

City of Crystal River



Minutes from the
Regular Council Meeting held
Monday, September 24th, 2018
@ 7:00 p.m.



**Minutes of the
Crystal River City Council
Regular Council Meeting
Monday, September 24th, 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 Jim Farley, Vice Mayor Ken Brown, Council member Mike Gudis, Council member Pat Fitzpatrick, Council member Robert Holmes

Council Absent: None

Staff Present: David Burnell, City Manager; Jennifer Rey, City Attorney; Mia Fink, CMC, City Clerk; Jack Dumas, Assistant City Manager, Michelle Russell, Finance Director; Jackie Gorman, Planning Director; Beau Keene, Public Works Director

Councilmember Gudis offered the invocation and Mayor Farley led in the Pledge of Allegiance.

Mayor Farley recognized Representative Ralph Massullo and Chamber of Commerce Executive Director Josh Wooten.

2. ADOPTION OF AGENDA

Mayor Farley advised that a brief announcement would be made by City Manager Burnell under the presentation portion of the meeting.

Motion to adopt agenda as amended was made by Council member Gudis; seconded by Vice Mayor Brown. Motion carried unanimously.

3. PRESENTATIONS

City Manager Burnell requested that the parking meter purchase authorized by the CRA Board during their September 10th meeting be delayed until further discussions and meetings could be held with affected business owners and the Chamber of Commerce to determine a long term solution for parking downtown. Consensus was reached by Council to move forward as proposed.

4. UNFINISHED BUSINESS

5. APPROVAL OF CONSENT AGENDA

- A. Motion to approve minutes from the Regular Council meeting held August 29th, 2018, Special Workshop (Cross Connection & FOG Ordinance) held September 6, 2018 and Regular Council meeting held September 10, 2018
- B. Monthly Departmental Reports for the month of August
- C. Motion to approve a special event permit application, waiver of open container and road closure request submitted by Kings Bay Rotary for the 2018 Stone Crab Jam

Background: [Agenda Sheet Requested Motion: Motion to approve the special events permit, road closure request, and waiver of open container submitted by Kings Bay Rotary for the 2018 Stone Crab Jam.

Summary: Kings Bay Rotary has submitted a special event permit for their annual Stone Crab Jam to be held on Saturday, November 3, 2018 from 12:00pm-10:00pm. The event will take place on Citrus Avenue from 19 to NW 3rd Street, down to Kings Bay Park and off Citrus Ave. onto NE 5th Street and the City owned lot at Highway 19 & Citrus Ave. They will follow the same footprint as in year's past and will hire CCSO Deputies for security.

Staff Recommendation: Staff recommends approval

End of Agenda Sheet]

D. Motion to approve a road closure request for the 2018 CRHS Homecoming Parade

Background: Agenda sheet **Requested Motion:** Motion to approve the special event permit and road closure request for the Crystal River High School Homecoming Parade.

Summary: Crystal River High School has submitted a Special Event Permit for their Annual Homecoming Parade on October 11, 2018. The parade route will start at the First Baptist Church parking lot, across Citrus Avenue down Crystal Street, past 8th Avenue and into Pirate Stadium. The parade is scheduled to begin at 5:00 pm and end around 6:00 pm. The school is coordinating with CCSO for the road closure.

Staff Recommendation: Staff recommends approval.

End of Agenda Sheet]

E. Motion to approve the Fiscal Year 2019 Solid Waste Rate Structure for commercial and residential accounts handled by Advanced Disposal

Background: Agenda sheet **Requested Motion:** Approve the Fiscal Year 2019 Solid Waste Rate Structure for commercial and residential accounts handled by Advanced Disposal.

Summary: The contract between Advanced Disposal and the City of Crystal River allows for annual adjustments to the contract price structure based on changes in the Consumer Price Index (CPI). Staff has reviewed Advanced Disposal's rate increase based on Bureau of Labor Statistics reporting of a CPI increase of 2.4% increase for March, 2018. This increase will apply to the base rate across all fee structures.

