

**CITY OF WILLISTON, FLORIDA
CITY COUNCIL MEETING
AGENDA**

DATE: TUESDAY, MAY 7, 2019
TIME: 7:00 P.M.
PLACE: WILLISTON CITY COUNCIL ROOM

CALL TO ORDER

ROLL CALL

MEMBERS:

Mayor Jerry Robinson
President Nancy Winger
Vice-President Marguerite Robinson
Councilman Charles Goodman
Councilman Justin Head
Councilman Elihu Ross

OTHERS:

City Manager Scott Lippmann
City Clerk Frances Taylor
City Attorney Fred Koberlein

OPENING PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG

ITEM – 1 – ADDITIONS, DELETIONS, CHANGES AND APPROVAL OF THE AGENDA

ITEM – 2 – MAYOR’S STUDENT OF THE MONTH (pp 3–5)

ITEM – 3 – PROCLAMATION: PRESENTED BY MAYOR ROBINSON

ITEM – 4 – PUBLIC PARTICIPATION

ITEM – 5 – CONSENT AGENDA

A. MINUTES: APRIL 16, 2019 REGULAR CITY COUNCIL MEETING (pp 6–8)

ITEM – 6 – OLD BUSINESS

- A. STAFF AND BOARD UPDATES
- B. DISCUSSION WITH POSSIBLE ACTION: ANIMAL SHELTER STATUS, PLANNING AND SUPPORT AS REQUESTED BY SUSAN HOLMES
- C. RESOLUTION 2019-22: COLA FOR CITY PENSION PLAN – WITH DOLLAR FIGURE FOR EACH OPTION (pp 9–10)
- D. RESOLUTION 2019-23: CHANGING MEETING TIME TO 6 PM (pp 11)
- E. ORDINANCE 672: AMENDING SECTIONS OF ARTICLE IV OF THE WILLISTON CODE CONCERNING PARADES (pp 12–16)

ITEM – 7 – NEW BUSINESS

CITY OF WILLISTON, FLORIDA
CITY COUNCIL MEETING

Agenda

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- A. ORDINANCE 673 (FIRST PUBLIC HEARING): APPROVING AMENDMENTS TO FUTURE LAND USE MAP FROM COMMERCIAL AND RESIDENTIAL TO AGRICULTURAL (pp 17–43)
- B. ORDINANCE 674 (FIRST PUBLIC HEARING): APPROVING ZONING CHANGE FROM RESIDENTIAL (R-1) TO AGRICULTURAL (A) ZC19-02 (pp 44–53)
- C. RESOLUTION 2019-24: APPROVING AN ADDENDUM TO FLORIDA GAS UTILITY AGREEMENT (pp 54–64)
- D. REPORTS: JANUARY FINANCIAL REPORTS (pp 65–88)

ITEM – 8 – PUBLIC PARTICIPATION

ITEM – 9 – ANNOUNCEMENTS

ITEM – 10 – ADJOURNMENT

Council Meeting Procedures for members of the Public

1. All cell phones to be turned off when entering the Council Chambers;
2. Once the audience has taken their seat and the meeting begins, there will be no talking between audience members during the course of the Council meeting. If anyone continues to talk within the audience and is called down 3 times during the course of the meeting, on the third time that person will be escorted out of the Council meeting;
3. The audience must be recognized by the President before being allowed to address the Council;
4. The member of the audience that is recognized will proceed to the podium, state their name and then proceed with their comments;
5. The audience member will be limited to not more than 5 minutes to speak based on Resolution 2003-14;
6. There will be no personal attacks made by any member in the audience toward a sitting Councilperson, and likewise for any sitting Councilperson;
7. There will be no conversation between a member of the audience that has been recognized and any other member of the audience when speaking while at the podium;
8. If an audience member wants to speak more than the allotted 5 minutes allowed then that person should make a request to City Hall so that the item may be placed on the agenda.

Minutes of the City Council meeting may be obtained from the City Clerk's office. The minutes are recorded, but not transcribed verbatim. Persons requiring a verbatim transcript may make arrangements with the City Clerk to duplicate the recordings, or arrange to have a court reporter present at the meeting. The cost of duplication and/or court reporter will be borne by the requesting party.

In accordance with Section 286.0105, Florida Statutes, notice is given that if a person wishes to appeal a decision made by the City Council with respect to any matter considered at this meeting they will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the Mayor through the City Clerk's office no later than 5:00 P.M. on the day prior to the meeting.

MAYOR STUDENT OF THE MONTH MAY 2019

Williston Central Christian Academy:

Alexis Weflen

7th Grade

Parent(s):

Titus and Angela Weflen

Nominated by: Mrs. Markham who made the following comments:

Alexis Weflen is both exceptional with her academics as well as her attitude. Transitioning back into a private school setting from homeschool can be challenging. She has excelled adjusting academically. She is always asking questions and following up if she needs more clarification. She also is always willing to help pick up my classroom and run errands when needed. I appreciate her positive attitude and willingness to help me! She is an awesome student to have in class.

Williston Elementary School:

Karley Boyer

5th Grade

Parent(s):

Penny Boyer

Nominated by: Priscilla Fugate who made the following comments:

Karley is a very responsible, motivated, and passionate student. She comes to school every day with a smile, an excitement for learning, and a dedication for going above and beyond. Karley pays close attention to details and makes sure that her daily work is accurate and of the utmost quality. Karley is a model student who sets a positive example for her peers. She works hard not only herself, but to help her peers as well. She is dedicated to helping her classmates succeed and grow in every way she can. Her work ethic and focus on doing well is an inspiration to her classmates. Karley is a wonderful young lady, and I am so happy to have her in my class!

Joyce Bullock Elementary School:

Carlos Garcia

Parent(s):

2nd Grade

Graciela Sanchez

Nominated by: Ms. Erickson who made the following comments:

Carlos is a responsible and hardworking student that goes above and beyond what is asked of him. He comes to school every day with a positive attitude and an eagerness to learn. He continually puts his best effort in all aspects of his work. Not only does Carlos go above and beyond as a student, but he also goes above and beyond as a classmate and friend. He is quick to lend a helping hand to anyone he sees in need.

Joyce Bullock Elementary School:

Moises Mendoza

Parent(s):

2nd Grade

Elias & Tomasa Mendoza

Nominated by: Mrs. Tiller who made the following comments:

Moises is an excellent student with a great work ethic and a good friend. He never gives up. He keeps trying. Moises goes above and beyond in all his subjects. In reading, he is known for sounding words out and asking what they mean to help him tackle challenging words. He is always kind and helps his classmates. He is a role model wherever he is on campus.

Williston Middle High School:

Aubrey Sierens

Parent(s):

7th Grade

Kristin Sierens

Nominated by: 7th Grade Team who made the following comments:

Aubrey is responsible, conscientious, and cooperative. She is willing to work with anyone. Aubrey goes above and beyond on assigned work. Aubrey is in Student Government. Additionally, she excels academically and has maintained straight A's all year in all classes.

Williston Middle High School:

Luke McCoy

Parent(s):

9th Grade

Deborah Sullivan

Nominated by: 9th Grade Team who made the following comments:

Luke is just an all-around great kid. He has a 4.0 GPA, takes advanced classes, and has a great sense of humor. He is the kid who does the right thing when no one is looking and his peers respect him! He is the whole package.

Another teacher said:

Luke is a thoughtful, kind, and generous student who is always willing to help his peers and his teachers. His awareness and maturity towards his surroundings and the feelings of others is palpable. Luke always puts forth a high level of effort in to his school work and takes pride in his successes! Luke is just plain AWESOME!

Williston Middle High School:

Chloe Blackledge

Parent(s):

6th Grade

Tarin Blackledge

Nominated by: Mrs. West and 6th Grade Team who made the following comments:

Chloe comes to her classes with a smile and great attitude. Her teachers really appreciate her willingness to help, whether it is lending a hand with the technology cart or showing support for another student.

**CITY OF WILLISTON, FLORIDA
CITY COUNCIL MEETING
MINUTES**

DATE: TUESDAY, APRIL 16, 2019
TIME: 7:00 P.M.
PLACE: WILLISTON CITY COUNCIL ROOM

CALL TO ORDER

ROLL CALL

MEMBERS:

Mayor Jerry Robinson
President Nancy Winger
Vice-President Marguerite Robinson
Councilman Charles Goodman
Councilman Justin Head (Absent)
Councilman Elihu Ross

OTHERS:

City Manager Scott Lippmann
City Clerk Frances Taylor
City Attorney Fred Koberlein

OPENING PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Robinson opened with prayer and the Pledge of Allegiance to the American Flag.

ITEM – 1 – ADDITIONS, DELETIONS, CHANGES AND APPROVAL OF THE AGENDA

Councilman Goodman moved to approve the Agenda. Vice President Robinson and Councilman Ross seconded. On vote, the motion carried, 4-0.

ITEM – 2 – SWEARING IN OF NEW WILLISTON POLICE RESERVE OFFICER

Mayor Robinson administered the Oath of Office to swear in Reserve Police Officer Terry Bouviard.

ITEM – 3 – PROCLAMATION: PRESENTED BY MAYOR ROBINSON

Mayor Robinson presented a Proclamation recognizing Volunteer Fire Fighter Week.

ITEM – 4 – PUBLIC PARTICIPATION – None.

ITEM – 5 – CONSENT AGENDA

Vice President Robinson moved to approve the Consent Agenda. Councilman Goodman seconded. On vote, the motion carried, 4-0.

A. MINUTES: APRIL 2, 2019 REGULAR CITY COUNCIL MEETING

B. MINUTES: APRIL 9, 2019 INVESTITURE CEREMONY

ITEM – 6 – OLD BUSINESS

A. STAFF AND BOARD UPDATES

City Manager Lippmann advised that the City is beginning to see some interest in the old high school property from potential tenants and staff is directing them to communicate with Blu Rock. Nothing meaningful is likely to happen in the next 6 months based on current estimates. The so called anchor tenant is not scheduled to sign a firm commitment until early this summer. The park project continues with crews assembling all of the reinforcing cages for the lighting bases. The curbs are formed out and crews will conduct one big pour of concrete once everything is in place. The lights for the park will not be delivered until June 6th. It is beyond the City's control. Staff is also awaiting the railing that will go on

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top of the retaining wall. All electric conduit has been installed. City Manager Lippmann estimated that, with the exception of the light poles, it should be ready by Memorial Day weekend. There was discussion about the light poles delaying completion. President Wininger asked about the microphone system. City Clerk Taylor advised the staff is awaiting delivery of one final part prior to installation. Mayor Robinson suggested that regular Council meetings should be rescheduled to 6 pm. The members discussed the 6 pm time. No objections were given to a 6 pm time for regular City Council meetings. President Wininger directed staff to place the issue on the Agenda for the next meeting so the members can vote on it.

B. DISCUSSION WITH POSSIBLE ACTION: OPEN HOUSE/BIRTHDAY

Mayor Robinson noted that June 2nd is the 90th birthday for the incorporation of the City of Williston. He recommended an open house and birthday party be scheduled for June 8th. President Wininger suggested that dignitaries be invited and the event be publicly noticed. Councilman Goodman suggested that the Council should allow the staff set the time. The members agreed, by consensus, that an Open House and 90th Birthday Event will be held on Saturday, June 8th, at a time to be set by staff.

DISCUSSION WITH POSSIBLE ACTION: COLA FOR CITY PENSION PLAN

City Clerk Taylor reviewed the options available and, given the potential cost of the COLA options, staff recommended the 13th check scenario be approved. Upon discussion of the potential impact, the members directed staff to bring back firm estimates for each option as an information item for the next meeting.

C. DISCUSSION WITH POSSIBLE ACTION: PROPOSED BUILDING SERVICES CONTRACT WITH SAFE BUILT

City Planner Gorman advised that the building contract was reviewed but there were a few questions that needed to be answered. Councilman Goodman expressed concern for terms that would allow for the building department to subcontract inspections to other people or entities. City Attorney Koberlein explained that the proposal was that the party would not assign obligations and duties without the approval of the City. However, they did want the right to assign them to a parent or sister company with notice. City Planner Gorman stated she would ask for an umbrella policy. City Attorney Koberlein observed that the vendor offers substantial coverage in other areas and, as long as their policy is kept up and someone is checking to ensure they are keeping up their premium, it should be adequate coverage. The members determined that the policy would be sent to the Permitting Department regularly to confirm. There was discussion as to the appropriate aggregate amount and the process for verifying the policy. President Wininger noted that the members would not be voting on the contract at the current meeting. She confirmed the following: the members did not want the vendor to be able to assign the contract without Council approval; staff would need to request an umbrella policy and designate someone to check the status of the policy to ensure the City is protected; and staff would need to ascertain the identification of the parent company and authorized signator. There was discussion as to the necessary amount of coverage. President Wininger, Mayor Robinson and Councilman Ross stated they would be in favor of an umbrella policy. Planner Gorman verified it should be \$2 million to \$5 million and confirmed that the contract term would be one year.

D. DISCUSSION WITH POSSIBLE ACTION: ECONOMIC DEVELOPMENT STRATEGY UPDATE

City Manager Lippmann observed that the person who was going to present the item was not in attendance and advised he had attempted to contact her with no results.

ITEM – 7 – NEW BUSINESS

A. DISCUSSION WITH POSSIBLE ACTION: ANIMAL SHELTER STATUS, PLANNING AND SUPPORT AS REQUESTED BY SUSAN HOLMES

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The members observed that Mrs. Susan Holmes was not present. Councilman Goodman asked for a status on the animal services grant. Deputy Chief Connolly advised that the USDA funds are not currently available although the USDA is being very cooperative. He stated that Mr. Bob Eckels has made a commitment to give another \$10,000. Staff is looking to create some milestones for the project such as trimming the oak trees around the proposed entrance, staking where the building is going to be, etc. The USDA will be the last funding in when the project begins to generate bills. Mr. Eckels and all of the other private contributors have indicated that will not be a problem and they will move forward. There is a match of \$25,000 that should be accounted for in the animal control budget minus \$9,000 already spent come budget time. Mrs. Holmes will come before Council at least quarterly for an update. Councilman Goodman recalled the term of the property lease was two years. Deputy Chief Connolly stated he did not believe a year had passed since the City completed an environmental survey and an architectural rendering. He noted the lease was for the purposes of construction. Councilman Goodman expressed concern that the City would be unable to build during the lease period if the coalition were to fall apart. He stated he wanted to see a show of the status regularly. President Winger directed City Manager Lippmann to check on the lease status.

ITEM – 8 – PUBLIC PARTICIPATION – None.

ITEM – 9 – ANNOUNCEMENTS

Vice President Robinson advised that she and the Mayor attended the pig roast at the airport there was a tremendous amount of people there. It was well attended and a lot of fun. Councilman Goodman stated that, as of the meeting date, there is no more Goodman Construction. President Winger stated that, on June 20th, the Suwannee River League of Cities will be in the Williston Community Center for their annual dinner and Board of Directors meeting. Mayor Robinson reminded the members of National Day of Prayer at the Heritage Park Pavilion on May 2nd at noon.

ITEM – 10 – ADJOURNMENT

The meeting was adjourned at 7:47 pm.

Nancy Winger, Council President

Frances V. Taylor, City Clerk

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In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the Mayor through the City Clerk's office no later than 5:00 P.M. on the day prior to the meeting.

Cost studies for the Williston General Employees' Pension Plan.

Expected Payroll for the 2018/19 Plan Year = \$1,053,876

(1) If an automatic annual 2% cost-of-living adjustment (COLA) is added to the plan, the City's contribution is estimated to increase by 25.55% of payroll, from 6.21% of payroll to 31.76% of payroll.

Original employer contribution = \$65,446

New employer contribution = \$334,711

Difference = \$269,265

(2) If a one-time 13th check is provided to retirees as of October 1, 2018, the City's contribution is estimated to increase by 0.18% of payroll, from 6.21% of payroll to 6.39% of payroll.

New Employer Contribution = \$67,347

Difference = \$1,901

(3) If the assumed interest rate (or discount rate) is decreased from 7.00% per annum to 5.50% per annum, the City's contribution is estimated to increase by 13.53% of payroll, from 6.21% of payroll to 19.74% of payroll.

New Employer Contribution = \$208,035

Difference = \$142,589

Cost studies for the Williston Police Officers' Pension Plan

(1) If an automatic annual 2% cost-of-living adjustment (COLA) is added to the plan, the City's contribution is estimated to increase by 38.83% of payroll, from 20.52% of payroll to 59.35% of payroll.

Original Employer Contribution = \$95,274

New Employer Contribution = \$275,560

Difference = \$180,286

(2) If an automatic annual 2% cost-of-living adjustment (COLA) is added to the plan, where the COLA ends at age 67, the City's contribution is estimated to increase by 9.46% of payroll, from 20.52% of payroll to 29.98% of payroll.

New Employer Contribution = \$139,196

Difference = \$43,922

(3) If a one-time 13th check is provided to retirees as of October 1, 2018, the City's contribution is estimated to increase by 0.19% of payroll, from 20.52% of payroll to 20.71% of payroll.

New Employer Contribution = \$96,156

Difference = \$882

(4) If the assumed interest rate (or discount rate) is decreased from 7.00% per annum to 5.75% per annum, the City's contribution is estimated to increase by 14.20% of payroll, from 20.52% of payroll to 34.72% of payroll.

New Employer Contribution = \$161,204

Difference = 65,930

Note that FMPTF review is based on the data, assets, assumptions, and methods used to complete the October 1, 2018 actuarial valuation.

RESOLUTION NUMBER 2019-23

A RESOLUTION OF THE CITY OF WILLISTON, LEVY COUNTY, FLORIDA, MODIFYING THE SET TIME FOR REGULAR CITY COUNCIL MEETINGS TO 6:00 PM, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, The City of Williston strives to promote public participation and attendance at the regular City Council meetings; and

WHEREAS, Upon discussion, the City Council has determined a change in the designated meeting time will serve to better accommodate interested citizens and participants; and

WHEREAS, The City of Williston wishes to accomplish that goal by changing regular City Council meeting times to an earlier hour.

NOW, THEREFORE, BE IT RESOLVED by the City of Williston, Levy County, Florida,

SECTION 1. The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are hereby made a specific part of this resolution upon adoption hereof.

SECTION 2. The Williston City Council does hereby set the meeting time for its regularly scheduled City Council meetings to 6:00 pm.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption by the City Council.

PASSED AND ADOPTED this 7th day of May, 2019.

**CITY COUNCIL
CITY OF WILLISTON, FLORIDA**

Nancy Wininger, President
City Council

ATTEST:

Frances V. Taylor, City Clerk

ORDINANCE NO.: 672

AN ORDINANCE OF THE CITY OF WILLISTON, FLORIDA REPEALING AND AMENDING SECTIONS OF ARTICLE IV OF THE WILLISTON CODE CONCERNING PARADES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Williston, Florida (hereinafter "City") did validly approve the City's Land Development Regulations; and

WHEREAS, the Planning and Zoning Commission of the City has reviewed a petition from the City Council, concerning amending the Williston Code as described below; and

WHEREAS, Chapter 34, Article I of the Code of Ordinances of the City of Williston, Florida, (the "Williston Code"), makes provision for the construction and repair of sidewalks on lots within the City, the duty of property owners to maintain and repair sidewalks, and the procedure upon the lot owners' failure to act; and

WHEREAS, Chapter 60, Article II of the Williston Code makes provision for the ease and convenience in ingress and egress to private property as well as the safety of the public with the least interference to the traffic flow on public streets; and

WHEREAS, the City Council of the City has decided to repeal section 34-3, Williston Code, in its entirety and revise section 60-33, Williston Code, as described herein.

