at Cheers 6:30-8:30 pm 19330 SW 83rd Place Rd.

Nov 17- Dunnellon Poetry Society 2-4 pm at Rainbow Springs Art 20804 W. Pennsylvania Ave.

Nov 9- Health & Wellness Event at the Woman's Club of Dunnellon. 9 -2. 11756 Cedar St.
Nov 9- Tiny Jams at Gipsy Guitars Life 20372 E. Pennsylvania Ave. $60 pp.
This includes food & Drink 7-10 pm"

4) Presentations

4.a) Certificate of Appreciation – Jane Keele

Mayor Green read the following into the record:

"In recognition of your heartfelt dedication to the Dunnellon community and its citizens. You are hereby commended for your exemplary service on the City's Historic Preservation Board for a total of more than 20 years over the past three decades. Your participation and resourceful insight regarding the duties and responsibilities of this essential body deserves generous praise.

Your extensive amount of community service has proved invaluable by showing your love and passion to improve the quality of life in Dunnellon. With heartfelt gratitude, pride and appreciation for your generous service, enthusiasm, and commitment.

Dunnellon City Council, November 4, 2024"

Council gathered to present Ms. Keele a plaque and capture photos of the moment.

5) Discussion

5.a) Lease Agreement #AGR2020-06, OpticalTel

Mrs. Odom stated this was added to the agenda because of a request by OpticalTel for additional resources to remove their equipment from the surplused building at 20804 W. Pennsylvania Ave.

Mario Araya, OpticalTel Director of Field Operations, expressed his need to relocate their equipment from the current building. He noted OpticalTel serves 150 to 200 customers and is committed to minimizing service interruptions. Mr. Araya informed Council relocations typically do not occur overnight and he proposed a nearby City-owned property as an alternative location for an easy transition. However, he asserted, the move could not be completed by the end of December.

Councilman Lehmann asked if OpticalTel would be willing to lease the building from the new owner when it is sold. Mr. Araya replied they would be interested.

Councilwoman Hanchar asked how long it would take OpitcalTel to physically remove their equipment. Mr. Araya replied he didn't know at this time, because they haven't found another location. Councilwoman Hanchar asked if Council decides they must vacate by December 31st, what will happen. Mr. Araya stated every resident who carries their service would lose their internet connections.

Councilman Lehmann suggested OpticalTel reach out to the homeowner next to the current building to see if they could work out an arrangement with them.

Vice-Mayor Inskeep asked if OpticalTel is entertaining the possibility of buying the property themselves. Mr. Araya replied he didn't know it was an option because he assumed the property had already been sold. Vice-Mayor Inskeep stated the email sent to OpticalTel was to notify them of the sale allowing them time to consider the purchase. Mr. Araya advised Council his leadership must not have understood and would like to have a discussion with them before going further.

Attorney Hand stated OpticalTel would need to respond to the sale and provide an offer like everyone else. He added there are a lot of options because this is not a bid process, but rather a solicitation of offers.

Mayor Green asked Mr. Araya when he would be able to have the discussion with his team. Mr. Araya replied he hopes to have more information by the end of the week. Mayor Green commented the time frame he proposes matches the Council's time frame.

Vice-Mayor Inskeep asked Mrs. Odom if staff has published advertising. Mrs. Odom replied yes and provided the publication dates including the offer deadline of November 25, 2024.

Vice-Mayor Inskeep stated he is here representing the best interest of the taxpayers and selling this building as quickly as possible is in their best interest. He explained to Mr. Araya he would not vote to extend the lease and provided his reasoning. He asserted his vote will be for OpticalTel to vacate the property by January 1, 2025 or purchase.

5.b) Christmas Parade Expense

Mrs. Odom stated based on last year's calculations the City and DCBA will spend approximately $650 to $700 each for this years' Christmas parade. She explained the expenses include the permit, three police officers, Public Works time to set up barricades, and a certified person to stay and take the barricades back down. She suggested waiting until after the parade is over for actual expenses incurred. She said once we obtain this information, we can make an accurate 50/50 split and invoice the Chamber and Council agreed.

5.c) Police Department – Vice-Mayor Inskeep

Vice-Mayor Inskeep stated he would normally address these issues out of the public eye but because of Chief Scaglione's comments from the last meeting he must speak in public. He spoke about his review of the last meeting's video, a citizen's concern about possible arrest for completing a complaint form, and other comments made by Chief Scaglione which he declared are false. He stated he has several issues to review and provided those issues one by one with video accompaniment on several.

Vice-Mayor Inskeep spoke on the following items:

- The lack of bodycam videos.
- Only one officer provided during the night shift.
- After six burglaries more officers still weren't scheduled for the night shift.
- Chief Scaglione was not proactive in hiring another officer.

- Chief Scaglione has been uncooperative and defensive.
- There are not enough rounds on the night shift.
- Public Works videos showing when and how officers conduct building checks.
- His accusation about Chief Scaglione lying about cameras not working properly.
- An officer who sat in a Sheriff Deputy vehicle for 45 minutes while the Citgo Station was being burglarized.
- An officer who called "all clear" when responding to an alarm at Rapid Fire without circling the entire building.
- A delay in the Policies and Procedures Manual update.
- A police employee conducting work for his private business on company time.
- The lack of a relationship with Sheriff Woods.
- The new speed trailer not being deployed in the days following the hurricane.
- A patrol car seen repeatedly parking on San Jose Ave. rather than in public view to help deter speeding.
- Stopping officers from patrol duties to attend a meet and greet.
- The issues about emails and security threats.
- A citizen who felt threatened by comments regarding a citizen complaint form.
- Slander of Vice-Mayor Inskeep with a statement about playing department heads against each other and causing a hostile work environment.

Vice-Mayor Inskeep stated he realizes there is a lot of information to digest and investigating it is beyond the realm of Council duties. He asked Council to agree to place Chief Scaglione on a paid administrative leave and appoint Captain Bray as Interim Chief. He suggested a special Council meeting to discuss the situation and to vote on conducting a formal investigation.

Councilwoman Hanchar declined to comment stating she needs time to consider the information.

Councilman Lehmann commented there are five or six statements pertaining to duties not being completed per the contract and there are attitude issues. He said an allegation of a full-time officer only doing part-time work needs to be investigated. He stated if we need a second officer on the street and it is a condition of the union contract, why isn't it done. He remarked if we need to conduct an investigation, let's separate the emotional content from the facts.

Mayor Green stated we have issues which we need to get to the bottom of and the only way to do so is moving forward with an investigation using an outside party. He advised the real problems will be revealed during an investigation.
Councilman Lehmann asked who would be utilized for this investigation. Attorney Hand replied he can't answer the question until the labor attorney reviews the details. He
suggested Council direct staff to discuss the issue with the labor attorney. He said he doesn't think it will take a lot of time but they will provide the proper procedures.

There was further discussion regarding the logistics of a special meeting, discussion with the labor attorney, the investigation, representation, and protecting the rights of Chief Scaglione. Mrs. Odom advised she will move as quickly as she can, but she said she will need to publish an agenda, which will not be possible before Monday.

6) Regular Agenda Items

6.a) Agreement #AGR2024-23, RedSpeed Florida, LLC

Captain Bray stated this agenda item is regarding the school speed zone enforcement project. He said they have received their portion of the agreement, and he is seeking authorization to move forward. He explained the goal is to have the 30-day public relations enforcement set up by December 1st.

Mayor Green spoke about the school holiday schedule, which will create a buffer allowing drivers to become aware of the new program while school is out.

Councilwoman Hanchar asked if the school flashing lights go on when the kids aren't in school and Captain Bray replied they do.

Councilman Lehmann asked if there is any money in the budget for signage about the project. He commented the more we advertise the more people will be made aware. Captain Bray replied they will be putting up large digital informational signs and sending information home to the parents multiple times.

7.c) Police Vehicle Purchase – Captain Ron Bray

Council agreed to move this item up on the agenda.

Captain Bray stated he is starting this process early because the manufacturer of police vehicles can take a long time and they want to ensure the vehicles will be delivered before the end of the budget year. He spoke about the vehicle specifics and the additional equipment they need.

Councilman Lehmann asked if we buy our vehicles under a municipal contract. Captain Bray replied yes, we work through the State's contract.

Council agreed to add this topic to the consent agenda.

7.d) Police DNA Processing – Captain Ron Bray

Council agreed to move this item up on the agenda.

Captain Bray stated the normal timeframe for DNA evidence processing is 6 to 9 months. He advised Council this delay stalls investigations. He said there is a tool called Touch DNA, which is very useful to help identify suspects early in an investigation. He asked Council for an allocation of $1,000 for the utilization of this tool during emergency situations. He explained this would not be used for every investigation, but only for those which are urgently needed.

Councilwoman Hanchar asked Mrs. McLean where the funds would come from. Mrs. McLean replied staff hasn't pinpointed the fund yet, but there are possibilities within the police budget.

Councilman Lehmann asked if $1,000 is sufficient. Captain Bray replied he's satisfied with this amount to try the system. Councilman Lehmann asked how long it takes for the police to be dispatched when an alarm company calls and if it would be prudent to purchase a dedicated cell phone rather than waiting for dispatch. Captain Bray replied he is happy to look at anything which would give them an advantage.

Vice-Mayor Inskeep asked for a formal agreement. Captain Bray stated approval of this request would allow them to enter into an agreement. Council agreed to add this to the consent agenda.

6.b) BID #BID2024-06, Surplus Trailer and Mowers
Mr. Ward stated this is for the recovered trailer and mowers which had been stolen from Public Works. He said we received one bid from the Town of Inglis for $8,000. Mrs. Odom added this is just informationaland if the Council iapproves staff will start the paperwork. Council agreed to accept the offer.

7) Staff Agenda Items
7.a) Vacation Rental Software – Mandy Odom, City Clerk
Mrs. Odom provided an update regarding her progress with the Vacation Rental software research. She provided details about three companies staff is reviewing, stating she will bring the quote information to Council as soon as she can.

7.b) 20795 Third Avenue Code Enforcement Lien – Chad Ward, Public Works Manager
Mrs. Odom stated the City placed a lien on this property in 2015. She said staff have been receiving complaints recently about the living conditions at this location. She explained the owners would not sign an easement agreement back in 2015 and had never connected to the central sewer. She advised Council the Code Enforcement lien became effective in 2015 and fines are now over $185,000. She stated staff wants to move forward with foreclosure proceedings and the case will go before the magistrate on December 12th. She said Attorney Hand will provide the foreclosure documents.