A summary example of the proposed new rates along with historical rates over the past few years follows:

Proposed	2015	2016	2017	2018	2019
Single Family Resident	\$ 12.03	\$ 11.94	\$ 11.73	\$ 11.73	\$ 12.01
Two Yard Commercial/1 wk.	\$ 45.36	\$ 45.02	\$ 44.58	\$ 45.56	\$ 46.65
Eight yard Commercial 5/wk.	\$907.24	\$900.44	\$891.64	\$911.26	\$933.13

Detailed Rate Adjustment Matrix with effective date of 10/1/2018 available upon request

Staff Recommendation: Staff recommends approval of the FY2019 Solid Waste Rate Structure.
End of Agenda Sheet]

Motion to approve the consent agenda was made by Vice Mayor Brown; seconded by Council member Holmes.

Vice Mayor Brown noted that the cost of both commercial and residential solid waste accounts are lower in 2019 than 2015.

Motion carried 5-0.

6. PUBLIC INPUT

(Time Limit of Three Minutes)

Christie Croteau- 1123 SE 3rd Avenue- Inquired about posting of CCSO quarterly reports to city website and City Manager Burnell confirmed staff would add them.

Phil Jannarone-1405n SE 5th Avenue- Inquired about item 9B and if there would be a vote. City Attorney Rey clarified that the item is included to public report conclusion of Planning Commission and no action is required. Vice Mayor Brown requested Council call for a consensus following 9B discussion.

Pete Langlois- 1123 SE 3rd Avenue- Thanked Council members for testimonials on Save Crystal River's website, and requested a status update on the noise ordinance follow-up. City Attorney Rey confirmed that the existing noise ordinances were being streamlined and consolidated.

Leo Lumpiesz- 1793 SE Joan Rawlins-President- Crystal River Village H.O.A.- Spoke regarding item 7B, and inquired if new ownership would be required to finish a multi-phased street paving project and addressed ongoing storm water issues within the development.

Jim Tittle-1841 NW 15th Avenue- Inquired about item 9B and if it would include discussion.

Ray McConnell-19 NE 2nd Street- Commented on item 9C, related news article, and potential impacts. Mayor Farley confirmed a discussion item was included on the agenda and no Council decision was made regarding plans to transport to Crystal River.

Keith Raym- 1290 NW 19th Court- Requested follow up regarding law enforcement services and inclusion of weekend code enforcement by CCSO. City Manager Burnell confirmed that he had followed up with CCSO staff regarding contract.

Karen Prijatel- 1841 NW 15th Avenue- Reported that the rotating beacon at the airport is out. City manager Burnell confirmed he would contact Citrus County.

7. PUBLIC HEARING

- A. Consideration of adoption of Ordinance No. 18-O-14 amending Chapter 15, Traffic, by creating a Residential Neighborhood Permit Parking Zone for the "Michigan Town" area on Final Reading.

Motion to read the ordinance by title only was made by Council member Gudis; seconded by Vice Mayor Brown. Motion carried unanimously.

AN ORDINANCE THE CITY COUNCIL OF THE CITY OF CRYSTAL RIVER, FLORIDA; AMENDING CHAPTER 15, TRAFFIC, BY CREATING ARTICLE VII - RESIDENTIAL NEIGHBORHOOD PERMIT PARKING ZONE; 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 adopt Ordinance No. 18-O-14 amending Chapter 15, Traffic, by creating a Residential Neighborhood Permit Parking Zone for the “Michigan Town” area on Final Reading.**

Summary: Staff previously discussed the need to regulate parking around Hunter Springs Park due to the parking issues affecting the Michigan town neighborhood.

Currently there is a problem with the chronic non-resident parking along their streets as a result of the “spill over” from the recreators at Hunter Springs Park and the quality of life in this neighborhood is declining. One solution to this problem would be to create a no parking zone except for residents and their guests.

Attached please find Ordinance 18-O-14 that creates a “Decal-only” parking zone for a certain area around the park for your review. This type of restrictive parking is common in other cities that experience spill overs from nearby nonresidential activity areas and works alongside of existing parking requirements already established in the city’s Code.

This Ordinance will serve as a temporary solution until such time as we have the complete street study done for the downtown area. We have set the effective date for November 15, 2018.

Planning Commission held their Public Hearing on September 6, 2018 and voted 7-0 to recommend approval of Ordinance 18-O-14.

