



**Minutes of the  
Crystal River City Council  
Regular Council Meeting  
Monday, February 26<sup>th</sup>, 2018 @ 7:00 p.m.  
Council Chamber, City Hall**

**1. CALL TO ORDER**

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

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

**Council Absent:** Mayor Farley

**Staff Present:** City Manager Dave Burnell, City Attorney Rey, City Clerk Fink, Finance Director Michelle Russell Public Works Director Beau Keene, and Planning and Development Services Director Jackie Gorman.

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

**2. ADOPTION OF AGENDA**

**Motion to adopt the agenda was made by Council member Gudis; seconded by Council member Fitzpatrick. Motion carried 4-0.**

**3. PRESENTATIONS**

A. *CCSO Quarterly Report*.....*Captain Ryan Glaze*  
Captain Glaze presented the report, addressed Council questions regarding vehicular burglaries, and provided an update on January and February statistics and on the water activities.

**4. UNFINISHED BUSINESS**

**5. APPROVAL OF CONSENT AGENDA**

A. Motion to approve minutes from the Regular City Council meeting held February 12, 2018

B. Monthly departmental reports for the month of January

**Motion to approve the consent agenda was made by Council member Fitzpatrick; seconded by Council member Holmes. Motion carried 4-0.**

**6. PUBLIC INPUT**

*(Time Limit of Three Minutes)*

**Jack Huegel- 743 SE 1<sup>st</sup> Court-** Discussed upcoming Three Sisters Springs Management plan decision, noting the level of press coverage, number of meetings and opinions being shared and discussing a recent meeting with USFWS he attended and materials presented, expressing concerns with the lack of detail. He also discussed City's capabilities, noting Three Sisters Springs Trail landscaping project success and local government's ability to expedite projects.

Nathan Brough - 8387 N. Marinazzo Terrace- Spoke regarding gun violence in schools and inquired on City Council plans to address school safety, noting things can be done at the local level. Vice Mayor Brown clarified the various roles and divisions of responsibility among City Council, Citrus County School Board and Citrus County Sheriff's Office.

Community Resource Officer Scotty Roush addressed the inquiry, confirming that all of the schools in Citrus County have armed school resource officers and that Sheriff Prendergast is addressing the issue currently, though he cannot further elaborate at this time.

Vice Mayor Brown noted enhanced law enforcement services funded by the City and provided through a contract with Citrus County Sheriff's Office and Council member Gudis acknowledged his concerns, noting safety within the City and encouraging him to voice concerns to the Citrus County School Board and Citrus County BOCC.

Doris Brough- 8783 N Marinazzo Terrace- Inquired what city actions were being taken to combat weapons bans recently proposed by Governor Scott. City Manager Burnell recommended contacting local representatives (State Senate and House), noting legislative decision making authority.

Ms. Brough also inquired if Council consideration had been given to utilizing veteran volunteers to assist with security.

Council members discussed the Citrus County Sheriff's Office volunteer program and encouraged them to make contact.

Ray Jones- 10 NE 4<sup>th</sup> Street- Discussed a past legal issue related to shampoo bottles, a family estate, and employment loss. City Attorney Rey recommended that he contact Mid-Florida Community Legal Services.

## **7. PUBLIC HEARING**

- A. Consideration of adoption of Ordinance No. 18-O-02 providing for a small scale amendment to the future land use map (FLUE) of the comprehensive plan reclassifying 3.67 acres (MOL) of property owned by Ag-Pro Real Estate Investments, LLC from High Density Residential (HDR) land use to Highway Commercial Land Use (HC) on Final Reading. QUASI-JUDICIAL

**Motion to read the ordinance by title only was made by Council member Gudis; seconded by Council member Fitzpatrick. Motion carried 4-0.**

**ORDINANCE 18-O-02 -AN ORDINANCE OF THE CITY OF CRYSTAL RIVER, FLORIDA, PROVIDING FOR A SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN, RECLASSIFYING 3.67 ACRES (MOL) OF PROPERTY OWNED BY AG PRO REAL ESTATE INVESTMENTS, LLC, PARCEL ID 17E18S27 43420 IN THE RECORDS OF THE CITRUS COUNTY PROPERTY APPRAISER, FROM HIGH DENSITY RESIDENTIAL (HDR) LAND USE TO HIGHWAY COMMERCIAL (HC) LAND USE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Background: [Agenda Sheet] **Requested Motion: Motion to adopt Ordinance No. 18-O-02 providing for land use amendment changing 3.67 acres from High Density Residential (HDR) to Highway Commercial (HC) on Final Reading.**

**Summary:**

Ag Pro Real Estate Investments Inc. is the owners of property located at 1113 SE US Highway 19 (formerly known as H&H Motors). This property has a split land use, the front half being HC and the back portion High Density Residential. In order for Ag Pro to move forward with their development (the sale of John Deere tractors) there cannot be two land use categories.