Mr. Ward stated the current code issues are; no attachment to City water or sewer, theft of water from FGUA, people living in campers at the rear of the property without septic or water, and human waste is being dumped in the yard.

Mayor Green stated this is unfortunate for the neighbors and needs to be taken care of.

There was further discussion regarding the next steps, debt the City may inherit, and attorney fees.

7.c) Police Vehicle Purchase – Captain Ron Bray
The Council approved this item to be moved up on the agenda.

7.d) Police DNA Processing – Captain Ron Bray
The Council approved this item to be moved up on the agenda.

8) Resolutions
8.a) Resolution #RES2024-34, Personnel Manual Amendments
Mrs. Odom stated she has spent time reviewing the Personnel Manual which as it pertains to attendance and tardiness. She explained she has researched several policies from other local governments and found a lot of redundancies. She said she moved and edited verbiage to make it easier to understand and enforce.

9) Department Reports
Mr. Brown announced he has submitted his two-week notice. He said he is moving on to another career path and his last day will be November 14th.

Council spoke very highly of Mr. Brown, thanking him for a job well done.

10) Council Comments
Mayor Green stated he attended a meeting in Williston and listened to a presentation by Stan McClain, who has the potential to become our next State Representative. He explained the City is building relationships with our State Representatives and they are looking forward to working with Dunnellon. He added he will meet with the Mayor of Crystal River next week. He said Troy Slattery is no longer the Crystal River Interim City Manager and has returned to running their Public Works Department. He asserted building relationships with other cities will help move us forward.

11) City Attorney Comments
Attorney Hand stated there has been a request by a school board member to sit on the Planning Commission. He explained it is not typically seen nor utilized, but there is always a seat guaranteed to allow a school board member to participate as a non-voting member. He has begun preparing a minor code amendment to allow for this, as it is in the State Statute.

Mayor Green stated the school board wants to build a new high school and middle school. He said it is contingent on the sales tax being voted on tomorrow. He commented the school is older than the City itself. He pointed out it is important we do what we can to work with the school board.

There was further discussion regarding the needs of the schools.

12) Public Comment
There were no public comments.

Adjournment
The meeting was adjourned at approximately 8:00 p.m.

_____

Penned signature of:
Walter L. Green, Mayor

Attest:

_____

Penned signature of:
Amanda Odom, CMC, City Clerk

CITY OF DUNNELLON, FLORIDA
SPECIAL MAGISTRATE CONTRACT #AGR2025-10

THIS AGREEMENT is made and entered into as of its Effective Date, by and between CITYOF DUNNELLON, FLORIDA, a Florida municipal corporation located in Marion County, Florida, whose address is 20750 River Drive, Dunnellon, Florida 34431, hereinafter referred to as the "CITY", and AUDRIE M. HARRIS, P.A., whose address is 330 NW 76th Drive, Gainesville, Florida 32607, hereinafter referred to as the "ATTORNEY".

WHEREAS, the CITY on July 12, 2013, issued a Request For Proposals Bid # 2013-02 for Special Magistrate; and

WHEREAS, the ATTORNEY did submit a proposal for appointment as Special Magistrate to the CITY; and

WHEREAS, CITY desires to employ the services of the ATTORNEY as Special Magistrate, pursuant to, *inter alia,* Chapters 162 and 166, Florida Statutes, and the Code of Ordinances of the CITY; and

WHEREAS, CITY desires to continue use of the ATTORNEY's services.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. RECITALS. The foregoing recitals are true and correct and incorporated herein by this reference.

2. APPOINTMENT AND RETAINER. The ATTORNEY is hereby retained and appointed as a Special Magistrate for the CITY.

3. SERVICES TO BE RENDERED. The ATTORNEY shall provide to the CITY legal services as Special Magistrate, regarding, without limitation by enumeration, the following:

   3.1 Chapter 2, "Administration", Article V, Division 2, "Code Enforcement";

   3.2 Chapter 38, "Law Enforcement", and

   3.3 Such other matters as referred to the Special Magistrate by the City Council, pursuant to applicable statute and/or code provision.

   3.4 Special Magistrate shall hold hearings, review evidence and memoranda, draft orders and perform such other services as are appropriate to faithfully implement the responsibilities of Special Magistrate.

4. TERM OF THIS CONTRACT.

   4.1 The effective date of this contract shall be the date it is executed by the last party to execute it. Unless terminated earlier as

provided herein, the term of this contract shall be for a period of four (4) years from its Effective Date.

4.2 Unless terminated earlier as provided herein, thirty (30) days prior to the last day of its term, this contract shall be renewed on the same terms and conditions as set forth herein, for an additional two (2) year terms.

4.3 This contract may be terminated by CITY for any or no reason, at any time, upon giving thirty (30) days prior written notice to ATTORNEY. This contract may be terminated by ATTORNEY for any reason, at any time, upon giving ninety (90) days prior written notice to the CITY. Upon termination (regardless of who terminates), all finished or unfinished documents, correspondence, orders and other products prepared by the ATTORNEY for the CITY under this contract shall be delivered to and for the exclusive use of the CITY.

5. COMPENSATION. The CITY shall compensate the ATTORNEY in the following manner:

5.1 The ATTORNEY shall receive ATTORNEY'S hourly rate multiplied by the hours (prorated for partial hours) worked by the ATTORNEY providing the services as set out herein. Billable

hours shall be measured in tenths of an hour. Only time spent actually providing services to the CITY will be compensated.

5.2 The hourly rate of the ATTORNEY shall be One Hundred and Fifty Dollars ($150.00) per hour for service as Special Magistrate;

5.3 The hourly rate of the ATTORNEY shall be Forty-Five Dollars ($45.00) per hour for travel to and from CITY Hall to perform Special Magistrate services, limited to a maximum of two (2) hours per meeting.

5.4 ATTORNEY shall not invoice CITY for actual, direct expenses, including overhead, secretarial or paralegal services or expenses, computer research connection charges, long distance calls, postage and photocopying charges.

5.5 ATTORNEY shall submit itemized invoices to the CITY at the end of each month in which services are rendered.

5.6 Payment of all compensation herein is subject to budget and CITY COUNCIL approval.

6. ATTORNEY TO BE INDEPENDENT CONTRACTOR. ATTORNEY and ATTORNEY'S employees and agents are independent contractors, and not employees of the CITY.

7. CITY NOT LIABLE FOR ACTS OF ATTORNEY. The CITY shall not be liable for the acts, omissions to act, or negligence of ATTORNEY or the ATTORNEY'S agents, servants and employees. ATTORNEY shall maintain during the term of this contract, and all renewals and extensions thereof, professional liability insurance in at least the minimum amounts of Two Hundred and Fifty Thousand Dollars ($250,000.00) per claim, and Five Hundred Thousand Dollars ($500,000.00) per annual aggregate, covering the professional services rendered. The ATTORNEY shall, also, maintain Worker's Compensation insurance based on proper reporting of classification codes and payroll amounts in accordance with Chapter 440, Florida Statutes, and/or any other applicable law requiring workers' compensation. If not required by law to maintain workers compensation insurance, ATTORNEY shall provide a notarized statement that, if ATTORNEY or ATTORNEY'S employees or agents are injured, neither ATTORNEY, nor ATTORNEY'S employees or agents, will hold the CITY responsible for any payment or compensation.

8. COMPLIANCE WITH APPLICABLE LAWS. ATTORNEY shall comply with all Federal, State and local laws and ordinances applicable to the work, and shall not discriminate on the grounds of race, color, religion,

sex, disability or national origin in the performance of services to the CITY.

9. MISCELLANEOUS. Time is of the essence of this contract. This contract, together with the Request For Proposals #2013-02, which is incorporated herein by reference, is the entire agreement between the parties, and supercedes all prior contracts or agreements between the parties. Each party has had equal input into the drafting of this contract and this contract shall not be construed against either party. This contract may not be modified except by written agreement executed with the same formalities as this contract. Once executed, a photocopy of this contract shall have the same force and effect as the original. Paragraph headings are for convenience only and are not intended to expand or restrict the scope or substance of the provisions of this agreement. Whenever used herein, the singular shall include the plural, the plural shall include the singular, and pronouns shall be read as masculine, feminine, or neuter as the context requires. This contract is made in the State of Florida, and shall be governed by Florida law. Marion County shall be the exclusive venue for any litigation, arbitration, or mediation relating to this contract. This contract may not be assigned or delegated by either party without the prior written consent of the other party. This contract shall not be construed to

create legally enforceable rights in any persons or entities other than the ATTORNEY and the CITY.

10. PUBLIC RECORDS The ATTORNEY shall maintain public records required by the CITY to perform the services. Upon request from the CITY's custodian of public records, the ATTORNEY shall provide the CITY with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided within Chapter 119, Florida Statutes or as otherwise provided by law. The ATTORNEY shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if ATTORNEY does not tranfer the records to the CITY. Upon completion of this contract, ATTORNEY shall transfer, at no cost, to CITY all public records in possession of ATTORNEY or keep and maintain public records required by CITY to perform the service. If the ATTORNEY transfers all public records to CITY upon completion of the contract, ATTORNEY shall destroy any duplicate records that are exempt or confidential and exempt from public records disclosure requirements. If ATTORNEY keeps and maintains public records upon completion of the contract,

ATTORNEY shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to CITY, upon request from CITY's custodian of public records, in a format that is compatible with the information technology systems of CITY.

IF THE ATTORNEY HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE ATTORNEY'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT:

CITY CLERK'S OFFICE
CITY OF DUNNELLON
20750 RIVER DRIVE
DUNNELLON, FL 34431
MODOM@DUNNELLON.ORG
(352) 465-8500

11. PUBLIC ENTITY CRIME Pursuant to § 287.133, *Florida Statutes*, no person or affiliate, as defined in § 287.133, *Florida Statutes*, shall be allowed to contract with the CITY, nor be allowed to enter into a subcontract for work under this Agreement, if such person or affiliate has been placed on the convicted vendor list following a conviction for a public entity crime within the preceding thirty-six (36) months. ATTORNEY hereby affirms that neither ATTORNEY nor any of ATTORNEY's affiliates or subcontractors are on the convicted vendor list. ATTORNEY shall notify the CITY immediately if ATTORNEY, or any affiliate or subcontractor, is placed on the convicted vendor list during the term of this

Contract. ATTORNEY acknowledges that failure to comply with this provision may result in termination of this Agreement and other penalties as provided by law.