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

SECTION 1. Chapter 38 ("Traffic and Vehicles"), Article IV ("Parades"), Williston Code, shall be amended (new words are underlined and words to be deleted are ~~struck through~~) to read as follows:

ARTICLE IV. - PARADES

DIVISION 1. - GENERALLY

Sec. 38-91. - Definitions. Permits for parades; exceptions.

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

~~*Parade* means any march or procession consisting of persons, animals, vehicles or any combination thereof, traveling upon any public way, within the territorial jurisdiction of the city.~~

No parade shall occupy, march, or proceed along any street or roadway except in accordance with permission issued by the city manager and chief of police; except that no permit shall be required for:

- (1) Funeral processions; and
- (2) Parades sponsored either by the federal or municipal government or agencies thereof.

Sec. 38.92. - Application for permit.

Applications for parades shall be processed via regulations approved by the City Council via resolution.

Sec. 38-93. Appeal procedure.

Any applicant aggrieved by the decision of the city manager and chief of police may appeal to the city manager. Such appeal shall be filed within five days after service of the decision rejecting or modifying the application for a parade permit. The city manager shall make a final determination in the appeal within ten days after the appeal is filed.

Sec. 38-94. - Revocation of permit.

The city manager or chief of police shall have the authority to revoke a parade permit issued if it is found that the parade is being conducted in violation of the standards for issuance or any other applicable section of the Williston Code.

Sec. 38-95. - Penalty.

Any person who shall conduct, manage or participate in any parade without first having obtained a parade permit or who willfully violates any of the terms or conditions of the parade permit, shall, upon conviction, be punished as provided in section 1-13.

~~**Secs. 38-92—38-110. - Reserved.**~~

~~**DIVISION 2. - PERMIT**~~

~~**Sec. 38-111. - Required; exceptions.**~~

~~No person shall conduct or manage any parade without first having obtained a written parade permit from the chief of police; except that no permit shall be required for:-~~

- ~~(1) Funeral processions; and~~
- ~~(2) Parades sponsored either by the federal or municipal government or agencies thereof.~~

~~**Sec. 38-112 - Application for permit.**~~

~~(a) - Required. Any person seeking issuance of a parade permit shall file an application with the chief of police on forms approved by him.~~

~~(b) - Filing period. An application for a parade permit shall be filed with the chief of police not less than 15 days or more than 90 days before the date on which it is proposed to conduct the parade; except, upon a showing of good cause, the chief of police may, in his discretion, consider an application filed less than 15 days before the date on which it is proposed to conduct the parade.~~

~~(c) - Contents. The application for a parade permit shall set forth the following information:-~~

- ~~(1) The name and permanent address of the sponsoring organization, if any, and its chief officers, and the name, address and telephone number of the applicant and that person who is chiefly responsible for the conduct of the parade.~~
- ~~(2) The date when the parade is to be conducted, the approximate times when the parade is to begin and end, and the approximate times when assembly for and disbanding of the parade are to take place.~~
- ~~(3) The assembly area, the specific proposed route and the disbanding area for the parade.~~
- ~~(4) The approximate number of persons, animals and vehicles that will constitute the parade, the type of animals, a description of the types of vehicles to be used, and the number of bands, other musical units and sound trucks to be used.~~
- ~~(5) The number of persons who will be designated to monitor the parade.~~
- ~~(6) A statement that the applicant has read and is familiar with the provisions of this division.~~
- ~~(7) Any additional information of a like nature which the chief of police shall find reasonably necessary in order to make a fair determination as to whether or not a permit shall be issued.~~

~~Sec. 38-113. Standards for issuance.~~

~~The chief of police shall issue a permit as provided for under this division when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:~~

- ~~(1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other vehicular and pedestrian traffic contiguous to its route.~~
- ~~(2) The conduct of the parade will not divert such a large number of police officers from their normal police duties so that the city would thereby be deprived of reasonable police protection.~~
- ~~(3) The concentration of persons, animals and vehicles in the assembly and disbanding areas and along the parade route will not substantially interfere with the movement of police, fire, ambulance and other emergency vehicles on the streets.~~
- ~~(4) The parade is scheduled to move from its assembly location to its disbanding location expeditiously and without unreasonable delays en route.~~
- ~~(5) The parade will not substantially interfere with any other parade for which a permit has already been granted.~~
- ~~(6) The applicant has provided for the services of that number of parade monitors considered reasonably necessary by the chief of police to assure that the parade will be conducted in conformity with the parade permit.~~
- ~~(7) The applicant has not materially misrepresented any facts or information set forth in his application for a parade permit.~~
- ~~(8) The applicant has furnished proof that, if the assembly or disbanding locations or the route of march for the parade, encroach upon, occupy or traverse any area within the jurisdiction of the federal or other local governments, permits or permission therefor have been obtained from the appropriate authorities.~~
- ~~(9) The parade is not to be held for the sole purpose of advertising for private gain any product, wares, merchandise, contest or event.~~

~~Sec. 38-114. Notice of rejection.~~

~~The chief of police shall act upon the application for a parade permit within five days after its filing. If the application is rejected, the applicant shall be served with a copy of the notice of rejection within ten days after the filing of the application; and the reasons therefor shall be set forth specifically in writing. A copy of the notice of rejection~~

of the application shall be personally served upon the applicant or shall be sent to him by registered mail.

~~Sec. 38-115. – Alternate permit.~~

~~The chief of police, in rejecting the application for a parade permit, may authorize an alternate permit providing for the conduct of the parade on a date, at a time or over a route different from that specified in the application. Should an applicant wish to accept such alternate permit, he shall file a written acceptance thereof within five days after service of the rejection of the application by the chief of police. An alternate parade permit shall conform to the requirements and shall have the effect of a parade permit under this division.~~

~~Sec. 38-116. – Appeal procedure.~~

~~Any applicant aggrieved by the decision of the chief of police may appeal to the city manager. Such appeal shall be filed within five days after service of the decision of the chief of police rejecting or modifying the application for a parade permit. The city manager shall make a final determination in the appeal within ten days after the appeal is filed.~~

~~Sec. 38-117. – Contents of permit.~~

~~(a) A parade permit shall contain the following information:~~

- ~~(1) The assembly area and time for assembling.~~
 - ~~(2) The starting time.~~
 - ~~(3) The minimum and maximum speeds.~~
 - ~~(4) The specific route plan of the parade.~~
 - ~~(5) The maximum distance to be maintained between separate units of the parade, if any.~~
 - ~~(6) The maximum length of the parade in miles or fractions thereof.~~
 - ~~(7) The number of persons required to monitor the parade.~~
 - ~~(8) The number and type of animals and vehicles, if any.~~
 - ~~(9) The portion of the street, sidewalk or other public way that is to be occupied by the parade.~~
 - ~~(10) A description of the type of material to be used in, and the maximum size of, any sign, banner, placard and handle or carrying device therefor.~~
 - ~~(11) The disbanding area and the time for disbanding.~~
 - ~~(12) Such other information as the chief of police shall find reasonably necessary in the enforcement of this regulation.~~
- ~~(b) It shall be unlawful for any organization, association or corporation to conduct or effectuate any organized public parade or any organized public march upon the public streets of the city unless such organization, association or corporation shall have provided, or caused to be present at an advertised specific location along the line of such parade or march, adequate first aid units manned by competent personnel and available for emergency use by the persons participating in such parade or march or by the public attending and viewing such parade or march.~~

~~Sec. 38-118. – Revocation of permit.~~

~~The chief of police shall have the authority to revoke a parade permit issued under this division if he finds that the parade is being conducted in violation of the standards for issuance, as set forth in section 38-113.~~

~~Sec. 38-119. – Penalty.~~

~~Any person who shall conduct, manage or participate in any parade without first having obtained a parade permit, subject to the exceptions contained in section 38-111, or who willfully violates any of the terms or conditions of the parade permit, shall, upon conviction therefor, be punished as provided in section 1-13.~~

SECTION 2. Severability. Should any section, provision, paragraph, sentence, clause of word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall not affect the validity of the remaining portions or applications of this Ordinance.

SECTION 3. Codification. It is the intention of the City Council of the City, that the provisions of this Ordinance shall become and made a part of the Williston Code and that the sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or other word or phrase in order to accomplish such intention.

SECTION 4. Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, are hereby repealed to the extent of such conflict.

SECTION 5. Effective Date. This Ordinance shall become effective immediately upon its passage.

PASSED upon first reading this ____ day of May 2019.

PASSED AND DULY ADOPTED, upon second and final reading, in regular session with a quorum present and voting, by the City Council this ____ day of _____ 2019.

CITY OF WILLISTON, FLORIDA

By: _____
Nancy Wininger,
President, City Council

ATTEST:

By: _____
Frances Taylor,
City Clerk

Date: May 1, 2019

COUNCIL AGENDA ITEM

DISCUSSION: REQUEST BY MARC & MELANIE NUSSEL, 270 NE 6TH BLVD, FOR A SMALL SCALE LAND USE AMENDMENT CHANGING 3.728 ACRES FROM RESIDENTIAL AND COMMERCIAL TO AGRICULTURE.

REQUESTED BY: Marc & Melanie Nussel
PREPARED BY: Jackie Gorman

BACKGROUND / DESCRIPTION:

The City received an application from Marc & Melanie Nussel to amend the City's Comprehensive Plan's Future Land Use Map changing 3.728 acres from a Residential and Commercial Land Use to an Agriculture Land Use.

This request came as a result of Code Enforcement Action for the construction of a fence and barn without a permit. Mr. Nussel stated that he thought his property was already zoned Agriculture which would make the barn exempt from building permits.

The City's 2006 Future Land Use Map as well as the recently adopted Future Land Use Map as part of the EAR amendment both show the future land use for this property to be commercial/residential.

In order to have livestock, the City's Land Development Code states that residential properties must be a minimum of 8 acres as follows:

Article VI. - Residential Single-Family (RSF) District, Sec. 60-213. - Permitted accessory uses and structures. 2(e) - The harboring of livestock for noncommercial purposes on parcels of eight acres or more. Livestock head-count shall be limited to one per acre.

Attached you will find the Staff report that went before the Planning & Zoning Commission on April 30, 2019. After a thorough review staff recommended denial based on the fact that the Agricultural land use in the Comp Plan allows uses under the Agriculture classification (i.e., nurseries, dairies, poultry farms, etc.) would be too intense since this property is adjacent to a residential neighborhood.

However, staff agreed that Williston, being a rural destination, should have a way for larger residential parcels to have a limited number of livestock and considered it to be reasonable for Mr. & Mrs. Nussel's to have a horse on their property for their daughter. Therefore, instead of changing the land use staff recommended amending the City's Land Development Code to allow livestock in residential neighborhoods on properties over 3 acres by Special Exception with conditions put into place to minimize negative impacts on adjacent residential properties.

Rep

The Planning and Zoning Board upheld staff's recommendation and denied the request for a small scale land use amendment. In addition, the Board instructed staff to come back with a proposed Ordinance amending the land development code allowing the use by Special Exception for their consideration.

DRAFT minutes of the P&Z hearing is attached for your use.

LEGAL: REVIEW: Required

FISCAL IMPACTS: None

RECOMMENDED ACTION: Denial

ATTACHMENTS: Application; Official Notice; DRAFT P&Z minutes; Staff Report and Ordinance for 1st Reading

CONTRACT RESOLUTION MAP

LEASE OTHER DOCUMENTS

CONSULTANT OR PARTY TO ACTION HAS BEEN NOTIFIED

COUNCIL ACTION:

APPROVED

DISAPPROVED



STAFF REPORT – Small Scale Comprehensive Plan Amendment changing 3.728 Acres from Commercial/Residential to Agriculture

Docket No. /Project Title: CPA 2019-02
Staff: Jackie Gorman, Planning Director
Applicant: Marc & Melanie Nussel
Property Size: 3.728
Proposed Land Use: Agriculture
Location: 270 NE 6th Blvd

Scheduled Meeting Dates:

Planning & Zoning – Public Hearing – April 30, 2019

City Council – Public Hearing – May 7, 2019–1st Reading of Ordinance

City Council – May 21, 2019 - Second Reading of Ordinance

Background Summary:

The applicant has indicated that the proposed land use amendment is for the purpose of allowing their daughter to have her horse on the premises and the opportunity to grow olive trees in the future.

Key Issue Summary:

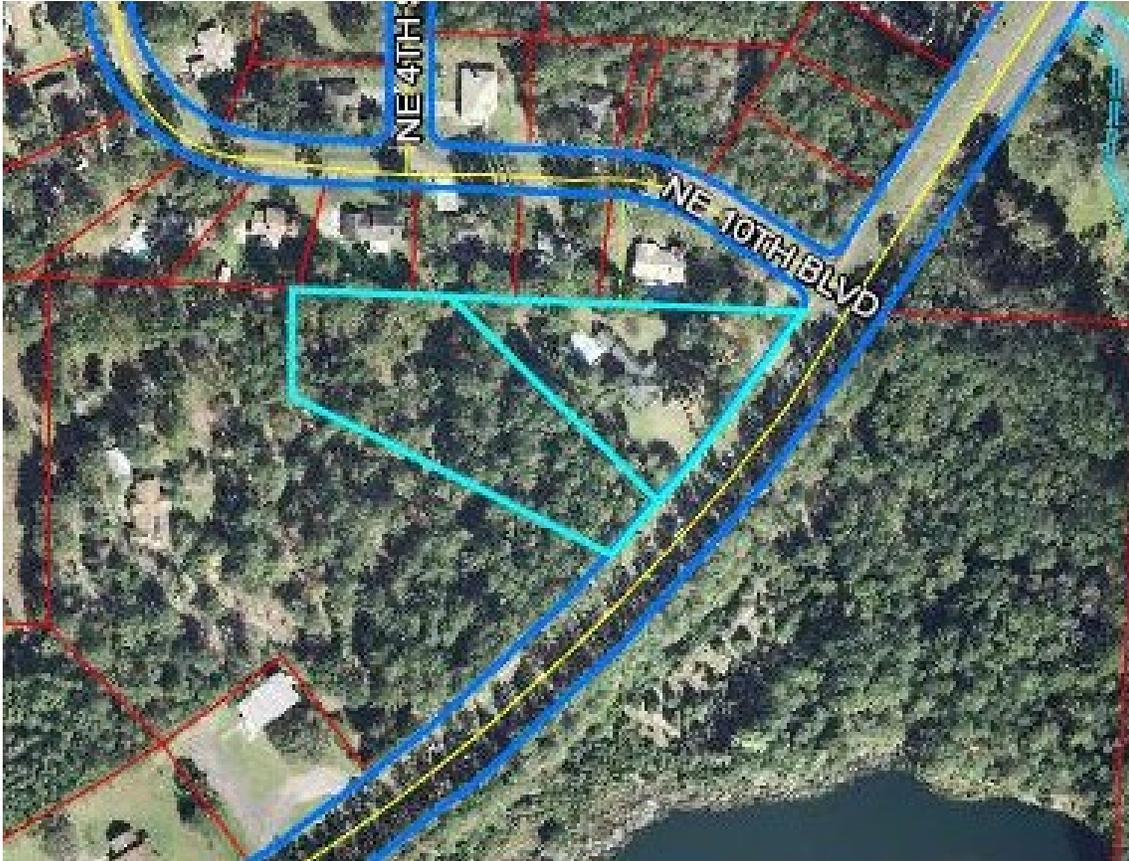
The following key issue should be resolved through consideration of this application: Should this property be allowed to change to agriculture understanding the different types of agricultural uses that are allowed by code that may not be compatible with the surrounding residential land uses?

Preliminary Staff Recommendation:

Staff recommends denial of the land use change.

Current Property Information:	
Site Features:	The site includes a single family residence on 2 lots that were recently combined for a total of 3.728 Acres that backs up to Northwood Estates.
Vehicle Access:	Access to this property is off of NE 6 th Blvd
Other:	A partially completed barn is currently being erected on the property

LOCATION MAP/AERIAL PHOTOGRAPH – Existing Use - Residential



Surrounding Land Use & Zoning

<i>North</i>	Residential (R-1)	Residential	Residential
	-		
<i>East</i>	Residential (R-2)	Residential	Vacant
	-		

Current Land Use: Residential/Commercial



Legend

- Williston City Limits
- Section Lines
- Railroads
- Lake or Pond
- Parcel Lines (by ownership)
- Lot Lines
- Future Land Use Categories:**
 - AGRICULTURAL / SPRAY IRRIGATION
 - COMMERCIAL
 - CONSERVATION
 - INDUSTRIAL
 - MIXED USE
 - PUBLIC / QUASI PUBLIC
 - RECREATION
 - RESIDENTIAL
 - UNDESIGNATED

Current Zoning: Residential:



Legend

- Williston City Limits
- Roads
- Parcel Line
- City of Williston Zoning**
 - R-1 Residential Single-Family
 - R-1-A Residential Single-Family
 - RM-1-A Residential Mobile Home
 - R-2 Residential Duplex
 - RM-2 Residential Multifamily
 - RB Residential Business
 - C-1 Commercial General
 - C-2 Commercial Intensive
 - CBD Central Business District
 - REC/OS Recreation/Open Space
 - RVP Recreational Vehicle Park
 - A Agricultural
 - I Industrial
 - SI Spray Irrigation
 - P Public
 - QP Quasi Public

Land Use & Zoning Summary (Existing/Proposed):

	<i>Existing Land Use/Zoning Res/Comm.</i>	<i>Proposed Land Use/Zoning: Ag.</i>
Zoning District Intent:	The intent of the low density <u>residential land use</u> category, (R-1), is to provide for single-family detached dwelling units (4 dwelling units/gross acre max). The <i>commercial category</i> has Commercial Land Use Only. Property must be rezoned commercial for future allowed commercial uses. (See Note Below)	The <i>agricultural land use</i> category contains one zoning district: A (Agricultural). Lands in the agricultural district are intended to provide for areas primarily consisting of agricultural and residential uses consistent with the areas as designated agricultural within the City's Comprehensive Plan.
Permitted Uses:	<i>Residential</i> - Single-family Parks & Recreation areas (within subdivisions). Community Residential Homes (allowed by FS) Note: This property has Commercial Land Use only. It is recommended this be changed to meet the intended use of the property.	This district includes use of land for row crops, groves, nurseries, and dairies, poultry farms, processing plants, spray irrigation and other related uses. One single family residence is allowed per 10 acres. Mobile homes are permitted in the agricultural land use district. 28 additional uses are allowed by Special Exception. In agriculture districts, home occupations may be conducted in an accessory building, provided that the floor area devoted to the home occupation does not exceed 1,000 square feet.
Lot and/or Density Requirements	<i>Residential</i> - The following shall be permitted accessory uses and structures in the RSF districts: (1) Uses and structures which: a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures; b. Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership; c. Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood; and d. Do not involve operations or structures not in keeping with the character of single-family residential development. (2) Examples of permitted accessory uses and structures include: a. Private garages; b. Private swimming pools; c. Noncommercial greenhouses and plant nurseries; and d. On-site subdivision signs (see chapter 52). e. The harboring of livestock for noncommercial purposes on parcels of <u>eight acres or more</u> . Livestock head-count shall be limited to one per acre. Minimum lot area: 10,000 square feet (with city water and city sewer). Minimum lot area: 11,000 square feet (with city water and septic tank). Minimum lot area: 22,000 square feet (with individual well and septic tank). Minimum lot width: 100 feet. 4.0 Dwelling Units/Gross Acre R-1	Minimum lot requirements for area and width in the agricultural district shall be as follows: (1) Single-family dwellings, mobile homes, and group living facilities: a. Minimum lot area: one acre. b. Minimum lot width: 200 feet. (2) All other permitted uses and structures (unless otherwise specified): None, except as necessary to meet other requirements as set out herein.

