

**CITY OF BROOKSVILLE
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS
201 HOWELL AVENUE**

AGENDA

April 7, 2008

7:00 P.M.

A. CALL TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. CONSENT AGENDA

1. **Minutes**

November 5, 2007 Re-Approval*
January 14, 2008 Workshop
February 4, 2008 Regular Meeting
February 11, 2008 Special Meeting
February 11, 2008 Workshop

2. **Southern Pines Condominium Project**

Consideration of the refund of the balance of the cash performance bond in the amount of \$41,250 for public infrastructure installed in conjunction with the extension of Clinton Boulevard.

3. **Police Department Vehicle Replacement Request**

Consideration of approval to purchase four police patrol vehicles and equipment at a cost of \$24,121.43 per vehicle and authorize budget amendment to transfer funds within Vehicle Replacement Fund.

CONSENT AGENDA APPROVAL (√)

Recommendation: Approval of Consent Agenda
Attachments: 1) *Memo from Director of Administration dated 03/07/08; Minutes; 2) Memo from Director of Community Development dated 03/24/08; 3) Memo from Police Chief dated 04/07/08

D. CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

1. **2008 Humane Society Pet Expo**

Certificate of Appreciation to the City of Brooksville for use of Tom Varn Park for the annual Pet Expo.

Presentation: Humane Society Executive Director
Attachments: None

2. **Week of the Young Child - April 13-19, 2008**

Proclamation supporting the Week of the Young Child event to be held on April 19th at the Jerome Brown Community Center.

Presentation: Mayor
Attachment: Proclamation

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3. Circus Day in Brooksville

Proclamation declaring April 30, 2008, "Circus Day in Brooksville" to coincide with the Spring Hill Kiwanis Club's bringing in the Carson & Barns 3-Ring Circus.

Presentation: Mayor
Attachment: Proclamation

4. Resolution No. 2008-08 - Norman Cartwright Retirement

Consideration of Resolution honoring Norman Cartwright who will retire from the Police Department April 11, 2008, after more than 22 years of service.

Presentation: Mayor
Recommendation: Approval of Resolution upon Roll Call Vote
Attachment: Proposed Resolution

5. Resolution No. 2008-09 - Robert Brown Retirement

Consideration of Resolution honoring Robert Brown who will retire from the Sanitation Division of the Department of Public Works on April 7, 2008, after more than 29 years of service.

Presentation: Mayor
Recommendation: Approval of Resolution upon Roll Call Vote
Attachment: Proposed Resolution

E. PUBLIC HEARING

1. Alcoholic Beverage Location Permit Application - 19452 Cortez Blvd.

Consideration of approval of Alcoholic Beverage Location Permit for El Ranchito Mexican Restaurant.

[Continued from 03/03/08 meeting]

Presentation: Community Development Director
Recommendation: Approval of Location Permit
Attachments: Memo from Director of Community Development dated 03/31/08; Memo from City Manager dated 03/31/08; Application

F. REGULAR AGENDA

1. SunTrust Line of Credit Extension - Resolution No. 2008-10

Consideration of resolution extending the \$2,250,000 Line of Credit for sixty (60) days from April 11, 2008, which has a balance of \$1,558,656.

Presentation: Finance Director
Recommendation: Approval of Resolution upon Roll Call Vote
Attachments: Memo from Finance Director dated 03/27/08; Proposed Resolution

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2. Sewer Rehab Phase 2 Project

Consideration of approval to proceed with bidding out of the Sewer Rehab Phase 2 projects and authorizing budget amendments totaling \$190,250.

Presentation: Director of Public Works
Recommendation: Approval
Attachments: Memo from Director of Public Works dated 03/19/08; Map

G. ITEMS BY COUNCIL

H. CITIZEN INPUT

I. ADJOURNMENT

CORRESPONDENCE TO NOTE

Meeting agendas and supporting documentation are available from the City Clerk's office, and on line at www.ci.brooksville.fl.us. Persons with disabilities needing assistance to participate in any proceedings should contact the City Clerk's office 48 hours in advance of the meeting at 352/544-5407.

Any person desiring to appeal any decision with respect to any matter considered at this meeting, may need a record of the proceedings including the testimony and evidence upon which the appeal is to be based, and therefore must make arrangements for a court reporter to ensure that a verbatim record of the proceedings is made.

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City of Brooksville
MEMORANDUM
Consent Agenda Item



To: Honorable Mayor and City Council Members

Via: T. Jennene Norman-Vacha, City Manager

From: Karen M. Phillips, Director of Administration/City Clerk 

Subject: Correction to November 5, 2007 Minutes

Date: March 7, 2008

On February 4, 2008 City Council approved the Minutes for the November 5, 2007 Regular City Council Meeting. Since that time however, and upon further review of the audio tape from the meeting, it has been determined that there two corrections to the minutes that need to be addressed in the Transportation Outreach Program (TOP) discussion on the SR50 Reverse Frontage Road & Utility Project - Drainage Retention Area Easement for Lot 9, David/Manuel Commercial Park Subdivision portion of the minutes, as evidenced on the attached minutes (revisions identified by strikethrough/underline).

Legal Impact

Council has the ability to correct minutes

Financial Impact

None

Staff Recommendation

Based on the above, staff hereby recommends approval of the corrections to the November 5, 2007 minutes as noted.

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COUNCIL CHAMBERS
201 HOWELL AVENUE**

AGENDA

NOVEMBER 5, 2007

7:00 P.M.

Brooksville City Council met in regular session with Mayor David Pugh, Vice Mayor Frankie Burnett and Council Members Joe Bernardini, Lara Bradburn and Richard E. Lewis. Also present were Thomas S. Hogan, Jr., City Attorney; Derrill McAteer, Attorney; T. Jennene Norman-Vacha, City Manager; Karen M. Phillips, City Clerk/Director of Administration; Janice L. Peters, Deputy City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Emory Pierce, Director of Public Works; George Turner, Police Chief and Tim Mossgrove, Fire Chief. Members of the Hernando Today, Hernando Times and Brooksville Belle were also present.

The meeting was called to order by Mayor Pugh, followed by an invocation and pledge of allegiance.

The meeting was adjourned and Council was called to order as the Local Planning Agency until 7:48, when the regular Council Meeting resumed.

Mayor Pugh indicated the following items were requested by the City Manager to be added to the consent agenda as items C4 and C5:

Temporary Easement Agreement with Daniel B. Merritt, Jr.

Consideration of temporary agreement for work associated with the Broad Street Sidewalk Project.

Replacement Vehicle within the Police Department

Consideration to purchase a vehicle to replace 2 leased vehicles paid for by grant monies. Authorization to purchase through the State Contract for an administrative vehicle.

Motion:

Motion was made by Council Member Bernardini and seconded by Vice Mayor Burnett to add the requested items to the Consent Agenda. Motion carried 5-0.

CONSENT AGENDA

Minutes

August 6, 2007 Regular Meeting/BHA Hearing

FDLE Edward Byrne Memorial Justice Assistance Grant (JAG) - D.A.R.E. Project

Acceptance of FDLE JAG Grant in the amount of \$4,000 for the Drug Abuse Resistance Education (D.A.R.E.) Project.

Petroleum Cleanup Program

Consideration of designation of George Foster, Creative Environmental Solutions, Inc., as the clean up contractor for the southwest corner of Broad and Main Streets Innocent Victim Petroleum Storage Tank Clean up Program and to authorize the Director of Public Works to sign the necessary documents and pay the \$500 deductible.

APPROVED BY BROOKSVILLE
CITY COUNCIL
ON 2-4-08 INITIALS [Signature]

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Council Member Bradburn requested discussion of items C1 and C3. She requested removal of the August 6, 2007 minutes for amendments. Attorney McAteer advised that only typographical errors could be corrected.

She asked if deadlines could be added to the Petroleum Cleanup Program document. Council Member Lewis advised that the program is already complete.

Motion:

Motion was made by Council Member Bernardini and seconded by Vice Mayor Burnett for removal of Item C-1, the minutes of August 6, 2007, for amendments and approval of Items C-2 through C-5. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Margaret R. Ghiotto Beautification Award - Commercial Award

Recognition of improvements to the property of Farmer John's Key West Café, John Carlone, Proprietor, located at 966 E. Jefferson Street and owned by John F. Mason.

Sally Sperling, Chair of the Beautification Board, reviewed the award, which will be delivered to recipient.

Proclamation in Support of the 150th Anniversary of City of Starke, Florida

Recognition of the 150th Anniversary of the City of Starke, Florida, November 2007.

The proclamation was read in it's entirety by Mayor Pugh, which will be forwarded it to the City of Starke.

PUBLIC HEARINGS

**Ordinance No. 750 - Habitat for Humanity Re-zoning

Consideration of the re-zoning from Agricultural to C2 Commercial with two Special Exception Use petitions for Light Manufacturing and a Secondhand Retail Store.

[First reading 9/10/07, continued from 10/01/07 meeting]

Mayor Pugh indicated that the petitioner had requested the petition be withdrawn.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett to accept petitioner's request to withdraw the petition. Motion carried 4-0, with Council Member Bernardini being absent during the vote.

Attorney Hogan advised that Council Member Bernardini had previously declared a conflict of interest on the issue and had already filed the proper paperwork.

REGULAR AGENDA

Council Member Bernardini requested Item 7, U.S. 41 SR50-U.S. 41 Connector Road Implementation Agreements, be moved forward on the agenda due to out-of-town attorneys present for the item.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Bradburn to move Item 7 forward on the agenda. Motion carried 4-1, with Mayor Pugh voting in opposition because others present were from out of town as well.

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U.S. 41 SR50-U.S. 41 Connector Road Implementation Agreements

Consideration to approve agreement between the City of Brooksville and Hernando County and agreement between the City of Brooksville and Hampton Ridge Developers, LLC for U.S. 41 SR 50-US 41 connector road implementation.

Attorney McAteer indicated this to be related to the Governor Blvd. North/South connector road acquisition of property from the County, which is located on the east side of the Hernando County Fairgrounds. There are two agreements. One is the City/County Implementation Agreement, which is an acquisition agreement with the County to agree to the appraised value of \$1,120,000 and the other is to implement the acquisition of the property for the right-of-way of Governor Blvd. He advised that he, as well as County legal, had reviewed the document.

He advised that one issue with the agreement is the fact that when County legal amended the document they were in negotiations with the Fair Association concerning a lease for an eastern parcel, which has a renewal clause for 30 years and, although it was not renewed on paper, they are still paying on the lease. Also, the County added a provision to paragraph four of the City/County Implementation Agreement stating that if they could not somehow amend or acquire a release or termination of the Fair Association's lease, it would not make title to that property unmarketable, therefore the City could not object. Basically, it means that the City would take title and be stuck with the obligations of that lease. From a legal point, Attorney McAteer felt the revision to be detrimental to the City. Also, there are construction easements for putting in water, which were reviewed and found to be unobjectionable. He stated that their biggest concern is the lease and title issues concerning the fairgrounds.

Council Member Lewis asked for clarification that the City is paying \$1.2 million for 8.5 acres.

Donna Feldman, representing Hampton Ridge Developers, stated they had effectively brought the agreements to City, County and Fair Association's attention and answered affirmatively that 8.5 acres is the required right-of-way to complete the connection of the North/South connector and Governor's Blvd. Within that is the concept of a water line easement, which is the most immediate need to connect the City's existing water line, south of the area, and is being brought further north. She indicated there are three legal descriptions because it is a compilation of lands that are going to be acquired from the County and a small piece that will be acquired from the Fair Association due to the interconnectivity of those pieces.

She further indicated that the developer has acquired all other properties necessary for the roadway to be constructed. The only two properties left to be acquired are the ones owned by the County and the Fair Association. Negotiations for those properties included an appraisal process. She advised that the agreements are clarifications of the exact procedure necessary. The City/County agreement before Council at this time deals with County lands. There is another agreement forthcoming that will be between the City and the Fair Association for their land. The other agreement before Council is an agreement between the Developer and the City, which states that the Developer is responsible for front-ending all the costs associated with this process in exchange for which they will get impact fee credits.

Regarding the City/County agreement, to alleviate the possibility of the City having to acquire the right-of-way in January, subject to the lease of the Fair Association with the County, Ms. Feldman made a change to the agreement. The change has been approved by the County

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and is in the closing date in paragraph five of the agreement titled "SR50/US41 Connector Road Implementation Agreement". It reads as follows:

"The County shall convey the County property to the City and the City shall pay the acquisition price to the County within 15 days after the County obtains the release, termination or amendment of the lease. Or such earlier date as may be elected by the City."

She advised that the purpose of the change is to take out the hard closing date of January 8, 2008, which may have put the City in a position of having to acquire the property even though the lease had not been amended, released or terminated. By virtue of these changes, the County has to continue to use its good faith efforts to remove that lease as an encumbrance and the City does not have to acquire the property until that occurs. This sets the stage for the price to be paid to the County, the City to acquire, the County to work to resolve the title matter and the City not to be bound to acquire until that title matter is resolved. As soon as the agreement is approved by the City and the County, the County will grant a temporary water line construction easement to the City. The developer will then be able to immediately begin construction to complete the water line, which is needed from a fireflow perspective to ensure the safety and welfare of the citizens and should be installed in advance of the need by particular communities.

Discussion ensued regarding current fire protection and the need to complete the project at this time, as well as the separate agreements and the properties therein.

Public Input

Attorney John Foster, whose firm represents the Florida Association of Fairs, reviewed the history of the lease agreement between the Fair Association and the County. He indicated that the Fair Board concurs with what is trying to be accomplished through the agreements. Discussion continued of the lease agreement and the economic impact of the annual fair and year-round activities.

Cliff Manuel, President of Coastal Engineering and representing LandMar, reminded the City, especially associated with the water improvements and the road as well, that the City sent Coastal on a mission quite a few years ago to construct a road on behalf of the City. They were advised that over a period of time they would need to work with the City and Fair Association to construct water improvements in the area that are definitely necessary today, as it related to peak fireflow to the area being developed, and to provide a redundancy in the water supply that is necessary. He advised that an acceptable agreement had been negotiated with the County to construct the waterline on the properties that they currently own, granting a construction easement and a maintenance agreement so the City can maintain the facilities. He indicated they would prefer to cross the fairground's property, but there is an alternative alignment that does not require the fairground's three acres, and that it has been worked out with the County. Having said that, he restated that, in accordance with City directive and the needs for the area, the waterline needs to be constructed and it does not need to wait until all the other issues are resolved. He agreed that the road right-of-way and the issues associated could, and probably should, wait until all the vested interests in the property get resolved. Regardless, there is a route for the waterline that can be constructed, either in cooperation with the Fair Association or in cooperation with the County.

The issue of the closing date and who actually owns the property continued. Donna Feldman submitted O&E's of the properties, indicating

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ownership of what is owned by the Fair Association and what is owned by the County.

Attorney Hogan advised that, from a legal standpoint, the agreements are fine. The City has to worry about what is upcoming, which is a debate over the Fair Association lease, and if there is going to be a title dispute to the property. Attorney McAteer indicated the agreement between Hampton Ridge and the City needs additional work but the easement documents are fine.

Motion:

Motion was made by Council Member Bradburn and seconded by Vice Mayor Burnett for a 30-day continuance, to the December 3rd meeting, allowing the City Attorneys to meet with the Fair Association, Coastal and LandMar's representatives to work out the issues.

Mayor Pugh asked for clarification from Mr. Manuel on his perceived fireflow issues. He advised that it is a phased development, with about 14 total phases and requires a looped water system by City directive. There are a number of issues that rely on their ability to construct the waterline and complete it to the Hope Hill redundancy of water supply. Currently there is a single line for the entire community. The elevated storage tank facility is needed to provide for emergency capacity when other systems are down. There are also development agreements that rely on the waterlines being constructed between Cascades and Southern Hills. Director Pierce confirmed that the looping of the system was always in the plans.

Ms. Feldman wanted to clarify that the County is not trying to cancel their lease with the Fair Association.

Director Pierce estimated the cost of going around the fairground property to be approximately \$25,000.

Sandra Nicholson, Vice-Chair of the Hernando County Fair Board, asked for 30 days to get the issues settled.

Motion carried 5-0.

Ordinance No. 755 - SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT - PETITIONER: INNOVATORS INVESTMENT GROUP, LLC

Consideration of a request for a change to the Future Land Use designation of this property, a 5.76 acre ± parcel of land located North of Cortez Blvd. (S.R. 50), west of Hale Avenue and east of Mildred Avenue, from Single-Family County Residential to City Commercial.

Bill Geiger, Community Development Director, advised this to be the same item heard earlier at the Local Planning Agency meeting, and if approved by Council, the second reading will be November 17, 2007.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett for approval of Ordinance No. 755.

Council Member Bernardini inquired of vested rights concerning this request. Council Member Lewis advised it relates to the next item, Ordinance 756. Attorney McAteer stated, for the record, that Council would be approving a Comp Plan category, not a site plan development.

City Clerk Phillips read Ordinance No. 755 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING
A SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE

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CITY OF BROOKSVILLE COMPREHENSIVE PLAN; PURSUANT TO PROCEDURES ESTABLISHED IN SECTIONS 163.3187(1)(C), FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

Motion carried 3-2 upon roll call vote as follows:

Council Member Bernardini	Aye
Council Member Bradburn	Nay
Council Member Lewis	Aye
Vice Mayor Burnett	Aye
Mayor Pugh	Nay

****Ordinance No. 756 - INNOVATORS INVESTMENT GROUP, LLC Property Re-Zoning**

Consideration of the re-zoning of a 7.76 acre + parcel of land located North of Cortez Blvd. (S.R. 50), west of Hale Avenue and east of Mildred Avenue to the classification of Planned Development Project (PDP) with a Special Exception Use for a Combined Planned Development - consisting of General Commercial, Professional Office.

Attorney McAteer reminded Council that this is a quasi-judicial matter and that decisions need to be based on competent substantial evidence; typically, testimony that is fact based or expert based in nature. He advised that, for special exceptions, Council can consider health, safety and welfare issues but they have to be approved by competent substantial evidence.

City Clerk Phillips asked, for clarification, if this issue required the swearing in of experts and witnesses. Attorney McAteer advised that Council could recognize expert witnesses in their field if they wish. Bill Geiger and Michael Gaylor were sworn. Mayor Pugh indicated that Mr. Geiger's credentials are on record, which was accepted by Council, as well as Mr. Gaylor's qualifications as a registered P.E.

Director Geiger reviewed the item and entered the entire staff report into the record as though it were read, along with the staff report for the CPA previously presented. (Attachments A & B).

Mr. Gaylor reviewed the proposal in detail and submitted pictures for the record. He indicated there are two specimen trees they will be working around. Discussion continued regarding the right-of-way, the buffer and the stipulation that, with the exception of the hotel, all structures will be one story.

Detailed discussion followed in which Council Member Lewis stated he had no problem with the project if they would add a special exception to limit all the buildings, except the hotel, to one story. The hotel would be limited to three stories and have a 35 foot buffer with an opaque or decorative wall. Discussion continued during which Council Member Bradburn expressed concern for proximity to residential neighborhood along Mildred.

Mayor Pugh asked for public input; there was none.

City Clerk Phillips read Ordinance No. 756 by title, as follows:

AN ORDINANCE PROVIDING A ZONING CLASSIFICATION OF PDP (PLANNED DEVELOPMENT PROJECT) WITH A SPECIAL EXCEPTION USE FOR A COMBINED PLANNED DEVELOPMENT PROJECT (CPDP) FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

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Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett for approval of Ordinance No. 756 with the stipulated changes discussed pertaining to the height of all buildings being one story, except for the hotel, which would be three stories and the setbacks being 35' with an opaque fence and/or wall and with minimal disturbance of vegetation.

Council Member Bradburn asked if Council Member Lewis was mandating the wall. Council Member Lewis answered no, stating that it is optional, to be worked out with staff, petitioner and residents.

Motion carried 4-1 upon roll call vote as follows:

Council Member Bradburn	Aye
Council Member Lewis	Aye
Council Member Bernardini	Nay
Vice Mayor Burnett	Aye
Mayor Pugh	Aye

For the record, Council Member Bradburn advised that she voted in favor of the project with the understanding that the applicant will come forward with a more detailed plan.