The Planning Commission held a Public Hearing on January 18, 2017 and voted unanimously to recommend the land use change. During the Public Hearing a resident from the adjacent subdivision (Paradise Gardens) was concerned with the intensity of having a commercial development adjacent to residential and that that the residents would not be protected from intrusion of the new development. At the time we explained that Section 4.05.03 of the City's Land Development Code would require a 20' buffer that includes landscaping along with a continuous hedge or solid masonry wall at least four (4) feet high.

Staff received information since that time that a 15' right of way exists between the two developments that is owned by the City (see attached map). Buffer requirements for Public property that is adjacent to Commercial is a 15' buffer; four (4) canopy trees and four (4) understory trees but the wall is not necessary. In conclusion the total buffer will be 30' along with canopy and understory trees.

Mr. Garrett, representing Ag Pro, understands this requirement and staff will be sure it is in place prior to site plan approval.

**Staff Recommendation:** Approval

End of Agenda Sheet]

Vice Mayor Brown 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 requested staff report for both Land Use and Zoning be entered into the record (ATTACHMENT A).

Applicant's Presentation: Dustin Garrett- 108 Myrtle Drive, Thomasville, GA- representing Ag Pro offered to address Council questions. There were none.

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

**Motion to Adopt Ordinance No. 18-O-02 providing for *land use* amendment changing 3.67 acres from High Density Residential (HDR) to Highway Commercial (HC) on Final Reading was made by Council member Fitzpatrick; seconded by Council member Holmes. Motion carried unanimously.**

B. Consideration of approval of Ordinance No. 18-O-03 amending the official zoning map of the City of Crystal River changing zoning on properties owned by Ag-Pro Real Estate Investments, LLC from High Density Residential 9R3) to High Intensity Commercial (CH) on Final Reading  
**QUASI-JUDICIAL**

**Motion to read the ordinance by title only was made by Council member Gudis; seconded by Council member Fitzpatrick. Motion carried 4-0.**

**ORDINANCE 18-O-03 - AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CRYSTAL RIVER, FLORIDA, CHANGING THE ZONING ON**

**PROPERTIES OWNED BY AG PRO REAL ESTATE INVESTMENTS, LLC, (3.67 ACRES MOL AS DESCRIBED HEREIN AND LOCATED AS SHOWN IN EXHIBIT A), PARCEL ID 17E18S27 434200080 IN THE RECORDS OF THE CITRUS COUNTY PROPERTY APPRAISER FROM HIGH DENSITY RESIDENTIAL (R-3) TO HIGH INTENSITY COMMERCIAL (CH) 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 adopt Ordinance No. 18-O-03 providing for Zoning amendment changing 3.67 acres from High Density Residential (R-3) to High Intensity Commercial (CH) on Final Reading.**

**Summary:** Ag Pro Real Estate Investments Inc. is the owners of property located at 1113 SE US Highway 19 (formerly known as H&H Motors). This property has a split land use, the front half being High Intensity Commercial (CH) and the back portion High Density Residential (R-3). In order for Ag Pro to move forward with their development (the sale of John Deere tractors) there cannot be two zoning categories.

The Planning Commission held a Public Hearing on January 18, 2017 and voted unanimously to recommend the zoning change. During the Public Hearing a resident from the adjacent subdivision (Paradise Gardens) was concerned with the some of the underbrush being removed on the property and that the residents would not be protected from the intensity of the new development. At the time we explained that Section 4.05.03 of the City's Land Development Code would require a 20' buffer with four (4) canopy trees; four (4) understory trees; a continuous hedge or solid masonry wall at least four (4) feet high with twenty-five (25) shrubs planted on the outside of the wall to be planted in a double-staggered row.

We received information since that time that a 15' right of way exists between the two developments that is owned by the City (see attached map). Buffer requirements for Public property that is adjacent to Commercial is a 15' buffer; four (4) canopy trees and four (4) understory trees but the wall is not necessary. In conclusion the total buffer will be 30' along with canopy and understory trees.

Mr. Garrett, representing Ag Pro, understands this requirement and staff will be sure it is in place prior to site plan approval.

**Staff Recommendation:** Approval

End of Agenda Sheet]

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

**Staff Presentation:** Ms. Gorman requested staff report for both Land Use and Zoning be entered into the record (ATTACHMENT A).