NOTE: In reviewing the commercial land use for this property it is obvious that there has been single family residential existing since 1956 and a mapping error may have been made. Typically these type errors are corrected during EAR amendments. In addition, this is a split zoning without a compatible land use as it currently exists.

Land Use/Zoning Summary (Existing/Proposed – Continued):		
	Existing Land Use/Zoning Res/Comm.	Proposed Land Use/Zoning: Ag.
Setbacks Required:	Residential Setbacks: R-1 - Front: 35 feet. Side: 15 feet for each side yard. Rear: 20 feet. Commercial Setbacks: Commercial land use only, no commercial zoning currently exists on this property.	(1) Front: 30 feet. (2) Side: 25 feet. (3) Rear: 25 feet.
Classification of Roadway:	SR 121 – existing City Arterial Roadway LOS C Is currently designated a Hurricane Evac Route	SR 121 – Will remain a City Arterial Roadway LOS C Will remain a Hurricane Evac Route
Height Restrictions:	Residential – 35' (includes accessory bldgs.)	Ag - Sec. 60-178. - Maximum height of structures The maximum height of structures in the agricultural district shall be 35'. See also article II of this chapter for exceptions from height limitations.
Floor Area Ratios:	Residential – 45%	Ag – 35%
Signs:	Residential – limited Special Exception only	Ag – Temp Signs; wall signs (10% area)

Proposed Land Use – Agriculture (see attached zoning land use map for existing Agriculture Land Uses)

Comprehensive Plan Considerations:

Policy 1.6 Agricultural

The agricultural category contains one zoning district: A (Agricultural). Lands in the agricultural district are intended to provide for areas consisting of agricultural and residential uses consistent with the areas as designated agricultural within the City’s Comprehensive Plan. This district includes use of land for row crops, groves, nurseries, and dairies, poultry farms processing plants, spray irrigation and other related uses. One single-family residence is allowed per 10 acres. Mobile Homes are permitted in the agricultural land use district.

Referring to the Future Land Use Map, all Agriculture, with the exception of Stonehedge Farm located at the far western edge of the city, is located in the Southern section of town. The proposed use for this property is compatible with residential neighborhoods in that there is 3.7 acres and only one livestock is being proposed on the property. The concern lies with 1) all adjacent land uses are residential; and, 2) the list of uses allowed under the Agricultural Zoning District contain uses that are too intensive to be located adjacent to a residential development. Although staff agrees that the use as proposed would not create any conflict with adjacent residential neighbors, the Comprehensive plan does not support the requested change due to the intensity of the allowed uses under the Agricultural Land use category (i.e., poultry farms processing plants, dairies, etc.).

The Land Development Code states that residential properties may allow livestock provided there are 8 acres or more. Allowing livestock on residential property with acreage makes sense in a rural community such as Williston. **It is recommended** that in lieu of changing the land use and zoning, that staff be allowed to amend the land development code allowing livestock on residential by Special Exception. It can be written in such a way to protect adjacent properties from intensive commercial uses as well as the number of livestock involved.

ORDINANCE NO. 673

AN ORDINANCE OF THE CITY OF WILLISTON, FLORIDA, AMENDING THE **FUTURE LAND USE MAP OF THE CITY OF WILLISTON COMPREHENSIVE PLAN PURSUANT TO AN APPLICATION BY MARC AND MELANIE NUSSEL FOR 3.728 ACRES (MOL) IDENTIFIED AS PARCEL ID 0480800200 ON THE OFFICIAL RECORDS OF THE LEVY COUNTY PROPERTY APPRAISER, UNDER THE AMENDMENT PROCEDURES ESTABLISHED IN CHAPTER 163, FLORIDA STATUTES; CHANGING THE FUTURE LAND USE CLASSIFICATION FROM COMMERCIAL AND RESIDENTIAL TO AGRICULTURAL ON CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF WILLISTON FLORIDA, DESCRIBED HEREIN; PROVIDING SEVERABILITY; PROVIDING FOR INCORPORATION ON CITY MAPS, AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, an Application, CPA2019-02, has filed requesting a Small Scale map amendment for 3.728 Acres (MOL) to the Future Land Use Map of the City of Williston Comprehensive Plan from Residential and Commercial to Agriculture; and

WHEREAS, the Planning and Zoning Commission of the City of Williston, designated as the Local Planning Agency, did hold the required public hearing on April 30, 2019, with Public Notice having been provided on said application for amendment; and

WHEREAS, after review and consideration for all comments received during said Public Hearing, the Planning Commission recommended approval to the City Council of the application for a small scale map amendment; and

WHEREAS, the City Council did hold the required Public Hearing on May 7, 2019, for said application for an amendment and upon the City Council's review and consideration of all comments received, found the application to be consistent with the City's Comprehensive Plan.

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

Section 1. Application CPA 2019-02 submitted by Marc and Melanie Nussel, for a small-scale amendment to the City's Future Land Use Map of the City's Comprehensive Plan, changing the future land use classification on parcel 0480800200, located as described in Exhibit A, attached, from Residential and Commercial to Agriculture is hereby approved.

Section 2. Severability. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 3. Effective Date. Small scale amendments become effective 31 days after adoption if no challenge is filed to the State of Florida Division of Administrative Hearings. If challenged within 30 days after adoption, the small scale land use amendment will not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining that the adopted amendment is in compliance. No development permits or land uses dependent on this plan amendment may be issued or commence before it has become effective.

PASSED ON FIRST READING, THIS 7th DAY OF MAY, 2019.

PASSED AND DULY ADOPTED, with a quorum present and voting by the City Council of the City of Williston, Florida, after properly dispensing with the second reading, on final reading this 21 day of May, 2019.

ATTEST:

CITY OF WILLISON:

Frances Taylor
City Clerk

Nancy Winger
President, City Council

Fred Koberlein, Jr.
City Attorney

EXHIBIT A

LEGAL DESCRIPTION: Description: (ORB 1320, PG. 278) Commence at the Northwest corner of Section 31, Township 12 South, Range 19 East and run South 87°18'11" East along the North line of said Section 3045.24 feet; thence run South 0°12'41" West, 2128.5 feet; thence run South 87°18'11" East 859.91 feet; thence run North 53°33'49" East, 210.00 feet; thence run North 53°38'49" East, 306.95 feet; thence run North 36°50'40" East, 259.22 feet to the point of beginning; thence run North 45°48'41" West 403.0 feet; thence run South 87°57'30" East 486.7 feet to a point on the Northerly right of way line of State Road No. 121 (100 feet right of way), said point being on a curve concave to a Northwesterly direction and having a radius of 2814.79 feet; thence run Southwesterly along the arc of said right of way curve a chord bearing and distance of South 36°50'04" West 329.3 feet to the point of beginning, said tract lying and being in the NE ¼ of said Section 31, Township 12 South, Range 19 East, Levy County, Florida.

Parcel ID#: 04808-002-00

Description: (O.R.B. 1425, page 184)

A parcel of land in the South ½ of Lots 4 and 5 of the "Mixon Plat" of the North ½ of Section 31, Township 12 South, Range 19 East, Levy County, Florida, being more particularly described as follows:

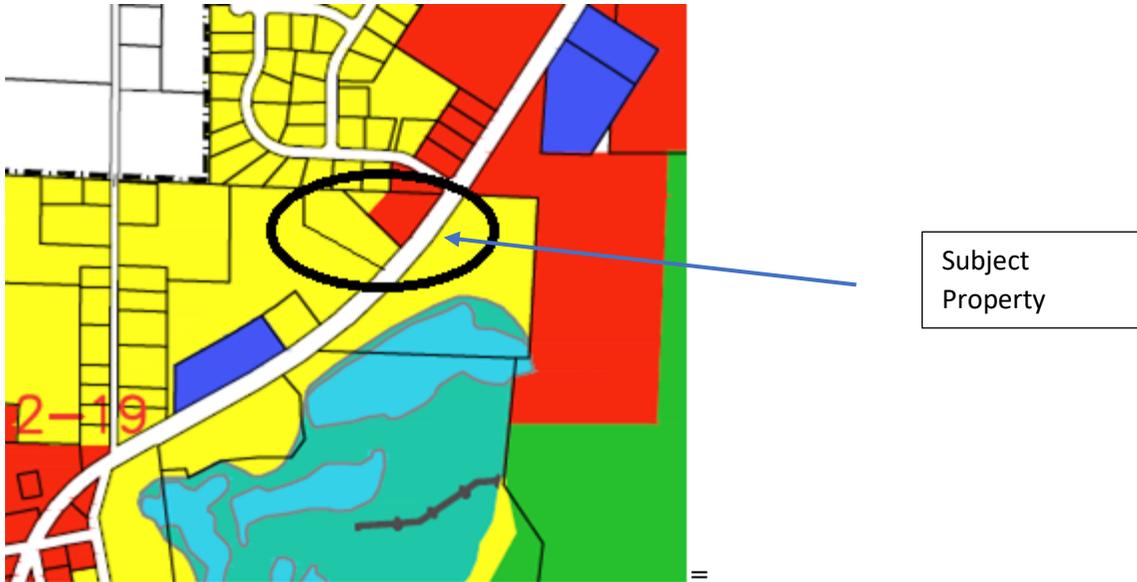
For a Point of Reference, commence at the NW corner of The South ½ of Lot 5 of the Mixon Plat of the North ½ of Section 31, Township 12 South, range 19 East, Levy County, Florida; thence S 87°42'48" E, along the North line of the South ½ of said Lot 5, a distance of 938.59 feet to the Point of Beginning, said Point of Beginning being on the South line of Northwood Estates Subdivision; thence continue S 87°42'48" E, 220.52 feet; thence S 45°41'03" E, 413.23 feet to a point on the Northwesterly right of way line of State Road No. 121, said point being the most Southerly corner of that property described in Official Records Book 232, page 195 of the public records of Levy County, Florida, said point also being on a curve concave to the Northwest, having a radius of 2814.79 feet and through which point passes a radial bearing of N 49°43'57" W; thence Southwesterly along said right of way curve, through a central angle of 02°02'08", an arc distance of 100.00 feet; thence departing said right of way on a non-radial bearing of N 63°36'50" W 500.66 feet; thence N 00°36'27" W, 150.00 feet to close on the Point of Beginning. Containing 2.14 acres, more or less.

Description: (O.R.B. 448, page 202)

A parcel of land in the South ½ of Lots 4 & 5 of the "Mixon Plat" of the North ½ of Section 31, Township 12 South, Range 19 East, Levy County, Florida, being more particularly described as follows:

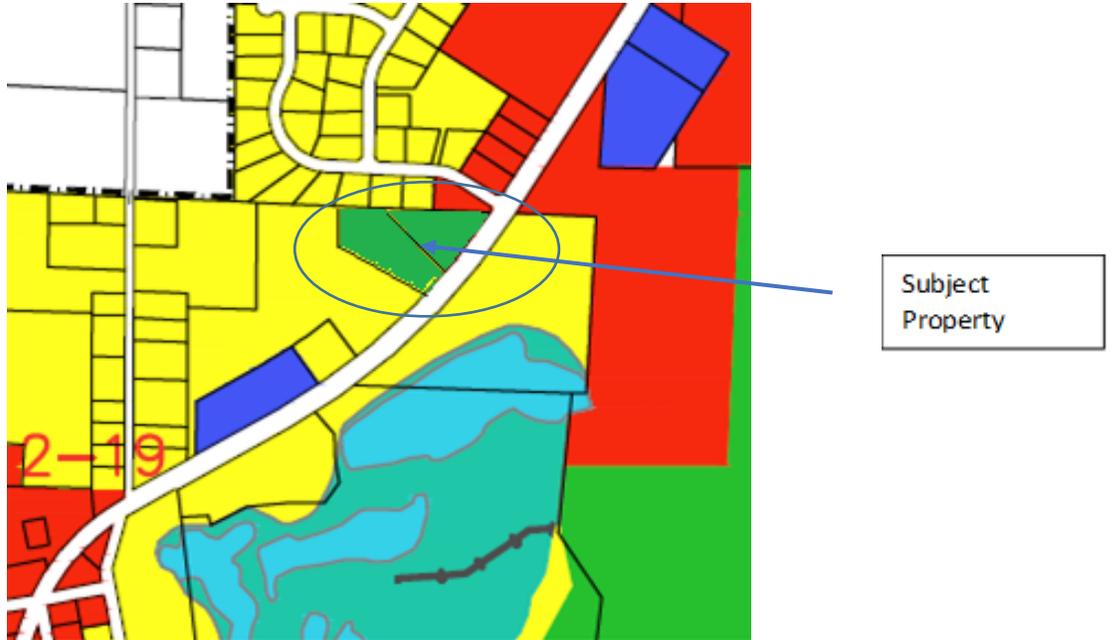
For a Point of Reference commence at the Northwest corner of the South ½ of Lot 5 of the Mixon Plat of the North ½ of Section 31-12-19, Levy County, Florida; thence S 87°42'48" E, along the North line of said South ½ of Lot 5, a distance of 1159.11 feet to the POINT OF BEGINNING; thence continue S 87°42'48" E, 497.53 feet to a concrete monument on the Westerly Right-of-way line of S.R. # 121 thence Southwesterly along said Westerly Right-of-way line 6.27 feet to the Northeast corner of that property described in OR BK. 232 Pg. 195 Public Records Levy County, Florida; thence N 87°51' 04" W, along the North boundary of said property 487.03 feet to the Northwest corner of said property described in OR Bk. 232 Pg. 195 thence N 45°41'03" W. on an extension of the Southwesterly line of said property 9.75 feet to close on the POINT OF BEGINNING.

EXISTING LAND USE



-  AGRICULTURAL / SPRAY IRRIGATION
-  COMMERCIAL
-  CONSERVATION
-  INDUSTRIAL
-  MIXED USE
-  PUBLIC / QUASI PUBLIC
-  RECREATION
-  RESIDENTIAL
-  UNDESIGNATED

PROPOSED LAND USE



- AGRICULTURAL / SPRAY IRRIGATION
- COMMERCIAL
- CONSERVATION
- INDUSTRIAL
- MIXED USE
- PUBLIC / QUASI PUBLIC
- RECREATION
- RESIDENTIAL
- UNDESIGNATED

3-28-19

Jackie Gorman
City Planner

RE: Zoning Change

Parcel 0480800200 & parcel 04800300
is now combined to one #4808-3 as of 3-27-19.
1/2 of the property is under land use
Agricultural but zoned R1 like to move
all the land to Agricultural. We understand
from the county that no Ag. Exemptions
will be given. "Which we aren't looking for that".

Thank you for your time on this matter

Melanie Nussel, 352-538-3639

Marc Nussel

270 NE 6th Blvd

Williston, FL 32696

May 7, 2019

Agenda Packet

RECEIVED
MAR 28 2019

BY:

COMPREHENSIVE PLAN AMENDMENT APPLICATION SCREENING FORM

Community Name: CITY OF WILLISTON Application Number: _____

Applicant Name: Maec & Melanie Dussel

If the application will result in an increase in residential density, has the School District reviewed and provided a determination letter?

Yes _____

No _____

N/A

1. Is the application signed (by both husband and wife if jointly owned?)

2. Is the application dated?

3. Is there proof of ownership (Deed)?

_____ 4. If an agent has been appointed, is there a signed letter of authorization?

5. Is there legal description enclosed and has it been verified?

6. Is the total acreage provided?

7. Is the Parcel Identification Number provided?

* _____ 8. What is the current land use classification?

_____ 9. Is the amendment request clear (From _____ To _____)?

10. Is there a map enclosed?

11. Is water and sewer available?

Notes:

Current land use 1/2 of the land is
Classification is Agr. But zoned R1

RECEIVED
MAR 28 2019

BY:

CITY OF WILLISTON
APPLICATION FOR AMENDMENT
OF THE COMPREHENSIVE PLAN

Name of Applicant(s): Marc & Melanie Nussel

Address: 270 NE 6th Blvd

City, State, Zip Code: Williston, FL 32696

Telephone: 352-538-3639

Name of Applicant's Agent (if applicable): _____

Address: _____

City, State, Zip Code: _____

Telephone: _____

Please complete the following for proposed amendments to the Future Land Use Map. For amendments to the text of the Comprehensive Plan, which do not require an Future Land Use Plan Map amendment, please omit responses to Part I and complete Part II of this Application.

PART I Legal Description:

31-12-19 0001.5 Acres tract in SE 1/4 OR NE 1/4 of Book 232
Page 195 (parcel 0480800200)

31-12-19 0002.14 acres tract in S 1/2 of NE 1/4 OR BOOK
1425 Page 184 (parcel 04800300)

" All combine Parcel # 4808-3 "
(As of 3/27/19)

Total acreage of land to be considered under this amendment: 3.728

Present Use: Residential

(Commercial, industrial, residential, agricultural, vacant, etc.)

Current Future Land Use Category: _____

Requested Future Land Use Category: Agricultural

APPLICATION FOR AMENDMENT
OF THE COMPREHENSIVE PLAN

PART I (continued)

ATTACH:

1. Map showing boundaries
2. Legal document of ownership (deed); and
3. Names and address of all property owners within 300 feet with map reflecting boundaries of parcels affected.

PART II

For amendments to the **text** of the Comprehensive Plan, please provide in the space provided below (or on separate pages to be attached and made a part herewith) the text of the proposed amendment.

APPLICATION FOR AMENDMENT
OF THE COMPREHENSIVE PLAN

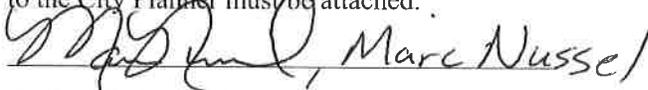
A previous application for amendment to the Comprehensive Plan:

_____ was made with respect to these premises, Application No. _____

was not made with respect to these premises.

I hereby certify that all of the above statements and statements contained in any documents or plans submitted herewith are true and accurate to the best of my knowledge and belief.

If title holder(s) are represented by an agent, a letter of such designation from the title holder(s) addressed to the City Planner must be attached.