12. SCRUTINIZED COMPANIES Pursuant to § 287.135, *Florida Statutes*, ATTORNEY hereby certifies that ATTORNEY is not on the Scrutinized Companies that Boycott Israel List and is not engaged in a boycott of Israel. ATTORNEY further agrees that ATTORNEY will not subcontract with any entity that is on the Scrutinized Companies that Boycott Israel List or engaged in a boycott of Israel. As defined in § 215.473, *Florida Statutes*, a "company" includes "all wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of such entities or business associations, that exist for the purpose of making profit." ATTORNEY certifies that none of ATTORNEY's subsidiaries, parent companies, or affiliates are on the Scrutinized Companies that Boycott Israel List or engaged in a boycott of Israel. In the event ATTORNEY, or any of its subsidiaries, parent companies, or affiliates, is placed on the Scrutinized Companies that Boycott Israel List or engages in a boycott of Israel during the term of this Contract, ATTORNEY shall immediately notify the CITY. ATTORNEY acknowledges that failure to comply with this provision, including any false certification, may subject ATTORNEY

to civil penalties, termination of the Contract, and other remedies available under the law.

13. EMPLOYMENT ELIGIBILITY VERIFICATION Pursuant to § 448.095(5), *Florida Statutes*, ATTORNEY is required to use the U.S. Department of Homeland Security's E-Verify system to verify the work authorization status of all newly hired employees. ATTORNEY shall also require all subcontractors performing work under this Agreement to use the E-Verify system for any newly hired employees. ATTORNEY shall obtain from each subcontractor an affidavit stating that the subcontractor does not employ, contract with, or subcontract with an unauthorized alien, and that the subcontractor is in compliance with § 448.095, *Florida Statutes*. ATTORNEY shall retain a copy of the affidavit for the duration of this Agreement and provide it to the CITY upon request. ATTORNEY hereby affirms that it is registered with the E-Verify system and is in full compliance with all applicable provisions of § 448.095, *Florida Statutes*. Upon request, ATTORNEY shall provide evidence of such registration and compliance. ATTORNEY acknowledges that failure to comply with this provision, including failure to secure and retain subcontractor affidavits, may result in termination of this Agreement and other penalties as provided by law.

14. FOREIGN COUNTRY OF CONCERN ATTESTATION If the services performed pursuant to this Agreement grants ATTORNEY access to any individual's personal identifying information, as defined in § 501.171, *Florida Statutes*, as may be amended, then prior to commencing any services, ATTORNEY agrees to provide the CITY with an executed "Foreign Country of Concern Attestation" form, attached hereto as Exhibit "A", and incorporated herein by reference. Through this attestation, ATTORNEY affirms that it is not owned, controlled, organized under, or primarily operating in a Foreign Country of Concern, in accordance with § 287.138, *Florida Statutes*.

15. HUMAN TRAFFICKING AFFIDAVIT ATTORNEY hereby certifies that ATTORNEY does not use coercion for labor or services, as defined in § 787.06, *Florida Statutes*, and that ATTORNEY has provided to the CITY the Human Trafficking Affidavit, attached hereto as Exhibit "B", and incorporated herein by reference.

[SIGNATURES ON FOLLOWING PAGE]

APPROVED by the City Council of the City of Dunnellon on _____, and EXECUTED by the MAYOR on _____, 2025.

CITY OF DUNNELLON

_____
Walter L. Green, Mayor
City of Dunnellon, Florida

APPROVED and EXECUTED by the ATTORNEY on _____, 2025.

ATTORNEY

_____
Audrie M. Harris, P.A.
By: Audrie Harris Hoehn, Esquire,
As its: _____

EXHIBIT A

HUMAN TRAFFICKING AFFIDAVIT

In compliance with § 787.06, *Florida Statutes*, this Affidavit must be completed by an officer or representative of a nongovernmental entity that is executing, renewing, or extending a contract with the **City of Dunnellon** (the "Governmental Entity").

The undersigned, on behalf of the entity listed below (the "Nongovernmental Entity"), hereby attests under penalty of perjury as follows:

1. I am over the age of 18 and I have personal knowledge of the matters set forth herein.
2. I am an officer or representative of the Nongovernmental Entity, and I am authorized to provide this Affidavit its behalf.
3. Neither the Nongovernmental Entity, nor any of its subsidiaries or affiliates, use coercion for labor or services, as those terms are defined in § 787.06, *Florida Statutes*, as may be amended from time to time.
4. If, at any time in the future, the Nongovernmental Entity does use coercion for labor or services, the Nongovernmental Entity will immediately notify the Governmental Entity and no contracts may be executed, renewed, or extended between the parties.
5. I have read the foregoing Affidavit and attest that the statements made herein are true and are made for the benefit of and reliance by the Governmental Entity.

_____	Audrie M. Harris, P.A._____
Authorized Signature	Entity
_____	_____
Printed Name	Title

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization of _____, as _____ of _____, who personally swore or affirmed that he/she is authorized to execute this Agreement and thereby bind the Nongovernmental Entity, and who is personally known to me or who produced _____ as identification, and who did/did not take an oath this ____ day of _____, 2024.

(stamp)

_____
NOTARY PUBLIC

EXHIBIT B

FOREIGN COUNTRY OF CONCERN ATTESTATION
(PUR 1335)

This form must be completed by an officer or representative of an entity submitting a bid, proposal, or reply to, or entering into, renewing, or extending, a contract with a Governmental Entity which would grant the entity access to an individual's Personal Identifying Information. Capitalized terms used herein have the definitions ascribed in Rule 60A-1.020, F.A.C.

Audrie M. Harris, P.A. is not owned by the government of a Foreign Country of Concern, is not organized under the laws of nor has its Principal Place of Business in a Foreign Country of Concern, and the government of a Foreign Country of Concern does not have a Controlling Interest in the entity.

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated in it are true.

Printed Name:

Title:

Signature: Date:

City of Dunnellon
Agenda Summary Form

Meeting Date: May 5, 2025

1. Responsible Department: City Clerk
2. Presenter: Mandy Odom, City Clerk
3. Recommended Action: Authorize the City Clerk to move forward with hiring candidate William Ary to fill the Community Development Manager position

Subject: Community Development Vacancy

Request for Approval Summary Explanation & Background:
The city has experienced many challenges throughout the years in its efforts to recruit and retain a qualified Community Development Manager. Following the resignation of the Community Development Manager in January 2023, it was decided the position would be restructured and renamed to Community Development Supervisor. Kelly Wyen served the city well in the position and has continued to work for the City remotely. Her last day will be May 29th. Megan has also resigned from her position as Planning & Zoning Assistant and her last day will be May 15th. This will leave the department completely vacant. Julie is currently cross-training with Megan to serve as a backup, but this cannot continue long term as Julie has responsibilities of her own.

We have been facing challenges recently that require full-time management, including vacation rental registration, comprehensive plan update, map amendments, development applications, development inquiries, etc. It is imperative we fill the position with someone who can take the lead on these challenges and liaison with our contracted planners, which is why the Council authorized me on March 12, 2025, to advertise for the Community Development Manager position. The position was immediately advertised on the city website, in the Riverland News, Ocala Star Banner, Gainesville Sun, Citrus County Chronicle, UF Career Center, FSU Career Center, APA, FLOC and Indeed.

We have received three applications, all of which possess the requisite qualifications.

- The first applicant currently lives in Texas and possesses the necessary qualifications. However, he does not have experience in the State of Florida, and his tenure has been brief with employers over the past five years.
- The second applicant also possesses the necessary qualifications, but he is not seeking long-term employment. He has offered to assist the city by filling the vacancy on a temporary part-time basis.
- The third applicant possesses the necessary qualifications and has municipal experience in Florida. Mr. Ary has served as the Town Manager in Yankeetown since February 2021. In that role, he has managed every aspect of the municipality which includes planning, zoning, comprehensive plan, and community development activities. I interviewed Mr. Ary on May 1st, and I am confident in his abilities to effectively manage the Community Development Department.

Salary for the supervisor position in the current budget is $45,287 which has been being utilized to compensate Kelly. The recommended salary range for the Community Development Manager is $54,080 - $77,701, consistent with other department head positions. My recommended starting salary is $75,000. If anyone would like to speak to Mr. Ary in advance of the meeting, I can arrange a phone call with him.

Procurement Method: N/A
Fiscal Information: Budget amendment necessary.

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Dunnellon's website by the time notice of the proposed ordinance is published.

ORDINANCE NO. 2025-03

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, RELATING TO STORMWATER RUNOFF, SEDIMENTATION AND EROSION CONTROL, CONSTRUCTION WASTE CONTROL, AND ILLICIT STORMWATER CONNECTIONS AND DISCHARGES; AMENDING CODE OF ORDINANCES, SUBPART B, LAND DEVELOPMENT REGULATIONS, CHAPTER 98, SUBDIVISION AND LAND DEVELOPMENT CRITERIA; ARTICLE IV. DESIGN GUIDELINES; PROVIDING FOR CONFLICTS; CODIFICATION; SEVERABILITY; AND AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☑ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;

[1] See Section 166.041(4)(c), Florida Statutes.

☐ The ordinance relates to procurement; or

☐ The proposed ordinance is enacted to implement the following:

a. Development orders and development permits, as those terms are defined in s. 163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243;

b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality;

c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;

c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or

d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare):

This ordinance updates City MS4 requirements per FDEP requirements in the best interests of the health, safety, and welfare of the citizens of Dunnellon and the general public.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur;

It is not anticipated that businesses will incur compliance costs.

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and

The ordinance does not introduce any new charges or fees.

(c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

No additional regulatory costs anticipated.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

All businesses must comply with MS4 requirements.

4. Additional information the governing body deems useful (if any):

N/A.

ORDINANCE #ORD2025-03

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, RELATING TO STORMWATER RUNOFF, SEDIMENTATION AND EROSION CONTROL, CONSTRUCTION WASTE CONTROL, AND ILLICIT STORMWATER CONNECTIONS AND DISCHARGES; AMENDING CODE OF ORDINANCES, SUBPART B, LAND DEVELOPMENT REGULATIONS, CHAPTER 98, SUBDIVISION AND LAND DEVELOPMENT CRITERIA; ARTICLE IV. DESIGN GUIDELINES; PROVIDING FOR CONFLICTS; CODIFICATION; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Florida Department of Environmental Protection conducted a NPDES Stormwater Phase II Municipal Separate Storm Sewer Systems (MS4) audit in August 2024; and

WHEREAS, as a result of the audit, FDEP has requested the City update its MS4 ordinance and the City has coordinated with FDEP to update this ordinance; and

WHEREAS, the City Council of the City of Dunnellon finds this ordinance to be in the best interest of the health, safety, and welfare of the citizens of Dunnellon and the general public.

