



**Minutes of the
Crystal River City Council
Regular Council Meeting
Monday, June 11th, 2018 @ 7:00 p.m.
Council Chamber, City Hall**

1. CALL TO ORDER

Mayor Farley called the meeting to order at 7:00 p.m.

Council Present: Mayor Farley, Vice Mayor Brown, Council member Fitzpatrick, Council member Gudis, Council member Holmes

Council Absent:

Staff Present: Finance Director Michelle Russell, City Attorney Jennifer Rey, City Clerk Fink, Public Works Director Beau Keene, Special Events Coordinator Leslie Bollin and Planning and Development Services Director Jackie Gorman.

Mayor Farley led in the Pledge of Allegiance and Council member Gudis led the invocation.

2. ADOPTION OF AGENDA

Motion to adopt the agenda was made by Council member Fitzpatrick; seconded by Council member Gudis. Motion carried 5-0.

3. PRESENTATIONS

A. Information on General Mooring Field Permit.....City Manager Burnell
City Manager Burnell presented "Information on General Mooring Field Permit" and Council discussion was held regarding ways in which establishing a mooring field may or may not address issues with in the bay, areas in which greater control is needed, and contributing factors. City Manager Burnell also answered technical questions regarding mooring fields.

4. UNFINISHED BUSINESS

5. APPROVAL OF CONSENT AGENDA

- A. Motion to approve minutes from the Regular City Council meeting held May 29, 2018
- B. Monthly Departmental Reports

Motion to approve consent agenda was made by Council member Holmes; seconded by Council member Gudis. Motion carried 5-0.

6. PUBLIC INPUT

(Time Limit of Three Minutes)

Mary Morgan – Crystal River Kayak Company- Expressed concerns regarding establishment of a mooring field outside of Three Sisters Springs.

Dr. Michele Civilich-Save Crystal River, Inc.- Spoke regarding a recent Eel Grass Planting Event and thanked city support for event.

Phillis Rosetti- 209 SE Paradise Point Road- Discussed development of mooring field concept by Waterfronts Advisory Board and USFWS.

Mike Engiles- Crystal River Watersports- Inquired about issues to be resolved with mooring field establishment and commented on item 10A, encouraging reduction of plastic straw use.

Jim Tittle-1851 NW 15th St. Commented on recent Planning Commission recommendation to leave current RV parking regulations unchanged, proposed solutions offered and other discussion held over the course of several workshops and petitions collected, and requested consideration of revision.

Robert Pitts- Crystal River- Spoke in favor of the “Heritage Side” plan for City Hall, development of living shorelines, Kingwood R.V. Resort, and additional parking.

Ray Schedivy- Crystal River- Spoke in favor of item 7C, describing past interaction with city staff regarding chicken-related regulations.

Homer Simpson- 1910 NW 16th Street- Commented on recent Planning Commission recommendation to leave current RV parking regulations unchanged, noting a letter of support written to amend current code, and recalling past code revision addressing residential boat parking, and request consideration of similar revision for R.V.s.

Ricky Feacher-Crystal River- Spoke on behalf of Copeland Park residents, noting past replacement of barbecue pit and requesting further park improvements, including covered walkway, parking lot striping, and additional pavilions.

Karen Prijatel-1841 NW 15th St. Commented on RV parking regulations and series of Planning Commission workshop sessions on the topic, noting correspondence sent to Council by Kevin Mulligan and Connie Welch, and limitations on participants time to speak during sessions and inquiring about an upcoming Code Enforcement hearing before a Special Magistrate. City Manager Burnell provided clarification and Ms. Prijatel inquired about when R.V. Parking regulations would be brought before council for City Council. City Manager Burnell confirmed it would be included on the July agenda.

Bob Froehling-1360 NW 19th Ct.- Commented on past Planning Commission meeting, amount of time provided to speakers, the usual practice of not limiting time on public comment.

Council member Holmes responded to mooring field comments, legislative and enforcement options, regulation on rental boats and the role of park rangers.