Applicant/Agent Name (Type or Print Name)

Melanie Nussel, MELANIE Nussel

Date

3-27-19

FOR OFFICE USE ONLY

Date Filed: _____

Application No: _____

Fee Amount: _____

Receipt No: _____

Date of Planning and Zoning Commission Public Hearing: _____

Date first notice published: _____

Newspaper: _____

Date(s) City Council Public Hearing: (1) _____ (2) _____

Date Notice Published: (1) _____ (2) _____

Newspaper: _____

Date Notice of Enactment of an Ordinance published: _____

Newspaper

City Council decision (Granted/Denied): _____

Record: \$ 27.00
Stamps: .70

This instrument prepared by:
FREDERICK E. LANDT, III, Esquire
LANDT, WIECHENS, LAPEER & AYRES
445 NE 8th Avenue
Ocala, Florida 34470
(352) 732-8622



A

(Space Above This Line For Recording Data)

SPECIAL WARRANTY DEED

THIS INDENTURE made this the 12th day of March, 2014, between Donna G. Nussel, hereinafter referred to as "Grantor", whose address is 7745 SW 180th Circle, Dunnellon, Florida 34432, and Marc A. Nussel, hereinafter referred to as "Grantee" and whose address is 270 NE 6th Blvd., Williston, Florida 34428.

WITNESSETH, that said Grantor, for and in consideration of the sum of **TEN DOLLARS (\$10.00)** and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, does hereby convey, assign, and specially warrant unto Grantee all of her right, title, and interest in the following described parcel situated, lying and being in Levy County, State of Florida, to-wit:

Commence at the Northwest corner of Section 31, Township 12 South, Range 19 East and run South 87°18'11" East along the North line of said Section 3045.24 feet; thence run South 0°12'41" West, 2128.5 feet; thence run South 87°18'11" East 859.91 feet; thence run North 53°38'49" East, 210.0 feet; thence run North 53°33'49" East, 306.95 feet; thence run North 36°50'40" East, 259.22 feet to the point of beginning; thence run North 45°48'41" West 403.0 feet; thence run South 87°57'30" East 486.7 feet to a point on the Northerly right of way line of State Road No. 121 (100 feet right of way), said point being on a curve concave to a Northwesterly direction and having a radius of 2814.79 feet; thence run Southwesterly along the arc of said right of way curve a chord bearing and distance of South 36°50'04" West 329.3 feet to the point of beginning, said tract lying and being in the NE 1/4 of said Section 31, Township 12 South, Range 19 East, Levy County, Florida.

Parcel ID#: 04808-002-00

The purpose of this conveyance is to convey "as is," "where is" any and all interest the Grantor holds in the above described property by virtue of that certain warranty deed from the Full Gospel Church of Williston, Incorporated, which was executed on July 20, 1984, and recorded in Official Records Book 232, Page 195, Public Records of Levy County, Florida.

18.50
19.20

WARRANTY DEED

Return to (enclose self-addressed stamped envelope)

Marc Nussel

270 NE 6th Blvd Williston, FL 32696

This Instrument Prepared by:

Arthur H Nussel

260 NE 6th Blvd, Williston FL 32696

Property Appraisers Parcel Identification:

Folio Number(s):

(SPACE ABOVE THIS LINE FOR PROCESSING DATA)

This Warranty Deed, Made the 31 day of May, 2017 by Arthur H. Nussel and Sara R. Nussel, his wife, whose address is 260 NE 6th Blvd, Williston FL 32696, *hereinafter called the Grantor*, to Marc A. Nussel and Melanie Nussel, his wife, *whose post office address is 270 NE 6th Blvd., Williston FL 32696, hereinafter called the Grantee.*

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth, That the Grantor, for and in consideration of the sum of \$10.00, and other valuable considerations, receipt of which is acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land, situated in Levy County, State of Florida

A parcel of land in the South 1/2 of Lots 4 and 5 of the "Mixon Plat" of the North 1/2 of Section 31, Township 12 South, Range 19 East, Levy County, Florida, being more particularly described as follows:

For a Point of Reference, commence at the NW corner of The South 1/2 of Lot 5 of the Mixon Plat of the North 1/2 of Section 31, Township 12 South, Range 19 East, Levy County, Florida; thence S 87°42'48" E, along the North line of the South 1/2 of said Lot 5, a distance of 938.59 feet to the Point of Beginning, said Point of Beginning being on the South line of Northwood Estates Subdivision; thence continue S 87°42'48" E, 220.52 feet; thence S 45°41'03" E, 413.23 feet to a point on the Northwesterly right of way line of State Road No. 121, said point being the most Southerly corner of that property described in Official Records Book 232, page 195 of the public records of Levy County, Florida, said point also being on a curve concave to the Northwest, having a radius of 2814.79 feet and through which point passes a radial bearing of N 49°43'57" W; thence Southwesterly along said right of way curve, through a central angle of 02°02'08", an arc distance of 100.00 feet; thence departing said right of way on a non-radial bearing of N 63°35'50" W 500.66 feet; thence N 00°36'27" W, 150.00 feet to close on the Point of Beginning. Containing 2.14 acres, more or less

Together, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining. To have and to Hold the same in fee simple forever. AND the Grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful

claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2017.

In Witness Whereof, the said Grantor has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in the presence of:

Jennifer L. Munden

Witness Signature as to Grantor

Jennifer L. Munden

Printed Name

PO BOX 98 WILLISTON, FL.

Address

Jacqueline Becker

Witness Signature as to Grantor

Jacqueline Becker

Printed Name

PO Box 98 Williston, FL

Address

Arthur H Nussel

Grantor Signature

Arthur H Nussel

Sara R. Nussel

Grantor Signature

Sara R. Nussel

260 NE 6th Blvd, Williston FL 32696

STATE of Florida
COUNTY of Levy

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgements, personally appeared **Arthur H. Nussel** and **Sara R. Nussel**, known

to me to be the persons described in and who executed the foregoing instrument, who acknowledged before me that they executed the same, an oath not taken. Said persons are personally known to me. Said person provided the following identification:

Notary Seal

Witness my hand and seal in the Levy County and State of Florida this 31 day of May, 2017.



Jennifer L. Munden

Notary Signature

Jennifer L. Munden

Printed Name

pu

NORM FUGATE, PA

Add/Change/Void Cash Receipt CD2137223



Void Receipt
 Close Receipt
 FMS
 STS
 UBS

Operator Code: CD2

Receipt Code: CD2137223

Receipt Date: 03/28/19

Voiced

Distributions: 720.00

Money: 720.00

Change Due: 0.00

From: LAND USE AND REZONING APPLICATIOI

Money Received

	Amount	Type	Payment Info
	720.00	CK	588

Distributions

	Type	Amount	Apply To	Description	For	Discount Pen Forgive
	FMSM	720.00	GL: 001-341-900	LAND USE AND REZONING APPLICATION FEE	NUSSEL, MELANIE AND	0.00

RECEIVED
MAR 28 2019

BY:

To: Levy County Property Appraiser
P. O. Drawer 100
Bronson, FL 32621

TAXES MUST BE CURRENT
TO PROCESS THIS REQUEST

I (We) request you to combine:

Parcel # 4808-3

Subdivision _____ Block _____ Lot _____

Or Legal Description: 2-14 Acres in 31-12-19

Owner's Name: Mart A Nussel & Melanne

With:

Parcel # 4808-2

Subdivision _____ Block _____ Lot _____

Or Legal Description: 1.50 Ac Tract in 31-12-19

Owner's Name: Marc A Nussel & Melanie

I (We) certify taxes to be current on the above properties.

I (We) have no present plans to ever sell the above-described property as separate parcels, or improve with a residence the parcel being combined with a residence.

Date: 3-27-19

Melanne Nussel
Signature

Phone# - 352-538-3639

Melanie Nussel
Print Name

QUIT CLAIM DEED

Return to: (enclose self-addressed stamped envelope)

Name: Marc A Nussel
 Address: 270 NE 6th Blvd Apt
 Williston Fl 32696
 This Instrument Prepared by:
 Name: Marc A Nussel
 Address: 270 NE 6th Blvd
 Williston Fl 32696
 Property Appraiser's Parcel Identification: 04808-002-00
 Folio Number(s):

(SPACE ABOVE THIS LINE FOR PROCESSING DATA)

(SPACE ABOVE THIS LINE FOR PROCESSING DATA)

This Quit Claim Deed, Made the 20th day of February, 2019, by
 Marc A Nussel
 first party, to Marc A Nussel and Melanie Nussel How
 whose post office address is 270 NE 6th Blvd Williston FL 32696,
 second party.

(Wherever used herein the terms "first party" and "second party" include all the parties to this instrument and the heirs, legal representatives,
 and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth, That the first party, for and in consideration of the sum of \$ gift
 in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release,
 and quit claim unto the second party forever, all the right, title, interest, claim and demand which the said first
 party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of
 Levy, State of Florida, to-wit:

See Attachment A

To Have and to Hold, The same together with all and singular the appurtenances thereunto belonging
 or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said
 first party, either in law or equity to the only proper use, benefit and behoof of the said second party forever.

In Witness Whereof, the said first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Ursula Williams
 Whose Signature (as to first Grantor)
 Printed Name
Melinda Bass
 Whose Signature (as to first Grantor)
 Printed Name

Marc Nussel
 Grantor Signature
 Printed Name
 270 NE 6th Blvd Williston Fl
 Post Office Address 32696

Witness Signature (as to Co-Grantor, if any)
 Printed Name
 Witness Signature (as to Co-Grantor, if any)
 Printed Name

Co-Grantor Signature, (if any)
 Printed Name
 Post Office Address

STATE OF Florida
 COUNTY OF Levy

I hereby Certify that on this day, before me, an officer duly authorized
 to administer oaths and take acknowledgments, personally appeared

Marc A. Nussel
 known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that he
 executed the same, and an oath was not taken. (Check one) Said person(s) is/are personally known to me. Said person(s) provided the
 following type of identification: FL DL

NOTARY RUBBER STAMP SEAL
 DEPUTY CLERK, per F.S. 695.03(1)
 Danny J. Shipp, Clerk of Court
 Levy County, Florida

Witness my hand and official seal in the County and State last aforesaid
 this 20th day of February, 2019.
Ursula Williams
 Notary Signature
 Printed Name

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**CITY OF WILLISTON
PLANNING & ZONING COMMISSION
MINUTES**

APRIL 30, 2019, 6:10 PM

CITY COUNCIL COMMUNITY CENTER

BOARDMEMBERS:	
Debra Jones, Chair	Albert Fuller Sr., Vice Chair
VACANT	Avis Seabrook
Robert Schmidt	Sharon Hardaway Washington
VACANT	

Staff: Jackie Gorman, Community Development & Grants Manager
JoAnne Nelson, Administrative Assistant

CALL TO ORDER

Chair Debra Jones called the meeting to order at 6:10 p.m.

ROLL CALL

Present:

Debra Jones
Robert Schmidt
Albert Fuller
Avis Seabrook
Jackie Gorman
JoAnne Nelson

Absent:

Sharon Hardaway Washington

ITEM 1- APPROVAL OF MINUTES - None

(Note: 3/26/19 P & Z meeting was cancelled. The Historical and Beautification Committee met with the CRA in a Joint Workshop on 3/26/19 and those minutes will be included with the next Workshop agenda)

ITEM 2- OLD BUSINESS

ITEM 3- NEW BUSINESS

Ordinance - CPA 19-02 - Request by Marc and Melanie Nussel for a Small Scale Comprehensive Plan amendment to the Future Land Use Map changing the land use from Commercial/Residential to Agriculture.

Ms. Debra Jones stated the Commission was entertaining a Small Scale Comp Plan Amendment to the Future Land Use Map and zoning change application from Marc and Melanie Nussel. Chair Debra Jones identified the property to be discussed as 3.728 acres (MOL) and identified as Parcel ID 0480800200 on the official records of the Levy County Property Appraiser. Chair Debra Jones asked the Commission if they have had any ex parte communications with either of the applicants. Ms. Avis Seabrook answered No and no other commission members indicated that they had ex parte

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communication. Chair Debra Jones asked City staff if they had ex parte communications with either of the applicants. Chair Debra Jones acknowledged that Ms. Gorman had ex parte communications with the applicants but no other City staff stated that they had ex parte communication. Witnesses Ms. Gorman and Mr. Marc Nussel were sworn in. Chair Debra Jones requested that any evidence including pictures, diagrams or physical evidence be submitted and will be held by the clerk's office for 30 days until time of appeal had expired.

Ms. Gorman entered the staff report as evidence. Ms. Gorman indicated the address of the property to be discussed as 270 NE 6th Blvd and the application number as CPA 2019-02. Ms. Gorman stated that the hearing had been properly noticed. Ms. Gorman explained that the applicants are requesting the amendment to have a horse for their daughter on the premises and possibly for future non-commercial fruit trees. She stated that the key issue to be resolved is if the property should be allowed to change to agriculture understanding the different types of agricultural uses that are allowed by code that may not be compatible with the surrounding residential land uses. She indicated that staff is recommending denial of the land use change. She explained that the basis of the recommendation is that the City must be in compliance with the comp plan and the basis for consideration of the request is not what the applicant wishes to do but the highest most intense use allowed under that land use category.

Ms. Gorman stated that the applicants have 3.728 acres and the code indicates that you must have 8 acres to have livestock. She continued that to the North of the property is all R-1 residential uses, to the South is residential R-2, to the West is residential R-1 and to the East is residential R-2. Ms. Gorman referred to the current land use map and indicated that one of the lots is showing on the map as commercial. She stated that staff does not understand how the commercial designation was put on the map and it was the opinion of some staff members that it was potentially a scribner error due to the commercial designation of the property adjacent to the lot. Ms. Gorman stated that for future reference this lot cannot be changed without the owner's consent based on the entitlements due to Commercial property. Ms. Gorman stated that the land use now has two different requirements of residential and commercial on a property that is being used for residential. She further indicated that the zoning is residential only but the land use is split. Mr. Albert Fuller asked how much acreage is in the Commercial element. Ms. Gorman looked for this information and Chair Debra Jones posed a question to Mr. Nussel.

Chair Debra Jones asked Mr. Nussel if the original lot was made up of multiple lots. Mr. Nussel did not reply but stated that he objects because the future land use map has been changed without his knowledge. He continued that he was not aware of any change to the property and it is residential with a land use of agriculture. Ms. Gorman stated that she found the property as residential going back to the 1950's. Chair Debra Jones agreed with Ms. Gorman that she did not know where Mr. Nussel got the information that indicated it was agriculture land use. Mr. Nussel stated that he got the information from the City website. Chair Debra Jones stated that nothing could be found to indicate it is agriculture. Ms. Gorman said she would review the website. Ms. Gorman stated that there is an existing uses map which shows it is residential and agriculture but is unsure how it is listed as agriculture under the existing agriculture definition for vacant land.

Ms. Gorman stated that the land use map recently approved by DEO shows the property as residential and she must use this map by law. She continued that areas designated as agricultural land use in the city comp plan is for row crops, groves, nurseries, dairies, poultry farms, processing plants, spray irrigation and that mobile homes are permitted. She stated that the minimum lot area and density for the agricultural district is single family, mobile homes and group living facilities. She continued that the minimum lot width is 200 feet and all other permitted uses and structures but she could find none in the code. Ms. Gorman indicated that the highest use for agricultural would be a processing plant and that could be of concern with neighbors.

Ms. Gorman stated that in lieu of changing the land use and zoning that staff be allowed to amend the land development code allowing livestock on residential by special exception with criteria which protects those things that could be of concern to neighbors instead of changing it to something that could be of intense use that is not compatible. She continued that staff understands what Mr. Nussel wants to do and that it is a reasonable use in a rural destination like Williston but questioned if one livestock should be allowed on three acres. Ms. Gorman stated that staff has found other

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communities that have residential agriculture, so it is not an unreasonable use. She continued that controls could be put in place to avoid any abuse. Ms. Gorman stated that staff recommends denial of the land use change but asked that the commission allow a special exception within the residential zone for what is considered by staff to be an appropriate use of the land.

Ms. Gorman indicated that staff research had found 2 ½-3 acres of land per horse to be acceptable acreage. Mr. Fuller asked what the source was for the recommended 2 ½ acres. Ms. Gorman replied that she had found it at UFI Extension for horse pastures. She continued that it would take more research if the commission decided to take that route and she would provide as much information as possible. Chair Debra Jones asked if Mr. Nussel had anything he would like to say. Mr. Nussel stated that he disagreed with what Ms. Gorman had said and that he does not want a processing plant but wants to use the land. He continued that the land is unbuildable and the city needs to address the comp plan to allow for livestock. He said that he is composting with his chicken manure to avoid having flies which may be of concern to neighbors. Mr. Nussel stated that he can do nothing with the land currently because it is a flood zone. He continued that he has already put 130 loads of fill dirt in there. He stated that the city needs to resolve the zoning because he does not know how it ever got to be commercial. Mr. Nussel stated that he does not want a special exception and does not want the City to hold him up because he has waited 90 days. Chair Debra Jones stated that the commission cannot do something that is contrary to the comp plan and is attempting to figure out how the change can be done. She continued that it may be possible to consider a supplemental agriculture for smaller land use with minimal livestock. Ms. Gorman stated that she had considered this but was attempting to save time for Mr. Nussel since that type of change would need approval from Tallahassee. Mr. Fuller stated that he is concerned that the properties around Mr. Nussel purchased property with the understanding that it is residential and that it would remain residential with the associated rules. He continued that as a neighbor he would have a problem if he lived in a residential zone and there is livestock. He further stated that code enforcement does not have enough resources to make sure that manure is being taken of adequately or the biting flies produced from manure. Mr. Fuller stated that UFI said 2 ½ acres however he would suggest 4 acres per horse.

Mayor Jerry Robinson, asked if the public was notified of this hearing. Chair Debra Jones said that they were. Mr. Robinson stated that in his opinion if the neighbors were notified and they did not show up then it should not be a problem with the neighbors. Chair Debra Jones stated that she is not sure if the neighbors understood. Mr. Robinson stated that if they were notified of a change in ordinance they should have been here to question. Chair Debra Jones said that it is still against the rules and she is with Mr. Fuller in that. She continued and said there is nothing in the rules that said she can do that. Mr. Robinson said that it was the neighbors responsibility to show up. Mr. Fuller stated that he did not agree with Mr. Robinson. Mr. Fuller continued that the notice said if you have the ability to show up or have the desire to show up and if you appoint commission members they are to represent the interests of the city as well as the citizens. Chair Debra Jones stated that the commission uses the comp plan and the land use which is what the commission needs to adhere to. Mr. Robinson stated that the residents need to represent themselves and their property. Mr. Fuller stated that he disagreed.

Mr. Nussel asked if we are discussing the future land use map. Ms. Gorman stated that any time you are suggesting a use other than what you are doing at the present moment you would be using the future land use map. Mr. Fuller asked if the parcel is legal with two different land uses. Ms. Gorman stated as the land use is split currently it would be considered legal non-conforming and the land use cannot be changed without the owner's consent. Ms. Gorman stated that the land use will stay the same unless there is a change by requesting a permit for example. Mr. Schmidt stated that to the Northwest of his property they have chickens and horses but he has no issues with noise or odor. He continued that he has no objection to horses but feels that it may be more of a safety issue being close to Hwy 121 particularly related to Mr. Nussel's daughter. Mr. Schmidt stated that he would like to know if there is any other way legally this can be done. Chair Debra Jones stated that she is not aware of any other way this could be done. Mr. Fuller stated that it would have to be a special exception which does not exist currently.