City Clerk Phillips advised that the second and final reading will be on November 19, 2007.

Resolution No. 2007-22 - Maintenance of Traffic and FDOT Permit Requirements for the Christmas Parade

- a) Consideration of applying to FDOT for the closure of Jefferson Street and Broad Street between Main Street and Bell Avenue on December 8, 2007, for the Christmas Parade, and enacting a resolution which concurs with the requested closure.

Director Pierce reviewed the permit from FDOT, which had requested evidence of City support in the form of the Police Chief and another City Official's signatures on the application.

Motion:

Motion was made by Council Member Bernardini and seconded by Vice Mayor Burnett for approval of Resolution No. 2007-22.

Mayor Pugh asked for public input.

Ron Wheelis, President of the Kiwanis club urged all to come out and have fun.

City Clerk Phillips read Resolution No. 2007-22 by title, as follows:

RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA SUPPORTING A REQUEST TO CLOSE JEFFERSON STREET AND BROAD STREET BETWEEN MAIN STREET AND BELL AVE ON DECEMBER 8, 2007; PROVIDING FOR SEVERABILITY AND CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

Motion carried 5-0 upon roll call vote as follows:

Council Member Lewis	Aye
Council Member Bernardini	Aye
Council Member Bradburn	Aye
Vice Mayor Burnett	Aye
Mayor Pugh	Aye

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b) Request for partial waiver of fees from Kiwanis Club of Brooksville.

City Manager Norman-Vacha reviewed the fees being requested, the events, and the organizations helping with the event. She indicated negotiations to minimize cost with the Police and Fire Departments are ongoing, as well as the use of volunteers. The Kiwanis Club will be paying \$1,000 toward fees leaving \$2,758 to be waived.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Lewis for approval of the waiver \$2,758. Motion carried 5-0.

MLK Boulevard Re-paving

Consideration of using \$100,000 from fund 308 to contribute toward the overall estimated \$200,000 cost and approval of an Interlocal Agreement related to this project.

Director Pierce reviewed the issue, stating that the County is ready to proceed with the project and is requesting the City match up to \$100,000, which would come from Fund 308.

Council Member Lewis asked if the County is planning on doing any sub-surface repair, which Director Pierce indicated they are, the process of which was discussed.

Vice Mayor Burnett felt the sidewalks needed to be done as well and would rather spend the \$100,000 on sidewalks and for the County to repave the road.

Discussion of funding for the project continued with the possibility of asking the County to redo the design to include sidewalks and the other repairs needed. Director Pierce indicated there are serious design problems with including the sidewalks in the design, as there will have to be right-of-ways acquired.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett for approval of the agreement with a staff memo urging the County to look at the areas of Buena Vista going east to the top of Mildred, on the south side of the road, and Stubbs to South Main where the street is collapsing.

Mayor Pugh asked for public input.

Kojack Burnett felt a sidewalk is needed.

Motion carried 3-2, with Council Member Bradburn and Council Member Bernardini voting in opposition.

Council Member Bradburn advised that he voted against the project to send a message to the County that he is not happy with the proposal to repave the road without some assurance that there will be sidewalks.

Transportation Outreach Program (TOP) - SR50 Reverse Frontage Road & Utility Project - Drainage Retention Area Easement for Lot 9, David/Manuel Commercial Park Subdivision

Consideration of approval of Agreement for Grant of Easement and authorize the Mayor to sign the appropriate documentation.

City Manager Norman-Vacha indicated an agreement has not been reached.

Attorney Hogan advised that the agreement submitted was unacceptable and advised the City not waive sovereign immunity. He advised that negotiations are ongoing. Discussion followed in which Director Geiger

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urged Council to at least approve the sidewalk portion of the project before the funds run out. Mayor Pugh and City Manager Norman-Vacha advised that it had already been approved to move forward with the sidewalk portion via Change Order #1, therefore it is a staff decision.

Council Member ~~Bernardini~~ Bradburn asked where the money will come from if the City is hit with additional liability. Director Geiger indicated it would come from ~~grant funding~~ City funds. *hmf* Corrected 3/17/08

Southern Hills Reimbursement & Impact Fee Credit Request Verification Report Submittal #3

Consideration to accept the Southern Hills Reimbursement & Impact Fee Credit Request Verification Report Submittal #3 provided to the City by Coastal Engineering.

Tom Mountain of Coastal Engineering reviewed the report, elaborating on the cost of acquiring right-of-ways in comparison to what the development agreement states. Council Member Bradburn pointed out that the City is paying upwards of \$60,000 per acre for right-of-ways compared to the \$10,000 per acre estimation in the Development Agreement.

Director Pierce reviewed the amendments and the differences in the sewer impact fee values. He also indicated inspectors are continually on site for any work being done in conjunction with impact fee credits.

Council Member Bernardini advised that impact fee credits are paid by the taxpayers and should be guarded as money in hand, which was discussed.

Mayor Pugh asked for public input; there was none.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Lewis for acceptance of the report.

Motion carried 3-2 with Council Member Bradburn and Council Member Bernardini voting in opposition.

Advisory Board Appointments

Appointment of members to various Advisory Board Positions, either as a result of term expirations or current vacancies, as follows:
[Note - all applicants are registered voters as required]

City Clerk Phillips reviewed the applicants, indicating that the current alternate, Ernie Wever, is applying for the full-time position. Should Mr. Wever be appointed to the full-time position, another alternate member would need to be appointed.

Planning & Zoning Commission

One vacancy to fill an unexpired 3-year term of office through January 31, 2009, replacing Charles Miller.

- | | |
|-------------------------|---------------------|
| Shannon Andras-Pettry | (New Applicant) |
| Ronald H. Lawson | (New Applicant) |
| E.E. "Ernie" Wever, Jr. | (Current Alternate) |

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett for appointment of Wever as full-time with Shannon Andras-Pettry as alternate to the P&Z Commission. Motion carried 3-2 with Mayor Pugh and Council Member Bradburn voting in opposition.

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Mayor Pugh advised that he voted nay because one of the applicants had recently resigned from another board citing personal issues and unavailability of time. Council Member Lewis added there was a security issue as well. Mayor Pugh felt that, with Mr. Lawson's experience in engineering, he would at least have been a good alternate for the board.

ITEMS BY COUNCIL

Lara Bradburn, Council Member

Pothole

Council Member Bradburn advised that there is a major pothole by Roger's Christmas House and Mallie Kyla's restaurant that needs to be addressed. Director Pierce will investigate.

Cable Disenfranchisement

She urged Council to consider sending a letter, in opposition of cable disenfranchisement, to Time Warner to restore full government access. Council agreed by consensus.

Post Office Dedication

She urged all to attend the Friday, November 9, 2007, dedication of the West Post Office to Sgt. Lea Mills, a local soldier who was killed in the line of duty. The Post Office is the Aviation Branch located at the Airport.

Automated System for Water Bill Increases

Council Member Bradburn requested justification for the automatic increase. Director Pierce indicated it is tied to the Consumer Price Index (CPI) and is included in the basic water and sewer rate resolution with another for sanitation. She specifically requested actual numbers, including which community is being used for the CPI numbers.

City Manager Norman-Vacha indicated Hernando County is in the Tampa Bay MSA, which is written in the resolution previously adopted by Council and is very specific to which quarter of the year and the CPI for all consumer products.

Council Member Bradburn requested a review of the resolution as well as justification for using the Tampa Bay CPI rather than utility or area specific data. City Manager Norman-Vacha advised that the area is Tampa Bay, which is the only data that exists that includes Hernando County, but she will supply a full report.

Richard E. Lewis, Council Member

Hernando County Tourist Development Commission

Council Member Lewis advised that the Commission had been picked to participate in a World War II exhibit traveling throughout Florida and that they had ordered a collection of memorabilia related to Florida. He indicated the exhibit will be on display at the Hernando County Government Center at 20 N. Main Street from November 10, 2007, which coincides with the 2007 Veterans Appreciation Parade, through January 2008.

He proceeded to present Council with the annual Tourist Development Christmas ornament at the request of Sue Rupe. This year's ornament depicts Weeks' Hardware and is signed by the artist, Wanda McVeigh. The second ornament for this year is in celebration of the 60th Anniversary of Weeki Wachee Springs, est. 1947.

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T. Jennene Norman-Vacha, City Manager

Veteran's Appreciation Parade

City Manager Norman-Vacha encouraged all to attend the parade on Saturday to honor our Veterans.

Karen M. Phillips, City Clerk

American Legion Post 99

She informed all that the American Legion Post 99 has decided to honor the employees of the City of Brooksville for all they do for the community on Friday, November 9, 2007, at 6:00 p.m. and the dinner is open to the public. She stated that the seven employees chosen were as follows:

Robert Brown	Public Works
Audrey Williams	Parks & Recreation
Angela Balderson	Finance
Pat Jobe	Community Development
Lindsay Morgan	Administration
Bradley Sufficool	Fire Department
Sgt. Marvin Maeder	Police Department

Frankie Burnett, Vice Mayor

Hogan Law Firm

Vice Mayor Burnett thanked the firm for coming aboard and consulting individually with each Council Member.

Generator Wall at City Hall

He inquired as to when the wall will be built. Director Pierce advised that the City's brick mason is out on sick leave and he will put together a bid.

MLK Paving

He asked Director Pierce to look at the sidewalks on the east side of MLK Blvd. to repair if necessary. Director Pierce indicated he will come back with a budget amendment.

City Manager and Staff Appreciation

Vice Mayor Burnett also thanked City Manager and staff for their work.

Joe Bernardini, Council Member

Hogan Law Firm

Council Member Bernardini also thanked the Hogan Law Firm for meeting with Council individually as well.

Brooksville Housing Authority Board Members

He again addressed the threats against Board Members and read into the record a letter from H. Paul Douglas (Attachment C). He feels the request to hold the Brooksville Housing Authority meetings at City Hall reasonable and again stressed that the threats need to stop, even if it means removing members again.

Mayor Pugh indicated he had met, prior to the threats, with City Attorney Hogan concerning the situation.

Vice Mayor Burnett asked about the requested joint meeting with the Housing Authority. Attorney Hogan stated that a joint meeting could be held but suggested Council decide if they are going to remove any current Commissioners, under Chapter 421.07, for inefficiency or neglect of duty or misconduct of office before the meeting is held. He also reminded Council that the appointment or removal of members is its

REGULAR COUNCIL MEETING - NOVEMBER 5, 2007

only authority over the Commission as it is a not-for-profit corporation with its own Board of Directors and obligations, rights and duties. Liabilities don't transfer over to the City.

Mayor Pugh advised that he has serious issues with a couple of the Board Members and has spoken with the City Manager concerning a letter he would like to write to at least one, maybe two members.

Attorney Angeliadis advised that threatening a public official is governed by Florida Statutes and is a third-degree felony. It is his belief that these individuals fall under the category of public officials for purposes of the statute, which requires the threat to be made to the public official in their capacity as a public official to influence activity or promote some sort of inactivity in their official position. However, he recommended addressing the issue with the State Attorney and the Police Chief. Discussion continued regarding the Housing Authority's request to hold their board meetings at City Hall and the role of Council as it relates to the Board.

Council consensus was to send a letter to inform Board Members that they can have their meetings in Council Chambers.

Council Member Bradburn suggested that Council consider drafting changes to send to our legislative delegation to amend the law that governs the Housing Authority Board.

David Pugh, Mayor

Mayor Pugh indicated that late Friday a letter was received which contained accusations that need to be investigated. Discussion continued of allowing the Board to meet at City Hall. Attorney Hogan advised Council to follow the same procedure for allowing other entities to use the Chambers, to alleviate possible liability. Council concurred that the Mayor proceed as he sees fit to deal with the problems plaguing the Board.

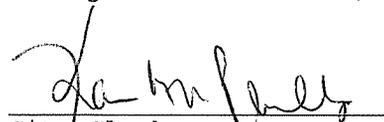
CITIZENS INPUT

Kojack Burnett

Mr. Burnett recommended the Mayor authorize the Housing Authority Board meetings be held at City Hall for everyone to see what is happening.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 11:30 p.m.



City Clerk

Attest: _____
Mayor

NOTE: Minutes were originally approved on February 4, 2008 and subsequently corrected on _____.

**Corrections: Deletions/~~Strikethrough~~
Insertions/Underline**

**CITY OF BROOKSVILLE
WORKSHOP
COUNCIL CHAMBERS
201 HOWELL AVENUE**

MINUTES

January 14, 2008

6:00 P.M.

Brooksville City Council met in special session with Mayor David Pugh, Vice Mayor Frankie Burnett, Council Members Joe Bernardini, Lara Bradburn and Richard E. Lewis. Also present were T. Jennene Norman-Vacha, City Manager; Karen M. Phillips, City Clerk/Director of Administration; Stephen Baumgartner, Finance Director; Bill Geiger, Community Development Director; Mike Walker, Parks & Recreation Director; Emory Pierce, Director of Public Works; and Tim Mossgrove, Fire Chief. A member of the Hernando Today, was also present.

The meeting was called to order by Mayor Pugh.

PROPERTY TAX AMENDMENT OVERVIEW

- The Ballot Language
- The Components of the Amendment

City Manager Norman-Vacha advised that the representatives from the Property Appraiser's Office were there to present an update on the ballot language and the anticipated impacts of passage of same.

PRESENTATION FROM OFFICE OF THE PROPERTY APPRAISER, ALVIN R. MAZOUREK

Presentation by Neil F. "Nick" Nikkinen, CFE and John C. Emerson, CFE.

Mr. Nikkinen distributed copies of his slideshow and explained the definitions of several of the areas affecting this issue, such as just, assessed, market and taxable values. The four components of the Amendment #1 ballot language includes an increase of the homestead exemption up to \$25,000, portability, \$25,000 exemption for tangible personal property and a 10% assessment cap for anything that does not have homestead, all of which are voted on as one single item on the ballot.

He reported that if approved the additional homestead exemption will apply to all levies with the exception of the School District and reviewed a slide of the relation of the additional homestead figure to value. In response to Council Member Bradburn's question, there are 1,139 homesteads in Brooksville and a fair amount fall below the \$75,000 threshold. Concerning portability, calculations and examples were presented on the effect of "upsizing" if just value is more than the old homestead's just value, however, "downsizing" is a little more difficult and a formula has been created. It is almost impossible to get a handle on the effect of this portability issue but he feels the effect for the City of Brooksville would be negligible in relation to some other communities.

The tangible personal property exemption was reviewed. If put into effect the exemption would immediately eliminate 1800 parcels of property from the tax roll, 89% of the total but only 10% of the value, for an estimated value loss of \$11.8M and at the current millage rate would be a loss of about \$75K or less to the City.

Given the current economic conditions he did not foresee the 10% cap on all non-homesteaded properties being much of an impact to Brooksville or the County at this time.

CITY COUNCIL WORKSHOP MINUTES - JANUARY 14, 2008

In recapping, he stated that the 2007 final tax roll for the City of Brooksville was \$545M. At the millage rate of 6.3230 the revenue stream was about \$3.5M. According to Mr. Nikkinen, right now the projected value loss associated with the additional homestead is about \$164,000, which, when compared to the current revenue stream, is about a 4% loss.

He continued, reviewing the decline in the current economy, explaining that if there is a difference between assessed and just, the assessed value has to go up. They have attempted to take out the value of the tax roll associated with properties that have "Save our Homes" because the assessed value will continue to go up to a certain level. The number is determined by the Department of Revenue and they estimate the "Save our Homes" increase will be 1.5%. Having taken out those properties that have assessed values for homestead purposes and increased them by 1.5%, added to last year's numbers, the City is starting out with \$546M. From there is the potential economic decline, which he estimated to be 10% in residential properties that are not homesteaded and a 5% decline for commercial and industrial, of \$36.5M off the \$546M, which brings a total of \$510M before any constitutional amendments are contemplated. The numbers preceding the value loss associated with doubling the homestead and TPP exemption is a \$26M impact for an estimated value, after constitutional amendments, of \$484M.

Rollback was part of the 2007 Legislation that is still in existence and is allowed to be increased only by the percentage of Florida per capita personal income growth and new construction. Mr. Nikkinen attempted to establish what that number may be and estimated 3% and \$3.5M without new construction, which is not included in calculating rollback. Therefore, the \$3.5M divided by \$484M in taxable value equals a millage rate of 7.34 mills, which is actually just over 1 mill higher than the present rate. With the \$8.5M estimated new construction added in, which does not include some of the larger projects in the county, additional revenue stream comes to about \$53-55M and makes the revenue stream allowable by law \$3.6M including the existing revenue caps.

Council Member Bradburn inquired about comments by lobbyists calling the tax program a scam. Mr. Nikkinen stated the 2007 revenue caps are still in effect so the most you can reasonably anticipate is about \$3.6M, which is hardly a significant increase over last year's \$3.5M.

Vice Mayor Burnett, questioning Item 8 on Page 4 and Page 6 Slide 11, inquired about the possible loss of millage figures on the slides, which Mr. Nikkinen reviewed.

In response to the Mayor's question, John Emerson confirmed that if the assessed value goes up and the millage rate goes up to the max for those homeowners whose home value is under \$50K, the amount of taxes due could go up. Discussion continued.

Council Member Bradburn asked if they had analyzed the James Madison Institute's (JMI) proposals. She indicated it imposes great restrictions on what you can raise and what you can spend and makes government more accountable. The JMI proposal would also apply to the state as well as local and county governments. They indicated they were not familiar and cited Representative Marco Rubio's alternative proposal and effects.

For clarification, City Manager Norman-Vacha, referencing Slide 13 for total analysis recap, understood that essentially we are looking at a projected decrease in assessment from \$545M down to \$510M with or without Amendment #1. They confirmed this to be so.

Council Member Lewis clarified that for City taxpayers paying City & County taxes, if the initiative passes it will affect both City and County taxes due by those homeowners and there will be a much greater savings.

CITY COUNCIL WORKSHOP MINUTES - JANUARY 14, 2008

Mr. Nikkinen commented they were just looking at City taxes in this presentation.

There was discussion on some of the other alternatives that had been presented and discussed by the legislature and what that affect could have been. A user consumption tax was cited by Council Member Lewis as the fairest reform in his estimation because everyone needs to pay a fair share to be equitable to all.

CITY OF BROOKSVILLE REVENUE

Brief update of current revenues for FY2007/08 and projections for what we could see in FY2008/09.

General Fund

- a. Ad Valorem (With or Without Amendment 1)
- b. Municipal Revenue Sharing Program (Monies)
- c. Local Government Half-cent Sales Tax Program (Revenues)
- d. Telecommunications Service Tax
- e. Local Option Fuel Tax
- f. Utility Taxes
- g. Other General Fund Revenues
 - Public Service Tax
 - Proprietary Fees
 - Mobile Home License Tax

Finance Director Baumgartner reviewed trends on estimated revenues that might be expected, stating that the State has revised several down such as the half cent sales tax and revenue sharing. Ad valorem is on target at this point, which is traditionally received in December; telecommunications tax up to 19% based on modified accrual basis; revenue sharing up to 26% with a potential hit in July after re-evaluation; local half cent sales tax and local option revenues have been downsized to 15%. Per the Florida League of Cities a lot of communities will be experiencing a roll-forward rate vs. a roll-back rate similar to what was presented as the estimate by the Property Appraiser's representatives.

Based on the Property Appraiser's estimates of a \$164K loss if the initiative passes, Vice Mayor Burnett asked what the projected impact would be on the budget with the estimated loss based on current trends in revenue sharing figures. According to Finance Director Baumgartner, the revenue trends are not anticipated to adversely affect the 07-08 budget but could have more affect in the 08-09 budget year. City Manager Norman-Vacha advised if the City does not increase the millage rate its looking at a \$226,078 decrease in revenue and if sales tax continues at its current trend of 3.5% decrease, it would mean approximately (based on 95% projections) \$13,876; if state revenue sharing continues to see a 3% decrease estimates another \$11,639. Without Amendment #1 passing, the City could lose \$251,593 just in general fund revenue. If amendment #1 passes, staff is talking about \$415,243 loss with state revenue sharing of 3% decrease as reflected in state sales tax. To keep the status quo the City would have to go to 7.3417 roll-forward millage rate. One mill equals \$545K at 100% rate. There are a lot of unknowns so it is hard to estimate what the ad valorem millage rate needs to be.