**Applicant's Presentation:** There were none.

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

**Motion to adopt Ordinance No. 18-O-03 providing for Zoning amendment changing 3.67 acres from High Density Residential (R-3) to High Intensity Commercial (CH) on Final Reading was made by Council member Gudis; seconded by Council member Fitzpatrick. Motion carried 4-0 on a roll call vote.**

8. CITY ATTORNEY

9. CITY MANAGER

A. Motion to approve Three Party Escrow Agreement with FDOT

**Background:** [Agenda Sheet Requested Motion: Motion to approve a Three Party Escrow Agreement with the FDOT and State of Florida to fund the Highway 19 Utility Relocation project.

**Summary:** This request relates to the relocation of the city utilities that are in conflict with the US-19 widening project.

In August, 2017 Council approved a Utility Work by Highway Contractor Master Agreement (UWHCA) with the FDOT which allows for a change order approach for work performed by the highway contractor. In November, 2017 (after this FY's budget was established) the engineering consultant advised that the cost estimate increased from the original estimate of \$214,000 to \$592,650

On December 11, 2017 DPW brought forth a request to increase the total project budget to \$625,000 (which conservatively included a 15% allowance). Council approved that request through Resolution No. 18-R-09 which appropriated an additional \$350,000

Since that time, the cost estimate has increased; the final cost estimate submitted to the FDOT is \$699,052.75 with an additional 10% contingency allowance and a 2% administration fee for a new total of \$784,337.19. FDOT had also advised the funds must be deposited in an escrow account with the Comptroller's Office by February 21, 2018.

During the February 12, 2018 City Council meeting staff requested approval of Resolution #18-R-13 appropriating an additional \$159,337.19 to be deposited into ESCROW per the Three Party Escrow agreement with FDOT. Upon Council discussion a decision was made not to approve the additional funding, however Council consensus was reached to move forward with depositing already approved funding (\$625,000.00) into ESCROW and request FDOT for assistance with the balance.

Staff is requesting approval of the Three Party Escrow Agreement to move forward.

**Staff Recommendation:** Approval of the Three Party Escrow Agreement for deposit of already budgeted \$625,000.00 into ESCROW. End of Agenda Sheet]

City Manager Burnell provided a brief overview of the item and discussed potential options related to the currently unfunded portion of the project budget, including submission of a written request by the City Manager. He also discussed of potential consequences related to project delays including increased costs, and other grant related funding obligations.

City Attorney Rey recommended the motion be amended to specify the already approved budgeted amount of \$625,000.00.

**Motion to approve a Three Party Escrow Agreement with the FDOT and State of Florida to fund the Highway 19 Utility Relocation project in the amount of \$625,000.00 was made by Council member Holmes; seconded by Council member Fitzpatrick.**

Discussion was held during which Council member Gudis expressed concerns regarding unfunded mandates, City Manager Burnell reiterated the status of the unfunded project balance, Council member Fitzpatrick noted the consequences of delaying the project and City Attorney Rey clarified the purpose of the requested motion.

Further Council discussion was held regarding the project timeline, statutory obligations related to project funding and details regarding interest contained within the agreement.

**Motion carried 4-0.**

- B. Motion to authorize City Manager to negotiate with Academy of Environmental Science (AES) on a new lease agreement based on City Council direction

**Background:** [Agenda Sheet **Requested Motion: Motion to authorize City Manager to negotiate with Academy of Environmental Science (AES) on a new lease agreement based on City Council direction.**

**Summary:** The City of Crystal River took ownership of the now (AES) building and site, utilizing Florida Community Trust (FCT) funds. The state changes to secure school facilities made the site accessible to the public. FCT notified the City that public access to the property was not being met. The City working with Citrus County, Environmental Charter School and FCT developed a plan for a public access with a pier passing through wetlands to provide views of saw grass and the Salt River on the east end of the property. This site is of an unusual configuration of wetlands making any simple section of the property available for public use an impossibility. (FCT) agreed this would meet the intent of public access and valued the charter school. This was the reason for the lease period to change from \$1.00 a year to \$23,000 a year for repayment of the required improvements being paid over a five year period.

The letter attached is the first communication from Academy of Environmental Science (AES) Board of Directors on negotiating a new contract. It suggests two possible options:

Renewal of the lease for five (5) years at one (1) dollar per year as before & AES continues to responsible for repairs and updates.

Renewal of the lease for five (5) years at twenty-three thousand (23,000) dollars per year + yearly rate and the City of Crystal River will be responsible for repairs.