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Chair Debra Jones asked Ms. Gorman if a special exception could be done per applicant rather than a blanket special exception. Ms. Gorman stated that this could be done with certain criteria which the Commission recommends. Mr. Fuller stated that this would assist code enforcement to address complaints on an individual basis.

Albert Fuller moved to deny CPA 2019-02. Avis Seabrook seconded. All in favor, motion carried 4-0. Chair Jones asked if there was any further discussion. No replies. Chair Jones stated that the zoning change would not be considered at this time due to the denial of CPA 2019-02. Chair Debra Jones requested that Ms. Gorman present a Special exception at the next meeting for the Commission to consider.

Ms. Jones asked if there was any other discussion regarding the agenda. Mayor Robinson suggested that the Commission should consider a change from seven members to five members. Chair Jones stated that it would be considered at the next meeting. Ms. Gorman said that there is a lack of rental properties in the city and that the committee should consider a land use amendment related to mobile homes. She continued that there have been instances recently of home removal and replacement with mobile homes for rental purposes. Ms. Gorman suggested that consideration should be given to confining mobile homes to a park versus individual owners of mobile homes on residential property. Mayor Robinson asked what the age of the mobile homes are. Ms. Gorman stated she does not know the age. Mr. Fuller said that DMV has an age limit. Ms. Gorman said that she is presenting the information for the Commission to be aware of a trend and consider the possible consequences. Mr. Fuller indicated that he has concerns that a mobile home park could have negative consequences and would like to consider the age of mobile homes within the city instead. Ms. Gorman said she would present information to the Commission regarding the age and lot size currently required for mobile homes in the city as well as how many requests have been received for mobile home replacements of home. Chair Jones

ITEM 4- PUBLIC COMMENT

N/A

ITEM 5- COMMITTEE MEMBER ANNOUNCEMENTS -

N/A

ITEM 6- NEXT MEETING DATE -

May 28, 2019

ITEM 7- ADJOURNMENT

Meeting adjourned at 7:55 p.m.

Date: May 1, 2019

COUNCIL AGENDA ITEM

DISCUSSION: REQUEST BY MARC & MELANIE NUSSEL, 270 NE 6TH BLVD, FOR A ZONING MAP AMENDMENT CHANGING 3.728 ACRES FROM RESIDENTIAL TO AGRICULTURE.

REQUESTED BY: Marc & Melanie Nussel
PREPARED BY: Jackie Gorman

BACKGROUND / DESCRIPTION:

The City received an application from Marc & Melanie Nussel to amend the City’s Zoning Map changing 3.728 acres from a Residential to an Agriculture. Please note that there is one Agriculture land use and zoning category. If the City Council votes not to move forward with the Land Use change, the zoning ordinance cannot move forward.

In order to have livestock, the City’s Land Development Code states that residential properties must be a minimum of 8 acres as follows:

Article VI. - Residential Single-Family (RSF) District, Sec. 60-213. - Permitted accessory uses and structures. 2(e) - The harboring of livestock for noncommercial purposed on parcels of eight acres or more. Livestock head-count shall be limited to one per acre.

Uses allowed under the Agriculture zoning district is attached.

LEGAL: REVIEW: Required

FISCAL IMPACTS: None

RECOMMENDED ACTION: Denial

ATTACHMENTS: Ordinance for 1st Reading; LDC - Agriculture Zoning

CONTRACT RESOLUTION MAP

LEASE OTHER DOCUMENTS

CONSULTANT OR PARTY TO ACTION HAS BEEN NOTIFIED

COUNCIL ACTION:

APPROVED DISAPPROVED

ORDINANCE NO. 674

AN ORDINANCE OF THE CITY OF WILLISTON, FLORIDA, AMENDING THE OFFICIAL **ZONING MAP OF THE CITY OF WILLISTON, FLORIDA, PURSUANT TO AN APPLICATION BY MARC AND MELANIE NUSSEL; FOR 3.728 ACRES (MOL) IDENTIFIED AS PARCEL ID 0480800200 ON THE OFFICIAL RECORDS OF THE LEVY COUNTY PROPERTY APPRAISER, CHANGING THE ZONING DESIGNATION FROM RESIDENTIAL (R-1) TO AGRICULTURE (AG); PROVIDING SEVERABILITY; PROVIDING FOR INCORPORATION ON CITY MAPS, AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, THE City Council of the City of Williston, Florida, did on May 7, 2002, validly approved and adopted the City of Williston Land Development Regulations; and

WHEREAS, Marc and Melanie Nussel, has filed a request for an amendment to the City's Official Zoning map (ZC 19-02), for 3.728 Acres (MOL) from Residential to Agricultural (AG); and

WHEREAS, the Planning and Zoning Commission of the City of Williston, designated as the Local Planning Agency, did hold the required public hearing on April 30, 2019, with Public Notice having been provided on said application for amendment; and

WHEREAS, after review and consideration for all comments received during said Public Hearing, the Planning Commission recommended _____ to the City Council of the application for an amendment to the Official Zoning Map; and

WHEREAS, the City Council did hold the required Public Hearing on said application for an amendment and after said Public Hearing, and upon the City Council's review and consideration of all comments received, found the application to be consistent with the City's Comprehensive Plan.

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

Section 1. Application ZC 19-02 submitted by Marc & Melanie Nussel, for an amendment to the City's Official Zoning Map, changing the zoning classification on parcel 0480800200, located as described in Exhibit A, attached, from Residential (R-1) to Agricultural (Ag) is hereby approved.

Section 2. Severability. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all

remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 3. Zoning Map. The Land Development Regulations Official Zoning Map designation changes enacted herein shall be incorporated within 48 hours of this Ordinance becoming effective.

Section 4. Effective Date. This Ordinance shall become effective immediately.

PASSED ON FIRST READING, THIS 7th DAY OF MAY, 2019.

PASSED AND DULY ADOPTED, with a quorum present and voting by the City Council of the City of Williston, Florida, after properly dispensing with the second reading, on final reading this 21th day of May, 2019.

ATTEST:

CITY OF WILLISON:

Frances Taylor
City Clerk

Nancy Winger
President, City Council

Fred Koberlein, Jr.
City Attorney

EXHIBIT A

LEGAL DESCRIPTION: Description: (ORB 1320, PG. 278) Commence at the Northwest corner of Section 31, Township 12 South, Range 19 East and run South 87°18'11" East along the North line of said Section 3045.24 feet; thence run South 0°12'41" West, 2128.5 feet; thence run South 87°18'11" East 859.91 feet; thence run North 53°33'49" East, 210.00 feet; thence run North 53°38'49" East, 306.95 feet; thence run North 36°50'40" East, 259.22 feet to the point of beginning; thence run North 45°48'41" West 403.0 feet; thence run South 87°57'30" East 486.7 feet to a point on the Northerly right of way line of State Road No. 121 (100 feet right of way), said point being on a curve concave to a Northwesterly direction and having a radius of 2814.79 feet; thence run Southwesterly along the arc of said right of way curve a chord bearing and distance of South 36°50'04" West 329.3 feet to the point of beginning, said tract lying and being in the NE ¼ of said Section 31, Township 12 South, Range 19 East, Levy County, Florida.

Parcel ID#: 04808-002-00

Description: (O.R.B. 1425, page 184)

A parcel of land in the South ½ of Lots 4 and 5 of the "Mixon Plat" of the North ½ of Section 31, Township 12 South, Range 19 East, Levy County, Florida, being more particularly described as follows:

For a Point of Reference, commence at the NW corner of The South ½ of Lot 5 of the Mixon Plat of the North ½ of Section 31, Township 12 South, range 19 East, Levy County, Florida; thence S 87°42'48" E, along the North line of the South ½ of said Lot 5, a distance of 938.59 feet to the Point of Beginning, said Point of Beginning being on the South line of Northwood Estates Subdivision; thence continue S 87°42'48" E, 220.52 feet; thence S 45°41'03" E, 413.23 feet to a point on the Northwesterly right of way line of State Road No. 121, said point being the most Southerly corner of that property described in Official Records Book 232, page 195 of the public records of Levy County, Florida, said point also being on a curve concave to the Northwest, having a radius of 2814.79 feet and through which point passes a radial bearing of N 49°43'57" W; thence Southwesterly along said right of way curve, through a central angle of 02°02'08", an arc distance of 100.00 feet; thence departing said right of way on a non-radial bearing of N 63°36'50" W 500.66 feet; thence N 00°36'27" W, 150.00 feet to close on the Point of Beginning. Containing 2.14 acres, more or less.

Description: (O.R.B. 448, page 202)

A parcel of land in the South ½ of Lots 4 & 5 of the "Mixon Plat" of the North ½ of Section 31, Township 12 South, Range 19 East, Levy County, Florida, being more particularly described as follows:

For a Point of Reference commence at the Northwest corner of the South ½ of Lot 5 of the Mixon Plat of the North ½ of Section 31-12-19, Levy County, Florida; thence S 87°42'48" E, along the North line of said South ½ of Lot 5, a distance of 1159.11 feet to the POINT OF BEGINNING; thence continue S 87°42'48" E, 497.53 feet to a concrete monument on the Westerly Right-of-way line of S.R. # 121 thence Southwesterly along said Westerly Right-of-way line 6.27 feet to the Northeast corner of that property described in OR BK. 232 Pg. 195 Public Records Levy County, Florida; thence N 87°51' 04" W, along the North boundary of said property 487.03 feet to the Northwest corner of said property described in OR Bk. 232 Pg. 195 thence N 45°41'03" W. on an extension of the Southwesterly line of said property 9.75 feet to close on the POINT OF BEGINNING.



Existing Zoning - R-1

Legend		City of Williston Zoning	
Williston City Limits	R-1 Residential Single-Family	RB Residential Business	A Agricultural
Roads	R-1-A Residential Single-Family	C-1 Commercial General	I Industrial
Parcel Line	RM-1-A Residential Mobile Home	C-2 Commercial Intensive	SI Spray Irrigation
	R-2 Residential Duplex	CBD Central Business District	P Public
	RM-2 Residential Multifamily	REC/OS Recreation/Open Space	QP Quasi Public
		RVP Recreational Vehicle Park	

Proposed Land Use - Agricultural - AG



ARTICLE V. - AGRICULTURAL (A) DISTRICT

Sec. 60-171. - District and intent.

The agricultural category includes one zone district: A. Lands in the agricultural district are intended to provide for areas primarily consisting of agricultural and residential uses consistent with the areas as designated agricultural within the city's comprehensive plan.

(Ord. No. 434, § 4.5.1, 5-7-2002)

Sec. 60-172. - Permitted principal uses and structures.

Within an agricultural district shown on the "Zoning Map, City of Williston, Florida," the following use provisions regarding permitted principal uses and structures shall apply:

- (1) All agricultural activities (excepting intensive agriculture uses as defined in section 44-10 and not including livestock or poultry slaughterhouses), including the raising of livestock and poultry, the production of dairy and poultry products, the cultivation of field crops and fruits and berries, forestry conducted in accordance with the comprehensive plan, apiculture, and similar uses; provided that no structure used for housing of animals or any commercial feed lot operation shall be located within 300 feet of any lot line, and no structure used for housing domestic animals shall be located within 100 feet of any lot line.
- (2) The processing, storage, and sale of agricultural products and commodities which are raised on the premises (but not including livestock or poultry slaughterhouses); provided that no building used for these activities shall be located within 300 feet of any side or rear lot line.
- (3) Single-family dwellings.
- (4) Mobile homes.
- (5) Plant nurseries and greenhouses.
- (6) Homes of six or fewer residents which otherwise meet the definition of a "community residential home" (see article II of this chapter).
- (7) All permitted uses in the R-1 zoning district.

(Ord. No. 434, § 4.5.2, 5-7-2002)

Sec. 60-173. - Permitted accessory uses and structures.

The following shall be permitted accessory uses and structures in the agricultural district:

- (1) Uses and structures which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures;
 - b. Are located on the same lot as the permitted principal use or structure or on a contiguous lot in the same ownership; and
 - c. Uses and structures which involve operations not in keeping with the character of the district.
- (2) Examples of permitted accessory uses and structures include:
 - a. Barns and stables;
 - b. Private garages;

- c. Private swimming pools;
- d. On-site signs (see chapter 52).
- e. Residential facilities for caretakers whose work requires residence on the premises or for employees who will be quartered on the premises.

(Ord. No. 434, § 4.5.3, 5-7-2002)

Sec. 60-174. - Prohibited uses and structures.

The following shall be prohibited uses and structures in the agricultural district:

Junkyard or automobile wrecking yard, and any use or structure not specifically, provisionally or by reasonable implication permitted herein as a special exception.

(Ord. No. 434, § 4.5.4, 5-7-2002)

Sec. 60-175. - Special exceptions.

The following are special exceptions in the agricultural district:

- (1) The processing, storage, and sale of agricultural products and commodities which are not raised on the premises; provided that no building used for these activities shall be located within 300 feet of any side or rear lot line.
- (2) Livestock auction arenas.
- (3) Livestock or poultry slaughterhouses; provided that no building used for these activities shall be located within 300 feet of any lot line.
- (4) Sawmills and planing mills; provided that no building used for these activities shall be located within 300 feet of any side or rear lot line.
- (5) Agricultural equipment and related machinery sales.
- (6) Agricultural feed and grain packaging, blending, storage, and sales.
- (7) Agricultural fertilizer storage and sales.
- (8) Agricultural fairs and fairground activities.
- (9) Recreational activities such as racetracks and speedways; golf courses; country clubs; tennis and racquet clubs; golf and archery ranges; rifle, shotgun, and pistol ranges; travel trailer parks or campgrounds, including day camps; hunting or fishing camps; and similar uses.
- (10) Riding or boarding stables; provided that no building used for housing of animals shall be located within 300 feet of any lot line.
- (11) Hospitals, sanitariums, nursing homes, and adult congregate living facilities.
- (12) Commercial kennels, veterinary clinics, and animal shelters; provided that no open runs or buildings used for housing of animals shall be located within 300 feet of any lot line.
- (13) Group living facilities.
- (14) Crematories.
- (15) Airplane landing fields.
- (16) Child care centers, provided:
 - a. No outdoor play activities shall be conducted before 8:00 a.m. or after 8:00 p.m.; and

- b. Provision is made for areas for off-street pickup and drop-off of children.
- (17) Home occupations (see article II of this chapter).
- (18) Public or private schools offering curricula comparable to that of public schools (see article II of this chapter).
- (19) Public buildings and facilities, unless otherwise specified (see article II of this chapter).
- (20) Private clubs and lodges.
- (21) Off-site signs (see also chapter 52).
- (22) Solid waste facilities.
- (23) Flea markets.
- (24) Paper and pulp manufacturing.
- (25) Intensive agriculture uses (see section 44-10).
- (26) Churches and other houses of worship.
- (27) Cemeteries and mausoleums.
- (28) Adult care centers.

(Ord. No. 434, § 4.5.5, 5-7-2002)

Sec. 60-176. - Minimum lot requirements.

Minimum lot requirements for area and width in the agricultural district shall be as follows:

- (1) Single-family dwellings, mobile homes, and group living facilities:
 - a. Minimum lot area: one acre.
 - b. Minimum lot width: 200 feet.
- (2) All other permitted uses and structures (unless otherwise specified): None, except as necessary to meet other requirements as set out herein.

(Ord. No. 434, § 4.5.6, 5-7-2002; Ord. No. 462, § 1(19), 9-16-2003)

Sec. 60-177. - Minimum yard requirements.

Minimum yard requirements for the depth of the front and rear yard, and the width of the side yard in the agricultural district shall be as follows for all permitted uses and structures (unless otherwise specified):

- (1) Front: 30 feet.
- (2) Side: 25 feet.
- (3) Rear: 25 feet.

(Ord. No. 434, § 4.5.7, 5-7-2002)

Sec. 60-178. - Maximum height of structures

The maximum height of structures in the agricultural district shall be 35 feet. See also article II of this chapter for exceptions from height limitations.

(Ord. No. 434, § 4.5.8, 5-7-2002)

Sec. 60-179. - Maximum floor area ratio.

The maximum floor area ratio in the agricultural district shall be 35 percent.

(Ord. No. 434, § 4.5.9, 5-7-2002)

Sec. 60-180. - Maximum lot coverage by all impervious surfaces.

The maximum lot coverage by all impervious surfaces in the agricultural district shall be 20 percent.

(Ord. No. 434, § 4.5.10, 5-7-2002)

Sec. 60-181. - Minimum landscaped buffering requirements.

There are no minimum landscaped buffering requirements in the agricultural district for all permitted uses and structures (unless otherwise specified), except as necessary to meet other requirements as set out in this chapter. See also article II of this chapter.

(Ord. No. 434, § 4.5.11, 5-7-2002)

Sec. 60-182. - Minimum off-street parking requirements.

The minimum off-street parking requirements in the agricultural district shall be as follows:

- (1) Residential dwelling units: two spaces for each dwelling unit.
- (2) Elementary schools: two spaces for each classroom, plus one space for each staff.
- (3) Middle school: two spaces for each classroom or office room, plus one space for each staff member.
- (4) Senior high school: four spaces for each classroom or office room, plus two spaces for each three seats in any auditorium or gymnasium.
- (5) Churches or other houses of worship: one space for each four permanent seats in the main room.
- (6) Public buildings and facilities (unless otherwise specified): one space for each 300 square feet of floor area.
- (7) Clubs and lodges including fraternal organizations: one space for each 300 square feet of floor area.
- (8) Adult and child care centers, preschools: one space for each 300 square feet of floor area devoted to adult or child care activities and one space for each employee.
- (9) Group living facilities, group housing projects, foster care: one space for each bed.
- (10) Hospitals: one space for each bed, plus one for each employee on the maximum shift.
- (11) Convalescent and nursing homes: one space for each two beds, plus one for each employee on the maximum shift.
- (12) Adult congregate living facilities (ACLF): one space for each bed.
- (13) Commercial and service establishments (unless otherwise specified), agricultural fairs and fairgrounds; livestock auction arena: one space for each 350 square feet of floor area where

applicable. One space for each 1,000 square feet of lot or ground area outside buildings used for any type of sale display or activity.

- (14) Livestock or poultry slaughterhouse; sawmills and planing mills; crematories; agricultural feed and grain packaging, blending, storage and sales; agricultural fertilizer storage and sales: one space for each 500 square feet of floor area.
- (15) Livestock auction arenas; agricultural equipment and related machinery sales; agricultural fairs and fairground activities; drive-in theaters; racetracks and speedways; golf and archery ranges; rifle, shotgun, and pistol ranges; commercial kennels; veterinary clinics; and animal shelters: Parking requirements will be approved through site plan approval process on a case-by-case basis.
- (16) Commercial greenhouse or plant nursery: one space per sq. ft. of nonstorage floor area.
- (17) For other special exceptions as specified herein: To be determined by findings in the particular case.