Staff Recommendation: Approval

End of Agenda Sheet]

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

Motion to adopt Ordinance No. 18-O-14 amending Chapter 15, Traffic, by creating a Residential Neighborhood Permit Parking Zone for the “Michigan Town” area on Final Reading was made by Council member Gudis; seconded by Council member Fitzpatrick.

Council discussion was held regarding the number of visitor permits proposed per household during which council consensus was reached to increase the number of permits per household from one to two.

Vice Mayor Brown requested the original motion be amended to increase the number of visitor permits per household from one to two.

Motion carried unanimously (provided the ordinance is amended to increasing one visitor permit per household to two visitor permits per household).

B. Consideration of approval of an application for Vested Rights for Crystal Blue Waters, LLC (Crystal River Village) **QUASI-JUDICIAL**

Background: [Agenda Sheet] **Requested Motion: Motion to approve an application for Vested Rights – Crystal River Village PUD**

Summary: This Public Hearing is an approved continuance from the Public Hearing that was scheduled for August 29, 2018.

Attached you will find Affidavits from the owners of Crystal River Village that attests to the timeline of events surrounding the Crystal River Village development that transpired since its inception in 1978 along with a comprehensive list of consolidated exhibits.

Crystal River Village is under contract for sale. R. Clay Mathews, attorney for Smolker Bartlett Loeb Hinds & Thompson, PA submitted an application for Vested Rights pursuant to Section 9.06.02 of the City's Land Development Code.

Currently the owners of Crystal River Village own all properties and rent the individual lots to accommodate each residents privately owned mobile home. 540 units were originally approved for both Phase I & II. Phase I includes 253 units that have been approved by the City and State for development and 287 spaces remain undeveloped in Phase II.

Staff has reviewed the attached documents and feels confident in moving forward with approval of the Vested Rights Application. We have been in discussion with Mr. Clay's office concerning some future changes to the utility billing which should not impede the approval of the Vested Rights Application.

David Eastman, attorney for Crystal River Village and Timothy Garding, attorney for the potential buyers will be present at the meeting to answer any questions.

Staff Recommendation: Approval of Vested Rights application for Phase I and Phase II for Crystal River Village as identified in the attached documents. End of Agenda Sheet]

Please see the following for inclusion into the record for this item:

ATTACHMENT A: *Agent Authorization Form*

ATTACHMENT B: *Supporting documentation for August 29, 2018 Council Agenda Item 9E, "Request for continuance of approval of an application for Vested Rights for Crystal Blue Waters, LLC (Crystal River Village)"*

ATTACHMENT C: *Supporting documentation for September 24, 2018 Council Agenda Item 9B, "Consideration of approval of an application for Vested Rights for Crystal Blue Waters, LLC (Crystal River Village)"*

City Attorney Rey read the quasi-judicial procedure into the record.
City Clerk Fink swore in all of those wishing to testify on the matter.
City Attorney Rey called for conflict of interest and ex parte communications disclosures.

Conflict of Interest: There were none.

Ex Parte: Council member Gudis disclosed ex parte communications with officers of the Crystal River Village Homeowners Association (Leo Lumpiesz, Willie Huffman and Richard Decker) during a meeting held with City Manager Burnell on 9/21/18.

Expert Witnesses: There were none.

Staff Presentation:

Planning and Development Services Director Jackie Gorman noted the continuance of the previously scheduled public hearing for the item, described the purpose of a vested rights determination and confirmed that staff recommended approval.

Council member Gudis inquired about completion of a paving project within the community, which Ms. Gorman confirmed staff would look into and inquired about responsibility for drainage issues, which Ms. Gorman confirmed it was that of the ownership.

City Attorney Rey called for inclusion of the following with in the record: entire agenda packet for the item and entire agenda packet from the previous hearing scheduled for August 29th.

Applicant's Presentation:

David Eastman- Lutz, Bobo & Telfair P.A.- Provided an overview of items included within the packet (supporting affidavits from all three principles, PUD petitions previously approved by Council, sewer connection agreements) discussed Crystal Blue Water, LLC recent decision to sell to Legacy Properties and noted he serves as General Counsel to the Florida Manufactured Housing Association and RV and Campground Association.