7. PUBLIC HEARING

- A. Consideration of approval of Ordinance No. 18-O-10 amending Chapter 20 of the City of Crystal River Code of Ordinances “Advisory Boards and Commissions”, Section 20-32 “Appointment” changing the total number of appointed WAB members from twelve (12) to nine (9) on Final Reading

Motion to read by Ordinance No. 18-O-10 by title only was made by Vice Mayor Brown; seconded by Council member Fitzpatrick. Motion carried unanimously.

AN ORDINANCE OF THE CITY OF CRYSTAL RIVER, FLORIDA, AMENDING THE CITY OF CRYSTAL RIVER CODE OF ORDINANCES, CHAPTER 20 - ADVISORY BOARDS AND COMMISSIONS, SECTION 20-32 APPOINTMENT, CHANGING THE TOTAL APPOINTED MEMBERS FROM TWELVE (12) TO NINE (9);

PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Background: [Agenda Sheet] **Requested Motion:** Motion to approve Ordinance No. 18-O-10 amending Chapter 20 of the City of Crystal River Code of Ordinances “Advisory Boards and Commissions”, Section 20-32 “Appointment” changing the total number of appointed (WAB) members from twelve (12) to nine (9) on Final Reading.

Summary: The City of Crystal River Code of Ordinances, specifically Chapter 20 “Advisory Boards and Commissions”, Section 20-32 – “Appointment” addresses the consistency and makeup of the Waterfronts Advisory Board.

During the March 12, 2018 meeting, Council approved updated bylaws for the Waterfronts Advisory Board, which included a change to the member composition from nine (9) members to seven (7) members and two (2) alternates.

It was later determined that in order to ensure consistency between the bylaws and City Code, adoption of an ordinance amending the language pertaining to the total number of appointed board members was necessary.

The Waterfronts Advisory Board was briefed on the upcoming revision during their meeting held May 1st, 2018.

Staff Recommendation: Approval.

End of Agenda Sheet]

Public Hearing: No one spoke for or against the Ordinance.

Motion to approve Ordinance No. 18-O-10 amending Chapter 20 of the City of Crystal River Code of Ordinances “Advisory Boards and Commissions”, Section 20-32 “Appointment” changing the total number of appointed (WAB) members from twelve (12) to nine (9) on Final Reading was made by Council member Fitzpatrick seconded by Council member Holmes.

Council Discussion: There was none.

Public Input: There was none.

Motion carried unanimously on a roll call vote.

- B. Consideration of approval of Ordinance No. 18-O-11 amending Chapter 7 of the City of Crystal River Code of Ordinances "Elections", Section 7-37 "Qualifying Period; Filing Requirements" on First Reading and setting a public hearing for July 9, 2018

Motion to read by Ordinance No. 18-O-11 by title only was made by Vice Mayor Brown; seconded by Council member Holmes. Motion carried unanimously.

AN ORDINANCE OF THE CITY OF CRYSTAL RIVER, FLORIDA, RELATING TO CITY ELECTIONS; AMENDING CHAPTER 7 TO REVISE QUALIFYING DATES TO PROVIDE FOR CONSISTENCY AND ORDERLY ADMINISTRATION OF ELECTIONS OF THE CITY OF CRYSTAL RIVER, FLORIDA; PROVIDING FOR

CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Background: [Agenda sheet **Requested Motion: Motion to approve Ordinance No. 18-O-11 amending Chapter 7 of the City of Crystal River Code of Ordinances “Elections”, Section 7-37 “Qualifying Period; Filing Requirements” on First Reading and setting a public hearing for July 9, 2018.**

Summary: The purpose of this Ordinance is to align its qualifying period to coincide with the qualifying period of other municipalities within Citrus County for purposes of consistency and efficiency in the conduct of municipal elections by the Citrus County Supervisor of Elections. This can be accomplished by amending the City of Crystal River Code Of Ordinances, Chapter 7, “Elections” to revise qualifying period for candidates.

During a recent request for clarification from legal staff on matters related to the upcoming election and applicability of certain statutory provisions to municipalities, it was determined that the requested revision to city code would serve to establish a more consistent and efficient process for qualifying candidates for City Council. This revision would establish a qualifying period in early August, rather than late August.