The presentation was based on worse-case scenarios and new construction may provide additional revenue that will allow a lower millage increase. Vice Mayor Burnett pointed out that with additional ballot questions in November and the City having to prepare a budget prior to October 1, he is concerned that the City should take steps to anticipate potential revenue shortfalls this fiscal year.

CITY COUNCIL WORKSHOP MINUTES - JANUARY 14, 2008

City Manager Norman-Vacha stressed that staff will be presenting as detailed conservative information as possible to help Council make their budgetary decisions.

Mayor Pugh stated the City has no CIP and cut backs have already been made so we really need to be considering what to do. Council Member Bradburn advised that a future workshop on obligations is needed and stated that a review will be critical but actions on certain capital needs will be mandatory. The capital improvement budget in general was discussed.

City Manager Norman-Vacha pointed out other problems, such as high fuel costs and operational costs, and assured Council that staff is working diligently to look at impacts.

Council Member Lewis advised that there is an area that City Manager Norman-Vacha is looking into regarding discrepancies in Utility Tax shortfalls as identified with new construction not included in electric company data base that may help to increase our revenues via the address data base. However, there may be some properties that are included that should not be in the data base. An audit is underway to manually verify addresses by the Community Development Dept. According to City Manager Norman-Vacha, staff will look at other sources as well and verify.

Discussion on the potential for cut in services, staffing issues and other alternatives as the next budget year comes forward continued.

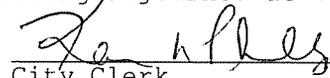
Attorney Hogan advised that gas tax collections are being misallocated in one of his other governmental clients and suggested that the City look at that as well. City Manager Norman-Vacha reported that she and the Finance Director are currently looking into that and have just started working with the State for refunds on taxes due back to the City, citing the County collecting dollars that were due the City as well as refunds on taxes paid for city gas purchases.

Other Funds

No discussion of other funds took place.

ADJOURNMENT

There being no further discussions, the meeting adjourned at 7:22 p.m.



City Clerk

Mayor

CITY OF BROOKSVILLE
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS
201 HOWELL AVENUE

MINUTES

February 4, 2008

7:00 P.M.

Brooksville City Council met in regular session with Mayor David Pugh, Vice Mayor Frankie Burnett and Council Members Joe Bernardini, Lara Bradburn and Richard E. Lewis. Also present were Thomas S. Hogan, Jr., City Attorney; T. Jennene Norman-Vacha, City Manager; Karen M. Phillips, City Clerk/Director of Administration; Janice L. Peters, Deputy City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Emory Pierce, Director of Public Works; George Turner, Police Chief and Tim Mossgrove, Fire Chief. Members of the Hernando Today, Hernando Times and Brooksville Belle were also present.

The meeting was called to order by Mayor Pugh, followed by an invocation and pledge of allegiance.

Council Member Bradburn requested Item F-2, the Hernando County Fair Association Condemnation, be moved ahead on the agenda. Council consensus was to review after the Consent Agenda. She also requested Item C-4, the City Hall Generator Wall Bid, be moved to the regular agenda.

CONSENT AGENDA

Minutes

August 6, 2007 Regular Meeting/BHA Hearing
November 5, 2007 Regular Meeting

Police Pension Trust Fund (PPTF) Board Member

Ratification of appointment of Jason Brough as the "fifth member" to the PPTF for a 2-year term of office through January 31, 2010, as elected a majority of the Board Members on January 4, 2008.

Beautification Advisory Board Appointments

Consideration of appointment of members to one expiring and one unexpired 3-year term of office.

[Note - all applicants are registered voters as required]

Jay Arthur Thompson (Current Member Reapplying)
Scott Steven Renz (New Applicant)

City Hall Generator Wall Bid

Authorization to go out to bid for City Hall generator brick wall. Funding anticipated from remaining USDA project funds.

Regional Medical Center's Renewal Application for Certificate of Public Convenience & Necessity (COPCN)

Consideration for Council to recommend that Hernando County Board of County Commissioners grant renewal of COPCN for HCA Health Services of Florida, Inc.

Motion:

Motion was made by Council Member Bernardini and seconded by Vice Mayor Burnett for approval of the Consent Agenda with the removal of the City Hall Generator Wall Bid. Motion carried 5-0.

REGULAR COUNCIL MEETING MINUTES - FEBRUARY 4, 2008

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Margaret R. Ghiotto Beautification Award - Residential Award

Recognition of improvements to the property of David and Karen Folds located at 500 S. Brooksville Avenue.

Mayor Pugh reviewed the award and made the presentation to Mr. Folds, who thanked Council.

Margaret R. Ghiotto Beautification Award - Commercial Award

Recognition of improvements to the property of Hensley Chiropractic, located at 246 E. Fort Dade Avenue.

Mayor Pugh reviewed the award and made the presentation to Dr. Hensley, who thanked Council.

Friends of the Children - BBQ Competition - Tom Varn Park Fee

Consideration of waiving fees in the amount of \$475 for the Third Annual Brooksville Blazin' Butts-n-Brisket BBQ Competition to be held October 17-18, 2008, and authorization for beer and wine sales in designated areas.

Joseph E. Johnston, III, reviewed the request and indicated all proceeds go to the Friends of the Children.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Lewis for approval of the \$475 waiver of fees. Motion carried 5-0.

Week of the Young Child

Consideration of waiving fees in the amount of \$495 for the event at JBCC on Saturday, April 19, 2008.

Sheila Chambers of Childhood Development Services reviewed the request, noting this to be the 18th year of the event. This year's theme is "Bringing the Community Together for Children" and is free to all; flyers were distributed.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Lewis for approval of the \$495 waiver of fees provided the certificate of insurance is received. Motion carried 5-0.

Council Member Joe Bernardini asked for the running total of fees waived to be provided to Council. City Manager Norman-Vacha reviewed the importance of fees in light of budgetary cuts.

Resolution No. 2008-02 - Joe Maner Retirement

Consideration of Resolution honoring Joe Maner who retired from the Utilities Division of the Department of Public Works January 15, 2008, after more than 19 years of service.

City Clerk Phillips read Resolution No. 2008-02 in it's entirety.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Lewis for approval of Resolution No. 2008-02.

Motion carried 5-0 upon roll call vote as follows:

REGULAR COUNCIL MEETING MINUTES - FEBRUARY 4, 2008

Council Member Bernardini	Aye
Council Member Bradburn	Aye
Council Member Lewis	Aye
Vice Mayor Burnett	Aye
Mayor Pugh	Aye

Resolution No. 2008-03 - Elder Juanita Johnson Recognition

Consideration of Resolution to acknowledge the contributions of outstanding humanitarian deeds during the celebration of Black History Month.

City Clerk Phillips read Resolution No. 2008-03 in it's entirety.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Bernardini for approval of Resolution No. 2008-03.

Motion carried 5-0 upon roll call vote as follows:

Council Member Bradburn	Aye
Council Member Lewis	Aye
Council Member Bernardini	Aye
Vice Mayor Burnett	Aye
Mayor Pugh	Aye

The resolution was presented by Mayor Pugh to Elder Johnson, who spoke briefly of her tenure as Elder and thanked Council for the honor.

A 5-minute recess was taken.

Item F-2, Resolution No. 2008-05, was moved ahead on the agenda.

Resolution No. 2008-05 - Hernando County Fair Association Condemnation

Consideration to proceed with acquisition of property through eminent domain procedures.

City Attorney Hogan advised that the developer, Hampton Ridge, made an offer to the Fair Association in the amount of the appraisal, which is \$126,345. The Fair Association rejected the offer and Hampton Ridge refused to go higher. Therefore, the resolution was prepared in an effort to move forward with the condemnation process, which does not rule out settlement discussions in the interim. Attorney Hogan advised that if the City is going to entertain further negotiations they appoint the Mayor, along with legal counsel, to pursue those negotiations.

Mayor Pugh indicated he is in favor of negotiating a settlement, thereby avoiding the condemnation process. Attorney Hogan recommended Council pass the resolution in the interim so they can move forward on two fronts.

Mayor Pugh opened the floor to public discussion.

County Commissioner David Russell, a representative of the Fair Board, addressed Council with concerns for the actions being taken concerning the proposed condemnation procedure. He advised a proposal is in the works which he felt would alleviate the need for condemnation.

Mayor Pugh advised that proposals are not normally heard prior to negotiations. Council consensus was to allow it.

Commissioner Russell indicated the proposal, based on the offer of \$63,000 per acre by the developer, is a counter of \$106,500 per acre. He

REGULAR COUNCIL MEETING MINUTES - FEBRUARY 4, 2008

explained that in taking an overview of the properties in the area they came up with comparables between \$62,500 and \$155,000. Keeping in mind that the City is in the process of acquiring property, adjacent to the property in question, from the County for \$150,000 per acre, they took the difference between the \$150,000 being paid the County and the \$63,000 proposed to the Fair Board, which works out to \$87,000. That amount was then split in half, which comes to \$43,500, and added to the \$63,000 proposed, for a counter offer of \$106,500 per acre. In return, he felt there would be an economic value to the City's decision as the Fair Board will apply that money to infrastructure and improvements to the Fairgrounds which will benefit all. In reference to infrastructure, they would request some drainage considerations being engineered at this time as well as utility stub-outs, roadway access, and possibly sidewalks.

Discussion followed in which the costs to the citizens of possibly going to court on the condemnation versus negotiating a settlement as well as consideration of available grant monies were pointed out.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Bernardini for denial of Resolution No. 2008-05 and authorize staff to negotiate and advertise for a special meeting on February 11, 2008. Motion carried 5-0.

City Hall Generator Wall Bid

Authorization to go out to bid for City Hall generator brick wall. Funding anticipated from remaining USDA project funds.

City Manager Norman-Vacha reviewed the questions concerning the project, which was then discussed. Council Member Bradburn requested the brick be matched to the building and be the three-sided connected wall, the funding of which will come from USDA grant money. Public Works Director Emory Pierce reviewed the plan for the wall.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Lewis for approval of the bid as originally approved by Council for a connected wall. Motion carried 5-0.

PUBLIC HEARING

LARGE SCALE COMPREHENSIVE PLAN AMENDMENTS

Ordinance No. 752 - Public School Facilities Element and Subsequent Text Amendments (CPA 2007-L1)

An ordinance relating to the City's Comprehensive Plan, adding Chapter Eleven, Public School Facilities Element and related amendments to the Future Land Use Element, Intergovernmental Coordination Element and Capital Improvements Elements; and an amendment adding one policy to the transportation Element related to frontage road regulation.

[This is the second of two required readings, with the first reading held on 10/01/07.]

Director Geiger reviewed the petition, indicating the report requested by Council is attached and a citizen sign in sheet is in the back of the room for anyone interested in receiving information directly from the state regarding the project.

REGULAR COUNCIL MEETING MINUTES - FEBRUARY 4, 2008

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Lewis for approval of Ordinance No. 752.

Mayor Pugh asked for public input; there was none.

City Clerk Phillips read Ordinance No. 752 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN BY ADDING CHAPTER 11, PUBLIC SCHOOL FACILITIES ELEMENT, AND APPROVING SUBSEQUENT AMENDMENTS TO THE FUTURE LAND USE ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT AND CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN TO MAINTAIN INTERNAL CONSISTENCY IN THE PLAN WITH THE NEW CHAPTER 11; AMENDING CHAPTER TWO, TRANSPORTATION ELEMENT, PROVIDING A NEW POLICY PERTAINING TO FRONTAGE ROADS; SAID AMENDMENTS BEING ADOPTED PURSUANT TO PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

Motion carried 5-0 upon roll call vote, as follows:

Council Member Lewis	AYE
Council Member Bernardini	AYE
Council Member Bradburn	AYE
Vice Mayor Burnett	AYE
Mayor Pugh	AYE

Proposed Ordinance No. 753 - Future Land Use Element Map and Text Comprehensive Plan Amendments (CPA 2007-L2)

An ordinance relating to amendments to the City's Future Land Use Element, specifically amending the Text and Future Land Use Map, providing a land use designation of Mobile Home/Multi-Family Residential for an 11.3 acre + property located between VFW Road and Oliver Street.

[This is the second of two required readings, with the first reading held on 10/01/07.]

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett for approval of Ordinance No. 753.

Mayor Pugh asked for public input; there was none.

City Clerk Phillips read Ordinance No. 753 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING AMENDMENTS TO THE FUTURE LAND USE MAP AND ELEMENT OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN; PURSUANT TO PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

There was brief discussion of the multi-family mobile home land zoning designation and the need to address this issue when revising City Code.

Motion carried 5-0 upon roll call vote, as follows:

Council Member Bernardini	AYE
Council Member Bradburn	AYE

REGULAR COUNCIL MEETING MINUTES - FEBRUARY 4, 2008

Council Member Lewis AYE
Vice Mayor Burnett AYE
Mayor Pugh AYE

City Attorney Hogan agreed to share with Council their list of projects for the City.

REGULAR AGENDA

Resolution No. 2008-04 - Florida Municipal Investment Trust

Consideration of a Resolution to open an investment account with the Florida Municipal Investment Trust, through the Florida League of Cities, to be used for Water & Sewer Sinking and Reserve Funds.

Finance Director Baumgartner reviewed the issue, recommending Council approve staff's request to open the investment account.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Bernardini for approval of Resolution No. 2008-04. Mayor Pugh asked for public input; there was none.

City Clerk Phillips read Resolution No. 2008-04 by title, as follows:

A Resolution authorizing the City of Brooksville (herein referred to as this "Governmental Unit") to join with other local governmental units as a participant in the Florida Municipal Investment Trust for the purpose of purchasing shares of beneficial interest in the Trust.

Motion carried 5-0 upon roll call vote as follows:

Council Member Bradburn Aye
Council Member Lewis Aye
Council Member Bernardini Aye
Vice Mayor Burnett Aye
Mayor Pugh Aye

Resolution No. 2008-06 - Collection and Use of Social Security Numbers

Consideration of resolution for compliance with F.S. relating to collection and dissemination of Social Security Numbers.

Motion:

Motion was made by Council Member Bernardini and seconded by Vice Mayor Burnett for approval of Resolution No. 2008-06.

Mayor Pugh asked for public input; there was none.

City Clerk Phillips read Resolution No. 2008-06 by title, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, ADOPTING A WRITTEN STATEMENT ON THE COLLECTION OF SOCIAL SECURITY NUMBERS; PROVIDING FOR THE AUTHORIZATION FOR CERTIFICATE OF COMPLIANCE TO THE FLORIDA LEGISLATURE PROVIDING THE IDENTIFICATION OF COMMERCIAL ENTITIES SEEKING SOCIAL SECURITY NUMBERS; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion carried 5-0 upon roll call vote as follows:

REGULAR COUNCIL MEETING MINUTES - FEBRUARY 4, 2008

Council Member Lewis	Aye
Council Member Bernardini	Aye
Council Member Bradburn	Aye
Vice Mayor Burnett	Aye
Mayor Pugh	Aye

Brooksville Housing Authority (BHA)

Direction of Council concerning agreement and debts owed the City by the BHA.

Police Officer Duty Agreement

Consideration of Council to pursue debt.

Director of Finance Baumgartner reviewed the issue, requesting direction from Council on collecting the debt for Police services which ended September 30, 2007. Mayor Pugh recommended booking the \$13,000 as a receivable for the last quarter of the agreement and waiving the \$6,000 debt for services provided past the agreement period.

Motion:

Motion was made by Council Member Lewis and seconded by Council Member Bradburn for approval of Mayor Pugh's recommendation of booking the \$13,000 and waiving the \$6,000 for services beyond the timeline for the agreement. Mayor Pugh asked for public input.

Pierre Desjardins asked whose budget the \$6,000 would be coming out of. Director Baumgartner indicated the General Fund.

Ronnie McLean, Director of the Brooksville Housing Authority, advised that upon speaking with the Board and the HUD advisor, a notice had to be in writing 60-days in advance of the expiration date to cancel the agreement, which to his knowledge was not written. He asked that the \$13,000 be waived and to regain the PILOT option as they have the resources at this time. Discussion followed.

Motion carried 5-0.

PILOT Program Debt

Consideration of Council to pursue agreement.

Director Baumgartner reviewed the history of the agreement, pointing out that the \$500 payment the Brooksville Housing Authority had been making was only for arrears. The current annual payments have not been made.

Council Member Lewis asked Attorney Hogan to explain the ramifications of not paying the PILOT as Council does not have the authority to waive ad valorem taxes which the PILOT is in lieu of.

City Attorney Hogan confirmed that both cannot be waived. Discussion followed.

Council Member Lewis recommended Council ask the Brooksville Housing Authority fee accountant to audit the account and provide the necessary figures to calculate the amount due.

Motion:

Motion was made by Council Member Lewis and seconded by Council Member Bernardini to ask the Brooksville Housing Authority Board for accountability from the fee accountant and to request from HUD what the City is responsible for, if anything.

REGULAR COUNCIL MEETING MINUTES - FEBRUARY 4, 2008

Mr. McLean indicated he has come to an agreement with HUD for authorization to renegotiate the PILOT and expects to have an agreement in 60 days.

Motion carried 5-0.

Sims Furniture Warehouse Agreement

Consideration of collection of \$67,500 reimbursement due the City, time extension of completion of construction of 50,000 s.f. warehouse facility on the Sims Furniture Expansion Project or waiver of the requirement and write-off receivable.

Director of Finance Baumgartner asked for direction on the matter. Council Member Lewis, referencing page 1 item 3 of the agreement, reviewed the issue. Director Geiger confirmed that grant money was used for redesigning the area to accommodate the warehouse, which has not been built.

Motion:

Motion was made by Council Member Lewis and seconded by Council Member Bernardini for approval of booking the amount as a receivable.

Mayor Pugh advised there were extenuating circumstances and he would like to hear their side of the story as to why the warehouse has not been built, which was briefly discussed. Director Geiger indicated the project was a casualty of inflation, among other things. Discussion followed in which Finance Director Baumgartner recommended booking the amount as a receivable. Council Member Bradburn requested additional information on the subject in the form of documented requirements be brought back to Council. She wanted to make sure the terms had not been changed.

Motion carried 4-1 with Mayor Pugh voting in opposition.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett to continue negotiations with Sims.

Discussions continued. Attorney Hogan advised the contract is an enforceable agreement within the statute of limitations. He advised he would need to review the issue to see if anything had changed during the process of negotiations.

Motion carried 5-0

Mutual Aid Agreement

Consideration of agreement with Hernando County Fire Rescue for Mutual Aid Agreement that expands cooperative efforts between the City of Brooksville and Hernando County.

Motion:

Motion was made by Council Member Bernardini and seconded by Vice Mayor Burnett for approval of the agreement.

Council Member Lewis questioned the automatic aide clause. It was clarified that the City of Brooksville Fire Department will respond automatically if closer and vise-versa. Discussion followed.

Mayor Pugh asked for public input.

Mary Evelyn Reid expressed concern for who is going to reimburse who and how it will affect taxpayers. Fire Chief Mossgrove elaborated on the

REGULAR COUNCIL MEETING MINUTES - FEBRUARY 4, 2008

provisions for reimbursement which will be reviewed annually. She asked about the two fire stations being side by side. City Manager Norman-Vacha indicated there are negotiations on-going with the County.

Motion carried 5-0.

Mayor Pugh asked about the feasibility of offering the County use of the South Brooksville Fire Station at the Department of Public Works. Chief Mossgrove advised that it has been discussed.

ITEMS BY COUNCIL

Lara Bradburn, Council Member (1)

Council Member Bradburn thanked staff for their efforts in refining/producing the minutes.

Ginny Brown-Waite Funding Proposals

Council Member Bradburn advised Congresswoman Ginny Brown-Waite has extended the City an offer to sponsor funding proposals to Congress and she (Council Member Bradburn) is speaking with City Manager Norman-Vacha and Director Geiger concerning possible projects including infrastructure projects, an overall master plan for the City and drainage. The deadline is February 15 and Council consensus was to go forward with the proposals for possible funding. City Manager Norman-Vacha advised that if any funding were acquired it would come back to Council for approval.

Water Conservation

Council Member Bradburn indicated the area is in a drought and recommended the City support the efforts of SWFWMD in their campaign to raise citizen awareness and encourage the citizens to conserve water. She suggested the City team up with SWFWMD for an upcoming water conservation week.