Mike Whitehurst- 1801 SE Hwy 19-Crystal River- Confirmed affidavits are true and correct and offered to address any questions, confirming plans for new owners to continue with upgrades.

Public Comment: There was none.

Applicant's Rebuttal: There was none.

Council discussion:

Council discussion was held regarding monitoring of current project by staff and Council oversight of future projects within the community and City Manager Burnell confirmed that any future development phases would come before Council for approval. City Attorney Rey also provided clarification regarding the purpose of the vested rights determination to ensure previously granted rights were acknowledged moving forward. Council member Gudis encouraged open lines of communication between new ownership and residents.

Motion to approve application for Vested Rights for Crystal Blue Waters, LLC (Crystal River Village) was made by Council member Fitzpatrick; seconded by Council member Holmes. Motion carried unanimously.

8. CITY ATTORNEY

A. Eminent Domain

City Attorney Rey provided Council with information regarding property acquisition via the eminent domain process (**ATTACHMENT D**) and ability to utilize CRA funds for such acquisitions (**ATTACHMENT E**) noting an official motion would be brought before Council for consideration of the parcel and specific public purpose for which this is intended at an upcoming meeting, per their request. Brief discussion was also held regarding prior plans for property exchange, resolution of current rear access issue and attainment of a parcel to connect existing city parking. Ms. Rey confirmed a motion would need to be considered by both Council and CRA in order to move forward with the process, while continuing purchase negotiations.

9. CITY MANAGER

A. Motion to execute a Commitment to Loan HTG Hidden Lake, LLC, in the amount of \$354,000.00, in conjunction with an application for the Florida Housing Finance Corporation's FY 2018 Housing Credit Finance for Affordable Housing Developments Located in Medium Counties for the development of The Fountains at Hidden Lake, an affordable rental housing development for senior citizens with 25% of the units set aside for Veterans

Background: [Agenda Sheet **Requested Motion:** Motion to execute a Commitment to Loan HTG Hidden Lake, LLC, in the amount of \$354,000.00, in conjunction with an application for the Florida Housing Finance Corporation's FY 2018 Housing Credit Finance for Affordable Housing Developments Located in Medium Counties for the development of The Fountains at Hidden Lake, an affordable rental housing development for senior citizens with 25% of the units set aside for Veterans.

Summary: HTG Hidden Lake, LLC is seeking leverage funding and local government support of their application for FY 2018 Housing Credit Financing for Affordable Housing Developments Located in Medium Counties (RFA 2018-110) issued by Florida Housing Finance Corporation on 9/6/2018.

HTG Hidden Lake, LLC is planning a 100 unit new construction senior's rental housing development, with 25% Veteran set aside, on approximately 15.83 acres of the Southeast corner of Hidden Lake Preserve located off of Turkey Oak Drive. The development would consist of single story homes with a clubhouse and a variety of amenities, and be income and rent restricted to seniors earning up to 60% area median income. The financing and construction of this \$19,000,000 development would provide a positive economic impact to the city including employment opportunities, approximately \$490,000 in permit, impact, \$491,000 in water and sewer capacity and meter fees, \$40,000 in annual tax revenue, and an estimated \$70,000 in annual water and sewer service revenue.

The loan would be in the amount of \$354,000.00 secured by a second mortgage on the property. Loan would be a three year balloon with all principal and unpaid accrued interest due at that time. Interest rate will be between 1% and 3%. Loan would be required to be funded within 90 days of Certificate of Completion (CO).

To demonstrate that the proposed project has received local support, applicants are required to obtain a local government commitment to loan valued at \$354,000 and corresponding Local Government Verification forms. HTG Hidden Lake, LLC is requesting that the Mayor execute a Local Government Verification of Contribution-Loan Form as evidence of a Local Government backing of the project. The commitment is contingent upon Florida Housing's Board approval of the RFA 2018-110 scoring committee's recommendations that this development be tentatively funded and invited into credit underwriting.

Staff Recommendation: Staff Recommends Approval

End of Agenda Sheet]

Council member Fitzpatrick submitted a Form 8B "Memorandum of Voting Conflict for County, Municipal and Other Local Officers" (ATTACHMENT F) due to a relative's interest in the project.