Staff is looking for direction on City Council desire to continuing the relationship with the (AES) and if so any specific expectations within the lease agreement.

**Staff Recommendation:** Staff recommends proposed Option #1, by which the City would have no maintenance responsibilities of the building or site. Staff also recommends a semi-annual site inspection requirement by the City to assure adequate repair and maintenance is being completed.

End of Agenda Sheet]

City Manager Burnell provided a brief overview of the item, history of the property, including access issues, recent measures to secure the facility and inclusion of boardwalk feature.

Council member Holmes made note of dedication of boardwalk to the late Gary Maidhoff, and Council members agreed with the staff recommendation.

Vice Mayor Brown invited Ms. Atkins to offer public comment.

PUBLIC INPUT:

Dee Atkins-3851 N. Nokomis Point- Spoke in favor of the staff recommendation, noting her previous service as a Board member, and the high maintenance cost.

**Motion to authorize City Manager to negotiate with Academy of Environmental Science (AES) on a new lease agreement based on City Council direction was made by Council member Gudis; seconded by Council member Fitzpatrick. Motion carried 4-0.**

**10. CITY COUNCIL**

**11. COMMITTEE REPORTS**

A. Mayor Farley

- *Waterfronts Advisory Board*

B. Vice Mayor Brown

- *Withlacoochee Regional Water Supply Authority* –Reported on upcoming meeting agenda item regarding the potential dissolution of the WRWSA, requesting Council consensus on Crystal River’s vote. Council discussion was held regarding purpose of the Board, other entities that would assume such authority and previous concerns expressed by Council members and County Commissioner Jeff Kinnard related to Citrus County funding of other jurisdiction’s water conservation programs. Consensus was reached to vote in favor of dissolution and Vice Mayor Brown requested City Manager Burnell to attend the meeting on his behalf.

- *Crystal River Main Street-* Advised there was not o quorum, but discussion was held regarding Three Sisters Springs Refuge and potential management options during which no official position was taken.

C. Council member Fitzpatrick

- *Metropolitan Planning Organization-* Reported on commencement of Suncoast Parkway project and discussion of intersection of Highway 44 and U.S. 19.

D. Council member Gudis

- *Tourist Development Council* – Discussed quarterly report presented by Dr. Claygis, reflecting revenue increase from recent bed tax increase, noting CIP projects were also up for discussion.
- *Library Governing Advisory Board*
- *Florida League of Cities*
- *Citrus County Community Charitable Foundation Board-* Reported on investment decision related to the fund (an approximate total of \$8 million), Baker Act discussion, Chamber of Commerce Executive Director Josh Wooten’s question regarding hospital board purpose, and the swearing in of a new Board member, Chief Medical Officer.

E. Council member Holmes

- *Keep Citrus County Beautiful-* City Clerk Fink reported on recent activities and events, including recent partnership with Community Housing Partners, and participation in recent Habitat for Humanity home dedications and Annual Kids Fishing Clinic. Council member Holmes reported on recent dissolution of Citrus 20/20 and decision to assume responsibilities related to Save Our Waters Week.
- *Springs Coast Steering Committee-*

**12. COMMUNICATIONS**

Council member Gudis reported that many calls regarding Three Sisters Springs Refuge were received.

Council member Fitzpatrick complimented the city parks.

Brief Council discussion was held regarding upcoming Three Sisters Springs management decision.

Council member Holmes discussed the potential for local oyster farming and potential for Academy of Environmental Science involvement, Council member Gudis noted potential TDC involvement and Vice Mayor Brown recommended contacting Tampa Bay Watch for further information. Vice Mayor Brown also discussed recent communications received regarding Three Sisters Springs and potential parking and littering issues observed throughout the neighborhood near Hunter Springs Park. Discussion was also held regarding the impacts of parks on surrounding neighborhoods and potential solutions, as well as festival impact on surrounding neighborhoods.

### **13. COUNCIL MEMBER REPORTS**

- A. Mayor Farley
- B. Vice Mayor Brown- Noted the increased level of tourism activity.
- C. Council member Fitzpatrick
- D. Council member Gudis- Commented on the local wedding chapel after recently attending a wedding at the location.
- E. Council member Holmes

### **14. PUBLIC INPUT**

*(Five Minute Time Limit)*

**Dee Atkins-3851 N. Nokomis Point-** Recommended contacting the Assistant Administrator at the Academy of Environmental Science regarding potential oyster farming, commented on recent editorials regarding Three Sisters Springs Refuge, and the interest in a continued partnership between the City and USFWS, and expressed concerns regarding USFWS ability to meet obligations.