T. Jennene Norman-Vacha, City Manager

Progress Energy

City Manager Norman-Vacha reminded all that Progress Energy has put together a neighborhood energy saver program within the City of Brooksville and will be at the Elks Lodge on MLK March 7 and will work with anyone within the targeted zone to do a weatherization audit to determine if weather stripping/repairs can be done for energy efficiency. She encouraged all citizens within the targeted zone to participate as it is free. Vice Mayor Burnett elaborated on the program as well, which was briefly discussed.

Frankie Burnett, Vice Mayor

Vacant Positions

Vice Mayor Burnett requested an update on the Growth Management and Redevelopment positions and the Human Resource position at the next meeting.

David Pugh, Mayor

Irrigation

Mayor Pugh indicated he was contacted by a church for an irrigation meter to see if there are any provisions for a reduced rate. Director Pierce indicated there are no provisions.

REGULAR COUNCIL MEETING MINUTES - FEBRUARY 4, 2008

CITIZENS INPUT

Pierre Desjardins

Bumper Stickers

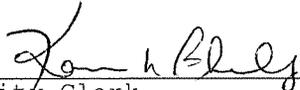
He inquired about receiving some of the "My City" bumper stickers for distribution at his store, even at a nominal fee. City Clerk Phillips will check as our supplies are limited.

Art Receptions

He advised that once a month they have art receptions and fund-raisers at his store on Jefferson Street. It is the first Wednesday from 7-9:00 p.m. and Coney Island has an Elvis impersonator and other activities as well. He extended an invitation to Council and staff for the March event and indicated area merchants such as Mallie Kylas, Westovers, the Paper Porch and Rogers Christmas House would be open as well.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 10:05 p.m.



City Clerk

Attest: _____
Mayor

CITY OF BROOKSVILLE
SPECIAL CITY COUNCIL MEETING
COUNCIL CHAMBERS
201 HOWELL AVENUE

MINUTES

February 11, 2008

6:00 P.M.

Brooksville City Council met in special session with Mayor David Pugh, Vice Mayor Frankie Burnett and Council Members Joe Bernardini, Lara Bradburn and Richard E. Lewis. Also present were Thomas S. Hogan, Jr., and George Angeliadis, City Attorneys; T. Jennene Norman-Vacha, City Manager; Karen M. Phillips, City Clerk/Director of Administration; Janice L. Peters, Deputy City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Emory Pierce, Director of Public Works and Tim Mossgrove, Fire Chief. Members of the, Hernando Today and Hernando Times were also present as well as Dave Russell, Hernando County Commissioner.

The meeting was called to order by Mayor Pugh, followed by an invocation and pledge of allegiance.

Hernando County Fair Association Property Acquisition

Consideration of settlement negotiations or adoption of Resolution No. 2008-05 to proceed with acquisition of property through eminent domain procedures.

City Attorney Hogan advised that a letter had been received which reflects the negotiations of the proposed settlement agreement, which were reviewed and discussed.

Council Member Lewis, referencing the proposed sidewalks (Item 5), felt they should be 5' and would like that to be indicated in the Agreement.

Mayor Pugh explained that of the negotiated settlement offer of \$209,805, the developer will pay their original offer of \$126,345 through impact fee credits, and the additional \$83,460 will be procured from the City's existing TOPS grant money.

City Manager Norman-Vacha clarified, and Commissioner Russell pointed out, that the 1.97 acres the City is purchasing belongs to the Fair Association.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Lewis to approve, as negotiated, inclusion of 5' wide specifications for sidewalks and authorize the legal staff to negotiate an agreement between the City and Fair Association based on the agreed upon price of \$209,805.

City Manager Norman-Vacha advised the final agreement will be brought to Council for approval.

SPECIAL COUNCIL MEETING - February 11, 2008

Motion carried 5-0.

City Attorney Hogan indicated proposed Resolution No. 2008-05 for condemnation dies for lack of action.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 6:24 p.m.



City Clerk

Attest: _____
Mayor

**CITY OF BROOKSVILLE
CAPITAL IMPROVEMENT PLANNING WORKSHOP
COUNCIL CHAMBERS
201 HOWELL AVENUE**

MINUTES

FEBRUARY 11, 2008

6:00 P.M.

Brooksville City Council met in special session with Mayor David Pugh, Vice Mayor Frankie Burnett and Council Members Joe Bernardini, Lara Bradburn and Richard E. Lewis. Also present were Thomas S. Hogan, Jr., and George Angeliadis, City Attorneys; T. Jennene Norman-Vacha, City Manager; Karen M. Phillips, City Clerk/Director of Administration; Janice L. Peters, Deputy City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Emory Pierce, Director of Public Works and Tim Mossgrove, Fire Chief. Members of the Hernando Today and Hernando Times were also present.

CAPITAL IMPROVEMENT PLANNING - BUDGET

Review of discussions and insights from Council on direction and emphasis in proceeding in developing a capital improvement program.

City Manager Norman-Vacha briefly reviewed the attachments and asked for direction from Council as to their thoughts on planning. Vice Mayor Burnett commended staff for their efforts in putting together the information received.

Vice Mayor Burnett began by saying that staff's recommendations and research was well done. He referenced page 3 and the way the items had been broken down, comparing how the items are important to different people and the need to analyze and prioritize.

Council Member Bradburn, taking a different approach, felt this to be the opportunity for Council to seriously look at what it sees as priorities for the City, in particular, due to the financial constraints the City is already in and that which is forthcoming. She advised that the City is approximately \$60M in the hole as far as what it is obligated to do, i.e. infrastructure, drainage, etc. versus what the City should be focusing on, which is services, regular improvements, etc. It was her opinion that this is Council's opportunity to take a serious look at how this needs to be accomplished. She cited projects Council has already deemed priorities, such as the TOPS sidewalk projects, of which some improvements have been made, and drainage priorities. She indicted improvements have been made in efficiency of staff and felt efficiency and working smarter to be a priority, advising that technology is in the forefront of accomplishing that. She wanted to hear more about what impact fee revenue the City currently has and what it can be spent on.

Vice Mayor Burnett concurred with Council Member Bradburn on all those points but felt the first priority of Council should be to identify and define what is meant by capital outlay and capital improvement projects, then prioritize.

Discussion followed of the state of the City's funds and what the City is required to provide for the citizens.

Council Member Lewis requested a prioritized list of sidewalks needing repair as well as drainage problems, infrastructure and streets. He

COUNCIL WORKSHOP MINUTES - FEBRUARY 11, 2008

also requested staff insure the developers follow through on items they agree to provide, citing the infrastructure Cascades, who has filed bankruptcy, agreed to build. He recommended Council consider enforcing the bond Cascades put up to build the infrastructure.

Discussion continued of capital outlay and capital projects as well as the requirements for using impact fees.

City Manager Norman-Vacha advised that staff is not prepared to talk about money the City has. At this point she would like to talk about how Council would like to proceed with a capital improvement plan or policy for the current budget year.

Council Member Lewis indicated Director Pierce had been very efficient in providing prioritized lists of streets throughout the City in need of repair. He requested the same type of list be done on sidewalks, for the sake of safety.

Director Baumgartner indicated the City follows the County rules as they relate to capital improvements and use of impact fees and explained capital expenditures based on the GFOA recommendations, which is an amount that exceeds \$5,000, has a useful life of 1 year or more, is entered into the fixed asset ledger and is depreciated. Items costing less than \$5,000 are considered an operating expense. He did not recommend changing the definition the City has followed for capital expenditures. Concerning the use of impact fees, Director Baumgartner advised that the City follows the Ordinance adopted by Council, which is the same as the County's procedure, and staff is very careful to ensure the rules are followed. He recommended planning for the more costly items and budget for the smaller ones.

Council Member Lewis recommended listing priorities, with those necessary for health, safety, and welfare being first, followed by those items that affect citizens and then to those that address aesthetics. Council Member Bradburn added that the City also has financial and legal obligations, development agreement obligations, etc., that need to be accounted for and listed and she would like to see that throughout the year, especially during the budget process, and advised the City needs to look at drainage, sidewalk and street issues.

City Attorney Hogan indicated he could provide specification of what impact fees can be spent on, which is defined by case law. City Manager Norman-Vacha advised that impact fees are only one source for capital improvement funding and it is specific to new growth caused by new development.

Mayor Pugh anticipated seeing a 5-year projection list with reasons for each item and recommended considering extending the life of expensive items such as the fire truck. His main concern is the roads and infrastructure, especially for established neighborhoods that have to deal with failing roads, sidewalks and drainage issues, and identifying those areas needing improvement. He cited Martin Luther King Boulevard as being a prime example of needed road improvements.

Discussion continued of impact fee fund spending.

Vice Mayor Burnett recommended giving staff the go-ahead to work on implementation for a capital improvements policy, along with a list of items needing to be done, funds available and current obligations.

COUNCIL WORKSHOP MINUTES - FEBRUARY 11, 2008

In closing, City Manager Norman-Vacha reviewed her understanding that Council wanted the infrastructure as primary and foremost and staff to work on substantial definitions on how to help Council define what the projects and expenditures are and further to come back to Council before the full-blown budget process begins with a policy to go forward. She felt that what capital reports will be done next year will come with the budget process and not separately. She also confirmed that Council is looking for possible revenue sources to fund the projects as well as current obligations and what funds are committed to those.

LAND USE PROTOCOL AND PROCEDURE

Review of land-use protocol and procedures.

City Attorney Hogan, anticipating forthcoming legislative and quasi-judicial hearings, wanted to make sure legal staff is on the same page as Council as to how the hearings are to be conducted. He advised that it is necessary to conduct such hearings in accordance with State Statutes for a proper defense.

Attorney Angeliadis read in its entirety the attachment provided Council regarding quasi-judicial and legislative procedures. (Attachment A) Discussion followed in which Attorney Hogan stressed the importance of providing due process to the applicant and that a good defensible record for the decision made is produced.

Regarding procedures, Mayor Pugh asked if it is the best procedure to have land-use (Comp Plan) and zoning changes for a particular project come before Council at the same time. Attorney Hogan pointed out that the Comp Plan amendments have to be made before zoning changes are made and hearing them at the same time is not his favorite process. He agreed to provide to Council step-by-step procedures for conducting related hearings.

Director Geiger felt the biggest problem with hearing land-use and zoning at the same time is the issue of clouding one issue with the other. Attorney Hogan added there is the tendency to cut corners after having just heard the same party for one issue continue on with the next issue, thereby creating a less than desirable record. Director Geiger advised the normal process would be to make the land-use determination first, which according to Attorney Angeliadis is legislative and based upon the "Reasonable Man Standard", then address the zoning petition.

Council Member Bradburn advised the real "cloudiness" is in the current zoning code, which will she indicated take a while to rewrite and will be a multi-step process. Attorney Hogan stated he would like to rewrite the code and considers it a monumental task which may require input from a consultant.

Mayor Pugh cited problems with annexing properties with County designated land uses and recommended consulting with the County concerning future land use.

Council Member Bernardini recommended, when constructing the agenda concerning these issues, for "Recommendation", to put "Motion to Approve or Deny Staff Recommendation". Discussion continued of land-use and zoning designations.

Attorney Hogan suggested a redraft/update of the zoning code with current trends to include a policy for City growth going forward, which was discussed as well.

COUNCIL WORKSHOP MINUTES - FEBRUARY 11, 2008

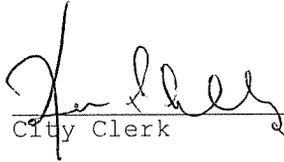
Director Geiger indicated, relating to the updating of the zoning code, there have been renewed efforts of trying to hire a Growth Management Planner, who he felt would play a key role in providing the draft documents for legal review and would be more cost efficient than hiring a consultant for that purpose. Attorney Hogan recommended keeping our zoning consistent with the County's.

Concerning the mobile home designation, Council Member Lewis stated he is not in favor of putting that designation on any property. He would rather use a Mobile Home/PDP designation, which would provide more flexibility. Discussion of the pros and cons of the designation followed.

Mayor Pugh thanked staff for the information provided for this workshop.

ADJOURNMENT

The workshop adjourned at 8:15 p.m.



City Clerk

Attest: _____
Mayor

AGENDA ITEM NO. 2
CAP. IMPROV. PLANNING W'SHOP
2/11/08

**CITY OF BROOKSVILLE
CITY COUNCIL**

WORKSHOP: February 11, 2008

Materials prepared by:
The Hogan Law Firm
City Attorney / City of Brooksville

Attorney Client Work Product

The Quasi Judicial Process:

Items which may be considered Quasi-Judicial:

Rezoning
Special Exceptions
Planned Development Projects
Variances
Appeals of ZAB Decisions;
Preliminary Plat Approvals

Legislative Land Use Items:

Annexations
Comprehensive Plan Amendments
(aka "Land Use" changes).

Final Plat approvals are ministerial.

Quasi Judicial vs. Legislative:

It is the character of the hearing that determines whether or not a board's action is legislative or quasi-judicial.

Generally speaking, legislative action results in the formulation of a general rule of policy, whereas judicial action results in the application of a general rule of policy.

Board of County Comm'rs of Brevard County v. Snyder, 627 So.2d 469, 474 (Fla.1993).

Scope of Review on Appeal; Issues to Look For:

Zoning denials are litigated through a “petition for writ of certiorari” which is an appeal to the circuit court. The scope of review of the circuit court when reviewing a petition for writ of certiorari is limited to a determination of whether:

- (1) the lower tribunal afforded all parties with procedural due process,
- (2) the lower tribunal observed the essential requirements of law, and
- (3) the lower tribunal's judgment is supported by competent substantial evidence.

City of Deerfield Beach v. Vaillant, 419 So.2d 624, 626 (Fla.1982); *Lee County v. Sunbelt Equities, II, Ltd. Partnership*, 619 So.2d 996, 1003 (Fla. 2d DCA 1993); *City Comm'n of the City of Miami v. Woodlawn Park Cemetery Co.*, 553 So.2d 1227, 1239 (Fla. 3d DCA 1989).

In its appellate capacity, the circuit court neither re-weighs the evidence that was before the lower tribunal, nor substitutes its own judgment for that of the lower tribunal. *Sunbelt Equities*, 619 So.2d at 1003.

When analyzing a writ of certiorari, courts must take the following into consideration:

Zoning regulations are in derogation of private rights of ownership, and therefore words used in a zoning ordinance should be given their broadest meaning when there is no definition or clear intent to the contrary, and the ordinance should be interpreted in favor of the property owner.

Rinker Materials Corp. v. City of North Miami, 286 So.2d 552 (Fla.1973)

What is Competent, Substantial Evidence?

“Competent, substantial, evidence” is evidence that will establish a substantial basis of fact from which the fact at issue can be reasonably inferred, or such relevant evidence as a reasonable mind would accept as adequate to support a conclusion. *Duval Util. Co. v. Fla. Pub. Serv. Comm'n*, 380 So.2d 1028, 1031 (Fla.1980)

Although the terms “substantial evidence” or “competent substantial evidence” have been variously defined, past judicial interpretation indicates that an order which bases an essential finding or conclusion solely on unreliable evidence should be held insufficient.

To be substantial, evidence must possess something of substantial and relevant consequence and must not consist of vague, uncertain, or irrelevant matter not carrying the quality of proof or having fitness to induce conviction. *Milford Copper Co. of Utah v. Industrial Commission*, 1922, 61 Utah 37, 210 P. 993, 994

Surmise, conjecture or speculation have been held not to be substantial evidence. *Fla. Rate Conference v. Fla. R.R. & Pub. Utils. Comm'n*, 108 So.2d 601, 607 (Fla.1959)

Florida courts have long recognized that verdicts or findings must be based on something more than mere probabilities, guesses, whims, or caprices, but rather on evidence in the record that supports a reasonable foundation for the conclusion reached. *See Jacksonville Coach Co. v. Early*, 78 So.2d 369 (Fla.1955) *Golden v. Morris*, 55 So.2d 714 (Fla.1951); *Babcock v. Flowers*, 144 Fla. 479, 198 So. 326 (1940)

NOTE: OPINIONS OF NEIGHBORS, WITHOUT MORE, DO NOT CONSTITUTE COMPETENT, SUBSTANTIAL EVIDENCE.

Additionally, objections of a large number of residents of affected neighborhood are not a sound basis for the denial of a permit ... numerous objections may not be given cumulative effect.

City of Apopka v. Orange County, 299 So.2d 657 (Fla. 4th DCA 1974)

EXAMPLE: Statements such as “it's the wrong thing to do,” expressing unspecified concerns, and speculating that the applicant intends some other use than that applied for, do not constitute competent substantial evidence.

NOTE: STAFF RECOMMENDATIONS CONSTITUTE COMPETENT, SUBSTANTIAL EVIDENCE.

Premier Developers III Associates v. City of Fort Lauderdale, 920 So.2d 852 (4th DCA 2006).

However, generalized statements in opposition to a land use proposal, even those from an expert, should be disregarded. *See Div. of Admin. v. Samter*, 393 So.2d 1142, 1145 (Fla. 3d DCA 1981) (“[n]o weight may be accorded an expert opinion which is totally conclusory in nature and is unsupported by any discernible, factually-based chain of underlying reasoning”).

Fact based statements:

FACT-BASED STATEMENTS, WHETHER EXPERT OR NOT, ARE TO BE CONSIDERED.

NOTE: Under the correct legal standard, citizen testimony in a zoning matter is perfectly permissible and constitutes substantial competent evidence, so long as it is fact-based.

What is “fact based” evidence?:

Testimony by the Chief of Police, the Director of Public Works, or the Chief Zoning Official, which provides specific fact-based reasons for a recommendation that the application be rejected, constitutes competent substantial evidence that would support a denial.

The “facts” upon which such testimony rests may derive from relevant portions of the record or from other relevant factual information detailed in the application itself. *Sportacres Dev. Group*, 698 So.2d at 282 (holding that “the County Commission had access to a record which contained maps, reports and other information which, in conjunction with the testimony of

the neighbors, if believed by the Commission, constituted competent substantial evidence”)(Emphasis supplied).

In other words, if laymen give fact based testimony based on evidence (charts, reports, etc.) already in the record, that testimony is competent, substantial evidence, even if the person testifying did not supply the referenced evidence.

Competent Substantial Evidence must be in the Record; Only Record Evidence will be Considered by the Courts:

The Circuit Court's role when acting in its appellate capacity in a rezoning case is to search the record to see if any competent substantial evidence exists to support the Board's decision. *Dorian v. Davis*, 874 So.2d 661 (Fla. 5 DCA 2004).

IN DEFENDING A CITY COUNCIL REZONING DENIAL, THE CITY ATTORNEY IS CONFINED TO THE EVIDENCE IN THE RECORD. NO DEPOSITIONS OR DISCOVERY MAY BE CONDUCTED.

The “Good News” regarding competent substantial evidence for the COBCC:

A LOCAL GOVERNMENT'S QUASI – JUDICIAL DECISION MUST BE UPHELD IF THERE IS ANY COMPETENT, SUBSTANTIAL EVIDENCE IN THE RECORD SUPPORTING IT.

Orange County v. Butler, 877 So.2d 810 (Fla. 5th DCA 2004).

Competent Substantial Evidence and Due Process; Early Decision Making:

Members of a body sitting in a quasi judicial capacity may not indicate that they have made their decision prior to the presentation of evidence at the duly noticed public hearing. To do so may constitute a violation of the

applicant's due process. *Jennings v. Dade County*, 598 So.2d 1337, and *Snyder*.

Contract Zoning; An Illegal Process:

A City may not "cut a deal" or enter into a written agreement to approve a rezoning prior to a public hearing.

From a case arising from illegal contract zoning in Orange County:

"The problem in this case lies with Orange County's obligation to "support" Morgran's request for rezoning, as part of that development agreement. If the Board of County Commissioners has already contracted to "support" Morgran's request for rezoning, it has invalidly contracted away its discretionary legislative power as the final decisionmaking authority. The clause in the contract which provides that the "rezoning process is subject to all County ordinances and regulations governing rezoning," does not cure the problem." *Morgran Co., Inc. v. Orange County*, 818 So.2d 640, 643 (Fla. 5th DCA 2002).