See also article II of this chapter.

(Ord. No. 434, § 4.5.12, 5-7-2002)

Secs. 60-183—60-210. - Reserved.

Date:

COUNCIL AGENDA ITEM

TOPIC: Florida Gas Utility - Black Belt Purchase Agreement

REQUESTED BY: SCOTT LIPPMANN

PREPARED BY: SCOTT LIPPMANN

BACKGROUND / DESCRIPTION: FGU is bringing another discounted gas purchase agreement for consideration by the Council, similar to the ones presented at the 12/4/18 meeting. This agreement will provide a guaranteed discounted price for a portion of our natural gas consumption over a 30-year period.

A copy of the Powerpoint presentation prepared by FGU is attached.

LEGAL REVIEW: Mr. Koberlein has recently reviewed the same agreement for the City of Lake City, which he also represents.

FISCAL IMPACTS: see presentation for details.

RECOMMENDED ACTION: Approve

ATTACHMENTS: FGU PowerPoint presentation

COMMISSION ACTION:

_____ **APPROVED**

_____ **DISAPPROVED**

RESOLUTION 2019 - 24

A RESOLUTION OF THE CITY OF WILLISTON, LEVY COUNTY, FLORIDA, AUTHORIZING THE CITY COUNCIL PRESIDENT TO SIGN A GAS SUPPLY PURCHASE AUTHORIZATION BETWEEN FLORIDA GAS UTILITY AND THE CITY OF WILLISTON FOR GUARANTEED PRICING FROM BLACK BELT ENERGY, PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Williston is a member of the Florida Gas Utility; and
WHEREAS, Florida Gas Utility has presented an agreement enabling the City to purchase natural gas at a discounted rate for a period of 30 years through Black Belt Energy; and
WHEREAS, it is in the best interest of the City and its citizens to obtain the best available pricing on our natural gas supply.

NOW, THEREFORE, BE IT RESOLVED by the City of Williston, Levy County, Florida, that:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are incorporated herein by this reference.

SECTION 2. The City Council hereby approves a directive to FL Gas Utility authorizing an addendum to the current All Requirements Gas Services Agreement between FGU and the City to allow the purchase of gas at a specified discount for a period of 30 years from Black Belt Energy, and authorizes the City Council President to execute the necessary documents.

SECTION 3. This resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED on May 7, 2019.

CITY OF WILLISTON, FLORIDA

Nancy Wininger, President
Williston City Council

ATTEST: Frances V. Taylor
City Clerk



CITY OF

Williston

FLORIDA

50 N.W. Main St. P.O. Drawer 160, Williston, Florida 32696-0160; Phone (352) 528-3060; Fax (352) 528-2877

Directive Confirmation and Addendum

To: Thomas A. Geoffroy, General Manager & CEO
Florida Gas Utility

From: City of Williston (referred to in this Directive as "Participant")

Subject: Firm Gas Supply Authorization Under All Requirements Gas Services Agreement – Black Belt Energy Transaction

This directive and authorization ("Directive") is given pursuant to the All Requirements Gas Services Agreement between Florida Gas Utility ("FGU") and Participant, dated as of February 15, 2002 (the "Agreement") and will constitute an Addendum to the Agreement. The gas to be delivered under this Directive shall, except as otherwise provided herein, be supplied in accordance with Section 3 of the Agreement.

FGU has shared with Participant information concerning an opportunity to participate in a gas pre-pay transaction initiated by Black Belt Energy ("BBE"). Under the proposal, BBE has offered initial discounted pricing of at least \$0.30/Dth off Inside FERC First of Month Index for the applicable geographic zone, for a 30-year commitment to purchase firm quantities of gas, subject to a number of adjustments and variables, including future bond re-pricings after the first five to seven years, that will occur thereafter at approximate five- to seven-year intervals over the term (the "Variable Discount"). If the Variable Discount achieved during any re-pricing period is below \$0.20/Dth (the "Minimum Discount"), then the Participant has the option, but not the obligation, to exercise its right to terminate for any re-pricing period(s) where the Variable Discount is less than the Minimum Discount. BBE also has the right to terminate the gas purchase agreement with FGU under certain circumstances. The detailed terms and conditions of the BBE offer are contained in gas purchase documentation that FGU has previously delivered to Participant (the "BBE Transaction Documentation"). FGU is willing to enter into the BBE Transaction Documentation on behalf of and as agent for Participant, upon Participant's execution of this Directive, and upon receipt of other Directives from other FGU Members wishing to participate in BBE's offer. This Directive will not become effective until FGU executes and enters into the BBE Transaction Documentation.

Participant hereby requests and authorizes FGU to secure firm gas supply on behalf of and as agent for Participant in the following quantities, under the terms and conditions of the BBE Transaction Documentation and the Agreement (the "Transaction"):

Term: For a term of 30 years starting about November 1, 2019, subject to BBE's termination rights under the BBE Transaction Documentation and Participant's termination rights in the event: 1) that the

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Vice President – MARGUERITE ROBINSON
Council members / CHARLES GOODMAN – JUSTIN HEAD - ELIHU ROSS
City Manager – SCOTT LIPPWANN / City Clerk – FRANCES TAYLOR



CITY OF

Williston

FLORIDA

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Minimum Discount is not achieved in any re-pricing period; or 2) that its load requirements are significantly reduced or extinguished.

Quantity: Not to exceed 22 Dths per day, firm for the months of November – March in year one through and including year 30 of the Transaction;

Not to exceed 9 Dths per day, firm for the months of April – October in year one through and including year 30 of the Transaction.

Participant will be obligated to take, or pay for, the designated quantity throughout the term, notwithstanding fluctuations in Participant's gas supply requirements as otherwise permitted under Section 3 of the Agreement. Gas supplies furnished pursuant to this Directive shall constitute a portion of Participant's gas requirements as contemplated in Section 3(a) of the Agreement and shall be transported to Participant pursuant to Section 3(e) of the Agreement.

Price: Variable based on Inside FERC First of Month Index for the applicable geographic zone minus the Variable Discount, which initially shall be at least \$0.30/Dth, portions of which shall be applied on a monthly basis with the remainder applied on an annual basis. About year five to seven and approximately every fifth to seventh year thereafter for the full term, the Variable Discount will be subject to adjustment. Participant shall be obligated to pay a pro rata share of all other costs payable by FGU under the BBE Transaction Documentation as described below.

Location: Receipt point(s) in FGT Zone 3 or as otherwise determined by FGU's General Manager in accordance with the BBE Transaction Documentation.

Participant will be required to execute additional documentation in connection with the implementation of the Transaction (such as certificates as to base load percentages and use) and periodically thereafter in accordance with the BBE Transaction Documentation and will be subject to certain limitations on the use of gas purchased under this Directive, all as set forth in the BBE Transaction Documentation.

Participant acknowledges that any quantities purchased by FGU pursuant to this Directive will be purchased under firm contracts and that FGU will be required to take delivery of such quantities. Participant agrees to pay all amounts becoming due with respect to the gas to be delivered under this Directive, in accordance with the terms of the BBE Transaction Documentation and the Agreement, regardless of whether the gas is actually delivered to or used by Participant. Purchaser accepts the risks and limitations otherwise described in the BBE Transaction Documentation and hereby agrees to pay its share of all costs, expenses and liabilities (including court costs and attorney fees) incurred by FGU in connection with its obligations arising under or in respect of the BBE Transaction Documentation or the transactions contemplated thereby. Furthermore, Participant understands that

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any claim for adequate assurance that results in a required payment or deposit by FGU, an early termination resulting in early termination costs, or any other costs, incurred by FGU on Participant’s behalf because of this Transaction, shall be the responsibility of Participant in accordance with the terms of the Agreement.

This Directive is given as an Addendum to the Agreement for the purchase of a specific supply of gas and shall constitute a contractual obligation of Participant. In the event of a conflict between the terms of the BBE Transaction Documentation, as implemented by this Directive, and the terms of the Agreement, the terms of this Directive and the BBE Transaction Documentation shall control.

Authorized Signature

Print Name

Date

The mission of the City of Williston is to offer an efficient, affordable and safe place to live, work and play.

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Discounted Natural Gas Supply

City of Williston

May 7, 2019

Discounted Natural Gas Supply Opportunity

- Florida Gas Utility (“FGU”) has a third opportunity to acquire highly discounted natural gas, this time from Black Belt Energy, Inc.(“BBE”)
- Gas Services Agreement between FGU and the City authorizes the purchase of long-term natural gas supplies
- Primary terms of the opportunity
 - 30 year commitment
 - Gas Supplier is Morgan Stanley
 - BBE deal has an initial discount of \$0.32 per Dekatherm (monthly and annual) from the Index price; discount re-prices about every 5 years with a floor of \$0.20; if discount is below floor, Williston can suspend its participation for that period only
 - Pay as you go
 - There are “outs” to the agreement should Williston experience a major load loss or otherwise no longer need the natural gas

Impact of Existing Transactions

- The City is participating in two (2) gas pre-pay deals: both with MGAG, one with RBC as gas supplier; the other with Macquarie as gas supplier.
- Gas from these transactions started flowing April 1, 2019.
- Williston purchased 9 Dekatherms/Day of Pre-pay gas in April. Cost of Pre-pay gas in April was \$629.05. The savings achieved on this gas was \$94.55.
- In other words, the City would have paid \$723.60 for this gas, if not for the pre-pay discount (13.1% savings).

Impact of Proposed Transaction

- The proposed BBE transaction would add approximately the same volume of pre-pay gas to the City's portfolio, as the two existing pre-pay deals combined.
- Summer months (April – October) – 9 Dekatherms / Day
- Winter months (November – March) – 22 Dekatherms/Day
- Expected Additional Summer **Monthly** savings* (30 days/month): \$81.00
- Expected Additional Winter **Monthly** savings* (30 days/month): \$198.00
- Expected Additional **Annual** savings*: \$1,679.36 per year

* Initial pricing period

Impact of Discounted Natural Gas Supply Summary

	Actual <u>FY 2018</u>	MGAG <u>Pre-Pays</u>	BBE <u>Pre-Pay</u>	Total <u>Pre-Pay</u>
Standard Purchases	40,029			28,476
Discounted Gas Purchases	<u>0</u>	<u>6,305</u>	<u>5,248</u>	<u>11,553*</u>
Total Dth Purchased (sum of Lines 1 and 2 above)	40,029	6,305	5,248	40,029
Cost of Index Priced Gas	\$120,698			\$120,698
Williston Cost	<u>\$120,465</u>			<u>\$116,770</u>
Savings	\$ 233	\$ 2,249	\$ 1,679	\$ 3,928
Savings Per Dekatherm	\$ 0.006	\$ 0.357	\$ 0.320	\$ 0.098

* represents 28.9% of total purchases

Recommendation

Florida Gas Utility recommends that the City of Williston take the following actions:

1. Authorize the execution of the BBE Directive related to this opportunity
2. Approve the following quantities to be purchased:

<u>Years</u>	<u>Supplier</u>	<u>Quantity</u>
1 – 30	BBE-Morgan Stanley	Up to 22 Dth/day – November through March Up to 9 Dth/day – April through October

City of Williston



Financial Report

January 31, 2019

(unaudited)

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Financial Overview

January 31, 2019

(33.33% of Year Complete)

The financial overview is designed to provide additional information helpful when reviewing the monthly financial statements. Please keep in mind that as of January, the City is 33.33% of the way through the fiscal year. For additional information not included in this report, please contact the Finance Department at City Hall.

CITYWIDE – ALL FUNDS

Citywide Revenues: Total City-wide revenue through January was approximately \$3.7 million or 33.7% of the annual budget (excluding only expected grant revenue). Chart 1 shows a breakdown of the total revenue by source.

Citywide Expenditures: Total expenditures/expenses through January were approximately \$3.3 million or **31.1%** of the annual budget (excluding only capital outlay). [See chart 2 below for breakdown by type].

Cash and Investments: Total cash & investments through January were approximately \$367.5 thousand. Of that amount, approximately \$358.6 thousand are held in CDs with the balance available for City operations. All the CDs are from the Utility Fund.

Chart 1: YTD Revenues (City-Wide) by Source
Total - \$3.7 Million

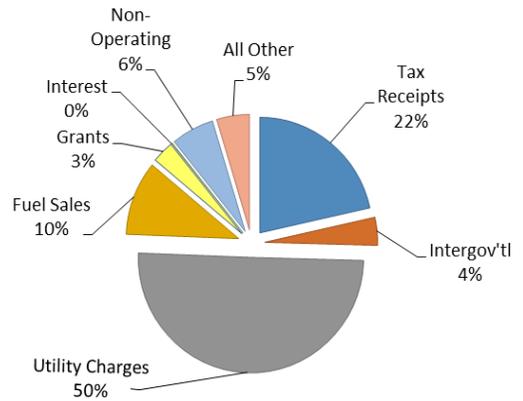
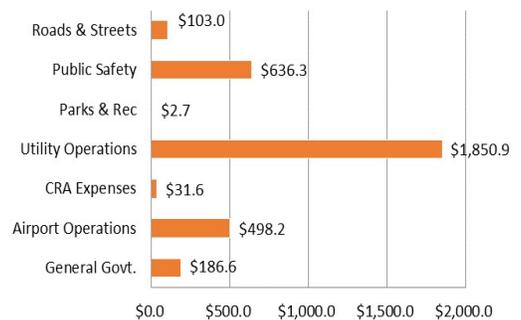


Chart 2: YTD Expenditures (City-Wide) by Type
(in thousands)



Financial Overview

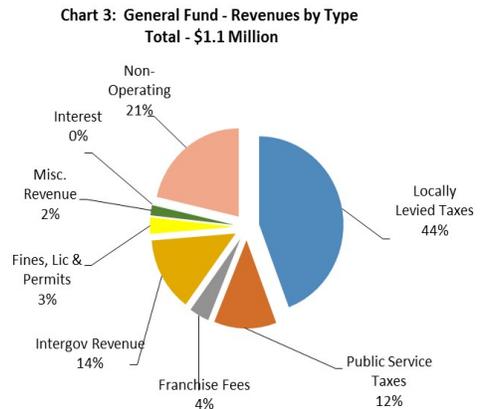
January 31, 2019

(33.33% of Year Complete)

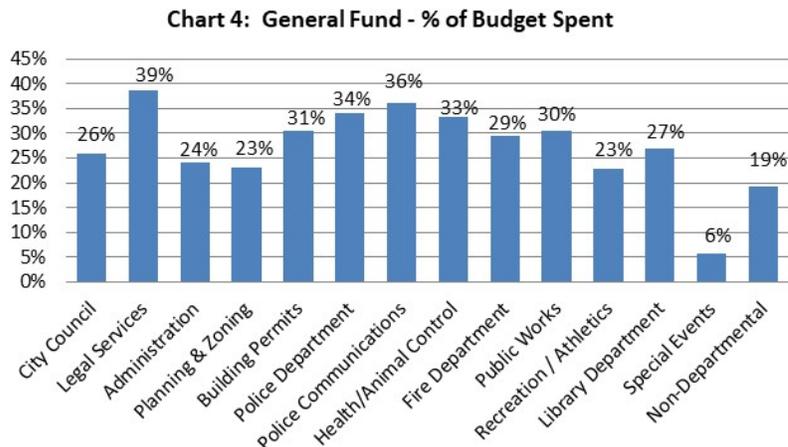
GENERAL FUND

Overview: Through January, the revenues in the General Fund exceeded expenditures by approximately \$187.3 thousand which was approximately \$105.5 thousand less than last year. The factors which contributed to the General Fund's current financial position are discussed below.

Revenues: Total revenue through January was approximately \$1.1M or 37.1% of the annual budget (excluding grant revenue). A breakdown of the total revenue is shown in Chart 3. Included in the YTD total is a \$230 thousand transferred from the Utility fund as well as \$82.8 thousand invoice for fire services. Finally, approximately \$343.7 thousand or 55.1% of budgeted property taxes were received through January.



Expenditures: Total expenditures through January were approximately \$892 thousand or 30.6% of the annual budget. Chart 4 below shows a breakdown of the total expenditures for the year by department and percent of budget spent.



CRA FUND

Overview: The annual distribution from the County was received in December. There was no significant spending activity in this fund through January.

Financial Overview

January 31, 2019

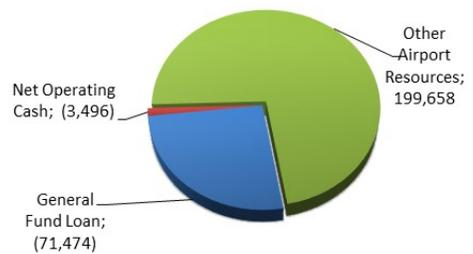
(33.33% of Year Complete)

AIRPORT FUND

Overview: Through January, the Airport Fund had a surplus of approximately \$8.9 thousand which was approximately \$12.3 thousand less than last year. Factors which contributed to the Airport Fund's current financial position are discussed in the paragraphs below.

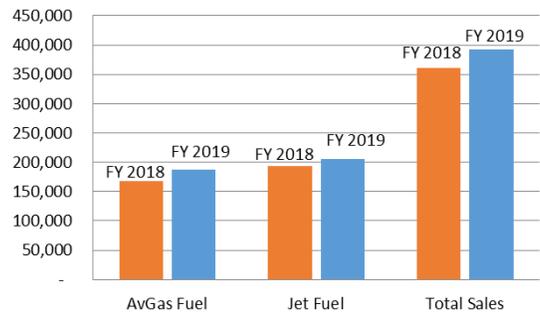
The Airport Fund had a \$124.69 thousand fund balance through January which was an increase of approximately \$8.9 thousand compared to the previous fiscal year-end total of \$115.8 thousand. Approximately \$71.5 thousand of the fund balance was related to a note payable due to the General Fund (loan); \$3.5 thousand of the overall fund balance was the net operating cash deficit for the fund; with the balance of approximately \$199.7 thousand representing the extent with which the other current assets within the Airport Fund exceeded the current liabilities [see Chart 5].

Chart 5: Airport Fund - Fund Balance



Revenues: Total revenue through January was approximately \$506.5 thousand or 30.2% of the annual budget not including grant revenue. Jet fuel sales accounted for approximately \$205.8 thousand or 40.6% of total revenue (excluding only grants); while AvGas fuel sales was approximately \$186.9 thousand or 36.9% of total revenue. Overall, total fuel sales through January were higher than last year by approximately 8.6% or \$31.2 thousand [see Chart 6 for comparison to prior year].

Chart 6: Airport Fund - YTD Fuel Sales



Expenditures: Total expenditures through January were approximately \$497.6 thousand or 31.4% of the annual budget (excluding only capital outlay on grants).

Financial Overview

January 31, 2019

(33.33% of Year Complete)

UTILITY FUND

Overview: The Utility Fund had a surplus of **\$15.6 thousand** through January. Without an estimated \$139.3 thousand of depreciation expense (non-cash transaction) which was recorded, the fund would have generated a surplus of \$155.0 thousand for the fiscal year. Also of note, the Utility Fund contributed approximately \$230.0 thousand to the General Fund. Finally, the first payment of \$31.3 thousand for the Gas line project was received in December.