Jason Larsen of HTG Hidden Lake, LLC presented "The Fountains at Hidden Lake", providing an overview of the proposed project and Florida Housing Finance Corporation's Low Income Housing Tax Credit RFA process (ATTACHMENT G). He addressed Council questions regarding financing options, recent changes to the local government contribution, capacity and existing affordable housing communities within the city. Council members spoke in favor of the project and requested that essential service personnel be included in the set-aside for the project.

Motion to execute a Commitment to Loan HTG Hidden Lake, LLC, in the amount of \$354,000.00, in conjunction with an application for the Florida Housing Finance Corporation's FY 2018 Housing Credit Finance for Affordable Housing Developments Located in Medium Counties for the development of The Fountains at Hidden Lake, an affordable rental housing development for senior citizens with 25% of the units set aside for Veterans (and/or essential service personnel) was made by Vice Mayor Brown; seconded by seconded by Council member Gudis. Motion carried unanimously.

B. R.V. Ordinance update

Background: [Agenda Sheet **Requested Motion:** Information Only

Summary: The Planning Commission held workshops on April 5, 2018; May 3, 2018, June 7, 2018 and August 2, 2018 to discuss if there is a need to amend Section 6.04.08 of the Land Development Code concerning RV Parking in a residential district.

During the June 7, 2018 meeting the Planning Commission recommended 4-2 not to revise the City's Land Development Code concerning RV Parking. On July 9, 2018 the City Council requested the Planning Commission to reconsider their decision based on the fact that there was a petition in support of making some change to allow RV's more flexibility for parking in residential neighborhoods.

Staffs discussed this issue in detail and submitted three options for the Planning Commission's consideration:

1. Allow RV's to encroach into the front yard by 10',
2. Allow RV's to park within a percentage (%) of the front yard understanding the various shapes and sizes of lots in Crystal River, or
3. Allow a percentage (%) of the RV to encroach into the front yard.

After lengthy discussion on August 2, 2019, the Planning Commission voted not to amend the LDC but opted to consider Variance applications from anyone that cannot meet the requirements of the Land Development Code for parking their RV. The option of applying for a Variance was well received by both the Planning Commission and the members of the audience.

Please let us know if we can provide any additional information.

Staff Recommendation: None

End of Agenda Sheet]

City Manager Burnell provided an overview of the item, noting he will be requesting consensus regarding the Planning Commission recommendation to not amend the LDC based on input received regarding R.V. parking. City Attorney Rey explained that when a recommendation is made for Council not to amend existing code there is no action required. Council consensus was reached to accept the recommendation.

C. Information related to Chronicle news article related to hazardous materials potentially being shipped to Citrus County for pre-treatment

Background: [Agenda Sheet **Information related to Chronicle News Article related to Hazardous Materials potentially being shipped to Citrus County for pretreatment.**

Summary: The back-up material attached outlines the story we presently are aware of. The City and County had no knowledge of this plan until the Chronicle News article dated September 16, 2018. The County and City discussed the issue that Monday morning and a letter was written to the Secretary for the Department of Environmental Protection outlining initial concerns. It is critical for the City's eco tourist economically to be part of this effort to assure environmental protection of the water assets of Citrus County.

City staff will assist Citrus County to get further definition on the proposed project and update Council and the general public as information is available.

Staff Recommendation: Allow staff to keep Council and the public aware of efforts moving this project and to make all efforts required in conjunction with Citrus County staff to protect the aquifers and public safety.
End of Agenda Sheet]

City Manager Burnell provided a brief overview of the item and discussion was held by Council regarding the potential hazards involved in transporting the material through the area, and FDEP and FDOT requirements related to treatment at the LeFarge facility.

Representative Ralph E. Massullo M.D.- Addressed Council regarding the item, providing background and timeline of events leading up to the need to transport the material and details regarding the chemical processing of such material, noting that, based on information received, the process did not appear to show harm to citizens or ecology. He also addressed Council questions regarding FDEP permitting and potential clean-up in the event of an accidental spill. City Manager Burnell requested contact information for LeFarge, FDEP and City of Fort Meyers.