Staff Recommendation: Approval

End of Agenda Sheet]

Public Hearing: No one spoke for or against the Ordinance.

Motion to approve Ordinance No. 18-O-11 amending Chapter 7 of the City of Crystal River Code of Ordinances “Elections”, Section 7-37 “Qualifying Period; Filing Requirements” on First Reading and setting a public hearing for July 9, 2018 was made by Council member Fitzpatrick; seconded by Council member Gudis.

Council Discussion: There was none.

Public Input: There was none.

Motion carried unanimously on a roll call vote.

C. Consideration of approval of Ordinance No. 18-O-09 amending Chapter 4 of the City of Crystal River Code of Ordinances “Animals and Fowl” on First Reading and setting a public hearing for July 9, 2018

Motion to read by Ordinance No. 18-O-09 by title only was made by Council member Fitzpatrick; seconded by Council member Holmes. Motion carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CRYSTAL RIVER, FLORIDA; AMENDING CHAPTER 4, ARTICLE I, BY CREATING SECTION 4-16 TO ALLOW CERTAIN POULTRY TO BE KEPT WITHIN THE CITY LIMITS. KEEPING OR HARBORING OF CHICKENS; PROVIDING FOR SPECIAL EXCEPTIONS FOR THE KEEPING OF CHICKENS IN CITY LIMITS AT SINGLE FAMILY RESIDENTIAL USE PROPERTIES ONLY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Background: [Agenda Sheet **Requested Motion: Motion to approve Ordinance No. 18-O-09 an ordinance of the City of Crystal River, Florida; amending Chapter 4, by creating section 4-16 to allow certain poultry to be kept within the city limits on First Reading and set a public hearing for July 9, 2018.**

Summary: In January of 2017 staff submitted a request for a legal opinion as to whether or not chickens were considered grazing animals, as clarification was needed on a code related issue. A determination was made that chickens are not classified as grazing animals and that Chapter 4, Article I, Section 4-1(a) did not apply and since Chapter 4, Article I, Section 4-1(a) did not exclude chickens or any other non-grazing animal residents could keep such animals.

Since the time that determination was made there have been many requests related to keeping chickens and the city has been made aware of several residents who keep chickens. This Proposed Ordinance is to provide clarification and establish the number of chickens allowable on any property based on a minimum lot size. It also establishes other rules and regulations for keeping chickens as well as penalties and fines for violations of the ordinance. This proposed ordinance further allows the City the right to enter properties to inspect backyard coops.

The amendment to the ordinance will also exclude other non-grazing birds, fowl and swine.

Staff Recommendation: Approval

End of Agenda Sheet]

City Manager Burnell provided a brief overview of the item and history of how it was determined that chickens were currently unregulated by existing code, noting that the matter was not rooted in complaint, but misinterpretation.

Public Hearing:

Phil Jannarone- 1405 SE 5th Avenue- Confirmed that Planning voted 4-2 not to tackle it, as it was deemed unnecessary.

Bob Froehling- 1360 NW 19th Ct.- Clarified that until proposal was brought forth many were unaware that chickens were unregulated, noting concerns regarding smell, disease and impact of ordinance adoption on those already keeping chickens.

Mary Morgan- 124 N Citrus Avenue- Spoke on need to consult with neighbors on the matter.

Council member Gudis spoke in favor of leaving current code unchanged.

City Attorney Rey read current code language, noting a lack of prohibitive language pertaining to chickens.

Mayor Farley spoke in favor of amending current language.

Ray Schedivy- Crystal River- Spoke in favor of modifying current animals and fowl ordinance to prohibit roosters.

Vince Morris- 773 NE 2nd Avenue- Spoke in favor of adoption of ordinance, noting that a neighbor has had them and not known. He also addressed Mayor Farley's questions, confirming no noise or smell was observed.

Vera Martin -1540 NW 20th Avenue- Commented on family members keeping of chickens, noting limitations on the number.

Council Discussion:

Council discussion was held during which concerns were raised regarding accessing private property for inspection, potential benefits and drawbacks of adoption of ordinance, as is, and the need to re-work language as proposed. Mr. Froehling spoke from the audience regarding disease concerns and requested the items be brought back before Planning Commission for further consideration. Further Council discussion as held regarding potential outcome of leaving current code, as is.