Additional information on the Utility Fund is provided in Chart 7, which shows the operating and net income for each of the City's services. **Please note that all grant revenue and capital expenses were excluded from the chart.** The operating income shown is the difference between operating revenues and operating expenses (including depreciation) for each service type. The amount transferred to the General Fund is not included in the operating income calculation but is included in the net income calculation.

Through January, electric, gas, and water services had a positive operating income. All services did break about even before the depreciation expense was recorded except for solid waste services. Only electric and gas services had a positive **net income** after subtracting the allocation of the transfer to the General Fund. [See Exhibit 1 below for more details]

Chart 7: Utility Fund - Operating & Net Income by Service Type

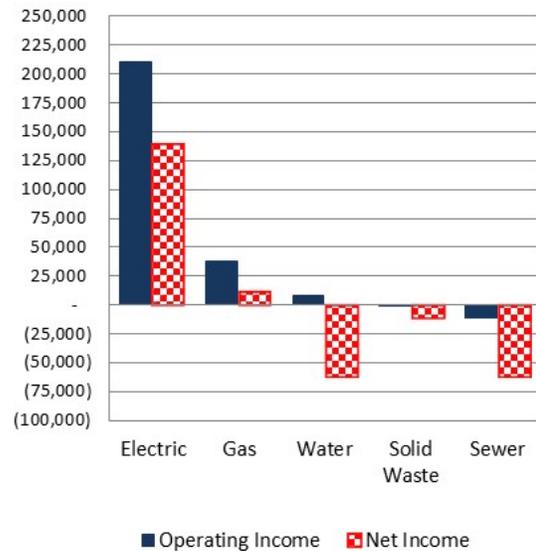


Exhibit 1: Utility Fund - Operating and Net Income by Service Type

	Electric	Gas	Water	Solid Waste	Sewer	Total
Operating Revenue						
Service Charges	1,154.8	215.8	154.5	186.4	179.7	1,891.2
Other	6.5	1.2	0.9	1.1	1.0	10.7
Total	1,161.3	217.0	155.4	187.4	180.8	1,901.9
Operating Expenses						
Department Costs	898.7	158.7	100.0	185.1	139.6	1,482.1
Administrative Alloc	22.0	4.1	2.9	3.6	3.4	36.1
Depreciation	29.8	16.3	43.9	-	48.8	138.8
Total	950.6	179.0	146.9	188.6	191.9	1,657.0
Operating Income	210.7	37.9	8.5	(1.2)	(11.1)	244.8
Non-operating income / (expenses)						
Interest income	0.5	0.1	0.1	0.1	0.1	0.8
Transfer to GF / CIP	(72.9)	(26.0)	(70.4)	(9.7)	(51.1)	(230.0)
Total	(72.4)	(25.9)	(70.3)	(9.6)	(51.0)	(229.2)
Net Income	138.3	12.0	(61.8)	(10.8)	(62.1)	15.6

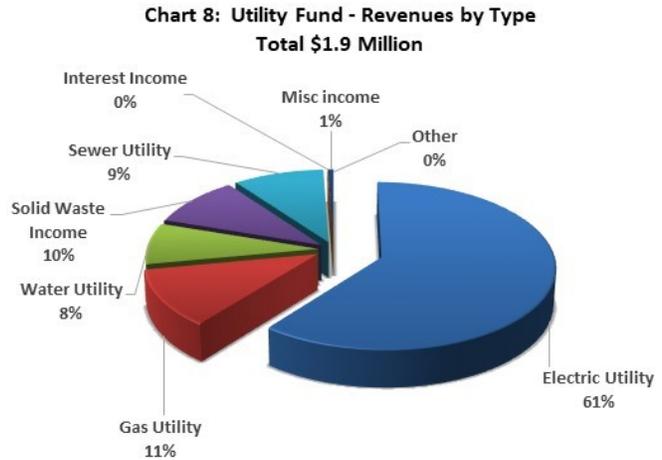
Financial Overview

January 31, 2019

(33.33% of Year Complete)

UTILITY FUND (continued)

Revenues: Total revenue through January was approximately \$1.9 million or 31.5% of the annual budget. The electric billing was approximately \$1.2 thousand or 60.7% of the total revenue (excluding grant revenue). Chart 8 shows the percentage of each utility service compared to total revenue.



Expenses: Total expenses through January were approximately \$1.7 million or 28.9% of the annual budget (excluding capital outlay & depreciation).

CAPITAL IMPROVEMENT PROGRAM (CIP) FUND

Overview: There was an excavator purchased in December by the Utility department. In January, the Utility department purchased air burners, a hydromatic pump and expansion bearings. Also of note, additional invoices for the City Hall project were paid in January.

Balance Sheet - All Funds

January 31, 2019

Description	General Fund	Airport Fund	CRA Fund	Utility Fund	CIP Fund	Total
ASSETS						
Petty Cash	\$ 500	\$ 100	\$ -	\$ 200	\$ -	\$ 800
Cash & Cash Equivalents	1,119,914	(3,496)	579,646	2,463,146	(521,859)	3,637,351
Investments	8,899	-	-	358,796	-	367,695
Accounts Receivable	12,686	60,572	-	827,588	-	900,846
Note Receivable	71,474	-	-	-	-	71,474
Due from Other Funds	-	-	11,183	208,500	-	219,683
Due from Other Governmental Units	142,958	164,185	-	37,312	-	344,455
Prepaid Expenses	-	6,513	-	-	-	6,513
Inventory	-	41,471	-	273,265	-	314,736
Net Pension Assets	-	-	-	248,202	-	248,202
Net Capital Assets	-	-	-	7,964,057	-	7,964,057
TOTAL ASSETS	1,356,431	269,345	590,828	12,381,067	(521,859)	14,075,813
DEFERRED OUTFLOW OF RESOURCES						
Pension Related - Deferred Outflow	-	-	-	474,252	-	474,252
TOTAL DEFERRED OUTFLOW OF RESOURCES	-	-	-	474,252	-	474,252
LIABILITIES						
Accounts Payable	\$ 12,884	\$ 4,602	\$ 3,856	\$ 190,829	\$ 3,766	\$ 215,938
Accrued Expenses	9,381	57,710	7	275,251	-	342,348
Sales Tax Payable	148	2,015	-	8,164	-	10,326
Wages Payable	5,202	-	-	-	-	5,202
Payroll Liabilities	-	-	-	86,353	-	86,353
Other Liabilities	10,923	-	-	-	-	10,923
Due to other Funds	219,683	-	-	-	-	219,683
Due to Other Governmental Units	-	-	-	547	-	547
Deposits	-	-	-	295,523	-	295,523
City Hall Loan	-	-	-	440,618	-	440,618
Notes Payable	-	71,474	-	60,550	-	132,025
Deferred Revenue	-	8,856	-	-	-	8,856
Power Cost Adjustment - Electric	-	-	-	33,603	-	33,603
Accum Absences/ OPEB Obligation	-	-	-	109,666	-	109,666
TOTAL LIABILITIES	258,219	144,657	3,863	1,501,104	3,766	1,911,609
DEFERRED INFLOW OF RESOURCES						
Pension Related - Deferred Inflow	-	-	-	292,569	-	292,569
TOTAL DEFERRED INFLOW OF RESOURCES	-	-	-	292,569	-	292,569
FUND BALANCES						
Reserve for:						
Law Enforcement	1,595	-	-	-	-	1,595
Community Redevelopment	-	-	586,965	-	-	586,965
Unreserved, Reported in:						
General Fund	1,096,617	-	-	-	-	1,096,617
Special Revenue Airport	-	124,688	-	-	-	124,688
Capital Improvement Fund	-	-	-	-	(525,625)	(525,625)
Utility Fund	-	-	-	11,061,646	-	11,061,646
TOTAL FUND BALANCES	1,098,212	124,688	586,965	11,061,646	(525,625)	12,345,887
TOTAL LIABILITIES & FUND BALANCES	1,356,431	269,345	590,828	12,381,067	(521,859)	14,075,813

General Fund - Summary of Revenues and Expenditures

January 31, 2019

(33.33% Yr Complete)

Description	Annual Budget	Year to Date Actual	Variance Fav (unfav)	% of Budget	PRIOR YEAR	
					Year to Date Jan-18	Variance Fav (unfav)
REVENUES						
Locally Levied Taxes	\$ 1,061,946	\$ 478,583	\$ (583,363)	45.1%	\$ 546,559	(67,976)
Public Service Taxes	362,000	129,507	(232,493)	35.8%	111,166	18,341
Franchise Fees	95,230	41,686	(53,544)	43.8%	37,948	3,738
Intergovernmental Revenues	538,622	147,147	(391,475)	27.3%	87,254	59,892
Fines & Forfeitures	19,035	2,466	(16,569)	13.0%	1,928	537
License & Permits	68,550	29,946	(38,604)	43.7%	32,437	(2,491)
Miscellaneous	23,800	20,129	(3,671)	84.6%	29,534	(9,405)
Interest Income	12,000	245	(11,755)	2.0%	918	(673)
Grant	4,250	(1,129)	(5,379)	-26.6%	2,107	(3,235)
Non-Operating	712,869	231,277	(481,592)	32.4%	229,931	1,346
Use of Fund Balance	21,753	-	(21,753)	0.0%	-	-
TOTAL REVENUES	2,920,055	1,079,856	(1,840,199)	37.0%	1,079,781	75
EXPENSES						
Total City Council	37,632	9,707	27,925	25.8%	10,005	298
Total Legal Services	36,000	13,883	22,117	38.6%	8,086	(5,797)
Total Administration	283,255	68,037	215,218	24.0%	88,109	20,072
Total Planning & Zoning	75,799	17,515	58,284	23.1%	17,526	12
Total Building Permits	24,142	7,369	16,773	30.5%	6,183	(1,185)
Total Police Department	1,082,577	369,209	713,368	34.1%	311,753	(57,457)
Total Police Communications	223,840	80,851	142,989	36.1%	69,370	(11,481)
Total Health/Animal Control	55,281	18,401	36,880	33.3%	16,439	(1,962)
Total Fire Department	568,988	167,828	401,160	29.5%	135,872	(31,957)
Total Public Works	338,019	102,993	235,026	30.5%	89,132	(13,861)
Total Recreation / Athletics	11,877	2,717	9,160	22.9%	5,141	2,424
Total Library Department	8,082	2,169	5,913	26.8%	1,768	(401)
Total Special Events	13,300	777	12,523	5.8%	-	(777)
Total Non-Departmental	161,263	31,072	130,191	19.3%	27,541	(3,531)
TOTAL EXPENDITURES	2,920,055	892,528	2,027,527	30.6%	786,926	(105,602)
REVENUES OVER (UNDER) EXPENDITURES	\$ -	\$ 187,328	\$ 187,328	n/a	\$ 292,855	\$ (105,527)

Airport Fund - Summary of Revenues and Expenditures

January 31, 2019

(33.33% Yr Complete)

Description	Annual Budget	Year to Date Actual	Variance Fav (unfav)	% of Budget	PRIOR YEAR	
					Year to Date Jan-18	Variance Fav (unfav)
REVENUES						
Operating Revenue	\$ 1,545,785	\$ 503,418	\$ (1,042,367)	32.6%	454,833	48,585
Interest Income	1,600	319	(1,281)	19.9%	305	14
Other Miscellaneous Income	20,360	2,772	(17,588)	13.6%	6,747	(3,975)
Use of Fund Balance	107,869	-	(107,869)	0.0%	-	-
TOTAL REVENUES	1,675,614	506,509	(1,169,105)	30.2%	461,885	44,624
EXPENSES						
Personal Services	264,829	86,858	177,971	32.8%	63,403	(23,455)
Operating Expenditures	1,302,916	410,787	892,129	31.5%	377,332	(33,455)
Non-Operating Expenditures	17,869	-	17,869	0.0%	-	-
TOTAL EXPENSES	1,585,614	497,645	1,087,969	31.4%	440,735	(56,909)
OPERATING REVENUES OVER (UNDER) EXPENSES	90,000	8,864	(81,136)	9.8%	21,149	(12,285)
NON-OPERATING REVENUE (EXPENSES)						
Capital Improvements - (Grants)	(867,108)	(108,335)	758,773	12.5%	(7,500)	(100,835)
JPA Revenue (Grants)	867,108	108,335	(758,773)	12.5%	7,500	100,835
Capital Outlay - Equipment	(90,000)	-	90,000	0.0%	-	-
TOTAL NON-OPERATING REVENUES (EXPENSES)	(90,000)	-	90,000	0.0%	-	-
TOTAL REVENUES OVER (UNDER) EXPENSES	-	8,864	8,864	n/a	\$ 21,149	\$ (12,285)

CRA Fund - Summary of Revenues and Expenditures

January 31, 2019

(33.33% Yr Complete)

Description	Annual Budget	Year to Date Actual	Variance Fav (unfav)	% of Budget	PRIOR YEAR	
					Year to Date Jan-18	Variance Fav (unfav)
REVENUES						
Tax Incremental Revenue - City	\$ 85,424	\$ 30,356	\$ (55,068)	35.5%	\$ 27,107	3,249
Tax Incremental Revenue - County	124,840	131,137	6,297	105.0%	124,840	6,298
Interest Income	200	76	(124)	37.8%	67	9
Other Financing Sources	460,410	-	(460,410)	0.0%	-	-
TOTAL REVENUES	670,874	161,569	(509,305)	24.1%	152,014	9,555
EXPENDITURES						
Personal Services	64,874	17,515	47,359	27.0%	17,067	(448)
Operating Expenditures	86,852	14,090	72,762	16.2%	21,231	7,141
Capital Outlay	509,148	10,677	498,471	2.1%	25,281	14,604
Non-Operating Expenditures	10,000	-	10,000	0.0%	-	-
TOTAL EXPENDITURES	670,874	42,282	628,592	6.3%	63,579	21,297
REVENUES OVER (UNDER) EXPENDITURES	\$ -	\$ 119,287	\$ 119,287	n/a	\$ 88,435	\$ 30,851

Utility Fund (All Services) - Summary of Revenues and Expenses

January 31, 2019

(33.33% Yr Complete)

Description	Annual Budget	Year to Date Actual	Variance Fav (unfav)	% of Budget	PRIOR YEAR	
					Year to Date Jan-18	Variance Fav (unfav)
REVENUES						
Electric Utility	\$ 3,746,935	\$ 1,154,768	\$ (2,592,167)	30.8%	\$ 1,152,135	\$ 2,633
Gas Utility	285,465	215,754	(69,711)	75.6%	135,505	80,249
Water Utility	447,704	154,509	(293,195)	34.5%	133,277	21,232
Solid Waste Income	559,550	186,395	(373,155)	33.3%	172,358	14,037
Sewer Utility	539,709	179,748	(359,961)	33.3%	166,352	13,396
Interest Income	15,000	796	(14,204)	5.3%	4,506	(3,710)
Other Miscellaneous Income	96,627	10,689	(85,938)	11.1%	21,479	(10,790)
Use of Retained Earnings	351,000	-	(351,000)	0.0%	-	-
TOTAL REVENUES	6,041,990	1,902,659	(4,139,331)	31.5%	1,785,612	117,047
EXPENSES						
Total Administration Department	193,066	36,087	156,979	18.7%	34,556	(1,530)
Total Electric Department	3,298,681	1,001,420	2,297,261	30.4%	919,398	(82,022)
Total Gas Department	630,553	200,939	429,614	31.9%	152,991	(47,948)
Total Water Department	690,729	214,297	476,432	31.0%	184,554	(29,742)
Total Solid Waste Department	593,739	194,773	398,966	32.8%	197,448	2,675
Total Sewer Collection / Treatment	635,222	239,499	395,723	37.7%	214,685	(24,814)
TOTAL EXPENSES	6,041,990	1,887,014	4,154,976	31.2%	1,703,633	(183,381)
REVENUES OVER (UNDER) EXPENSES	\$ -	\$ 15,645	\$ 15,645	n/a	\$ 81,979	\$ (66,335)

Utility Fund (Admin) - Summary of Revenues and Expenses

January 31, 2019

(33.33% Yr Complete)

Description	Annual Budget	Year to Date Actual	Variance Fav (unfav)	% of Budget	PRIOR YEAR	
					Year to Date Jan-18	Variance Fav (unfav)
REVENUES						
Other Miscellaneous Income	\$ 96,627	\$ 10,689	\$ (85,938)	11.1%	\$ 21,479	\$ (10,790)
Interest Income	15,000	796	(14,204)	5.3%	4,506	(3,710)
Use of Retained Earnings	17,500	-	(17,500)	0.0%	-	-
TOTAL REVENUES	129,127	11,485	(117,642)	8.9%	25,985	(14,500)
EXPENSES						
Operating Expenditures	193,066	36,087	156,979	18.7%	34,556	(1,530)
Interfund Transfer - Out	-	-	-	n/a	-	-
TOTAL EXPENSES	193,066	36,087	156,979	18.7%	34,556	(1,530)
REVENUES OVER (UNDER) EXPENSES	(63,939)	\$ (24,601)	\$ 39,338	38%	\$ (8,571)	\$ (16,030)

Utility Fund (Electric Services) - Summary of Revenues and Expenses

January 31, 2019

(33.33% Yr Complete)

Description	Annual Budget	Year to Date Actual	Variance Fav (unfav)	% of Budget	PRIOR YEAR	
					Year to Date Jan-18	Variance Fav (unfav)
REVENUES						
Electric Utility	\$ 1,415,073	\$ 378,845	\$ (1,036,228)	26.8%	\$ 415,792	\$ (36,948)
Electric Utility - Power Cost Adj	2,326,862	775,633	(1,551,229)	33.3%	735,612	40,021
New Electric Service	4,000	120	(3,880)	3.0%	180	(60)
Electric Overhead / Underground	1,000	170	(830)	17.0%	550	(380)
Use of Retained Earnings	77,875	-	(77,875)	0.0%	-	-
TOTAL REVENUES	3,824,810	1,154,768	(2,670,042)	30.2%	1,152,135	2,633
EXPENSES						
Personal Services	383,069	88,572	294,497	23.1%	79,704	(8,868)
Operating Expenditures	2,619,128	839,979	1,779,149	32.1%	766,825	(73,154)
Non-Operating Expenditures	296,484	72,870	223,614	24.6%	72,870	-
TOTAL EXPENSES	3,298,681	1,001,420	2,297,261	30.4%	919,398	(82,022)
REVENUES OVER (UNDER) EXPENSES	526,129	\$ 153,348	\$ (372,781)	29%	\$ 232,737	\$ (79,389)

Utility Fund (Gas Services) - Summary of Revenues and Expenses

January 31, 2019

(33.33% Yr Complete)