LEGISLATIVE UNDERSCORING: Underlined words constitute additions to the City of Dunnellon Land Development Regulations, ~~strikethrough~~ constitutes deletions from the original, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNNELLON, FLORIDA THAT:

SECTION 1. The provisions set forth in the recitals of this Ordinance (whereas clauses) are hereby adopted by the City Council as the legislative findings and intent pertaining to this Ordinance.

SECTION 2. The City of Dunnellon, FL Code of Ordinances, Subpart B, "Land Development Regulations," Chapter 98, "Subdivisions and Land Development Criteria," is hereby amended as follows:

ARTICLE IV. – DESIGN STANDARDS

DIVISION 3. – STORMWATER SYSTEM ILLICIT DISCHARGE AND CONNECTION

Sec. 98-166. Title of division, applicability, and interpretation.

This division shall be known as the "stormwater system illicit discharge and connection ordinance." The provisions of this division shall set prohibitions and restrictions to prevent illicit and illegal discharges from entering or being disposed into or illicit connection to, the city's stormwater collection system or waterways of the state. This division shall be liberally construed to effect the purposes set forth in this division.

Sec. 98-167. Purpose and intent.

(a) The purpose of this division is to provide for the health, safety and general welfare of the citizens of the city through the regulation of non-stormwater discharges into the storm drainage system and waterways of the state to the maximum extent practicable as required by federal and state law.

(b) The United States Environmental Protection Agency, pursuant to 40 C.F.R. § 122.26, Code of Federal Regulations, has mandated, through the issuance of a National Discharge Elimination System ("NPDES") permit, that the city oversee discharges to the city stormwater system, to waters of the State of Florida, and to waters of the United States.

(c) This division establishes methods for controlling the introduction of pollutants into the city's MS4 in order to comply with the requirements of the federal NPDES permit process. The objectives of this division are to:

(1) Regulate the contribution of pollutants to the city's MS4 stormwater discharge by any user;

(2) Prohibit illicit connection and discharges to the city's MS4; and

(3) Establish legal authority to carry out inspection, surveillance, monitoring, and enforcement procedures to ensure compliance with this division.

Sec. 98-168. Definitions.

For purposes of this division, the following shall mean:

Authorized enforcement agent. The ~~stormwater supervisor or his/her designee~~ city is authorized to enforce the provisions of this division. ~~In the event the stormwater supervisor is not able to act in this capacity or delegate a designee, the city administrator would serve as enforcement agent~~.

Best management practices (BMPs). The schedule of activities, prohibition of practices, general good housekeeping practices, pollution prevention and education practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site run-off, spillage or leaks, sludge or water disposal, or drainage from raw material storage.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Clearing. Any activity which results in exposure to wind or rain, through removal of the vegetative surface cover, or removal of pavement or other structures from any construction site.

Construction activity. Any activity subject to NPDES construction permits including construction project activities resulting in land disturbance of one acre or more or projects of less than one acre which are part of a common plan of development ~~affecting more than one acre~~. Such activities include, but are not limited to, clearing and grubbing, demolition, grading, excavating, utility installation, building erection, paving and landscaping.

Erosion control. BMPs or other similar measures that prevent erosion of exposed soils, sediments, or other exposed materials that may be subject to erosion.

Erosion and runoff control plan. A plan or set of plans prepared by or under the direction of a licensed professional engineer that indicate the specific measures and sequencing to be used to control sediment and erosion on a development site before, during and after construction.

Florida Department of Environmental Protection (FDEP). The agency of the state approved by the federal Environmental Protection Agency (EPA) to regulate the NPDES and MS4 programs within the state.

Grading. The excavation or filling of material, or relocation of soil, resulting in a change in site topography.

General permit. The permit issued by the FDEP in its role granted by the federal EPA as administrator of the state's NPDES program which permits the discharge of runoff from construction activities into a local MS4 system.

Hazardous materials. Any material, including any substance, waste, or combination thereof, which because of its quality, concentration, physical, chemical, or infection characteristics may cause, or significantly contribute to, a present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit or illegal discharge. Any direct or indirect non-stormwater discharge into any part of the stormwater drainage system or state waters located within the city limits, except as exempted in section 97-174 of this division. Illegal discharges are discharges including, but not limited to, municipal sewage, process wastewater, wash water, and discharges from indoor drains and sinks, regardless of whether said drain or connection has been previously allowed, permitted, or approved by the city, as well as any pollutants and hazardous materials or other substances regulated by the EPA or FDEP.

Illicit or illegal connection. Those connections involving either:

(1) Any drain or conveyance, whether on the surface or subsurface, that conveys an illegal discharge into the storm drainage system; or

(2) Any drain or conveyance connected to the storm drainage system or waters of the state whose source has not been thoroughly investigated or documented on plans, maps, or equivalent records and approved in writing by the city.

Municipal separate storm sewer system (MS4). The entire storm drainage system located within the city limits that is both publicly owned and has been designed and is used specifically for collection and conveyance of stormwater, as hereinafter defined.

National Pollutant Discharge Elimination System (NPDES) stormwater permit. A permit issued by the FDEP under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the state, whether the permit is applicable on an individual group, or general area-wide basis.

Non-stormwater discharge. Any discharge to the storm drain system that is not entirely composed of stormwater.

Notice of intent. The form required to be submitted to the local government and the FDEP prior to getting permission for stormwater discharge under the state's general permit.

Perimeter control. A barrier that prevents sediment or other materials from leaving a construction site or entering any water of the state or MS4, whether by filtering sediment-laden runoff, or by diverting it to a sediment trap or basin.

Person. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or the owner's agent.

Phasing. Clearing a parcel of land, or construction upon a parcel of land, in distinct phases, with the stabilization of each phase before the clearing of the next.

Pollutant. Anything which causes or contributes to pollution. Pollutants include, but are not limited to, those substances, materials, and wastes listed in the Code of Ordinances § 70-243(c)(1)—(10).

Premises. Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including all infrastructure improvements on the site.

Project manager. The person with the primary construction company as identified on the building permit who has the ultimate administrative control of construction of the project.

Sediment control. Measures that are intended to prevent eroded sediments or other eroded material from leaving the site.

~~*St. Johns River*~~ *Southwest Florida Water Management District (~~SJRWMD~~SWFWMD).* An environmental regulatory agency of the state, which regulates environmental issues related to water in the City of Dunnellon.~~18 counties in northeast and east central Florida.~~

Stabilization. The seeding or sodding of exposed land, or the use of any other practices that prevent exposed soil from eroding.

Storm drainage system. The entire infrastructure within the city limits comprised of many components, both publicly and privately owned, by which stormwater is collected and conveyed through the city, including, but not limited to, city, county, state and private street and road drainage systems comprised of gutters, curbs, inlets and storm pipes; storm pumping facilities; drainage retention and detention areas/basins, both publicly and privately owned; natural and human-made or altered drainage swales, ditches, channels, and reservoirs; and all other stormwater-related storm drainage facilities within the city.

Stormwater. Any surface flow, runoff, and drainage consisting entirely of accumulated water from natural precipitation and resulting from such precipitation.

Stormwater management and erosion control plan. A plan prepared according to FDEP regulations that describes the best management practices and other required activities to be

undertaken by a person to first identify sources of pollution and/or contamination at a site and follow-up actions to be taken by such persons to eliminate or reduce pollutant discharges into municipal stormwater, storm drainage systems, and/or waters of the state to the maximum extent practicable.

Wastewater. For the purposes of this division, any waters that are discharged from construction sites, including, but not limited to, toilets, sinks, showers, and wash-down operations.

Watercourse. These are either:

(1) Any stream, river, creek, slough, or other naturally occurring stormwater conveyance feature in which water usually flows over the surface of the land; or

(2) Any artificial or man-made swale, ditch, channel or other man-made stormwater conveyance feature in which water usually flows in a defined bed or bottom.

Sec. 98-169. Administrative responsibility.

The stormwater administrator or his/her designee is the authorized enforcer for this division. In the event the stormwater administrator or his/her designee is unable to fulfill this duty, the city administrator shall fill this capacity. He/she shall administer, implement, and otherwise enforce all provisions of this division of the Code of Ordinances. Any powers granted to or duties imposed upon the city by this division may be carried out by said persons.

Sec. 98-170. Applicability.

This division shall apply to all water entering the stormwater drainage systems or waters of the state or the United States within the boundaries of the city that was generated on any developed or undeveloped lands ~~under construction~~, unless specifically exempted by the city.

Sec. 98-171. Compatibility with other regulations.

This division is not intended to modify or repeal any other division, article, ordinance, rule, regulation, or other provision of law. The requirements of this division are in addition to the requirements of any other division, article, ordinance, rule, regulation, or other provision of law of the city. Where any provision of this division imposes restrictions different from those of any other division, article, ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

Sec. 98-172. Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this division are minimum standards; therefore, this division does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants to the city's stormwater system or waters of the state.

Sec. 98-173. Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through a watercourse. In addition, the owner/lessee shall maintain existing privately-owned structures within or adjacent to the watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Sec. 98-174. Illicit discharge prohibition and exceptions.

(a) *Prohibition of illegal discharges.* Throwing, draining or otherwise discharging, causing or permitting others under one's control to throw, drain, or otherwise discharge into the city's MS4 or state waters or waters of the United States any liquids, solids, or waters containing any stormwater, pollutants, or hazardous materials other than stormwater is prohibited.

(b) *Exceptions to the prohibition of illegal discharges.* The following are exceptions to the illegal discharge prohibition:

(1) Discharges and releases from the following sources: portable line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated groundwater infiltration; uncontaminated pumped ground water; discharges from potable water sources; building foundation drains; air conditioning condensation; irrigation water; natural springs; water from crawl space pumps; roof drains; footing drains; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; and street maintenance wash-down water.

(2) Discharges or water flow from firefighting operations or similar discharges expressly specified in writing by the ~~stormwater supervisor or his/her designee~~city as being necessary to protect public health and safety.

(3) Discharges associated with investigatory dye testing, however, this activity requires a 24-hour prior written notification to the ~~stormwater supervisor or his/her designee~~city prior to the time of the test.

(4) Discharges of non-stormwater permitted under an NPDES permit, waiver, or waste discharge order issued to the ~~discharger~~owner and/or site operator and administered under the authority of the FDEP, provided that the ~~discharger~~owner and/or site operator is in full compliance with all requirements of the permit, waiver, or order and any applicable laws and regulations, and further provided that written approval has been granted for any discharge to the storm system.