Public Input: There was none.

Motion to send Ordinance No. 18-O-09 an ordinance of the City of Crystal River, Florida; amending Chapter 4, by creating section 4-16 to allow certain poultry to be kept within the city limits for more clarification was made by Vice Mayor Brown; seconded by Council member Fitzpatrick. Motion carried unanimously.

D. Consideration of approval of Ordinance No. 18-O-07 rezoning 61.63 acres for Kingwood Crystal River Resort from High Intensity Commercial (CH) and Medium Density Residential (R-2) to a Planned Unit Development (PUD) and setting a public hearing for July 9, 2018 QUASI- JUDICIAL

Motion to read by Ordinance No. 18-O-07 by title only was made by Vice Mayor Brown; seconded by Council member Gudis. Motion carried unanimously.

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CRYSTAL RIVER, FLORIDA, CHANGING THE ZONING ON PROPERTIES OWNED BY KINGWOOD CRYSTAL RIVER RESORT CORPORATION, 400 CURIE DRIVE, ALPHARETTA GA 30005 (61.63 ACRES MOL), PARCELS 17E18S33 41300, 17E18S33 42000 0060, AND A PORTION OF 17E18S33 14000 0050 IN THE RECORDS OF THE CITRUS COUNTY PROPERTY APPRAISER FROM MEDIUM DENSITY RESIDENTIAL (R-2) AND HIGH INTENSITY COMMERCIAL (CH) TO PLANNED UNIT DEVELOPMENT (PUD) AS DESCRIBED IN SECTION 3; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Background: Agenda Sheet Requested Motion: Motion to approve Ordinance No. 18-O-07 rezoning 61.63 acres for Kingwood Crystal River Resort from High Intensity Commercial (CH) and Medium Density Residential (R-2) to a Planned Unit Development (PUD).

Summary: The proposed Plantation Outpost Club and Resort consists of 61.63 acres located off of Ft. Island Trail. As shown on the attached map this property makes up a part of the Plantation Golf Course.

Attached you will find Ordinance 18-O-07 that changes the zoning from High Intensity Commercial (CH) to a Planned Unit Development (PUD) to accommodate 309 RV Lots, a Town Center (6 two-story condominium buildings), Clubhouse, pool, gazebos, tennis courts, volleyball courts, guard house, bath house, and laundry building, to be completed in 7 Phases over a period of 10 years.

The City's Land Development Code requires approval of a Master Plan along with the PUD Ordinance. Ingress/Egress onto Ft. Island Trail will require permitting from Citrus County. The Office of Planning & Community Development is working with Public Works in reviewing all required capacity analyses. A Development Agreement will be required prior to moving forward with construction that outlines the timeline along with any conditions that may be required as a result of the capacity studies.

The lots within this development will be sold fee simple therefore platting will be required as we move forward. Each phase will be designed and reviewed separately as per the Master Plan. Any changes to the Master Plan or Development Agreement will be required to be brought back before the Planning Commission and Council for approval.

A Planned Unit Development allows flexibility to the Land Development Code and in return the Planning Commission and City Council can grant zoning relief if it believes the proposed project— and, in particular, the way it deviates from what's allowed by right— will allow for something better for the surrounding neighborhood or city.

The proposed Kingwood Crystal River Resort requires the following relief from the City's LDC for High Intensity Commercial Zoning Districts:

*Setbacks for each lot will deviate from the required setbacks –

For RV's Proposed: 15' front; 5' rear; 5' side
 Required: 25' front; 25' rear; 10' side

For Commercial Town Center setbacks:
 Proposed: 40' front; 25' rear; 15' side
 Required: 25' front; 25' rear; 10' side

*RV Lot dimensions –
 Proposed: 2,970 SF min
 Required: 12,000 SF

*Maximum Impervious
 Proposed: 65%
 Required: 65% Waterfront

We will have a representative from the Developer attending the meeting along with Kimley Horn who has been retained by the City to assist with this review. Attached is a staff report from Kimley Horn for your use.