Description	Annual Budget	Year to Date Actual	Variance Fav (unfav)	% of Budget	PRIOR YEAR	
					Year to Date Jan-18	Variance Fav (unfav)
REVENUES						
Gas Utility	\$ 283,965	\$ 215,319	\$ (68,646)	75.8%	\$ 135,060	\$ 80,259
Gas Meter Connection/Reconnection	1,000	435	(565)	43.5%	260	175
New Gas Service	500	-	(500)	0.0%	185	(185)
Use of Retained Earnings	124,875	-	(124,875)	0.0%	-	-
TOTAL REVENUES	410,340	215,754	(194,586)	52.6%	135,505	80,249
EXPENSES						
Personal Services	201,708	57,008	144,700	28.3%	54,996	(2,012)
Operating Expenditures	225,935	117,919	108,016	52.2%	71,983	(45,936)
Non-Operating Expenditures	202,910	26,012	176,898	12.8%	26,012	-
TOTAL EXPENSES	630,553	200,939	429,614	31.9%	152,991	(47,948)
REVENUES OVER (UNDER) EXPENSES	\$ (220,213)	\$ 14,815	\$ 235,028	-7%	\$ (17,486)	\$ 32,301

Utility Fund (Water Services) - Summary of Revenues and Expenses

January 31, 2019

(33.33% Yr Complete)

Description	Annual Budget	Year to Date Actual	Variance Fav (unfav)	% of Budget	PRIOR YEAR	
					Year to Date Jan-18	Variance Fav (unfav)
REVENUES						
Water Utility	\$ 436,704	\$ 150,359	\$ (286,345)	34.4%	\$ 131,487	\$ 18,872
Water Meter Connection/Reconn	6,000	1,600	(4,400)	26.7%	1,280	320
New Water Service	5,000	2,550	(2,450)	51.0%	510	2,040
Use of Retained Earnings	97,875	-	(97,875)	0.0%	-	-
TOTAL REVENUES	545,579	154,509	(391,070)	28.3%	133,277	21,232
EXPENSES						
Personal Services	192,049	53,569	138,480	27.9%	42,997	(10,572)
Operating Expenditures	123,407	89,079	34,328	72.2%	68,357	(20,722)
Debt Service	66,332	1,293	65,039	2.0%	2,845	1,551
Non-Operating Expenditures	308,941	70,355	238,586	22.8%	70,355	-
TOTAL EXPENSES	690,729	214,297	476,432	31.0%	184,554	(29,742)
REVENUES OVER (UNDER) EXPENSES	\$ (145,150)	\$ (59,788)	\$ 85,362	41%	\$ (51,277)	\$ (8,511)

Utility Fund (Waste Collection) - Summary of Revenues and Expenses

January 31, 2019

(33.33% Yr Complete)

Description	Annual Budget	Year to Date Actual	Variance Fav (unfav)	% of Budget	PRIOR YEAR	
					Year to Date Jan-18	Variance Fav (unfav)
REVENUES						
Solid Waste Income	\$ 559,550	\$ 186,395	\$ (373,155)	33.3%	\$ 172,358	\$ 14,037
TOTAL REVENUES	559,550	186,395	(373,155)	33.3%	172,358	14,037
EXPENSES						
Personal Services	18,466	6,193	12,273	33.5%	2,773	(3,420)
Operating Expenditures	546,173	178,880	367,293	32.8%	184,975	6,095
Non-Operating Expenditures	29,100	9,700	19,400	33.3%	9,700	-
TOTAL EXPENSES	593,739	194,773	398,966	99.6%	197,448	2,675
REVENUES OVER (UNDER) EXPENSES	\$ (34,189)	\$ (8,378)	\$ 25,811	25%	\$ (25,090)	\$ 16,712

Utility Fund (Sewer Services) - Summary of Revenues and Expenses

January 31, 2019

(33.33% Yr Complete)

Description	Annual Budget	Year to Date Actual	Variance Fav (unfav)	% of Budget	PRIOR YEAR	
					Year to Date Jan-18	Variance Fav (unfav)
REVENUES						
Sewer Utility	\$ 534,709	\$ 176,748	\$ (357,961)	33.1%	\$ 165,152	\$ 11,596
Sewer Connection	5,000	3,000	(2,000)	60.0%	1,200	1,800
Use of Retained Earnings	32,875	-	(32,875)	0.0%	-	-
Grant Revenue	-	-	-	n/a	-	-
TOTAL REVENUES	572,584	179,748	(392,836)	31.4%	166,352	13,396
EXPENSES						
Sewer Collection						
Personal Services	131,137	41,300	89,837	31.5%	19,634	(21,665)
Operating Expenditures	68,681	47,556	21,125	69.2%	47,740	185
Total Sewer Collection	199,818	88,855	110,963	44.5%	67,375	(21,481)
Sewer Treatment						
Personal Services	133,559	41,517	92,042	31.1%	46,175	4,658
Operating Expenditures	115,779	58,063	57,716	50.1%	50,072	(7,991)
Total Sewer Treatment	249,338	99,580	149,758	39.9%	96,247	(3,333)
Non-Departmental						
Transfer To General Fund	153,191	51,063	102,128	33.3%	51,063	-
Transfer to Capital Improvement Fund	32,875	-	32,875	0.0%	-	-
Total Sewer Collection	186,066	51,063	135,003	27.4%	51,063	-
TOTAL EXPENSES	635,222	239,499	395,723	37.7%	214,685	(24,814)
REVENUES OVER (UNDER) EXPENSES	\$ (62,638)	\$ (59,751)	\$ 2,887	95.4%	\$ (48,332)	\$ (11,418)

CIP Fund - Summary of Revenues and Expenses

January 31, 2019

(33.33% Yr Complete)

Description	Annual Budget	Year to Date Actual	Variance Fav (unfav)	% of Budget	PRIOR YEAR					
					Year to Date Jan-18	Variance Fav (unfav)				
REVENUES										
Grant Revenue - CDGB	\$ 700,000	\$ -	\$ (700,000)	0.0%	\$ -	-				
Grant Revenue - USDA	78,750	4,979	(73,772)	6.3%	89,614	(84,636)				
Transfer From General Fund	64,750	-	(64,750)	0.0%	-	-				
Transfer From Utility Fund	351,000	-	(351,000)	0.0%	-	-				
TOTAL REVENUES	1,194,500	4,979	(1,189,522)	0.4%	89,614	(84,636)				
EXPENDITURES										
GIS Mapping	15,000	-	15,000	0.0%	-	-				
City Hall Improvements	-	532,324	(532,324)	n/a	102,396	(429,928)				
Vehicle Purchases	135,000	-	135,000	0.0%	83,469	83,469				
Equipment Purchases	28,500	-	28,500	0.0%	2,394	2,394				
Software Purchases	25,000	-	25,000	0.0%	-	-				
Heavy Equipment Purchases	124,000	119,264	4,736	96.2%	66,665	(52,599)				
Meter Replacement Program	82,000	-	82,000	0.0%	18,972	18,972				
Fire Hydrant / Emergency Safety Program	10,000	-	10,000	0.0%	-	-				
Park Improvements	-	7,750	(7,750)	n/a	-	(7,750)				
Sewer Improvements	700,000	4,624	695,377	0.7%	-	(4,624)				
Gas Improvements	75,000	-	75,000	0.0%	164,567	164,567				
TOTAL EXPENDITURES	1,194,500	689,834	504,666	57.8%	443,464	(246,370)				
REVENUES OVER (UNDER) EXPENDITURES					\$ -	\$ (684,855)	\$ (684,855)	n/a	\$ (353,850)	\$ (331,006)

Financial Overview

January 31, 2019

(33.33% of Year Complete)

The financial overview is designed to provide additional information helpful when reviewing the monthly financial statements. Please keep in mind that as of January, the City is 33.33% of the way through the fiscal year. For additional information not included in this report, please contact the Finance Department at City Hall.

CITYWIDE – ALL FUNDS

Citywide Revenues: Total City-wide revenue through January was approximately \$3.7 million or 33.7% of the annual budget (excluding only expected grant revenue). Chart 1 shows a breakdown of the total revenue by source.

Citywide Expenditures: Total expenditures/expenses through January were approximately \$3.3 million or **31.1%** of the annual budget (excluding only capital outlay). [See chart 2 below for breakdown by type].

Cash and Investments: Total cash & investments through January were approximately \$367.5 thousand. Of that amount, approximately \$358.6 thousand are held in CDs with the balance available for City operations. All the CDs are from the Utility Fund.

Chart 1: YTD Revenues (City-Wide) by Source
Total - \$3.7 Million

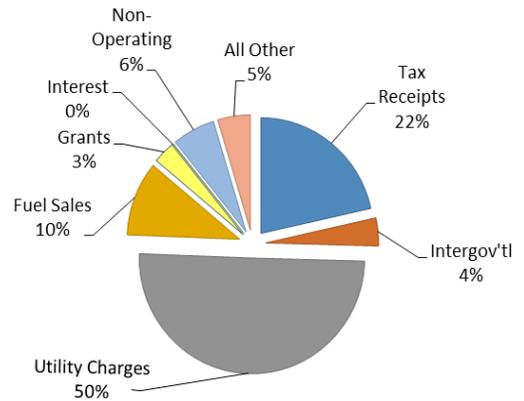


Chart 2: YTD Expenditures (City-Wide) by Type
(in thousands)



Financial Overview

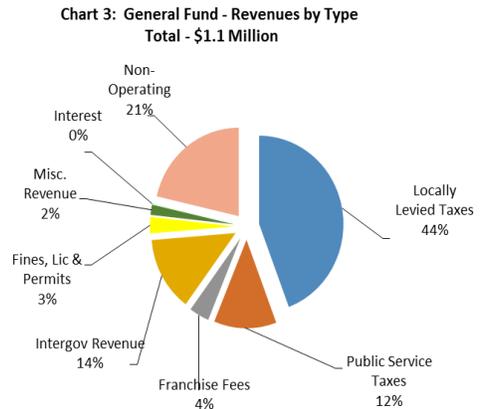
January 31, 2019

(33.33% of Year Complete)

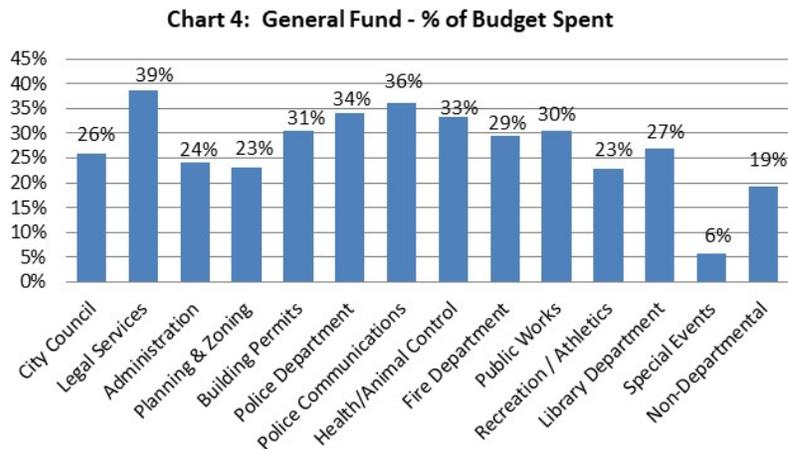
GENERAL FUND

Overview: Through January, the revenues in the General Fund exceeded expenditures by approximately \$187.3 thousand which was approximately \$105.5 thousand less than last year. The factors which contributed to the General Fund's current financial position are discussed below.

Revenues: Total revenue through January was approximately \$1.1M or 37.1% of the annual budget (excluding grant revenue). A breakdown of the total revenue is shown in Chart 3. Included in the YTD total is a \$230 thousand transferred from the Utility fund as well as \$82.8 thousand invoice for fire services. Finally, approximately \$343.7 thousand or 55.1% of budgeted property taxes were received through January.



Expenditures: Total expenditures through January were approximately \$892 thousand or 30.6% of the annual budget. Chart 4 below shows a breakdown of the total expenditures for the year by department and percent of budget spent.



CRA FUND

Overview: The annual distribution from the County was received in December. There was no significant spending activity in this fund through January.

Financial Overview

January 31, 2019

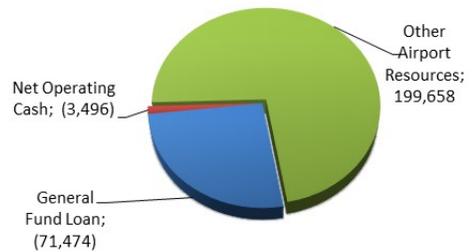
(33.33% of Year Complete)

AIRPORT FUND

Overview: Through January, the Airport Fund had a surplus of approximately \$8.9 thousand which was approximately \$12.3 thousand less than last year. Factors which contributed to the Airport Fund's current financial position are discussed in the paragraphs below.

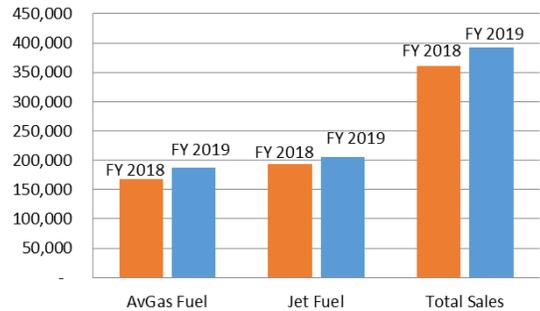
The Airport Fund had a \$124.69 thousand fund balance through January which was an increase of approximately \$8.9 thousand compared to the previous fiscal year-end total of \$115.8 thousand. Approximately \$71.5 thousand of the fund balance was related to a note payable due to the General Fund (loan); \$3.5 thousand of the overall fund balance was the net operating cash deficit for the fund; with the balance of approximately \$199.7 thousand representing the extent with which the other current assets within the Airport Fund exceeded the current liabilities [see Chart 5].

Chart 5: Airport Fund - Fund Balance



Revenues: Total revenue through January was approximately \$506.5 thousand or 30.2% of the annual budget not including grant revenue. Jet fuel sales accounted for approximately \$205.8 thousand or 40.6% of total revenue (excluding only grants); while AvGas fuel sales was approximately \$186.9 thousand or 36.9% of total revenue. Overall, total fuel sales through January were higher than last year by approximately 8.6% or \$31.2 thousand [see Chart 6 for comparison to prior year].

Chart 6: Airport Fund - YTD Fuel Sales



Expenditures: Total expenditures through January were approximately \$497.6 thousand or 31.4% of the annual budget (excluding only capital outlay on grants).

Financial Overview

January 31, 2019

(33.33% of Year Complete)

UTILITY FUND

Overview: The Utility Fund had a surplus of **\$15.6 thousand** through January. Without an estimated \$139.3 thousand of depreciation expense (non-cash transaction) which was recorded, the fund would have generated a surplus of \$155.0 thousand for the fiscal year. Also of note, the Utility Fund contributed approximately \$230.0 thousand to the General Fund. Finally, the first payment of \$31.3 thousand for the Gas line project was received in December.

Additional information on the Utility Fund is provided in Chart 7, which shows the operating and net income for each of the City's services. **Please note that all grant revenue and capital expenses were excluded from the chart.** The operating income shown is the difference between operating revenues and operating expenses (including depreciation) for each service type. The amount transferred to the General Fund is not included in the operating income calculation but is included in the net income calculation.

Through January, electric, gas, and water services had a positive operating income. All services did break about even before the depreciation expense was recorded except for solid waste services. Only electric and gas services had a positive **net income** after subtracting the allocation of the transfer to the General Fund. [See Exhibit 1 below for more details]

Chart 7: Utility Fund - Operating & Net Income by Service Type

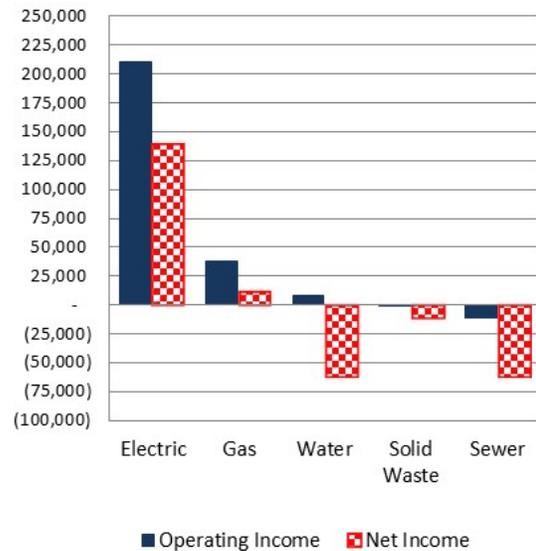


Exhibit 1: Utility Fund - Operating and Net Income by Service Type

	Electric	Gas	Water	Solid Waste	Sewer	Total
Operating Revenue						
Service Charges	1,154.8	215.8	154.5	186.4	179.7	1,891.2
Other	6.5	1.2	0.9	1.1	1.0	10.7
Total	1,161.3	217.0	155.4	187.4	180.8	1,901.9
Operating Expenses						
Department Costs	898.7	158.7	100.0	185.1	139.6	1,482.1
Administrative Alloc	22.0	4.1	2.9	3.6	3.4	36.1
Depreciation	29.8	16.3	43.9	-	48.8	138.8
Total	950.6	179.0	146.9	188.6	191.9	1,657.0
Operating Income	210.7	37.9	8.5	(1.2)	(11.1)	244.8
Non-operating income / (expenses)						
Interest income	0.5	0.1	0.1	0.1	0.1	0.8
Transfer to GF / CIP	(72.9)	(26.0)	(70.4)	(9.7)	(51.1)	(230.0)
Total	(72.4)	(25.9)	(70.3)	(9.6)	(51.0)	(229.2)
Net Income	138.3	12.0	(61.8)	(10.8)	(62.1)	15.6

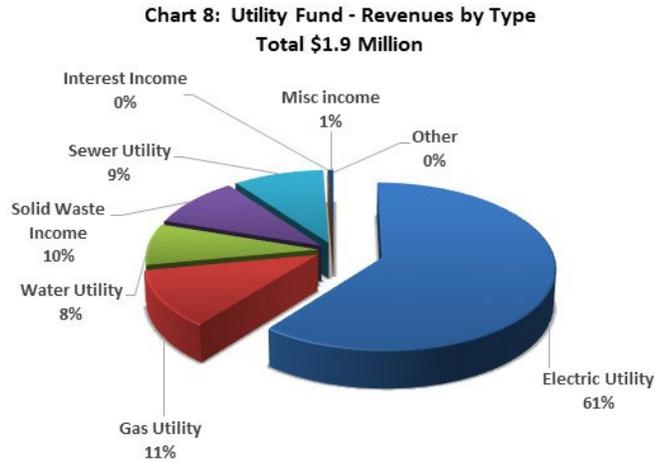
Financial Overview

January 31, 2019

(33.33% of Year Complete)

UTILITY FUND (continued)

Revenues: Total revenue through January was approximately \$1.9 million or 31.5% of the annual budget. The electric billing was approximately \$1.2 thousand or 60.7% of the total revenue (excluding grant revenue). Chart 8 shows the percentage of each utility service compared to total revenue.



Expenses: Total expenses through January were approximately \$1.7 million or 28.9% of the annual budget (excluding capital outlay & depreciation).

CAPITAL IMPROVEMENT PROGRAM (CIP) FUND

Overview: There was an excavator purchased in December by the Utility department. In January, the Utility department purchased air burners, a hydromatic pump and expansion bearings. Also of note, additional invoices for the City Hall project were paid in January.