NOTE: IN OTHER WORDS, THE CITY CANNOT SIGN AN AGREEMENT WHICH BINDS IT TO A CERTAIN ZONING DECISION.

In contrast, a true "Development Agreement" is defined as:

"a contract between a [local government] and a property owner/developer, which provides the developer with vested rights by **freezing the existing zoning regulations** applicable to a property in exchange for public benefits." Brad K. Schwartz, *Development Agreements: Contracting for Vested Rights*, 28 B.C. Env'tl. Aff. L.Rev. 719 (Summer 2001), as cited in *Morgran Co., Inc. v. Orange County*, 818 So.2d 640, (Fla. 5th DCA 2002).

NOTE: TIMING IS SIGNIFICANT. NO AGREEMENT MAY SUBSTANTIVELY OCCUR PRIOR TO A PUBLIC HEARING ON THE REZONING.

MEMORANDUM

To: Honorable Mayor and City Council
Via: T. Jennene Norman-Vacha, City Manager
Via: Bill Geiger, Community Development Director
From: Patricia J. Jobe, Planning and Zoning Coordinator
Subject: Southern Pines Condominium - Performance Bond Release
Date: March 24, 2008



The public road extension of Clinton Boulevard through the Southern Pines Condominium Phase I project (to a cul-de-sac on its western terminus) has been inspected and determined to be in compliance with City requirements per the City's Director of Public Works, Emory Pierce. A performance bond in the amount of \$165,000.00 was paid to the City by the Developer of this project on June 19, 2006. A partial release was authorized and a check was issued in the amount of \$123,750.00 in December of 2006, leaving a balance of \$41,250.00. The contractor maintains a contractual warranty on the cul-de-sac portion of the road work (reference survey attached) for one year, through January 11, 2009. The warranty period on the balance of Clinton Boulevard expired December 18, 2007.

Staff recommends authorization to release the balance of the performance bond in the amount of \$41,250.00.

Budget Statement: The purpose for retaining the performance bond has been completed. There are no budgetary impacts to the City for returning the referenced performance bond to the developer.

Legal Note: The processing of the return of this performance bond will be reviewed by the City's legal counsel.

DEO
3/31/08

Attachments:

- 1) Copies of Performance Bond Check (\$165,000.00) and City receipt
- 2) Memo from Emory H. Pierce to Bill Geiger, dated February 21, 2008 with attachments
- 3) Map of Survey - Boundary Survey, sealed 1-17-08

RECEIPT

DATE 6-19-06 No. 125760

RECEIVED FROM Charles Brown / So. Pines Condo \$165,000.00

One hundred Sixty Five Thousand ⁰⁰/₁₀₀ DOLLARS

FOR RENT
 FOR Sk of America Cashier's Check; Road Completion
to be refunded when complete

ACCOUNT	<input type="radio"/> CASH	FROM	TO
PAYMENT <u># 4949830</u>	<input checked="" type="radio"/> CHECK	<u>Melissa Locke</u>	
BAL. DUE	<input type="radio"/> MONEY ORDER		

Bank of America 1182

Bank of America 

Cashier's Check

No. 4949830

Notice to Purchaser - In the event this check is lost, misplaced or stolen, a sworn statement and 90 day waiting period will be required prior to replacement. This check should be negotiated within 90 days.

Date JUNE 19, 2006

30-1/11-40
NTX

Banking Center BROOKSVILLE MARKET SQUARE

0109087 00002 004949830

SOUTHERN PINES CONDOMINIUM
Remitter (Purchased By)

\$ ****165000.00****

Pay ****ONE HUNDRED SIXTY FIVE THOUSAND DOLLARS AND 00 CENTS****

To The Order of ****CITY OF BROOKSVILLE****
****EXTENSION OF CLINTON BLVD****


Authorized Signature

Bank of America, N.A.
San Antonio, Texas

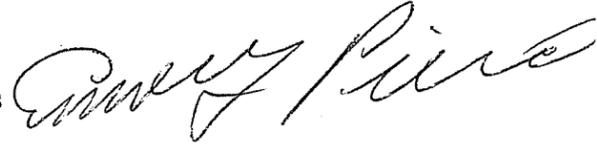
VOID AFTER 90 DAYS

⑈4949830⑈ ⑆114000019⑆ 001641002054⑈

FEB 26 2008

CITY OF BROOKSVILLE
MEMORANDUM

To: Bill Geiger, Development Director
From: Emory H. Pierce, Director of Public Works
Re: Southern Pines Condo's Cul-de-sac
Date: February 21, 2008



I have inspected the subject work, attached documents, and AS Built survey and find the work to be in conformance with our requirements. Therefore I have no objection to the release of the remaining construction bond amount.

EHP/mh

G:\Emory\2008\022108southernpinescondo'sEM.doc

**REPORT OF SOIL DENSITY BY NUCLEAR METHODS
ASTM D 2922**

CLIENT: Hernando Beach, Inc. dba Southern Pines Condominiums
 ADDRESS: 8105 Mobley Road
 CITY, STATE, ZIP CODE: Brooksville, FL, 34601
 DATE OF FIELD TESTS: November 16, 2007
 JOB LOCATION: Southern Pines Condominiums
 AREA COVERED BY TEST: Subgrade on W End of Clinton Dr.
 CTL PROJECT NO.: 0781294.100

**10-LB. RAMMER AND 18-IN. DROP
AASHTO T-180 (MODIFIED PROCTOR)**

TEST LOCATION	TEST DEPTH	LAB DENSITY lbs/ft ³	PERCENT OPTIMUM MOISTURE	FIELD DENSITY lbs/ft ³	PERCENT FIELD MOISTURE	PERCENT DENSITY
E Side of Cul de Sac	12"	119.0	11.0	117.7	8.7	98.9

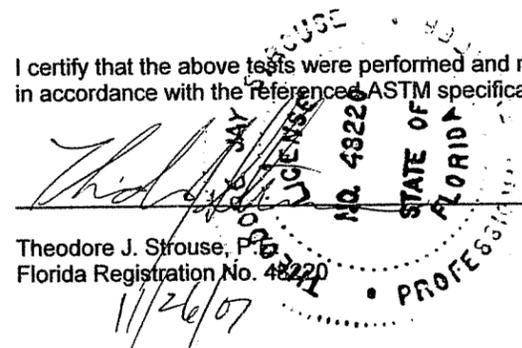
REMARKS: Hernando County

FIELD TECHNICIAN: PL

I certify that the above tests were performed and reported in accordance with the referenced ASTM specifications.

Theodore J. Strouse, P.E.
 Florida Registration No. 48220

11/26/07



**REPORT OF SOIL DENSITY BY NUCLEAR METHODS
ASTM D 2922**

CLIENT: Hernando Beach, Inc. dba Southern Pines Condominiums
 ADDRESS: 8105 Mobley Rd.
 CITY, STATE, ZIP CODE: Brooksville, FL 34601
 DATE OF FIELD TESTS: December 14, 2007
 JOB LOCATION: Southern Pines Condominiums
 AREA COVERED BY TEST: Limerock, W End of Clinton Blvd.
 CTL PROJECT NO.: 0781296.100

**10-LB. RAMMER AND 18-IN. DROP
AASHTO T-180 (MODIFIED PROCTOR)**

TEST LOCATION	TEST DEPTH	LIMEROCK DEPTH	LAB DENSITY lbs/ft ³	PERCENT OPTIMUM MOISTURE	FIELD DENSITY lbs/ft ³	PERCENT FIELD MOISTURE	PERCENT DENSITY
Center of Cul de Sac	8"	9"	126.0	7.0	124.1	8.2	98.5

REMARKS: Hernando County

FIELD TECHNICIAN: PL

I certify that the above tests were performed and reported in accordance with the referenced ASTM specifications.

Curtis M. Karr, P.E.

 Curtis M. Karr, P.E.
 Florida Registration No. 48173

**REPORT OF SOIL DENSITY BY NUCLEAR METHODS
ASTM D 2922**

CLIENT: Hernando Beach, Inc. dba Southern Pines Condominiums
 ADDRESS: 8105 Mobley Road
 CITY, STATE, ZIP CODE: Brooksville, FL 34601
 DATE OF FIELD TESTS: October 13, 2006
 JOB LOCATION: Southern Pines Condominiums
 AREA COVERED BY TEST: Limerock, Roadway, Clinton Ave. W of Mobley Rd.
 CTL PROJECT NO.: 0581411.100

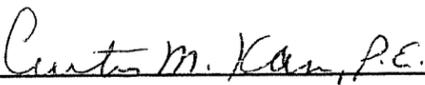
**10-LB. RAMMER AND 18-IN. DROP
AASHTO T-180 (MODIFIED PROCTOR)**

TEST LOCATION	TEST DEPTH	LIMEROCK DEPTH	LAB DENSITY lbs/ft ³	PERCENT OPTIMUM MOISTURE	FIELD DENSITY lbs/ft ³	PERCENT FIELD MOISTURE	PERCENT DENSITY
E to W 50', N Lane	8"	9"	117.0	11.0	119.1	6.3	101.8
E to W 350', S Lane	8"	8 1/2"	117.0	11.0	118.0	7.1	100.9
E to W 650', N Lane	8"	9 1/4"	117.0	11.0	118.5	7.6	101.3
E to W 800', S Lane	8"	8 3/4"	117.0	11.0	117.3	8.0	100.3

REMARKS: Hernando County

FIELD TECHNICIAN: DP

I certify that the above tests were performed and reported in accordance with the referenced ASTM specifications.



 Curtis M. Karr, P.E. 10-17-06
 Florida Registration No. 48173



D.A.B. Constructors, Inc.

P.O. Box 1589
Inglis, FL 34449
(352) 447-5488

Invoice

Number: 3755

Date: January 11, 2008

Bill To:

FUJIMO TRANSPORT
1790 EAST JEFFERSON STREET
BROOKSVILLE, FL 34601

Ship To:

FUJIMO TRANSPORT
1790 EAST JEFFERSON STREET
BROOKSVILLE, FL 34601

PO Number	Terms	Project
SOUTHERN PINES	Net 15 Days	MISC PROJECT

Item No.	Description	Quantity	Rate	Tax	Amount
122356	ASPHALT CONC 01/04/08	21.01	██████	✓	██████
122370	ASPHALT CONC 01/04/08	19.98	██████	✓	██████
122385	ASPHALT CONC 01/04/08	21.02	██████	✓	██████
122400	ASPHALT CONC 01/04/08	20.02	██████	✓	██████
122411	ASPHALT CONC 01/04/08	21.07	██████	✓	██████
MISC	HERNANDO COUNTY SURCHARGE	1.00	██████		██████
Sub-Total					██████
State Tax					██████
Total					██████

TICKET: 122356

D.A.B. CONSTRUCTORS, INC.
P.O. BOX 1589
INGLIS, FL 34449-1589 (PLANT 2)

CUSTOMER: 173
FUJIMO TRANSPORT
CREDIT SALE

TRUCK: F-57 MAX GROSS: 34.00

JOB: 173
CFUJIMO TRANSPORT
CREDIT SALE
SOUTHERN PINES

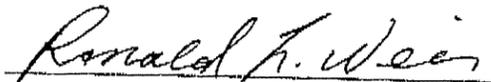
	GROSS	TARE	NET
ENGLISH:	34.01	13.00	21.01
METRIC:	30.85	11.79	19.06

lbs: 58,020 26,000 42,020

Mt1: 18 S3R 1021 B

Loads: 1	NET Tons:	21.01	NET Tonnes:	19.06
	JTD Tons:	21.01	JTD Tonnes:	19.06

Signature:



01/04/2008 10:08

TICKET: 122370

D.A.B. CONSTRUCTORS, INC.
P.O. BOX 1589
INGLIS, FL 34449-1589 (PLANT 2)

CUSTOMER: 173
FUJIMO TRANSPORT
CREDIT SALE

TRUCK: F-59 MAX GROSS: 34.50

JOB: 173
CFUJIMO TRANSPORT
CREDIT SALE
SOUTHERN PINES

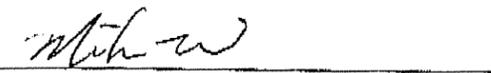
	GROSS	TARE	NET
ENGLISH:	33.23	13.25	19.98
METRIC:	30.15	12.02	18.13

lbs: 66,460 26,500 39,960

Mt1: 18 S3R 1021 B

Loads: 2	NET Tons:	40.99	NET Tonnes:	37.19
	JTD Tons:	40.99	JTD Tonnes:	37.19

Signature:



01/04/2008 11:43

TICKET: 122385

D.A.B. CONSTRUCTORS, INC.
P.O. BOX 1589
INGLIS, FL 34449-1589 (PLANT 2)

CUSTOMER: 173
FUJIMO TRANSPORT
CREDIT SALE

TRUCK: F-57 MAX GROSS: 34.00

	GROSS	TARE	NET
ENGLISH:	34.02	13.00	21.02
METRIC:	30.86	11.79	19.07

JOB: 173
CFUJIMO TRANSPORT
CREDIT SALE
SOUTHERN PINES

lbs: 68,040 26,000 42,040

Mt1: 18 S3R 1021 B

Loads: 3	NET Tons:	62.01	NET Tonnes:	56.25
	JTD Tons:	62.01	JTD Tonnes:	56.25

Signature: Ronald J. Weir

01/04/2008 12:39

TICKET: 122400

D.A.B. CONSTRUCTORS, INC.
P.O. BOX 1589
INGLIS, FL 34449-1589 (PLANT 2)

CUSTOMER: 173
FUJIMO TRANSPORT
CREDIT SALE

TRUCK: F-59 MAX GROSS: 34.50

	GROSS	TARE	NET
ENGLISH:	33.27	13.25	20.02
METRIC:	30.18	12.02	18.16

JOB: 173
CFUJIMO TRANSPORT
CREDIT SALE
SOUTHERN PINES

lbs: 66,540 26,500 40,040

Mt1: 18 S3R 1021 B

Loads: 4	NET Tons:	82.03	NET Tonnes:	74.42
	JTD Tons:	82.03	JTD Tonnes:	74.42

Signature: WJW

01/04/2008 13:42

TICKET: 122411

D.A.B. CONSTRUCTORS, INC.
P.O. BOX 1589
INGLIS, FL 34449-1589 (PLANT 2)

CUSTOMER: 173
FUJIMO TRANSPORT
CREDIT SALE

TRUCK: F-57 MAX GROSS: 34.00

	GROSS	TARE	NET
ENGLISH:	34.07	13.00	21.07
METRIC:	30.91	11.79	19.11

JOB: 173
CFUJIMO TRANSPORT
CREDIT SALE
SOUTHERN PINES

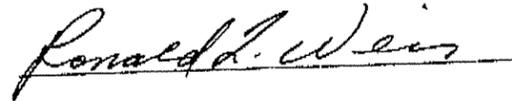
lbs: 68,140 26,000 42,140

Mt1: 18 S3R 1021 B
Loads: 5

NET Tons: 103.10
JTD Tons: 103.10

NET Tonnes: 93.53
JTD Tonnes: 93.53

Signature:



01/04/2008 14:54

Brooksville Civil Site Service, LLC

808 Sardis Street - Brooksville, FL 34601

352/799-5724 - Fax: 352/799-4124

Licensed - Insured

March 24, 2008

Southern Pines Condominium
8105 Mobley Road
Brooksville, Fl. 34601
Attn: Charles M. Sasser, Jr.

City of Brooksville, Florida
201 Howell Avenue
Brooksville, Fl. 34601
Re: Warranty Letter for: Clinton Boulevard Cul de Sac

Dear Sirs,

Brooksville Civil Site Service, LLC ("BCSS"), hereby, warrants to the Owner and City of Brooksville, Florida that all materials and workmanship furnished under this subcontract is of good quality, and meets or exceeds standards outlined in the Contract Documents.

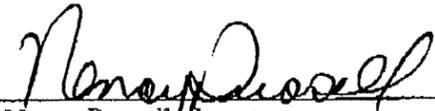
Furthermore, BCSS warrants that all work will be free from defects as per the quality required or permitted by the Contract Documents and that the work will conform within the requirements including approved substitutions.

BCSS's warranty excludes remedy for damage or defects caused by abuse or damage caused by others, improper or insufficient maintenance, improper operation, or normal wear and tear under normal usage. This warranty shall be in addition to and not in limitation of any other warranty required by law.

BCSS's warranty is for the Cul de Sac improvements only and does not reflect the remaining portion from Mobley Road to Cul de Sac which was completed by November 30th, 2006.

BCSS's warranty period begins on the date of substantial completion which was January 11, 2008 and ends on January 11, 2009.

Signed this 21st day of March, 2008

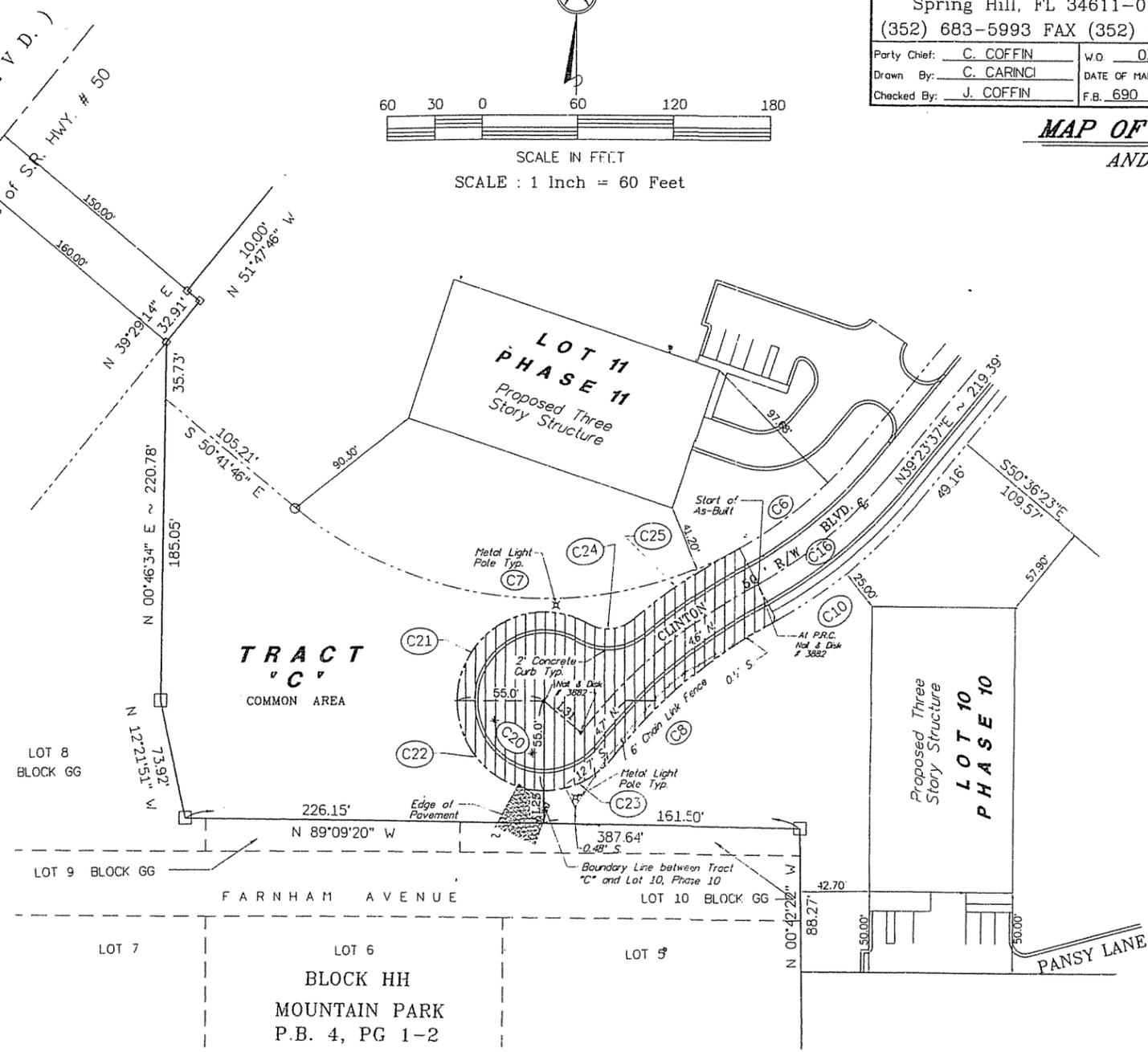
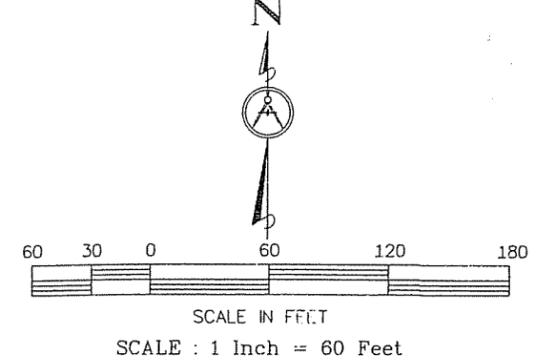