The first Public Hearing before Planning Commission took place during their regularly scheduled meeting in May; however, due to an error in the legal description this hearing was re-advertised for June 7, 2018. A Public Hearing will take place before the Planning Commission on June 7, 2018 and the results will be presented at the June 11, 2018 Council meeting.

Staff Recommendation: Approval

End of Agenda Sheet]

Mayor Farley called for disclosure of any conflicts of interest or ex parte communications: There were none.

The City Clerk swore in all individuals wishing to testify on the matter.

Staff Presentation: Ms. Gorman presented the staff report, entering it into the record. Vice Mayor Brown expressed concerns regarding the fee simple structure and Ms. Gorman confirmed that items on which flexibility is being requested include setbacks, lot dimensions and impervious surface ratios.

Council member Holmes inquired about cost of lots, homestead exemption status, and expressed concerns regarding capacity. Ms. Gorman addressed questions regarding state registration requirements, intent of additional pads, applicability of FEMA standards and golf cart access.

Discussion was held regarding council ability to review details throughout each phase, approval of county and FDOT and expansion of infrastructure throughout each phase.

Gene Lacedo- Kimley-Horn- 101 E Silver Springs Blvd- Professional Engineer (Licensed in the State of Florida- #75547) Addressed questions regarding transportation impact, noting submission of traffic and utility analysis and Kimley-Horn's recommendations regarding the Developer's Agreement and responsibilities of the applicant. He also provided further clarification regarding infrastructure expansion.

Ms. Rey confirmed that the matter before Council is consideration of rezoning the parcel, noting requirement of subsequent approvals on various phases of the project.

Applicant's Presentation: Dustin Garrett, representing Ag Pro addressed Council questions regarding job creation, noting that the average store employs approximately 20.

Public Hearing:

Bob Froehling-1360 NW 19th Ct.-Commented on the approval processes allowed through PUD approval. Ms. Rey provided further clarification regarding PUD approval process and phases, confirming that approval of Developer's Agreement occurs prior to initial construction Phase.

Anthony Mozo- 9564 W Plantation Lane- Spoke in opposition of the ordinance, noting incompatibility with existing neighborhood, density concerns, and environmental concerns including soil contamination and recommending requesting records from the Plantation regarding potential contamination or flooding issues.

Mr. Lacedo confirmed that the Phase I Environmental Assessment submitted did not include soil testing, as it was not required, noting soil contamination is regulated through the FDEP permitting process and city ability to require copies of permits.

Motion to approve Ordinance No. 18-O-07 rezoning 61.63 acres for Kingwood Crystal River Resort from High Intensity Commercial (CH) and Medium Density Residential (R-2) to a Planned Unit Development (PUD) on First Reading and setting a public hearing for July 9, 2018 was made by Council member Fitzpatrick; seconded by Vice Mayor Brown. Motion carried unanimously on a roll call vote.

8. CITY ATTORNEY

9. CITY MANAGER

- A. Motion to authorize execution of an agreement with the Citrus County Sheriff's Office (CCSO) for School Traffic Control for FY 2018-2019, at a cost of \$25,946.05

Background: [Agenda sheet] **Requested Motion: Motion to authorize execution of an agreement with the Citrus County Sheriff's Office (CCSO) for School Traffic Control for FY 2018-2019 in the amount of \$25,946.05.**

Summary: The Citrus County School System requested in 2011 that the City assume the cost of providing school crossing guards at a total of five (5) locations. Four (4) of these locations are associated with the elementary school children and the City agreed to absorb the cost of those positions based on statutory language. The fifth position is associated with the middle school children, and the City agrees to fund the position since it involves students crossing a four-lane highway (NE 3rd Ave. & Highway 19).

The CCSO has submitted an agreement (attached) proposing a cost of \$25,946.05 for FY 2018-2019, which represents an increase of \$562.05 – a 2% increase over the cost associated with the current year.

Staff Recommendation: State requirement to fund, recommend approval. End of Agenda Sheet]
Motion to authorize execution of an agreement with the Citrus County Sheriff's Office (CCSO) for School Traffic Control for FY 2018-2019 in the amount of \$25,946.05 was made by Council member Gudis; seconded by Council member Fitzpatrick. Motion carried unanimously.