**Jack Huegel-743 SE 1<sup>st</sup> Court** Discussed partnerships related to management of Three Sisters Springs Refuge, noting contributions of SWFWMD including development of wetlands area and discussing concerns related to partnership with USFWS, noting vacant headquarters location and lengthy response times to citizen concerns. He also discussed recent lobbying efforts related to management of the property and misconceptions related to project investment, citing the bank stabilization project as an example.

**Tom Gotterup-6083 W. Fairhope Court-** Encouraged Nathan Brough to contact CCSO regarding their volunteer program, and discussed recent editorials related to the management of Three Sisters Springs Refuge, encouraging Council to move forward with subjective decision making.

**David Street- 102 NE 3<sup>rd</sup> St-** Listed concerns regarding parking and littering in the area of Hunter Springs Park, and various related requests to address issues including development of additional parking, screening and cameras.

**Nathan Brough-8783 N. Marinazzo Terrace-** Spoke in favor of local oyster farming, discussed parking, traffic and littering issues, and noted strict littering penalties adopted in Washington.



**15. ADJOURNMENT**

Vice Mayor Brown adjourned the meeting at 8:41 p.m.

**CITY OF CRYSTAL RIVER**



\_\_\_\_\_  
KEN BROWN, VICE MAYOR

**ATTEST:**



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MIA FINK, CITY CLERK





**Ag Pro – 1113 SE US Highway 19  
Proposed Land Use Change & Zoning Change  
PZ17-0029 (Land Use)  
PZ17-0027 (Zoning)  
Staff Report and Recommendation  
February 7, 2018**



**I. Project Description:**

***1113 SE US Highway 19***

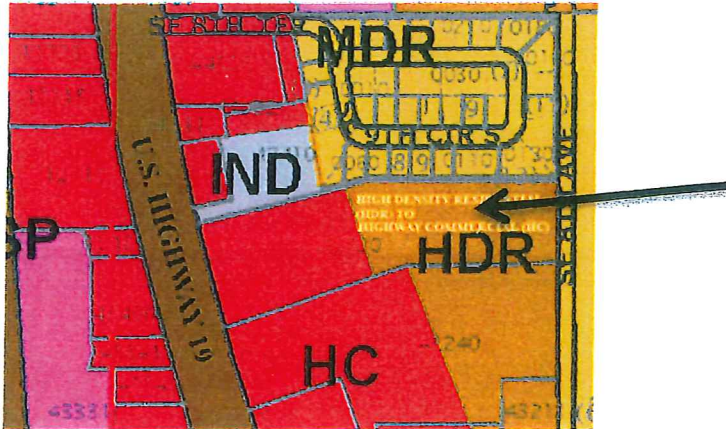
***Petitioner & Property Owner:***

Ag Pro Real Estate Investments Inc.  
19595 US Hwy 84  
Boston, GA 31626

***Request:***

***Land Use:*** To amend the Future Land Use Map reclassifying 3.67 acres (MOL) from *High Density Residential (HDR – 12 du/acre)* to *Highway Commercial (HC)*

FLUM CHANGE REQUEST



**Zoning:** To amend the Zoning Map for 3.67 acres (MOL) from R-3 (High Density Residential) to High Intensity Commercial (CH).

ZONING CHANGE REQUEST



II. **Site Data:**

**Existing Use:**

Vacant Commercial

**Proposed Use:**

Retail

**Parcel Alt Key:** 1089514

**Parcel Size -** 3.67 acres (MOL)

**For Surrounding Land Uses**

- North – Residential Subdivision  
With 15' buffer dedicated to the City of Crystal River  
As part of the Paradise Gardens Plat (see atth)
- South – Vacant Residential (Split Zoning)
- East – Commercial
- West - Crystal River Village MH Park



**Proposed Use:**

**Commercial Retail**

**III. Applicable Comprehensive Plan Provisions:**

**GOAL 2: Crystal River will be a balanced and well planned community.**

**Future land Use Element: OBJECTIVE 2.1 Provide for reasonable use of property while protecting, conserving, and maintaining the natural resources and systems identified in this and other elements of this Plan.**

**Staff Analysis:**

Currently this property has split zoning with large amounts of impervious surfaces and no stormwater facilities. The proposed development will reduce the amount of impervious surfaces, create stormwater retention, and provide natural buffers to the property to the north and south. In addition, the existing structure has been vacant for many years and the building is below the required base flood elevation. This land use and zoning will be correcting a legal non-conformancy with the split zoning and bring the site to meet the standards set forth in the land development code and FEMA.