- D. Update on Request for Proposal (RFP) for towing illegally park vehicles on City Streets and Private Property

Background: [Agenda sheet **Requested Motion: N/A Update on Request for Proposal (RFP) for towing illegally park vehicles on City Streets and Private Property.**

Summary: The growing parking issue on the City Streets has lead by the request by City Council to have a towing service available twenty four hours a day/seven days a week for illegally parked cars in tow away zones, blocking traffic lanes and the option for private property owners to use this service if vehicles are parked on their property. They also have the right to call any towing company for this service but this (RFP) sets costs and locations that the car can be returned to the owners.

The proposal will go out to bid next week, the primary requirements are to set number and types of towing equipment, cost structure, response time requirements and costs.

Staff is also discussing this with the Citrus County Sheriff's Department to develop.

Staff Recommendation: Go forward with bidding.

End of Agenda Sheet]

City Manager Burnell provided a status update on establishment of tow-away zones and development of a bid package for towing companies. He also discussed the need to coordinate with CCSO on implementation.

10. CITY COUNCIL

11. COMMITTEE REPORTS

A. Mayor Farley

- *Waterfronts Advisory Board*

B. Vice Mayor Brown

- *Withlacoochee Regional Water Supply Authority*
- *Crystal River Main Street*

C. Council member Fitzpatrick

- *Metropolitan Planning Organization-* Reported on recent meeting during which policy updates were discussed and upcoming meeting with Parkway Authority scheduled for attendance.
- *Three Sisters Springs Coordination Committee-* Reported on meeting at property, discussion on moving forward with planned projects, funding availability, and city assistance with utility connections and ADA path to spring.

D. Council member Gudis

- *Tourist Development Council*
- *Library Governing Advisory Board*
- *Florida League of Cities*
- *Citrus County Community Charitable Foundation Board-* Reported on updating of by-laws.

E. Council member Holmes

- *Keep Citrus County Beautiful*
- *Springs Coast Steering Committee*

12. COMMUNICATIONS

13. COUNCIL MEMBER REPORTS

- A. Mayor Farley- Requested an update to current codes related to lawn care and enforcement.
- B. Vice Mayor Brown- Inquired about CCSO involvement in parking enforcement for City of Inverness and City Manager Burnell provided information regarding CCSO contract provisions and staffing.
- C. Council member Fitzpatrick- Thanked Representative Massullo for information provided.
- D. Council member Gudis
- E. Council member Holmes- Discussed parking issues and law enforcement budget, and encouraged greater public participation in the process.

14. PUBLIC INPUT

(Five Minute Time Limit)

Keith Raym- 1290 NW 19th Court- Suggested holding City Council and Planning Commission meetings at the mall.

Christie Croteau-1123 SE 3rd Avenue- Inquired about existing prohibited parking signage throughout the city and current enforcement methods, and City Manager Burnell provided clarification.

Brandon McConnell- 19 NE 2nd Street- Crystal River- Inquired about awarding of the paving bid and planned start date for the Hunter Springs Park area, which was estimated to begin in three

weeks. Vice Mayor Brown inquired about drainage issues in that same area, which staff confirmed had been addressed.

James Jenkins- Crystal River- Expressed concerns regarding the materials planning to be shipped from City of Fort Meyers to the LeFarge facility in Crystal River, potential environmental impacts to the area, and challenges related to arsenic, specifically.

Tom Gotterup- 6083 W. Fairhope Court- Thanked Representative Massullo for addressing item 9C and discussed potential long term future impacts if contamination occurred locally.

Representative Massullo- Provided further clarification as to why the material is being planned for relocation and provided further detail regarding the process and the varied scale in acceptable arsenic levels from state to state.

Phil Jannarone-1405 Se 5th Avenue- Inquired about the steps involved in transportation and processing of the material.

David Street-Crystal River- Inquired about item 7A, and which areas were subject to adoption of Ordinance No. 18-O-14, the purpose of paving in that area, and the purpose of delaying the recently approved purchase of a parking meter for installation at the parking lot at 2nd and 1st. City Manager Burnell reiterated plans to meet with Chamber and local business owners to discuss long term parking solutions for the CRA.

15. ADJOURNMENT

Mayor Farley adjourned the meeting at 9:37 pm

ATTEST:



MIA FINK, CITY CLERK

CITY OF CRYSTAL RIVER



JIM FARLEY, MAYOR