Editor's note(s)—Ord. No. 2019-01, § 2, adopted March 11, 2019, amended the Code by repealing former § 98-174, and renumbering former §§ 98-175 and 98-176 as new §§ 98-174 and 98-175. Former § 98-174 pertained to the erosion and runoff control plan, and derived from Ord. No. 2018-05, adopted July 23, 2018.

Sec. 98-175. Illicit connection prohibition.

The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.

(1) This prohibition expressly includes without limitations illicit connection made in the past, regardless of whether the connection was permissible under laws or practices practicable or prevailing at the time of connection.

(2) A person is considered to be in violation of this division if the person connects a line conveying sanitary sewer to the MS4 during construction or allows such a connection to continue.

(3) Improper construction in violation of this division shall be disconnected and redirected if necessary, to an approved on-site wastewater management system or the MS4, upon approval of the ~~stormwater supervisor or his/her designee~~city.

(4) Only drains or conveyances depicted on the construction plans, maps or the equivalent shall be constructed.

Note(s)—Former § 98-176. See editor's note, § 98-174.

Sec. 98-176. Erosion and runoff control plan prior to commencement of any construction.

(a) Prior to the commencement of any construction activity, a signed and sealed erosion and runoff control plan prepared by a licensed professional engineer shall be submitted to the city as part of the permitting process. This plan shall be consistent with the requirements of the FDEP, the ~~SJRWMD~~SWFWMD, all erosion and sediment control regulations of the city, and the stormwater pollution~~s~~ prevention plan (SWPPP) prepared for the site pursuant to § 62-621.300(4)(a) of the Florida Administrative Code (FAC).

(b) The erosion control and runoff plan shall include, at a minimum:

(1) A natural features map identifying soils, surface waters, wetlands, forest cover, and resources protected under other rules, ordinances or laws of the city, state, and/or federal governments.

(2) A statement providing the nature of activity and sequence of construction of the development site, including stripping and clearing; grading; construction of utilities; infrastructure; buildings; final grading; and landscaping. Sequencing shall identify the expected date on which clearing will begin; the estimated duration of exposure of cleared areas; the phasing of clearing; installation of erosion and sediment measures; and establishment of permanent vegetation.

(3) All erosion and sediment control measures and BMPs necessary to meet the objectives of this division shall be set forth in the plan. Such measures shall be in place and administered throughout all phases of construction and permanently, after completion of development of the site. BMPs proposed for use must be consistent with criteria set forth in the most recent version of the ~~Florida Development Manual, Chapter 6, Stormwater and Erosion and Sediment Control~~ Environmental Resource Permit Applicant's Handbook Volume I, or Volume 2 as appropriate by FDEP or the EPA document

"Stormwater Management for Construction Activities" (EPA 832-R-92-005 September 1992). Measurable goals for each BMP must be defined in the plan. Erosion and sediment controls on the construction site shall be updated as necessary to prevent erosion and sedimentation if the initial controls listed in the plan are not sufficient by the City and/or any other agency with jurisdiction over the site.

(4) Provision for containment or protection of construction-related materials and wastes temporarily stored on-site, including discarded building materials, concrete, truck washout, chemicals, litter, sanitary waste, and other materials subject to solution or entrainment in runoff. Also, a plan showing the location and types of structures for the containment or protection of construction materials and wasters, along with a schedule for the removal of said waste.

Note(s)—See editor's note, § 98-174.

Sec. 98-177. Construction activity discharges.

(a) *Submission of intent to the city.*

(1) Any person subject to a construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the ~~stormwater supervisor or his/her designee~~city prior to the allowing of discharges to the MS4.

(2) The ~~manager~~operator of a construction site required to have an NPDES permit to discharge stormwater associated with said activity shall submit a copy of the notice of intent and acknowledgement to the city ~~at the same time the project manager submits an original notice of intent to the FDEP~~within seven (7) calendar days of receipt of the acknowledgement from FDEP.

(3) The copy of the notice of intent and acknowledgement shall be delivered to the city either in person, by U.S. Postal Service Registered Mail, or by FedEx/UPS or similar organization, registered delivery, and sent to the attention of the ~~stormwater supervisor or his/her designee~~city at the following mailing address:

City of Dunnellon, FL
11924 Bostick Street
Dunnellon, FL 34432.

Sec. 98-178. ~~Compliance monitoring for construction.~~ Monitoring and Inspection for Compliance.

(a) *Right of entry-inspection and sampling.* ~~The city shall be permitted to enter and inspect construction sites subject to regulation under this division as may be necessary to determine compliance with the requirements of this division.~~ City personnel shall be permitted to enter and inspect sites which are subject to regulation under this article or which are discharging or are suspected of discharging into the city's MS4 or waters of the State and to investigate violations or potential violations of this article. The city shall be permitted to enter and inspect sites subject to regulation under these regulations as often as may be necessary to determine compliance with these regulations. All structures, facilities, and activities which allow

discharges to the city's MS4, as well as records concerning them, shall be made accessible to the city's personnel for this purpose

(1) If the ~~discharger~~owner and/or site operator has security measures in force which require proper identification and clearance before entry into the premises, the ~~discharger~~owner and/or site operator shall make the necessary arrangements to allow access to representatives of the city.

(2) ~~Site project managers~~ The owner and/or site operator shall allow the ~~stormwater supervisor or his/her designees~~ city ready access to all parts of the premises for purposes of inspection, sampling, examination, and copying of records that must be kept under the conditions of the NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(3) The ~~stormwater supervisor or his/her designees~~ city shall have the right to set up any such facilities and/or devices as are necessary in his/her opinion to conduct monitoring and/or sampling of the ~~construction~~ site's discharge.

(4) The ~~stormwater supervisor or his/her designees have~~ city shall have the right to require the ~~discharger~~owner and/or site operator to install monitoring equipment as necessary. The site's compliance and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the ~~discharger~~owner and/or site operator at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the site to be inspected and/or sampled shall be promptly removed by the contractor at written or oral request of the ~~stormwater supervisor or his/her designee~~city, and shall not be replaced. The costs of clearing such access shall be borne by the ~~contractor~~ owner and/or site operator.

(6) Unreasonable delays in allowing the city access to the permitted ~~facility~~site is a violation of the stormwater discharge permit and this division. The ~~project manager of the construction~~ owner and/or site operator of a site discharging ~~under an NPDES permit~~to the city's MS4 commits an offense if the person denies reasonable access to the ~~stormwater supervisor or the person's designee~~ city for the purpose of conducting any activity authorized and/or required by this division.

(b) *Search warrants.* The city may seek a search warrant from any court of competent jurisdiction if the city has been refused access to any part of the premises from which stormwater is discharged and the city can demonstrate probable cause to believe that:

(1) There may be a violation of the division; or

(2) There is a need to inspect and/or sample as part of the routine inspection and sampling program designed to verify compliance with this division or any order issued hereunder to protect the overall health, safety and welfare of the community.

Sec. 98-179. Establishment and use of BMPs.

(a) The city will establish and implement BMP requirements for all activities within the city which may cause or contribute to pollution or contamination of stormwater, the MS4 or waters of the state.

(b) The owner and/or site operator ~~project manager~~ of such activity shall provide, at the person's own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or waters of the state through the use of these structural and non-structural BMPs.

(c) Any person responsible for property or premise that is, or may be, the source of illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4 or waters of the state.

(d) Compliance with all terms and conditions of a valid FDEP issued NPDES permit authorizing the discharge of stormwater, to the extent practicable, shall be deemed in compliance with the provisions of this division.

Sec. 98-180. Notification of spills.

(a) Notwithstanding other requirements of law, as soon as any person responsible for a ~~construction~~ site or emergency response if it has any information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the MS4, or waters of the state, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.

(b) In the event of a release of non-hazardous materials, said person shall notify the ~~stormwater supervisor or his/her designee~~city in person, by phone or facsimile no later than the next business day. Notification in person or by phone shall be confirmed by written notice mailed to ~~stormwater supervisor or his/her designee~~city within two business days of the phone notice.

(c) The owner and/or site operator ~~or project manager~~ shall also retain on-site a written record of the discharge and actions taken to prevent its recurrence ~~until the conclusion of construction on the site~~. ~~Following the conclusion of any project or construction, s~~Such records shall be maintained for at least ten years at the office of the owner and/or site operator~~project manager~~.

Sec. 98-181. Violations, enforcement, and penalties.

(a) *Violations.* It shall be unlawful for any person to violate any provision or fail to comply with any requirements of this division. Any person who has violated or continues to violate the provisions of this division shall make any corrective measures determined necessary by the ~~stormwater supervisor or his/her designee~~city, may be subject to the enforcement actions outlined in this division, or may be restrained by injunction or have the violation otherwise abated in a manner provided by law.

(b) *Emergency cease and desist orders.* When the ~~stormwater supervisor or his/her designee~~city finds that any person has violated, or continues to violate, any provision of this division, or any order issued hereunder, and such violation(s) has or have caused an imminent or substantial endangerment to the health, safety or welfare of persons or the environment, the ~~stormwater supervisor or his/her designee~~city may serve upon that person a written notice directing him/her to cease and desist all such violations, and directing the violator to:

(1) Immediately comply with all permits, ordinances, and other requirements of the law; and

(2) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

(c) *Response to emergency cease and desist order.* The violator shall submit to the ~~stormwater supervisor or his/her designee~~city a detailed written statement describing the causes of the harmful discharge and the actions taken or to be taken to prevent any future occurrence within five days of receipt of the emergency cease and desist order. Issuance of the emergency cease and desist order shall not bar against, or be a prerequisite, for taking any other action against the violator. The remedial actions outlined in the violator's written response shall be approved by the ~~stormwater supervisor or his/her designee~~city.

(d) *Actions for enforcement of emergency cease and desist order.* Anyone notified through an emergency cease and desist order under this subsection shall immediately comply and stop or eliminate the endangering discharge. In the event of the ~~discharger's~~owner and/or site operator's failure to immediately comply voluntarily with the emergency cease and desist order, the city shall take such steps as deemed necessary to prevent or minimize harm to the MS4, watercourses, or receiving waters, and/or endangerment to persons or the environment, including termination of a ~~construction~~ site's water supply, sewer connection, or other municipal services. The ~~stormwater supervisor or his/her designee~~city may allow the violator to recommence its discharge when it has demonstrated to that person that the period of danger has passed, unless further termination proceedings are initiated against the violator under this division.

(e) *Reinstating MS4 access deemed an offense.* A violator commits an offense if he/she reinstates MS4 access to the construction site pursuant to this division, without approval of the ~~stormwater supervisor or his/her designee~~city.