Nancy Russell, Secretary

COFFIN & McLEAN ASSOC., INC.
 Professional Land Surveying
 3701 Commercial Way
 P O Box 5145
 Spring Hill, FL 34611-0145
 (352) 683-5993 FAX (352) 683-9156

Party Chief: C. COFFIN W/O 03-888
 Drawn By: C. CARINCI DATE OF MAP: 01-10-08
 Checked By: J. COFFIN F.B. 690 PG. 28

SOUTHERN PINES CONDOMINIUM BLOCK 1
 CHARLES M. SASSER JR.
 DESCRIPTION:
 CUL-DE-SAC AT THE END OF CLINTON BLVD., IN SOUTHERN PINES CONDOMINIUM BLOCK 1, AS RECORDED IN CONDOMINIUM BOOK 2, PAGE: INCLUSIVE, OF THE PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA
 SECTION: 29 TWP. 22 S RANGE: 19 E

MAP OF SURVEY - BOUNDARY SURVEY
AND AS BUILT FOR CUL-DE-SAC



ABBREVIATIONS LEGEND

AC Air Conditioner	PL Property Line
AGP Above Ground Pool	PLTR Planter
ALUM Aluminum	POB Point of Beginning
ASNS Aluminum Shed No Slab	POC Point of Commencement
ASSS Aluminum Shed on Slab	POL Point on Line
B# Benchmark	PP Power Pole
C Calculated from field measurements	PPF Pool Pump & Filter
CI Curve #1	PRC Point of Reverse Curve
CALC Calculated	PRM Permanent Reference Mon.
CB Catch Basin	PS Power Sub
CBS Concrete Block Structure	PT Point of Tangency
CC Concrete Curb	PRR Power
CDS Cul-De-Sac	R Record Plat or Deed
CE Covered Entry	RAD Radica
CD Board Ceiling & Distance	RCP Reinforced Concrete Pipe
CLF Chain Link Fence	RCS Residence
CM Concrete Monument	ROS Roof over Slab
CCP Compacted Metal Pipe	ROA Roof over Unpaved
CONC Concrete	RHS Roof No Slab
CR Carpet	R/W Right of Way
CPAD Concrete Pool & Deck	RNG Range
CR County Road	SCE Screened Covered Entry
C/S Concrete Slab	SEC Section
CV Concrete Vado	SECP Screened Enclosed Concre
D Delta or Central Angle	SEFP Screened Enclosed Fiberglass
D Decorative Lodge	SES Screened Enclosed Slab
DOT Department of Transportation	SEVR Screened Enclosed Vinyl F
DRA Drainage Retention Area	SEV Seve
DROW Drainage Right-of-way	SFR Sluice Over Frame Road
E Elevation	SS Sewer in Street
EP Edge of pavement	SP Screen Fence
DVL Decorative Wall	SR State Road
FB Field Book	SSOS Suspended Roof Over Sta
FF Fiberglass Floor	STA Station
PH Fire Hydrant	STY Story
FI Field Measurement	SV Substation
FPAD Fiberglass Pool & Deck	SVE Screen & Vinyl Enclosure
FR Florida Room	T Telephone Box
GF Guy Wire	TAN Tangent
GW Guy Wire	TEH Temporary Bench Mark
HWF Hog Wire Fence	TOB Top of Bank
IV Irrigation Valve box	TR Tract
L-1 Line #1	TRANS Transformer
LB Land Surveyor Bushings	TV Television
LP Light Pole	TWP Township
LPP Lamp Post	USPS Underground Power Service
LS Land Surveyor	UP Underground Power
MES Filtered End Section	VPAO Vinyl Pool & Deck
HH Harbore	VC Vehicle Corner
MCL More or Less	WD Wood
PP Pallet Pole	WF Wire Fence
MEL Mean Sea Level	WFI Water Filter
M&D Hat & Disk	WFI Water Filter
MVD Horizontal Geodetic Vertical Datum	WO Work order
NTS Not to Scale	WPLF Wood Post Wire Fence
OE Overhead Electric Wire	WRF Wood Rail Fence
OR Offset	WV Water Valve
OTW Overhead Telephone Wire	WV Water Valve
DIV Overhead Television Wire	WV Water Valve
RB Flat Book	WV Water Valve
PC Point of Curvature	WV Water Valve
PCC Point of Compound Curve	WV Water Valve
PCP Permanent Control Point	WV Water Valve
PE Plat Error	WV Water Valve
PI Point of Intersection	WV Water Valve
PK Parker Kilon Hat	WV Water Valve

- SURVEYORS NOTES**
- Survey based on the description furnished by the client without benefit of a title search.
 - Bearings shown hereon are assumed by this Surveyor and Mapper in accordance with the Record Plat or Deed and location of the line used for the BASIS FOR BEARING: depicted by ** next to the bearing.
 - Underground utilities and improvements not located or shown.
 - There are no visible encroachments unless shown hereon.
 - The ownership of fences, if any, which exist on or near property lines is not known by this Surveyor and Mapper.
 - Fences located near the property line are not to scale; distances shown as ties to said fences are correct.
 - The distances shown hereon as ties to existing occupator are at right angles to subject property line.
 - Gutters, overhangs, underground foundations and irrigation systems are not located unless shown hereon.
 - The property shown hereon may be subject to the Rules, Regulations, Ordinances and/or Jurisdictions of Local, State, and/or Federal Agencies. The requirements of said Rules, Regulations, Ordinances and/or the limits of said Jurisdictions are not shown hereon, unless stated otherwise.
 - Prior to construction and/or reliance on Flood Zone Note, the County Building Department should be contacted for verification of Flood Zone.
 - All easements shown hereon are for drainage and/or utilities unless shown otherwise.
 - The property shown hereon is subject to Reservations, Restrictions, and Easements of Record and not of Record.

PLATTED LINE INFORMATION

L-25 S 00°50'40" W ~ 20.00'
 L-31 S 50°08'44" E ~ 30.00'

AS-BUILT LINE INFORMATION

L-25 S 00°12'24" E ~ 20.07'
 L-31 S 50°08'50" E ~ 29.96'

PLATTED CURVE INFORMATION						AS-BUILT CURVE INFORMATION							
Curve	Delta	Radius	Arc length	Chord	Tangent	Bearing	Curve	Delta	Radius	Arc length	Chord	Tangent	Bearing
6	21°27'41"	250.00	93.64	93.10	47.38	N 50°07'27" E	6	21°27'41"	250.00	93.64	93.10	47.38	N 50°35'31" E
7	68°26'56"	250.00	298.67	281.22	170.06	S 84°55'14" E	7	68°30'26"	250.00	298.92	281.43	170.24	S 84°56'59" E
8	21°21'32"	359.62	134.06	133.29	67.82	S 50°10'32" W	8	23°53'08"	315.75	131.63	130.68	66.78	S 50°37'17" W
10	21°27'41"	300.00	112.37	111.72	56.85	N 50°07'27" E	10	21°30'35"	300.00	112.63	111.96	56.98	N 50°36'58" E
16	21°27'41"	275.00	103.01	102.41	52.11	S 50°07'27" W	16	21°27'41"	275.00	103.01	102.41	52.11	N 50°35'31" E
19	21°21'32"	384.62	143.38	142.55	72.53	S 50°10'32" W	19	24°25'20"	340.75	145.24	144.15	73.74	S 50°21'11" W
20	260°47'11"	55.00	250.34	83.78	64.64	S 10°05'50" E	20	263°41'21"	55.00	253.12	81.95	61.42	S 12°09'48" E
21	122°42'35"	55.00	117.79	96.54	100.69	S 58°57'28" W	21	119°40'53"	55.00	114.89	95.11	94.65	S 59°50'26" W
22	86°13'00"	55.00	82.76	75.17	51.48	S 45°30'19" E	22	90°12'24"	55.00	86.59	77.92	55.20	S 45°06'12" E
23	51°53'25"	55.00	49.81	48.13	26.76	N 65°26'28" E	23	53°48'04"	55.00	51.65	49.77	27.90	N 62°53'34" E
24	70°20'50"	25.00	30.69	28.80	17.62	S 85°08'21" W	24	69°43'18"	25.00	30.42	28.58	17.41	N 84°49'13" E
25	10°53'23"	409.62	77.85	77.73	39.04	S 55°24'37" W	25	12°36'16"	365.75	80.46	80.30	40.39	S 56°15'43" W

SHEET 1 of 1

This certifies that a survey of the property described hereon was made under my supervision and that the survey meets the minimum technical standards set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 61G17-6 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes. And that the map hereon is a true and accurate representation thereof to the best of my knowledge and belief.

James W. Coffin 1-17-08
 JAMES W. COFFIN
 Professional Surveyor and Mapper
 Florida Registration # 3882
 Coffin & McLean Associates, Inc. LB #5232

Date of last Field Work

CONTROL & CORNER LEGEND

● Found Iron Rod □ Found CM
 ○ Found Iron Rod □ Found
 ○ Set 1/2" Iron Rod LBN 5232 □ Set 4"x4" CM LBN 5
 ○ Found Iron Pipe △ Set N&D

Elevations shown refer to: NGVD or Assumed Datum

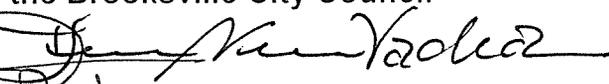
Flood Zone Certification:
 According to the FIRJM:
 Map Community Panel
 120110-0175B, Dated: 4-17-84
 The property appears to be
 Flood Zone(s) "A&C" and
 the Base Flood Elevation is
 NGVD.

REVISIONS

DISK: N/A

**BROOKSVILLE POLICE
DEPARTMENT**

MEMO

TO: The Honorable Mayor and Members of the Brooksville City Council
Via: Jennene Norman-Vacha, City Manager 
FROM: George Turner, Police Chief 
DATE: April 07, 2008
SUBJ: 2008 police car replacement request

General Information: The Brooksville Police Department and the City of Brooksville Fleet Maintenance Department has identified the need for replacement of four police patrol vehicles in 2007. These vehicles have not been replaced as of this date: They are:

<u>UNIT</u>	<u>YEAR</u>	<u>MAKE OF VEHICLE</u>
136	1999	Ford Crown Victoria
137	1999	Ford Crown Victoria
139	2000	Ford Crown Victoria
147	2001	Ford Crown Victoria

After extensive study which included reference to the 2007 Police Vehicle Evaluation Program by the Michigan State Police, Department of Management and Budget, the 2008 Dodge Charger (3.5L h/o 6cyl) is the recommended replacement vehicle. This recommendation is based on many factors including a lower base cost, better gas mileage, and lower emergency equipment costs. The State bid price of this Dodge Charger is \$ 19,508.00. Emergency equipment and markings is quoted at \$ 4,613.43 per car for a total cost of \$ 24,121.43 each.

Budget Impact: Monies are available to cover the full costs in the vehicle replacement fund and will need to be transferred within the fund.

Staff Recommendation : Staff recommends that the City Council approve the purchase of said vehicles and equipment. Further, staff recommends authorization for staff to prepare and implement appropriate budget amendment to transfer funds within the Vehicle Replacement Fund.

Attached supporting documentation:

- 1) Robert Stackhouse, City Maintenance Supervisor recommendation.
- 2) State bid cost sheet provided by Mears Leasing.
- 3) Law Enforcement Supply Emergency equipment w/installation.

CITY OF BROOKSVILLE
MEMORANDUM

To: Chief Turner, Chief of Police
From: Richard Stackhouse, Supervisor of Maintenance
Re: Surplus Vehicles
Date: March 17, 2008



The following vehicles should be slated for surplus because of maintenance cost factor:

Vehicles

136 99 Ford Crown Victoria Vin# 2FAFP71W7XX148536
mileage 79354

137 99 Ford Crown Victoria Vin# 2FAFP71W9XX148537
mileage 92282

139 2000 Crown Victoria Vin# 2FAFP71W2XX170669
mileage 72939

147 2001 Crown Victoria Vin# 2FAFP71W01X129320
mileage 91374

RS/mh

**2008 Dodge Charger
Full Size Pursuit LXDH48/27A
Spec #1, Central Zone**

	Cap Cost	\$19,223.00
6W6	Rear Door Locks and handles in-op	\$ 25.00
CW7	Rear Windows in-op	\$ 25.00
DLD	Courtesy Light disabled	\$ 35.00
LNF	Left Hand Spot Light	\$ 200.00
	TOTAL	\$19,508.00

Lease Type	Open-end Lease/Purchase
Mileage Allowance	Unlimited
Over Mileage Charge	None
Residual Value	\$1.00
Term 36 months @	\$582.22 per month, per vehicle
Term 48 months @	\$447.37, per month, per
Term 60 months @	\$366.60, per month, per vehicle
Tag Fee	Billed Separately

Our proposal is for budgeting purposes and subject to market conditions at the time of the order. All vehicles would be factory ordered with delivery in approximately 60-90 days from the time of order. Billing can be arranged monthly, quarterly, or annually. Provisions for trade-ins can be arranged.

Thank you and we look forward to your response.

Sincerely,

David R. Pickard
Senior Account Executive

3905 El Rey Road, Orlando, FL 32808 • Phone 407-298-2982 • Fax 407-578-4924

www.mearsleasing.com

A FINANCIAL DIVISION OF

The Bank



Contract Holder

Chief Turner

From: Harry White [HWhite@LawSupply.com]
Sent: Monday, February 11, 2008 12:38 PM
To: chiefturner@ci.brooksville.fl.us
Subject: FW: Law Enforcement Supply Company

Harry White
Central Florida District Manager
Law Enforcement Supply, Tampa
(813) 478-0091
(800) 326-4019 x4614
hwhite@lawsupply.com

From: Harry White
Sent: Monday, February 11, 2008 6:36 AM
To: Harry White
Subject: Law Enforcement Supply Company



TELEPHONE
800 637 6307

FACSIMILE
850 763 9031

Order Quote

Your Quote# 728732
Quote Date 01/31/08
Your account rep is : Harry L. White

Time 06:00AM

Account# 201416
CITY OF BROOKSVILLE
ACCTS PAYABLE
201 HOWELL AVE
BROOKSVILLE, FL 34601-2041

Ship-to 0
BROOKSVILLE POLICE DEPARTMENT
C/O LAWENFORCEMENT SUPPLY
TECHNICAL SERVICES WHS. 74
5404 AIRPORT BLVD
TAMPA, FL 33634-5310

Ship via INSTALL SHOP from ORLANDO, FL warehouse.

PartNo	Description	UM	QtyOrd	UnitPrc	Extension
2147AMPD2RB	2100 LIGHTBAR NEW SYTLE	EA	1	1,640.000	1,640.00
3892L6	SIREN/LIGHT CONTROLLER	EA	1	0.000	0.00
C3100CH	SPEAKER FOR 06 CHARGER	EA	1	0.000	0.00

8SL07CHR	PART STAT 1/2 LEXAN/VINY	EA	1	410.000	410.00
LEP07CHR	LOWER EXT PANEL 06-07 CH	EA	1	41.000	41.00
475PS	PWR SUPP 75W W/4 STB TUB	EA	1	176.470	176.47
4256138	~CONTOUR CONSOLE FOR 200	EA	1	203.990	203.99
4255542	~2006+ DODGE CHARGER COM	EA	1	210.000	210.00
INSTALL	INSTALLATION OF EQUIP PE	EA	1	1,065.000	1,065.00
RX2019	MAG CHGR FLSHLT W/DC ADA	EA	1	79.990	79.99
VEC024	400 WATT INVERTER	EA	1	36.980	36.98

Sub Total 3,863.43
 Freight
 Handling
 Tax
 Total 3863.43

QUOTE FOR VEHICLE EQUIPMENT AND INSTALL FOR DODGE CHARGER, THIS INCLUDES RADIO, MODEM, 3 ANTENNAS AND A/C POWER INVERTER. THANKS.

WE ARE AN EQUAL OPPORTUNITY EMPLOYER.
 THANK YOU FOR YOUR CONTINUED BUSINESS.
 THIS QUOTE IS AUTHORIZED BY Harry L White

mankings - 400

Total \$ 4,263.43
 Light Bar
 up shine 150
 200 - Gun Rack
 4,613.43

PROCLAMATION

WHEREAS, GOVERNMENTS, AT ALL LEVELS, ARE BECOMING INCREASINGLY AWARE OF THE IMPORTANCE OF PROVIDING FOR THE HEALTH, SAFETY AND WELFARE OF YOUNG CHILDREN; AND,

WHEREAS, WE ALL SHARE RESPONSIBILITY FOR OUR CHILDRENS FUTURE; AND,

WHEREAS, THE "WEEK OF THE YOUNG CHILD" HAS BEEN PROCLAIMED AS AN ANNUAL EVENT TO FOCUS ATTENTION ON THE NEEDS OF YOUNG CHILDREN AND THEIR FAMILIES; AND,

WHEREAS, THE HERNANDO COUNTY INTERAGENCY COORDINATING COUNCIL IS JOINING OTHER ORGANIZATIONS FROM ACROSS THE COUNTRY INCLUDING THE NATIONAL ASSOCIATION FOR THE EDUCATION OF YOUNG CHILDREN TO BUILD PUBLIC AWARENESS OF THE IMPORTANCE OF QUALITY EARLY CHILDHOOD PROGRAMS IN OUR COMMUNITY.

NOW, THEREFORE, ON BEHALF OF THE CITY COUNCIL, FOR THE CITY OF BROOKSVILLE, FLORIDA, I, DAVID PUGH, MAYOR, DO HEREBY PROCLAIM THE WEEK OF APRIL 13-19, 2008, AS

"WEEK OF THE YOUNG CHILD"

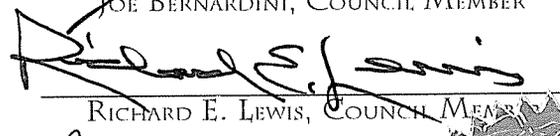
FURTHER, THE CITY OF BROOKSVILLE ENCOURAGES ALL CITIZENS TO ATTEND A FESTIVAL ON SATURDAY, APRIL 19, 2008, FROM 10:00 A.M. TO 2:00 P.M. AT THE JEROME BROWN COMMUNITY CENTER, 99 JEROME BROWN PLACE, BROOKSVILLE. THE FESTIVAL IS BEING ORGANIZED WITH YOUNG CHILDREN IN MIND, AND WILL INCLUDE A WIDE VARIETY OF ACTIVITIES FOR THE ENJOYMENT OF EVERYONE.

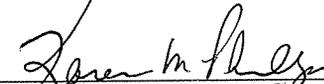
IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HAND AND CAUSED TO BE AFFIXED THE SEAL OF THE CITY OF BROOKSVILLE THIS 7TH DAY OF APRIL, 2008.