10. CITY COUNCIL

A. Motion to allow the Mayor to present a proclamation for the City's support of local businesses that use paper straws and encourage other food service businesses to switch to using paper straws

Background: [Agenda sheet] The City Waterfronts Advisory Board asks the City to support encouraging local restaurants and food service businesses to utilize paper straws. The following information describes ways local restaurants and food service businesses can help:

- Provide a straw only when requested by a customer
- Provide either compostable or reusable straws
- Eliminate use of straws completely

The following information describes issues related to the usage of plastic straws:

- Emblematic of single use plastics and resultant marine pollution
- straws are used for an average of 10 minutes
- straws are the 7th largest source of beach litter
- plastic takes 100 years to decompose
- The World Economic Forum predicts that by 2050 there will be more plastic than fish in the ocean.

500 million straws are used and discarded every day in the United States alone. That's 175 Billion a year filtering into landfills (environment) and littering our waterways and oceans.

FYI: Emoji the manatee died at Lowry Park Zoo in February 2017. Three months prior, the zoo's staff received him and found plastic bags in his stomach. "Emoji" also suffered from a condition that causes manatees to clot and bleed at the same time End of Agenda Sheet]

Vice Mayor Brown spoke in support of the motion.

Motion to allow the Mayor to present a proclamation for the City's support of local businesses that use paper straws and encourage other food service businesses to switch to using paper straws was made by Mayor Farley; seconded by Council member Gudis. Motion carried unanimously.

11. COMMITTEE REPORTS

- A. Mayor Farley
 - *Waterfronts Advisory Board* - Reported that living shorelines, Kings Bay annexation, plastic straw ban and mooring fields were discussed during past meeting.
- B. Vice Mayor Brown
 - *Withlacoochee Regional Water Supply Authority*
 - *Crystal River Main Street*
- C. Council member Fitzpatrick
 - *Metropolitan Planning Organization*
 - *Three Sisters Coordination Committee*- Confirmed meeting scheduled for 6/18/18.
- D. Council member Gudis-
 - *Tourist Development Council*
 - *Library Governing Advisory Board*
 - *Florida League of Cities*
 - *Citrus County Community Charitable Foundation Board*
- E. Council member Holmes
 - *Keep Citrus County Beautiful*-
 - *Springs Coast Steering Committee*- Confirmed upcoming meeting in August.

12. COMMUNICATIONS

13. COUNCIL MEMBER REPORTS

- A. Mayor Farley
- B. Vice Mayor Brown- Reported on discussion with City Manager on creation of a monthly residential property beautification award and potential benefits.
- C. Council member Fitzpatrick-
- D. Council member Gudis- Reported on being approached by Fleet Reserve Group with proposal for plaque installation at Little Springs Park and City Manager Burnell confirmed rescheduling of meeting.
- E. Council member Holmes

14. PUBLIC INPUT

(Five Minute Time Limit)

Anthony Mozo-9564 W Plantation Lane-Expressed further concerns regarding Kingwood R.V. Resort development, including stormwater, soil contamination and density issues.

Bob Froehling- Planning Commission- Commented in regard to a particular R.V. currently parked in a residential area, resolution of stormwater issues that previously impacted ability to park another R.V. in a compliant manner and issues related to revising codes to accommodate an individual issue.

15. ADJOURNMENT

Mayor Farley adjourned the meeting at 8:57 p.m.

- *Withlacoochee Regional Water Supply Authority*
 - *Crystal River Main Street*
- C. Council member Fitzpatrick
- *Metropolitan Planning Organization*
 - *Three Sisters Coordination Committee- Confirmed meeting scheduled for 6/18/18.*
- D. Council member Gudis-
- *Tourist Development Council*
 - *Library Governing Advisory Board*
 - *Florida League of Cities*
 - *Citrus County Community Charitable Foundation Board*
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Mayor Farley adjourned the meeting at 8:57 p.m.

CITY OF CRYSTAL RIVER

ATTEST:



MIA FINK, CITY CLERK



JIM FARLEY, MAYOR