(f) *Civil penalties.* In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations therein within five business days, or such greater period as the city shall deem appropriate, after the city has taken one or more of the actions described above, the city may impose a penalty not to exceed $500.00 (depending on the severity of the violation) for each day the violation remains not remedied after receipt of the notice of violation.

(g) *Judicial remedy.* In addition to the remedies provided herein, the city may make application to a court of competent jurisdiction for injunctive relief to restrain any person from violating or continuing to violate the provisions of this division. In addition, the city may seek any and all applicable legal actions, including, but not limited to, entry of a court order requiring restoration and mitigation of any impacted ~~construction~~ site(s), land, or waters, as well as reimbursement of court costs and other costs associated with abatement of the violation. The

city shall be entitled to an award of attorney's fees in prosecuting such actions, together with attorney's fees and costs on appeal.

(h) Each act of violation and each day upon which any violation occurs shall constitute a separate offense.

Sec. 98-182. Appeal of notice of violation.

(a) Any person receiving a notice of violation under the provisions of this division may appeal the determination of the ~~stormwater supervisor or his/her designee~~city.

(b) The notice of appeal must be submitted in writing to the city within five business days from the date of the notice of violation.

(c) Hearing on the appeal before the special magistrate shall take place 30 days from the date of receipt of the notice of appeal. The decision of the special magistrate shall be final, except in the event where the violation is escalated to a court of competent jurisdiction.

Sec. 98-183. Enforcement measures after appeal.

(a) If the violator has not corrected the violation pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 30 days of the decision of the special magistrate upholding the decision of the city, then the city's representatives shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property.

(b) It shall be unlawful for any person, owner, site operator, agent, or person in possession of any premises to refuse to allow the ~~stormwater supervisor or his/her designee~~city, or a city-designated contractor to enter upon the premises for the purposes set forth above.

Sec. 98-184. Cost of abatement of violation.

(a) Within 30 days after abatement of the violation, the owner and/or site operator of the property will be notified of any costs of the abatement, including administrative costs. The ~~property~~ owner and/or site operator may file a written protest objecting to the amount of the assessment within 15 business days of receipt of the notification of these costs. Upon receipt of the written objection, the city shall hold a hearing before the special magistrate within 30 days. The decision of the special magistrate shall be binding.

(b) If the amount due is not paid within a timely manner as determined at the decision of the city or by the expiration of time in which to file an appeal, the charges will become a special assessment against the property and shall constitute a lien on the property for the full amount of the assessment.

Sec. 98-185. Violations deemed a public nuisance.

In addition to their enforcement processes and penalties provided, any condition caused or permitted to be exist in violation of this division shall constitute a threat to public health, safety and welfare, and is declared to be a nuisance, and may be summarily abated or restored at the

violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Sec. 98-186. Ownership and maintenance responsibilities.

(a) Nothing in this division shall affect the ownership and/or maintenance responsibilities of individual storm drainage components within the city.

(b) Privately-owned stormwater system components within the city, including privately-owned drainage retention areas, shall remain privately owned and maintained until such time as a legal instrument is executed transferring such ownership and maintenance responsibility.

(c) Publicly-owned stormwater system components within the city, including publicly-owned drainage retention areas, shall remain owned and maintained by the city, county or state authority until such time as a legal instrument is executed transferring such ownership and maintenance responsibility.

Sec. 98-187. Remedies not exclusive.

The remedies listed in this division are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the city to seek cumulative remedies. The city may recover all attorney's fees, court costs, and other expenses associated with enforcement of this division, including costs associated with obtaining water quality and other samples and laboratory testing expenses.

Secs. 98-188—98-210. Reserved

SECTION 3. CODIFICATION. It is the intent of the City Council of the City of Dunnellon that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

SECTION 4. CONFLICTS. After the effective date of this Ordinance, in any case where all or any part of this Ordinance is found to conflict with any provision of any other ordinance of the City of Dunnellon, to the extent of such conflict, all such ordinances are hereby repealed.

SECTION 5. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unenforceable, unlawful, or unconstitutional by a court of competent jurisdiction, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective upon adoption.

Upon motion duly made and carried, the foregoing Ordinance was approved upon the first reading and public hearing on the __ day of_____ 2025.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second and final reading and public hearing on the __ day of _____, 2025.

Ordinance Posted on the City's website on _____, 2025.

First Public hearing advertised on the City's website on _____, 2025, and advertised in the Riverland News on _____, 2025.

Second Public hearing advertised on the City's website on _____, 2025, and advertised in the Riverland News on _____, 2025.

ATTEST:

_____
Amanda L. Odom, CMC
City Clerk

CITY OF DUNNELLON

_____
Walter L. Green, Mayor

Approved as to Form:

_____
Andrew J. Hand, City Attorney

CERTIFICATE OF POSTING

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and Dunnellon Library, in the City of Dunnellon, Florida, and on the City's Official Website this __ day of _____ 2025.

_____
Amanda L. Odom, CMC
City Clerk

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Dunnellon's website by the time notice of the proposed ordinance is published.

ORDINANCE #ORD2025-04

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, AMENDING APPENDIX "A" – 'ZONING' OF THE CITY'S CODE OF ORDINANCES; AMENDING CHAPTER 94, ARTICLE II OF THE CITY'S CODE OF ORDINANCES PERTAINING TO THE PLANNING COMMISSION; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:

[1] See Section 166.041(4)(c), Florida Statutes.

a. Development orders and development permits, as those terms are defined in s. 163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243;
b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality;
c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare):

This ordinance updates the City's land development regulations to eliminate outdated, irrelevant, or otherwise outdated provisions and to ensure consistency in its procedures and regulations regarding the Planning Commission in accordance with the best interests of the public health, safety, and welfare of the citizens of Dunnellon.

.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur;

It is not anticipated that businesses will incur compliance costs.

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and

The ordinance does not introduce any new charges or fees.

(c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

No additional regulatory costs anticipated.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

No impact to local businesses.

4. Additional information the governing body deems useful (if any):
N/A.

ORDINANCE #ORD2025-04

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, AMENDING APPENDIX "A" – 'ZONING' OF THE CITY'S CODE OF ORDINANCES; AMENDING CHAPTER 94, ARTICLE II OF THE CITY'S CODE OF ORDINANCES PERTAINING TO THE PLANNING COMMISSION; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the City of Dunnellon desires to update its land development regulations to eliminate outdated, irrelevant, or otherwise outdated provisions and to ensure consistency in its procedures and regulations regarding the Planning Commission; and

WHEREAS, the Planning Commission, acting as the Local Planning Agency, found and determined that this Ordinance is consistent with the City's Comprehensive Plan, and the City Council finds and determines that the following amendments are consistent with all applicable policies of the City's Comprehensive Plan; and

WHEREAS, the City Council finds this ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Dunnellon.

LEGISLATIVE UNDERSCORING: Underlined words constitute additions to the City of Dunnellon Code of Ordinances, ~~strikethrough~~ constitutes deletions from the original, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNNELLON, FLORIDA, AS FOLLOWS:

SECTION 1. The recitals set forth above are hereby adopted as the legislative findings of the City Council of the City of Dunnellon, Florida.

SECTION 2. Section 16.6 of 'Article XVI. Administration' of 'Appendix A – Zoning' of 'Subpart B – Land Development Regulations' of the City's Code of Ordinances is hereby deleted in its entirety:

~~**Section 16.6 Dunnellon planning commission.**~~

~~Effective with the adoption of this ordinance, the city council shall appoint five citizens to act as the planning commission. The initial terms of office shall be for three years. The planning commission members will elect one of their members to serve as chairman.~~

~~The planning commission duties are to conduct public hearings on applications for future land use amendments, development orders, development permit and other applications as specified in this code and to make recommendations to the city council regarding such applications; to~~

~~prepare amendments to the comprehensive plan, zoning code and land development regulations for city-initiated applications; and to hear appeals as specified by this code. The planning commission is designated as the local planning agency for the purposes set forth in F.S. ch. 163.~~

SECTION 3. 'Article XVII. Conditional Permits and Variances' of 'Appendix A – Zoning' of 'Subpart B – Land Development Regulations' of the City's Code of Ordinances is hereby vacated and deleted in its entirety. The deleted provisions are attached hereto as Exhibit "A."

SECTION 4. "Chapter 94 – Planning, Article II – Planning Commission" of the City's Code of Ordinances is hereby amended as follows:

CHAPTER 94, ARTICLE II – PLANNING COMMISSION.

***

Sec. 94-37. Powers and duties.

***

(12) Variances.

a. Upon application for a variance and payment of the review fee, ~~T~~ the commission may recommend to the city council approval of a request for a variance from the terms of the relevant ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary and undue hardship. Hardship means an unreasonable burden that is unique to a parcel of property, such as peculiar physical characteristics. Economic problems may be considered but may not be the sole basis for finding the existence of a hardship.

b. In order to recommend a variance from the terms of the relevant ordinance, the commission must find that:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
2. The special conditions and circumstances do not result from the actions of the applicant.
3. Granting the variance requested will not confer on the applicant any special privilege that is denied by ordinance to other lands, buildings, or structures in the same zoning district.
4. Literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant.

5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

6. The grant of the variance will be in harmony with the general intent and purpose of the ordinance and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

c. ~~In recommending the variance, t~~The commission may ~~offer~~ recommend:

1. Appropriate conditions and safeguards in conformity with this division and any ordinance enacted. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted by the city council, shall be deemed a violation of law.

2. ~~Similarly, if a variance is granted by the city council, a reasonable time limit within which the action for which the variance is required shall be deemed not in violation of law.~~ That the variance granted shall expire one year after the date of approval by the city council, unless a building permit based upon and incorporating the variance is issued within the aforesaid one-year period and construction has begun under the terms of the building permit.

d. Under no circumstances, except as permitted in this section, shall the commission recommend granting a variance to permit a use not generally or by special exception permitted in the zoning district involved or any use expressly or by implication prohibited by the terms or the ordinance in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning districts shall be considered grounds for the authorization of a variance.

***

(17) Applications.~~:~~

~~n~~Notice of commission procedure with regard to land planning/zoning cases, site plan reviews, variances, supplemental standards, and review/appeal of administrative orders, variances, special exceptions and appeals of administrative decisions. Any applicant applying to the commission must do so on forms provided by the city and thereon provide sufficient information to show the details, extent and scope of the proposed request. Such application shall be accompanied by a lot plan, diagram and survey if requested by the city to show the nature of the proposed request, and any other information required by these land development regulations. All applicants shall be provided a public hearing before the commission after public notice thereof. Public notice shall mean publication of notice of the time, place and purpose of such hearing and that interested persons will have an opportunity to be heard. Notice shall be published once in a newspaper of general circulation in the city and on the city website, publication to be not less than 14 days prior to the date of the hearing except as provided for by Florida Statute.