CITY OF BROOKSVILLE



DAVID PUGH, MAYOR


FRANKIE BURNETT, VICE MAYOR
JOE BERNARDINI, COUNCIL MEMBER
LARA BRADBURN, COUNCIL MEMBER
RICHARD E. LEWIS, COUNCIL MEMBER

ATTEST: 
KAREN M. PHILLIPS, CITY CLERK



PROCLAMATION

WHEREAS, THE KIWANIS CLUB OF SPRING HILL IS SPONSORING THE CARSON & BARNES CIRCUS ON WEDNESDAY, APRIL 30, 2008 AT THE HERNANDO COUNTY FAIRGROUNDS LOCATED ON U.S. 41 IN BROOKSVILLE, FLORIDA AS A FUNDRAISER TO BENEFIT VARIOUS LOCAL CHILDREN'S CHARITIES IN HERNANDO COUNTY; AND,

WHEREAS, THE CIRCUS WILL FEATURE A SPECTACULAR SALUTE TO AMERICA PARADE, ACROBATS, HIGH WIRE, MOTORCYCLE AND TRAPEZE ARTISTS FROM AROUND THE WORLD, PERFORMING CLOWNS, ELEPHANTS, CAMELS, DOGS AND HORSES; AND,

WHEREAS, EVERYONE IS WELCOME TO WATCH THE ELEPHANTS RAISE THE BIG TOP AND EXPERIENCE THE CIRCUS COMING ALIVE FOR FREE FROM 8:00 TO 10:00 AM; AND,

WHEREAS, BY SPONSORING THE CIRCUS, THE KIWANIS CLUB OF SPRING HILL WILL ALSO BE ABLE TO PROVIDE FOR MANY CHILDREN IN THE COMMUNITY TO GET THEIR FIRST OPPORTUNITY TO EXPERIENCE THE WONDERS OF THE CIRCUS, GET CLOSE TO THE TRADITIONAL ANIMALS ASSOCIATED WITH A CIRCUS AND WITNESS THE OUTSTANDING SKILLS AND PERFORMANCES OF THE ARTISTS AND PERFORMERS UNDER THE BIG TOP.

NOW, THEREFORE, ON BEHALF OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, I, MAYOR DAVID PUGH, DO HEREBY PROCLAIM WEDNESDAY, APRIL 30, 2008 AS

CIRCUS DAY IN BROOKSVILLE

AND ENCOURAGE ALL CITIZENS TO ENJOY A DAY AT THE CIRCUS TO BENEFIT THE YOUTH OF OUR COMMUNITY AND APPLAUD THE KIWANIS CLUB OF SPRING HILL FOR THEIR EFFORTS TO ORGANIZE THIS EVENT.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HAND AND CAUSED THE SEAL OF THE CITY OF BROOKSVILLE TO BE AFFIXED THIS 7TH DAY OF APRIL, 2008.

CITY OF BROOKSVILLE

DAVID PUGH, MAYOR

FRANKIE BURNETT, VICE MAYOR

JOE BERNARDINI, COUNCIL MEMBER

LARA BRADBURN, COUNCIL MEMBER

RICHARD E. LEWIS, COUNCIL MEMBER

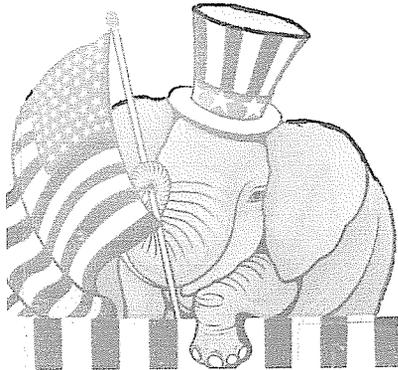
ATTEST: _____
KAREN M. PHILLIPS, CITY CLERK

AN AMERICAN TRADITION IS COMING TO HERNANDO COUNTY

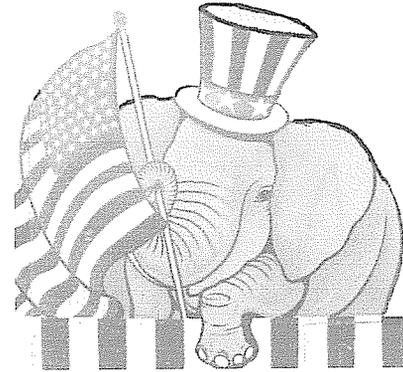
APRIL
30TH
2008



HERNANDO COUNTY
FAIRGROUNDS



HOSTED BY THE
KIWANIS CLUB of
SPRING HILL
and
HERNANDO TODAY



Save 25% Before Circus Day
Adults: \$12.00 – Kids: (2-11) \$6.00
Advance Tickets Available At:

*Locations in Spring Hill and
Brooksville to be Announced*

At the Box Office:
Adults: \$16.00 – Kids: (2-11) \$8.00
Or Call (800) 594-TIXX
ON LINE: www.carsonbarnescircus.com



For further information contact:
Al Johnson 352/684-1661

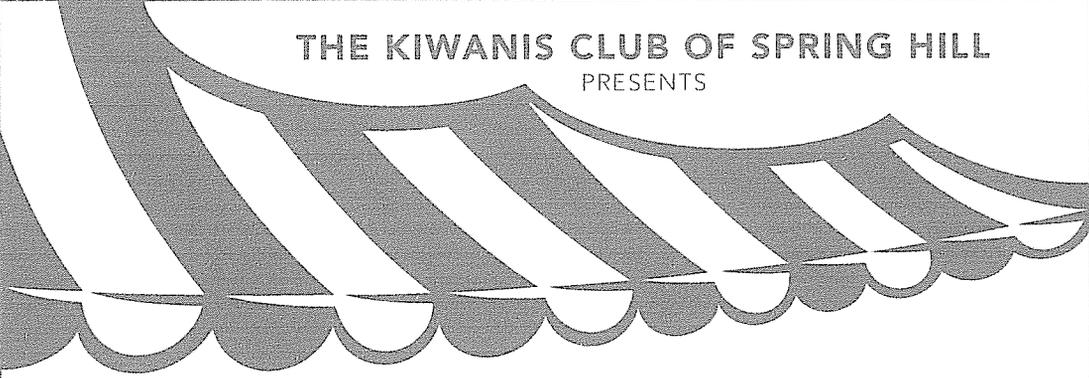
Come Early Between
8:00 & 10:00 AM

- ❖ See over 100 animals up close *free*
- ❖ Watch the elephants raise the big top
- ❖ Experience the circus coming alive

Shows At 4:30 & 7:30pm
Enjoy

- ❖ Our spectacular Salute to America parade
- ❖ Acrobat, high wire, motorcycle and trapeze artists from around the world
- ❖ Lots of performing clowns, elephants, camels, dogs and horses
- ❖ The best elephant act performing under a big top and much, much more

THE KIWANIS CLUB OF SPRING HILL
PRESENTS



CARSON & BARNES
CIRCUS

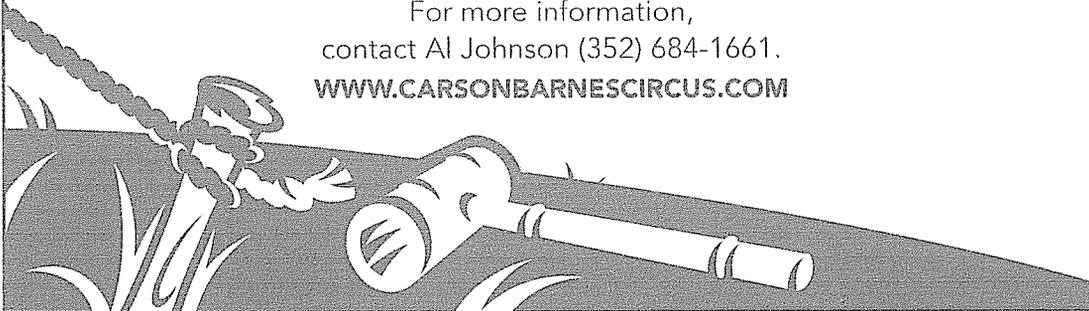
WEDNESDAY, APRIL 30
HERNANDO COUNTY FAIRGROUNDS
U.S. 41, Brooksville

PERFORMANCE 4:30 & 7:30 P.M.

ADVANCE TICKETS Adults \$12, Children (12 and under) \$6, Children (Under 2) **FREE**
Ticket upgrades available! Box Seats \$5 upgrade, Reserved Seats \$4 upgrade, Preferred Seats \$2 upgrade.
Box Office Tickets Adults \$16, Children (2-11) \$11

The public is invited to come watch the circus set up from 8:30-10:30 a.m. See the creation of a magical "Circus City," watch the elephants at work raising the Big Top, and see a traveling zoo!

For more information,
contact Al Johnson (352) 684-1661.
WWW.CARSONBARNESCIRCUS.COM



ADVANCE TICKETS AVAILABLE AT
Hernando Today 15299 Cortez Blvd Brooksville
WWJB 1450 AM 55 West Fort Dade Ave. Brooksville
Capital City Banks All Branches
Chick-fil-A 13143 Cortez Blvd. Brooksville

BB&T Bank 11234 Spring Hill Drive & Mariner Blvd.
Regions Bank All Branches
Superior Bank All Branches
Three Dog Canine Supplies 6099 Broad St. Brooksville
Sweetbay Supermarket 11160 Spring Hill Dr. & Mariner Blvd

SPONSORED BY



HERNANDO TODAY
hernandotoday.com

THE TAMPA TRIBUNE
LIFE PRINTED DAILY

Ackley Dental Group, WWJB Radio 1450 am and Forest Oaks Assisted Living Facility

A Parking Donation of \$2 is suggested All proceeds go to local children's charities

0002350143-01

RESOLUTION NO. 2008-08

A RESOLUTION IN APPRECIATION OF THE YEARS OF SERVICE RENDERED TO THE CITY OF BROOKSVILLE AND ITS CITIZENS BY NORMAN L. CARTWRIGHT.

WHEREAS, NORMAN CARTWRIGHT was employed as a Police Officer by the City of Brooksville on December 16, 1985, and has, since that time, faithfully and unselfishly rendered a high level of quality service to the Police Department, the City of Brooksville, and the citizens of this community with his professional expertise, dedication, attitude, helpfulness, consideration and enthusiasm; and,

WHEREAS, during his tenure with the Police Department, NORMAN CARTWRIGHT was promoted to Sergeant in February 1987; and,

WHEREAS, during his tenure with the Police Department, SERGEANT CARTWRIGHT received positive comments from his superiors, fellow employees, the public and business owners in the community citing his organizational and leadership skills, compassion, integrity, reliability and especially noting that he excels in public relations and serves as a positive influence on his subordinates, building loyalty and pride in the job at hand; and,

WHEREAS, SERGEANT CARTWRIGHT has decided to retire effective April 11, 2008.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, as follows:

1. That this Resolution is hereby adopted in recognition of over twenty-two (22) years of faithful and unselfish performance of duty by SERGEANT NORMAN CARTWRIGHT.
2. That this Resolution is further adopted to set forth and memorialize the great affection and high esteem in which SERGEANT NORMAN CARTWRIGHT is hereby held by the City of Brooksville, its Council Members, employees and citizens, and to make record of their appreciation and testament to the services performed by said SERGEANT NORMAN CARTWRIGHT as a servant of the people.

ADOPTED in regular session this _____ day of _____, 2008.

CITY OF BROOKSVILLE

BY: _____
David Pugh
Mayor

ATTEST: _____
Karen M. Phillips, City Clerk

APPROVED AS TO FORM AND CONTENT
FOR THE RELIANCE OF THE CITY OF
BROOKSVILLE ONLY:

Thomas S. Hogan, Jr. City Attorney

VOTE OF COUNCIL

Bernardini	_____
Bradburn	_____
Burnett	_____
Lewis	_____
Pugh	_____

RESOLUTION NO. 2008-09

A RESOLUTION IN APPRECIATION OF THE YEARS OF SERVICE RENDERED TO THE CITY OF BROOKSVILLE AND ITS CITIZENS BY ROBERT BROWN.

WHEREAS, ROBERT BROWN was employed as a laborer in the Sanitation Division by the City of Brooksville on September 13, 1978, and has, since that time, faithfully and unselfishly rendered a high level of quality service to the Department of Public Works, the City of Brooksville, and the citizens of this community with his professional expertise, dedication, attitude, helpfulness, consideration and enthusiasm; and,

WHEREAS, having initially been hired as am Laborer, ROBERT BROWN was promoted through the ranks to the position as Operations Supervisor in January of 1994; and,

WHEREAS, during his tenure with the Sanitation Division of the Department of Public Works, ROBERT BROWN received positive comments from his superiors, fellow employees, the public and business owners in the community regarding his loyalty, integrity, dependability and citing that he portrayed a good image for his fellow employees and subordinates to follow; and,

WHEREAS, he was recognized by his fellow employees for these attributes in 1983 as "Employee of the Year", in 1994 as "Employee of the Quarter" and nominated to the American Legion as their department representative for the coveted "Outstanding Public Servant Certificate of Commendation" in 2007; and,

WHEREAS, ROBERT BROWN has decided to retire effective April 7, 2008.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, as follows:

1. That this Resolution is hereby adopted in recognition of over twenty-nine (29) years of faithful and unselfish performance of duty to the City of Brooksville by ROBERT BROWN.
2. That this Resolution is further adopted to set forth and memorialize the great affection and high esteem in which ROBERT BROWN is hereby held by the City of Brooksville, its Council Members, employees and citizens, and to make record of their appreciation and testament to the services performed by said ROBERT BROWN as a servant of the people.

ADOPTED in regular session this _____ day of _____, 2008.

CITY OF BROOKSVILLE

BY: _____
David Pugh, Mayor

ATTEST: _____
Karen M. Phillips, City Clerk

APPROVED AS TO FORM AND CONTENT
FOR THE RELIANCE OF THE CITY OF
BROOKSVILLE ONLY:

Thomas S. Hogan, Jr. City Attorney

VOTE OF COUNCIL	
Bernardini	_____
Bradburn	_____
Burnett	_____
Lewis	_____
Pugh	_____

MEMORANDUM

To: Honorable Mayor & City Council Members
Via: Jennene Norman-Vacha, City Manager 
From: Bill Geiger, Community Development Director 
Subject: Alcoholic Beverage Location Permit
Petitioner: Jesus C. Reyes; DBA "El Ranchito Mexican Restaurant"
Location: 19542 Cortez Boulevard
Date: March 31, 2008

Introduction & Background Information:

The Petitioner is seeking an Alcoholic Beverage Location Permit (Category "A") from the City of Brooksville to allow for the on-premise sale and consumption of beer & wine, as an incidental item to the sale and consumption of food and other non-alcoholic beverages, for property located at 19542 Cortez Boulevard, which is located within the Brooksville Square Shopping Center.

The subject property is zoned C2 (Highway Commercial), and is located within a commercial district that includes permitted uses for retail sales, offices, restaurants, etc. A prior business (Five-Star Pizza) was previously approved by the City Council for a Category "A" location permit at the subject location.

Staff have reviewed the application in conjunction with the criteria established in Chapter 6 of the City Code. The proposed location meets the zoning requirements for being permitted to have a Category "A" Alcoholic Beverage Location Permit.

Budget Statement: Direct costs incurred by the City in taking action on and processing this petition are absorbed in the petition fee structure.

Legal Note: The public hearing is required pursuant to Section 6-44 of the City Code. The public hearing is intended to provide persons having either supporting or opposing interest in the application to appear and be heard. On March 18, 2008, the petitioner submitted an application that corrected prior errors in the application related to the non-owner/applicant license holder.

Staff Recommendation:

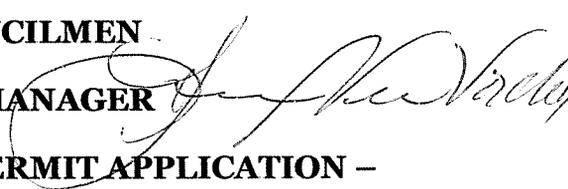
After accepting public input, it is recommended that City Council find that the petition meets the criteria of Chapter 6 of the City of Brooksville Code for receiving a Category "A" Alcoholic Beverage Location Permit, and approve the issuance of said permit accordingly.

Attachments: (1) Alcoholic Beverage Location Permit Application (Reyes)



MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCILMEN

FROM: T. JENNENE NORMAN-VACHA, CITY MANAGER 

**SUBJECT: ALCOHOLIC BEVERAGE LOCATION PERMIT APPLICATION –
EL RANCHITO MEXICAN RESTAURANT**

DATE: March 31, 2008

On the City Council's agenda of March 3, 2008, staff requested that Council not take action and delay the Public Hearing for El Ranchito Mexican Restaurant Alcoholic Beverage Location Permit until the application/documentation was provided in a complete format.

The El Ranchito Mexican Restaurant has now submitted the required application and documentation. Staff recommends that Council proceed with the Hearing and action.

CITY OF BROOKSVILLE

APPLICATION FOR ALCOHOLIC BEVERAGE LOCATION PERMIT



New Permit

Type A Permit

Transfer*

Type B Permit

The undersigned hereby applies for an Alcoholic Beverage Location Permit pursuant to Chapter 3 (Ordinance No. 447) of the City of Brooksville Municipal Code, which is attached to and made a part of this application, and is specifically for the purpose of SALE
of Beer & wine for on Premise
consumption in conjunction with meals.

at the following location (street address): 19542 Cortez Blvd.
Brooksville, FL 34601

Owner/Applicant

Name: _____

D.B.A.: _____

Address: _____

Phone: _____

Fax: _____

Non-Owner/Applicant **

Name: Jesus C. Reyes

D.B.A.: EL RANCHITO JALISCO CORP.

Address: 19542 Cortez Blvd.

Brooksville, FL 34601

Phone: 352 796-7004

Fax: _____

* Date of proposed transfer _____ If transfer, name of previous owner _____

** If owner's name does not appear as the owner on this year's Hernando County Tax Rolls, also attach copy of the deed, and written consent from the owner to submit this application. If an agent is to represent applicant, attach letter of agency, with name and address of agent.

- over -

The present use of the property is Mexican Restaurant

The proposed use of the property is Serve Food AND beverages

The legal description of the property is: Subdivision _____ Lot _____ Block _____
PARCEL R28 422 19 0000 0120 0010
Shopping Center

Property Appraiser Key Number: 01061549 (✓) See Attached

If applicant is not the owner of the property, state nature of applicant's interest in the referenced property or business: Lease AS RESTAURANT

I certify that all statements made in this application are true to the best of my knowledge and that submitting any incorrect information will void the application, or location permit, if issued. I understand that my request will not be considered unless all the information required by this application is submitted.

Jesus C Reyes
Applicant's Name (Print or Type)

Jesus C Reyes
Applicant's Signature

STATE OF FLORIDA
COUNTY OF HERNANDO

The foregoing instrument was sworn to and subscribed before me this 17th day of March, 2001 by Jesus C Reyes, who is personally known to me or who has produced Resident Alien card as identification and who (did) or (did not) take an oath.

Candi T. Davis
Notary Public

Feb 27, 2010
(Stamped, typed or printed
Commission name, number and date
of expiration.)

For further information contact the Office of the City Clerk at (352) 544-5407.