Applicants shall be given notice of hearing by letter addressed to such applicant at the address given in such application, and mailed at least 15 days prior to the date of hearing.

In connection with hearings on quasi-judicial applications, owners of property within 300 feet of the property which is the subject of the application shall be given notice of such hearing by U.S. mail. Such notice shall be mailed at least 15 days prior to date of the

hearing. For the purpose of this notification an owner of property shall be deemed to be the person who, with his address, is so shown on the county tax rolls. These requirements are in addition to statutory notice requirements.

Public notice signs shall be posted as specified in Subpart B, Appendix A, Section 16.15(c) of the City's Code of Ordinances.

After the commission forwards its recommendation to the city council, the council will hold appropriate public hearings with code required advertisements.

SECTION 5. CODIFICATION. It is the intent of the City Council of the City of Dunnellon that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

SECTION 6. CONFLICTS. After the effective date of this Ordinance, in any case where all or any part of this Ordinance is found to conflict with any provision of any other ordinance of the City of Dunnellon, to the extent of such conflict, all such ordinances are hereby repealed.

SECTION 7. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unenforceable, unlawful, or unconstitutional by a court of competent jurisdiction, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance.

SECTION 8. EFFECTIVE DATE. This Ordinance shall become effective upon adoption.

Upon motion duly made and carried, the foregoing Ordinance was approved upon the first reading and public hearing on the __ day of _____ 2025.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second and final reading and public hearing on the __ day of _____, 2025.

Ordinance Posted on the City's website on _____ __, 2025.

First Public hearing advertised on the City's website on _____ __, 2025, and advertised in the Riverland News on _____ __, 2025.

Second Public hearing advertised on the City's website on _____, 2025, and advertised in the Riverland News on _____, 2025.

[SIGNATURES ON FOLLOWING PAGE]

ATTEST:

CITY OF DUNNELLON

_____
Amanda L. Odom, CMC
City Clerk

_____
Walter L. Green, Mayor

Approved as to Form:

_____
Andrew J. Hand, City Attorney

CERTIFICATE OF POSTING

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and Dunnellon Library, in the City of Dunnellon, Florida, and on the City's Official Website this __ day of _____ 2025.

_____
Amanda L. Odom, CMC
City Clerk

EXHIBIT "A"

~~*ARTICLE XVII. CONDITIONAL PERMITS AND VARIANCES*~~

~~Section 17.1 Variances.~~

~~(a) The code enforcement board acting as a board of adjustment shall have the power to grant adjustment of, and permit variances in the application of any provision of this code, except for the sections dealing with uses permitted. Such variances shall be granted where no adjoining property rights are interfered with, under the conditions herein provided. The board may also issue conditional permits as provided by this code and in addition thereto for the following purposes:~~

~~(1) Use of a lot or lots for temporary field sales or construction office during specified periods of time, provided a map of said subdivision has been approved by the community development manager. Plans for any such temporary building shall also require approval of the community development manager.~~

~~(2) Extension of a zone when its boundary splits a privately owned lot to the nearest established land line.~~

~~(3) Variation, the purpose of which is to conform to front line requirements of the rest of the block, to allow a reduction in the minimum lot area requirement or setbacks where the shape of the building lot or location of existing nearby buildings justifies such variance. In no case shall such variance provide less than 40 feet of frontage on a street.~~

~~(4) Special temporary permits for temporary stands, landing fields, public buildings or structures for temporary refuse dumps, temporary use of a trailer, etc.~~

~~Section 17.2 Requirements for variances.~~

~~(a) No variance from the terms of the zoning code shall be authorized by the board of adjustment unless the board finds that all of the following facts and conditions exist:~~

~~(1) That there are unique and special circumstances or conditions applying to the property in question, or the intended use of the property, that do not apply generally to other properties in the same district.~~

~~(2) That any alleged hardship is not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of the zoning code.~~

~~(3) That strict application of the provisions of the zoning code would deprive the applicant of reasonable use of the property for which the variance is sought.~~

~~(4) That the variance proposed is the minimum variance which makes possible the reasonable use of the property.~~

~~(5) That the sole reason for the request for variance is not real or alleged monetary gain or loss.~~

Section 17.3 Conditions.

The board of adjustment may place any reasonable limitation or special condition upon the property which in their judgment will protect the neighborhood in which the variance is granted.

Section 17.4 Time limit.

Each variance shall state a time limit for the fulfillment of the conditions governing its issue and shall be revocable where said conditions are not met.

Section 17.5 Notice and hearing.

No variance shall be granted until after the board of adjustment shall hold a public hearing. Notice of said public hearing shall be placed in a newspaper of general circulation at least 15 days prior to the date of public hearing. In addition, notice in writing shall be given to the persons owning property, as listed in the tax rolls, within 300 feet of the property in question.

If the application involves a specific piece of property, one public notice per road facing shall be posted conspicuously on the property affected and in two public places, as well as the city web site, at least 15 calendar days prior to the date of the scheduled hearing. The cost of printing and posting the notice will be charged to the petitioners as per the city fee schedule.

All notices referenced in the above paragraph shall include:

(a) A statement describing what action has been requested;

(b) The name of the owner(s) of the property subject to the application or petition;

(c) That a public hearing will be held by the Planning and Zoning Commission;

(d) The date, time, and location of the hearing;

(e) That the public is invited to attend the hearing and make comment orally or in writing; and

(f) The location and times during which an interested party may inspect the application or petition.

(Ord. No. 2020-02, § 2, 3-9-2020)

Section 17.6 Fee for zoning change, variance or comprehensive plan amendment.

(a) Upon application for a variance, special exception or zoning change, the applicant shall pay a fee in accordance with any fee schedules adopted by the city. These fees shall be used for the defraying of cost of publication and administration.

(b) Upon application of an amendment to the comprehensive plan of the city, the applicant shall pay a fee in accordance with any fee schedule adopted by the city plus any publication costs of the city.

CITY OF DUNNELLON
STAFF REPORT BY EDA CONSULTANTS, INC.

ORDINANCE #2025-04
CHANGES TO VARIANCE SECTION OF LAND DEVELOPMENT REGULATIONS

Applicant: **City of Dunnellon**

Date: **April 8, 2025**

Request:

The City is seeking to adopt an ordinance amending the City's Land Development Regulations (as adopted in the Code of Ordinances) to resolve discrepancies in the application process for variances and the board responsible for processing those applications.

Assessment

Currently, two different sections of the Land Development Regulations address variances: Appendix A, Article XVII (Conditional Permits and Variances) and Subpart B – Land Development Regulations, Chapter 94 – Planning, Article II, Section 94-37 (12) Variances.

Appendix A, Article XVII indicates that the Code Enforcement Board acting as a Board of Adjustment has the power to grant variances and conditional permits. However, the City of Dunnellon does not have either a Code Enforcement Board or Board of Adjustment. In fact, Subpart B – Land Development Regulations, Chapter 94 – Planning, Article II, Section 94-37.5 specifically recognizes that the Board of Adjustment is defunct as stated in the below reference:

> *The city of Dunnellon's planning commission merges the powers and duties of traditional planning boards with additional duties and responsibilities previously handled by the city's now defunct board of adjustment.*

Within the powers and duties assigned to the Planning Commission, Subpart B – Land Development Regulations, Chapter 94, Section 94-37 (12), the Code specifically states,

> *(12) a. The Commission may recommend to the city council approval of a request for a variance from the terms of the relevant ordinance as will not be contrary to the public interest…*

The Code further provides for review criteria that the Planning Commission must make findings on in order to recommend a variance. There are six review criteria stated in Chapter 94, Section 94-37 (12) b. It has been the ongoing practice for the Planning Commission to review and make findings on variances.

Appendix A, Article XVII (Conditional Permits and Variances) Section 17.2 (a) contains five requirements for the issuance of a variance, which vary from the requirements that the Planning Commission must use. Further, Article XVII gives the final authority to grant variances to the Board of Adjustment (or Code Enforcement Board acting as a Board of Adjustment). This is contrary to the current practice of the Dunnellon City Council having the final authority to grant variances.

The above-mentioned discrepancies in the Land Development Regulations create confusion and need to be resolved through amendments to the Code of Ordinances.

Recommendation

Based on the problematic discrepancies in the Land Development Regulations and the resultant confusion this may cause, consider the revisions proposed in Ordinance #2025-04 that resolve the issues by deleting Appendix A, Article XVII (Conditional Permits and Variances) and further clarifying that the Planning Commission has the responsibility for public hearings and recommendations to the City Council for variances. On this basis, the recommendation is to adopt Ordinance #2025-04.

Please contact Onelia Lazzari or Clay Sweger with eda consultants, inc. if you have any questions about this proposed item.

Onelia Lazzari, AICP
Principal Planner
Email: olazzari@edafl.com
Office Phone: (352) 373-3541

720 SW 2nd Ave
South Tower, Suite 300
Gainesville, Florida 32601
(352) 373-3541

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Dunnellon's website by the time notice of the proposed ordinance is published.

ORDINANCE #ORD2025-07

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, PROHIBITING SMOKING AND VAPING IN PUBLIC PARKS AND AT SPECIFIED CITY EVENTS ON PUBLIC PROPERTY; PROVIDING DEFINITIONS, PROVIDING FOR SIGNAGE; PROVIDING FOR PROHIBITIONS AND ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

☐ The proposed ordinance is required for compliance with Federal or State law or regulation;

☐ The proposed ordinance relates to the issuance or refinancing of debt;

☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;

☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;

☐ The proposed ordinance is an emergency ordinance;

☐ The ordinance relates to procurement; or

☐ The proposed ordinance is enacted to implement the following:

a. Development orders and development permits, as those terms are defined in s. 163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243;

[1] See Section 166.041(4)(c), Florida Statutes.

b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality;
c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare):

The proposed ordinance prohibits smoking (defined in the ordinance, excluding unfiltered cigars) within City parks as well as on City property during events sponsored or permitted by the City and held upon such property. Within the recitals of the ordinance the City Council of the City of Dunnellon finds that it is in the best interest of the City and the health, safety, and welfare of the public to prohibit smoking in public parks, recreational areas, and city events as specified herein.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur;

It is not anticipated that businesses will incur compliance costs.

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and

The ordinance does not introduce any new charges or fees.

(c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

No additional regulatory costs anticipated.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

No impact to local businesses.

4. Additional information the governing body deems useful (if any):
N/A.

ORDINANCE #ORD2025-07

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, PROHIBITING SMOKING AND VAPING IN PUBLIC PARKS; PROVIDING DEFINITIONS, PROVIDING FOR SIGNAGE; PROVIDING FOR PROHIBITIONS AND ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, tobacco use causes death and disease and continues to be an urgent public health threat, as evidenced by the following:

- The World Health Organization (WHO) estimates that tobacco kills up to half of its users, amounting to more than 8 million deaths each year worldwide, including nearly half a million people who die prematurely from smoking in the United States alone;
- Tobacco use causes disease in nearly all organ systems and is responsible for an estimated 87% of lung cancer deaths, 32% of coronary heart disease deaths, and 79% of all chronic obstructive pulmonary disease deaths in the United States;
- The estimated economic damage attributable to smoking and exposure to secondhand smoke in the United States is nearly $300 billion annually;
- Despite significant progress, tobacco use remains the leading cause of preventable death and disease in the United States;
- Specifically, in Florida, 29.4% of cancer-related deaths are attributable to smoking;
- Electronic vapor products have been found to contain nicotine, lead, formaldehyde, and thousands of other chemicals. These products damage DNA and harm parts of the brain responsible for learning and mental health; and

WHEREAS, secondhand smoke exposure is harmful and widespread, as evidenced by the following:

- Children exposed to secondhand tobacco smoke have an increased risk of sudden infant death syndrome, asthma, physical and cognitive developmental abnormalities, and cancer;
- The 2006 U.S. Surgeon General's report, "The Health Consequences of Involuntary Exposure to Tobacco Smoke," concluded that there is no safe level of exposure to secondhand smoke;
- The World Health Organization in 2007 declared that there is indisputable evidence that implementing 100% smoke-free environments is the only effective way to protect the population from the harmful effects of exposure to secondhand smoke;
- In Florida, 59% of children between ages 11 and 17 report being exposed to secondhand smoke from cigarettes or electronic vapor products; and

WHEREAS, there is emerging evidence that exposure to the aerosol produced by a vapor-generating electronic device may be harmful, as evidenced by the following:

- E-cigarettes produce an aerosol that contains at least ten chemicals known to cause cancer, birth defects, or other reproductive harm;
- Bystanders exposed to e-cigarette aerosol can also absorb its nicotine;

- The aerosol is made up of a high concentration of ultrafine particles, and the particle concentration is higher than in conventional tobacco cigarette smoke;
- Exposure to fine and ultrafine particles may exacerbate respiratory ailments like asthma and constrict arteries which could trigger a heart attack; and

WHEREAS, tobacco waste is a major, consequential, and persistent source of litter, as evidenced by the following:

- The roughly 6.3 trillion cigarettes smoked globally each year result in 300 billion packs that produce almost 2 million tons of wastepaper, cellophane, foil, and glue as well as trillions of butts littered across roadways, sidewalks, parks, and other green spaces;
- Both tobacco industry and peer-reviewed research found that most smokers admit littering their cigarette butts; for example, one study found 74.1% of smokers admitted littering cigarette butts at least once in their life and 55.7% admitted to littering them in the past month;
- In an observational study of nearly 10,000 individuals, 65% of smokers disposed of their cigarette butts as litter;
- Cigarette butts are perennially the most common form of litter collected during cleanup programs worldwide. For example, in 2018, cigarette butts made up nearly 16% of all litter collected through cleanup programs in the U.S. (809,538 out of 5,106,515 items);
- Cigarette butts are often cast onto sidewalks and streets and frequently end up in storm drains that flow into streams, rivers, bays, lagoons, and ultimately the ocean;
- As of August 2019, the U.S. Environmental Protection Agency recognizes nicotine-containing vapor-generating electronic devices as acute hazardous waste when disposed of properly; and

WHEREAS, cigarette butts, smokeless tobacco, and vapor-generating electronic devices pose a health threat of poisoning to young children, as evidenced by the following:

- In 2018, American poison control centers logged nearly 13,000 cases involving exposure to cigarettes, cigarette butts, vapor-generating electronic devices, or other tobacco products, and of these, more than 10,000 (79.0%) occurred in children aged 5 years and younger;
- Among the 10,266 cases of nicotine and tobacco product exposure recorded in 2018 among children 5 years of age and younger by American poison control centers, 50.3% involved cigarettes, 18.4% involved vapor-generating electronic devices, and 8.0% involved other tobacco products;

- The annual number of electronic cigarette exposure cases among children less than 5 years of age reported to American poison control centers increased from 10 in 2010 to 1,835 in 2018, a 14,015% increase;
- Children who ingest tobacco products can experience vomiting, nausea, lethargy, and gagging, with e-liquids potentially posing a greater risk of toxicity or fatality through either ingestion or transdermal absorption; and

WHEREAS, Florida cities and counties have the legal authority to adopt local laws that prohibit smoking in public parks and recreational areas.

WHEREAS, the City Council of the City of Dunnellon finds that it is in the best interest of the City and the health, safety, and welfare of the public to prohibit smoking in public parks as specified herein.

LEGISLATIVE UNDERSCORING: Underlined words constitute additions to the City of Dunnellon Code of Ordinances, ~~strikethrough~~ constitutes deletions from the original, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF DUNNELLON, FLORIDA AS FOLLOWS:

SECTION 1. The " whereas" clauses cited herein are the legislative findings of the City Council.

SECTION 2. Chapter 46, Article V – Smoking Prohibition of the City of Dunnellon Code of Ordinances is hereby created as follows:

CHAPTER 46 – PARKS AND RECREATION
***

ARTICLE V – SMOKING PROHIBITION.

Sec. 46-130. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Park means public property within the City of Dunnellon specifically designated as being used for outdoor recreational or park purposes and where children regularly congregate.

Smoking means inhaling, exhaling, burning, carrying, or possessing any lighted or heated tobacco product, including cigarettes, filtered cigars, pipe tobacco, and any other lighted or heated tobacco product whether natural or synthetic. For the purposes of this ordinance, smoking does not include the use of unfiltered cigars (pursuant to Florida Statute 386.209).

Tobacco Product means:

1. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption.

2. Any vapor-generating electronic device and any substances that may be aerosolized or vaporized by such device.

Tobacco Product Waste means any material that is left over and regularly intended to be discarded after the use or consumption of a tobacco product.

Vaping means to inhale or exhale vapor produced by a vapor-generating electronic device or to possess a vapor-generating electronic device while that device is actively producing vapor.

Vapor-generating Electronic Device means an electronic device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah.

Sec. 46-131. Smoking Prohibited in Parks.

Smoking and vaping are prohibited in all parks within the City of Dunnellon.

Sec. 46-132. Disposal of Tobacco Product Waste Prohibited.

No person shall dispose of tobacco product waste in any park within the City of Dunnellon.

Sec. 46-133. Signage.

The City' Public Works Director or their designee shall post at least one clear, conspicuous, and unambiguous "No Smoking or Vaping" sign at each point of ingress to the area and in at least one other conspicuous location where individuals congregate in City parks. Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of smoking or vaping in violation of any other provision of this ordinance.

Sec. 46-134. Enforcement.

The success of the City's regulations set forth in this Article depend on the consideration and cooperation of both tobacco users and non-users. Individuals acting in violation of this Article will be reminded and asked to comply Individuals who refuse to comply with requests to comply may be asked to leave the park, may be subject to any applicable City littering penalties, and/or may be issued a trespass warning pursuant to Florida Statutes.

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 prevail.

SECTION 4. SEVERABILITY. If any section, sentence, phrase, word, or portion of this 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, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 5. CODIFICATION. The provisions of this Ordinance shall be codified as and become and be made a part of the City of Dunnellon Code of Ordinances. The sections of this 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. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption at the second reading/public hearing.

Upon motion duly made and carried, the foregoing Ordinance was approved upon the first reading on the __ day of _____ 2025.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second and final reading and public hearing on the __ day of _____, 2025.

Ordinance Posted on the City's website on _____, 2025.

First Public hearing advertised on the City's website on _____, 2025, and advertised in the Riverland News on _____, 2025.

Second Public hearing advertised on the City's website on _____, 2025, and advertised in the Riverland News on _____, 2025.

ATTEST: **CITY OF DUNNELLON**

_____ _____
Amanda L. Odom, CMC Walter L. Green, Mayor
City Clerk

Approved as to Form:

_____
Andrew J. Hand, City Attorney

CERTIFICATE OF POSTING

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and Dunnellon Library, in the City of Dunnellon, Florida, and on the City's Official Website this __ day of _____ 2025.

_____
Amanda L. Odom, CMC
City Clerk

RESOLUTION #RES2025-15

A RESOLUTION OF THE CITY OF DUNNELLON, FLORIDA, DECLARING CERTAIN PROPERTY AS SURPLUS AND PROVIDING FOR DISPOSAL THEREOF.

WHEREAS, The City of Dunnellon has certain property that is considered as surplus; and

WHEREAS, The City of Dunnellon wishes to dispose of said property by the disposal method listed below.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Dunnellon, Florida, on this 14th day of May 2025, that:

> The property outlined in "Exhibit A" is declared as surplus and shall be disposed of through the sealed bid process.

Upon motion duly made and carried, the foregoing resolution was adopted by the City Council of the City of Dunnellon this 14th day of May 2025.

ATTEST:

_____
Amanda L. Odom, CMC
City Clerk

CITY OF DUNNELLON, FLORIDA

_____
Walter L. Green, Mayor

Approved as to form:

_____
Andrew J. Hand, City Attorney

RESOLUTION 2025-15
EXHIBIT A

VEHICLE					
YEAR	**MAKE**	**MODEL**	**BODY**	**VIN**	**DEPT**
2016	Ford	Interceptor	4D	1FM5K8AT0GGA62809	PD
2016	Ford Flex Fuel	Explorer	UT	1FM5K8AR8GGD32745	PD
2016	Ford Flex Fuel AWD	Explorer	UT	1FM5K8AR6GGD32744	PD
2017	Ford Flex Fuel	Interceptor	UT	1FM5K8AR0HGC87477	PD
2017	Ford	Interceptor	UT	1FM5K8AR4HGC91113	PD
2020	Dodge	Durango	UT	1C4RDJFG7LC369897	PD
2020	Dodge	Durango	UT	1C4RDJFG3LC369900	PD
2020	Dodge	Durango	UT	1C4RDJFGXLC371353	PD
2020	Dodge	Sport Utility 4 Door	UT	1C4RDJFG3LC192524	PD