Hernando County Property Appraiser

Data Updated: 2/29/2008

Parcel: **R28 422 19 0000 0120 0010** | KEY: 01061549

<< Next Lower Parcel # Next Higher Parcel # >>

2007 TAX Year

Property Card Interactive GIS Map Print

Search Result: 1 of 1

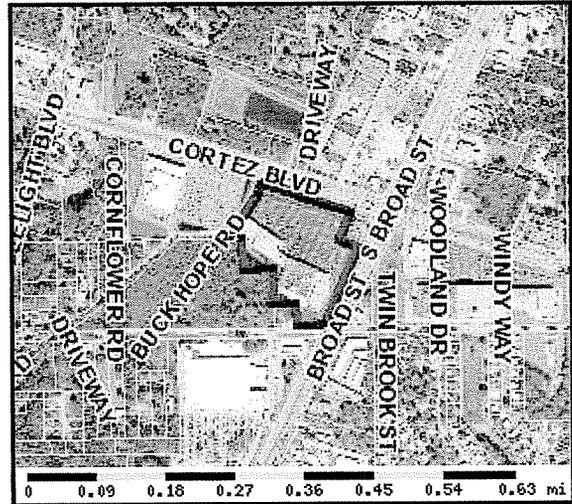
Owner & Property Info

Owner's Name(s)		NEW PLAN FLORIDA HOLDINGS LLC C/O EPROPERTY TAX	
Site		19410 CORTEZ BLVD (view all Site Addresses)	
First Owner's Mailing		PO BOX 4900 SCOTTSDALE AZ 85261-4900	
Brief Desc		A TR 91X330X72X137X210X210S240 X150X150X126X67X509X67X160X44X 110X379X40X247 FT MOL IN N1/2 ** CONTINUED **	
DOR Code	(16) - Community Shopping Centers	Map Code	77B4
Levy Code	CRBRES	GIS Code	B043
Land Use		Land Units	
COMMERCIAL SQ FT		486,029.00 SQUARE FEET	
Total TAX for 2007		\$159,161.33	
AdValorem Tax	\$159,161.33	Current Tax Year Discount	
NON AdValorem Tax	\$0.00	If Paid By: Nov. 30: Dec. 31:	
		Jan. 31: Feb. 28: Mar. 31:	
		\$155,978.10 \$157,569.72 \$159,161.33	
Tax History		TAX Links > Access real-time Tax info > Pay your Taxes on-line	
2006	\$207,050.38		
2005	\$170,008.75		
2004	\$160,268.40		

GIS Aerial

Show: 2007 | 2006 | 2005 | 2004

aerial date: Feb. 2007



Property & Assessment Values

Land Value	\$0.00
Bldg Value	\$0.00
Features Value	\$0.00
Class Value	\$0.00
Limit Value	\$0.00

Assessed Value	\$7,233,290.00
Exempt Value	\$0.00
Excluded Exempt	\$7,233,290.00
Taxable Value	\$7,233,290.00
Just Mkt Value	\$7,233,290.00

Sales

Sale Date	OR Book/Page	OR Inst.Type	Sale V/I (Qual)	Sale Price	Sale Party
4/19/2007	2432/0461	QC	I (D)	\$100.00	NEW PLAN FLORIDA HOLDINGS LLC
3/3/1994	961/1493	WD	I (Q)	\$5,784,300.00	EH PROPERTIES
3/1/1986	605/0301	WD	V (Q)	\$1,500,000.00	HORNE PROPERTIES INC
1/1/1986	0/0000		(D)	\$0.00	BAIRD CLIFTON E

Building Characteristics

Bldg #	Bldg Desc	Year Blt	Area (Base / Aux)	Bed / Bath
1	COMMUNITY SHOPPING CENTER (29)	1987	39373 / 5774	0 / 29
2	COMMUNITY SHOPPING CENTER (29)	1987	15919 / 3964	0 / 18
3	GROCERY STORE (34)	1987	44268 / 1666	0 / 13

Note: All S.F. calculations are based on exterior building dimensions.

Extra Features & Out Buildings

Description	Actual Year	Dimensions	Dep. Cost
CHAIN LINK FENCE 4FT+ (CF2)	0	1360 LINEAR FT	\$5,440.00
FIRE SPRINKLERS, COMMERCIAL (FSS)	1987	39373 UNITS	\$39,373.00
PAVEMENT, ASPHALT COMMERCIAL (PV3)	1987	259860 SQ FT	\$194,895.00
PAVEMENT, CONCRETE COMMERCIAL (PV4)	1987	27271 SQ FT	\$40,907.00
DOOR, OVERHEAD, COMMERCIAL (DOH)	1987	120 SQ FT	\$480.00
FIRE SPRINKLERS, COMMERCIAL (FSS)	1987	15919 UNITS	\$15,919.00
FIRE SPRINKLERS, COMMERCIAL (FSS)	1987	44268 UNITS	\$44,268.00

Address Listings

19410 CORTEZ BLVD
19422 CORTEZ BLVD
19426 CORTEZ BLVD
19434 CORTEZ BLVD
19438 CORTEZ BLVD
19466 CORTEZ BLVD
19470 CORTEZ BLVD
19474 CORTEZ BLVD
19478 CORTEZ BLVD
19482 CORTEZ BLVD
19490 CORTEZ BLVD
19494 CORTEZ BLVD
19496 CORTEZ BLVD
19498 CORTEZ BLVD
19510 CORTEZ BLVD
19514 CORTEZ BLVD
19518 CORTEZ BLVD
19522 CORTEZ BLVD
19526 CORTEZ BLVD
19530 CORTEZ BLVD
19534 CORTEZ BLVD
19536 CORTEZ BLVD
19542 CORTEZ BLVD

Hernando County Property Appraiser - Roll Year: 2007

Data Updated: 2/29/2008

Search Result: 1 of 1

This information was derived from data which was compiled by the Hernando County Property Appraiser's Office solely for the purpose of property assessment. This information should not be relied upon by anyone as a determination of the market value or zoning of the property. Zoning information should be obtained from the Hernando County Development Department. Not expressed or implied, are provided for the accuracy of the data herein, its use, or its interpretation. Although it is periodical information may not reflect the data currently on file in the Property Appraiser's office. The assessed values are NOT certified therefore are subject to change before being finalized for ad valorem assessment purposes.

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CITY OF BROOKSVILLE FINANCE DEPARTMENT

Date: March 27, 2008

To: Honorable Mayor and City Council Members

VIA: T. Jennene Norman-Vacha, City Manager

From: Stephen J Baumgartner, Finance Director

RE: Resolution to extend SunTrust Line of Credit



SUMMARY

SunTrust has offered to extend for 60 days the \$2,250,000 City of Brooksville, Florida Subordinated Water and Sewer Revenue Note, Series 2005. This Line of Credit has a current balance of \$1,558,656. The Line of Credit was issued on April 11, 2005 with a maturity of April 11, 2008. This Resolution authorizes the extension of the debt.

GENERAL INFORMATION

Staff will be looking at options for financing. We are considering combining the Line of Credit debt with the radio read meter project debt. If we do this we could save the costs of issuing two debt issues versus one combined issue.

BUDGET IMPACT

Council authorized the City to go out for bid on the Radio Read Meter project on March 17, 2008. The 07 08 Budget has interest budgeted for the Line of Credit and the Radio Read Meter project loan.

STAFF RECOMMENDATION

Staff recommendation is to approve the Resolution to extend the Line of Credit. At a later date, staff will bring back to Council for consideration their recommendations on the best options to move forward on these issues.

Thank you.

Sjb

RESOLUTION NO 2008-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AUTHORIZING THE EXTENSION OF THE FINAL MATURITY DATE OF ITS SUBORDINATED WATER AND SEWER REVENUE NOTE, SERIES 2005, IN FAVOR OF SUNTRUST BANK, AND RELATED LOAN AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, as follow:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. This Resolution is adopted pursuant to the provisions of Chapter 166, Part II, Florida Statutes, as amended, and other applicable provisions of law.

SECTION 2. FINDINGS. It is hereby ascertained, determined and declared:

(A) The City of Brooksville (the "City") and SunTrust Bank (the "Bank") entered into that certain Loan Agreement dated April 11, 2005 (the "Original Agreement"), pursuant to which the Bank made available to the City a line of credit arrangement under which the City may draw funds from time to time in an aggregate principal amount outstanding at any time of not to exceed \$2,250,000 to finance or refinance all or part of the cost of the Project (as defined in the Original Agreement). Pursuant to the Original Agreement, the City issued its Subordinated Water and Sewer Revenue Note, Series 2005 (the "Note"), dated August 11, 2005, in a principal amount not exceeding \$2,250,000 in favor of the Bank to evidence the City's repayment obligations for amounts as may be from time to time outstanding pursuant to an advance of loan proceeds thereunder. The final maturity date of the Note (the "Final Maturity Date") is April 11, 2008.

(B) The City Council has determined that it is in the best financial interest of the City to extend the Final Maturity Date from April 11, 2008 to June 11, 2008.

(C) The Bank has agreed to unilaterally extend the Final Maturity Date of the Note to June 11, 2008, as evidenced by the Bank's letter attached hereto as Exhibit A.

SECTION 3. AUTHORIZATION OF EXTENSION OF FINAL MATURITY DATE. The City Council hereby authorizes the extension of the Final Maturity Date of the Note from April 11, 2008, to June 11, 2008.

SECTION 4. GENERAL AUTHORIZATION. The Mayor, the City Clerk and the Finance Director of the City, together other employees or agents of the City are authorized to execute and deliver such documents, instruments and contracts, and are hereby authorized and directed to do all acts and things required hereby as may be necessary for the full, punctual and complete performance of all the terms, covenants, provisions and agreements herein contained, or as otherwise may be necessary or desirable to effectuate the purpose and intent of this Resolution.

SECTION 5. REPEAL OF INCONSISTENT DOCUMENTS. All ordinances, resolutions or parts thereof in conflict herewith are hereby superseded and repealed to the extent of such conflict.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this ____ day of April, 2008.

CITY OF BROOKSVILLE, FLORIDA

(OFFICIAL SEAL)

By _____
David Pugh, Mayor

ATTEST:

Karen M. Phillips, City Clerk

VOTE OF COUNCIL:

**APPROVED AS TO LEGAL FORM &
CONTENT FOR THE RELIANCE OF THE
CITY OF BROOKSVILLE ONLY:**

Bernardini _____
Bradburn _____
Burnett _____
Lewis _____
Pugh _____



Thomas S. Hogan, Jr., City Attorney

EXHIBIT A

Bank's Letter of Extension



Temporary Extension Letter –
Commitment and Commercial Notes

(Date)

(Name)
(Address)

Re: Extension of Maturity Date

Commitment No. _____

Note No. _____

Note No. _____

Dear _____:

SunTrust Bank hereby agrees to extend the maturity date of your \$_____ Commitment identified above and the extension of those loans issued under this commitment evidenced by the above note or notes (the "Note(s)") made by [name of Borrower] (the "Borrower") from the current maturity date of _____, _____ to _____, _____. Other than the maturity date as changed above, all other terms and conditions of the Note(s) remains unchanged. Any collateral or guaranties which currently secure the Note(s) will continue to secure the Note(s).

The Borrower shall remain obligated to make payments during this extension period in the amounts and at the intervals specified in the payment schedule contained in the Note(s) or any other documents executed in connection with the Note.

Should you have any questions or concerns regarding this matter, please do not hesitate to call me at _____.

Sincerely,

(Signature name and Title)
SunTrust Bank

cc: Guarantor(s)

CITY OF BROOKSVILLE
MEMORANDUM

AGENDA ITEM NO. F-2
04/17/08

To: City Council
Via: T. Jennene Norman-Vacha, City Manager
From: Emory H. Pierce, Director of Public Works
Laureen Busacca, Construction Project Manager
Re: **Continuation of the Sewer Rehab Phase 2 Project (Phase 2 A)**
Date: 03/19/08



By the end of our contract with Insituform in June of 2007, they had completed the lining and or replacement of 24,291 lf of old clay sewer main lines (6" - 12"), lined or replaced 918 LF of service laterals, and installed 190 cleanouts. The balance of funds left is approximately \$660,250 and we intend to use those funds by December, 31, 2008, to do the following:

PHASE 2 AREA:

Bid out open cutting of 2,220 LF of service laterals in R/W (\$65/lf avg. cost) (local contractors should be able to do this)	\$144,300.00
Bid out the lining of 31 service laterals in R/W (\$4,000/ea.) (or piggy back on an existing Florida contract)	\$124,000.00
Externally seal connection at the mains (60) (\$1,500/ea top hats)	\$ 90,000.00

CITY WIDE:

Piggyback on an existing Florida contract for manhole rehab/sealing and installing inflow dishes in:	
SR50 Lift Station manholes (267)	\$110,074.30
Howell Ave. Lift Station manholes (269)	\$111,030.00
Apply structural coating inside 10 old deep manholes (\$7,500/ea.)	\$ 75,000.00

\$654,404.30

A point of concern for us has been the service laterals, both on private property and in City R-O-W. Approximately 2,220 LF of service laterals in city R-O-W can be open cut and replaced, and an additional 31 service laterals of various lengths should be lined. Based on past bids and quotes from local plumbers, open cutting and replacing the lateral is more cost effective than lining if the lateral is not under brick or not too deep under a paved road. Those laterals that are under brick or under busy paved streets, or otherwise inaccessible, will need to be lined, if possible. If the lateral is too crushed or collapsed it can not be lined and must be open cut.

Another area of concern was the joint between the lateral and the main line. In most cases these joints are defective. Where possible this joint will be redone by open cutting and putting a proper tapping saddle on the main line, but in inaccessible areas the only way to do this is with is the installation of top hats. This process entails inserting a resin-impregnated, flexible fiberglass insert with a sealing epoxy to seal the area inside the service lateral where it connects to the main. Within the Phase II sewer rehab area 60 top hats are expected to be needed.

During Sewer Rehab Phase 2, it became obvious to us that inflow at the manholes needed to be reduced as well. The City has previously determined that our flows to Cobb Rd Wastewater Treatment Plant spike sharply during a storm and excess flows decrease quickly after the event. This sharp spike within 24 hours

of an event is indicative of an inflow problem near the ground surface; large amounts of stormwater are entering the system, most commonly via cracks around manhole chimneys (top section) and spaces around lids. A more prolonged high flow problem would be indicative of cracks/leaks deeper underground that only get hit with the rain water after it percolates down through the ground for several days.

We researched manhole sealing and found two companies that are currently working with several nearby Florida cities and counties sealing manhole chimneys and installing inflow dishes to catch any water that may seep in around the lid. Both have recent Florida bids that we may piggy back on. We are currently reviewing those bids and the product specifications. Each manhole chimney is sandblasted, primed, coated with rubberized coating, photographed and a complete report is generated which also indicates the condition of the entire interior of the manhole. The process takes approx. 40 minutes/manhole on avg. We recommend this be done in all manholes City wide over time. Since our SR 50 lift station experiences the highest peak flows we would give first priority to the manholes in that drainage area, which includes Candlelight Subdivision. The Howell Ave. lift station area should be done at this time, as well. If we find that we have the available funds, we can add the School Street Lift Station area to the project. The School Street lift station area has had three previous CDBG sewer rehab projects and is not experiencing the peak flows that the other two master lift station areas are getting hit with.

At the start of our sewer rehab project, we had anticipated that the portion of the laterals that were on private property would be a major problem/source of infiltration. We have found this not to be the case. One phase of our sewer rehab included the smoke testing of all the gravity sewer lines in the City, which included the portion of the lateral on private property, and we had no smoke leaks in the laterals. Although there are some laterals on private property that do need to be repaired or replaced, in view of all the issues that revolve around working on private property and only replacing some of the damaged private laterals, we wish to defer working on those and concentrate on the already documented (through smoke testing and video taping) damaged sewer lines and laterals in public right of way. We are suggesting sending a letter to property owners when we come across these damaged private laterals. It is important that they be aware that the private sewer line leading from their home or business is damaged and may contribute to or cause a sewer back up into their structure, and that they are responsible for their lateral maintenance. It is our intention to bring some alternatives back to council that would help homeowners handle future private lateral repairs.

Summary

To date, total WAP funds the City has received for sewer rehab is \$4.25 million. Of that, the City has spent: \$1,190,920 on Phase One Construction, \$1,119,114 on Phase Two construction and \$105,400 on smoke testing all gravity sewer lines, for a total of \$2,415,434 spent on construction and smoke testing. This included rehabbing 30,000lf of 6" - 12" gravity sewer lines and 3,000lf of sewer laterals. Engineering and grant administration has cost \$1,208,245. Engineering costs included a facilities plan, the videoing of many sewer lines, mapping of defects, writing the product specifications and bidding out the phases, and providing a full time engineering inspector on the project. That leaves us with the remaining \$660,250 to spend on the next Phase (2A). An Engineering Consultant will not be used on the next phase; all design, plans, bidding, inspection, and contract admin will be done by inhouse staff.

After completion of the work listed above there will be approximately 57,000 lf of old clay main line (6"-12") and three thousand lf of laterals that still need to be rehabed. In order to finish this work estimated future funding needs are \$9,000,000.

The source of funds is through FDEP legislative appropriations which have been awarded to the City as reimbursable grants. We are requesting approval from City Council to proceed with bidding out the work as listed above, and or direction from Council.

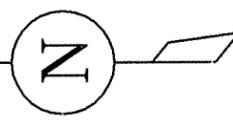
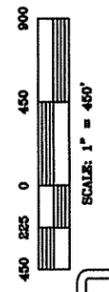
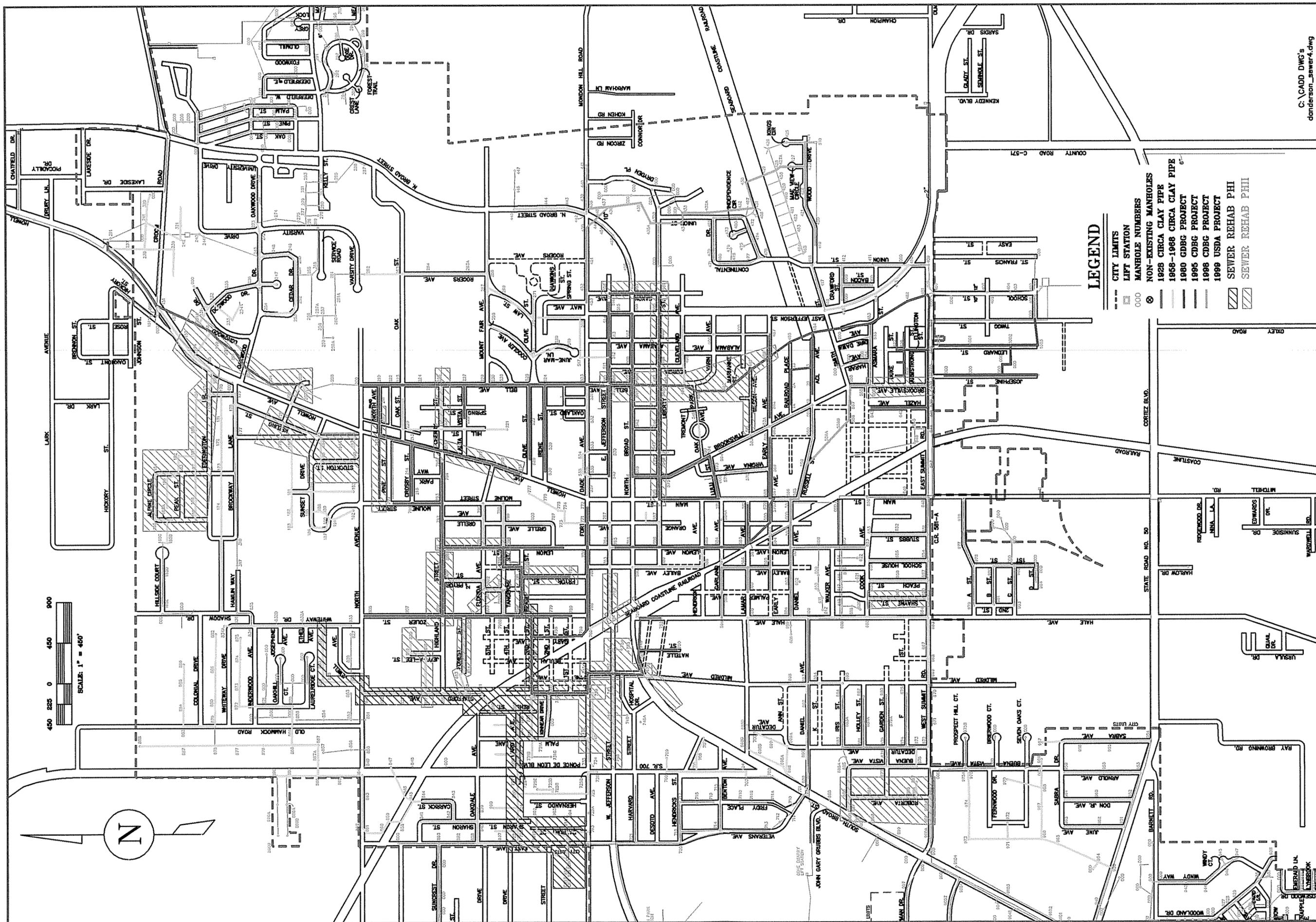
An amendment to the 2007 08 City Budget is requested in order to complete the Sewer Rehab Phase 2 Project. A 07 08 Budget Amendment is requested as follows:

\$190,250 to increase GL Account # 404 000 334 44900 Other State Grants (Revenue)

\$190,250 to increase GL Account # 404 000 169 19049 Construction in Progress(Capital Expenditure)

This will increase the 07 08 Budget for the above line items from \$470,000 to \$660,250. No City reserves will be used since this is a state grant reimbursement.

G:\BIDS\2006\sewer rehab IN013008 Phase 2 A req to bid emverrevised 03012008.doc



LEGEND

- CITY LIMITS
- LIFT STATION
- 000 MANHOLE NUMBERS
- ⊗ NON-EXISTING MANHOLES
- 1928 CIRCA CLAY PIPE
- 1958-1968 CIRCA CLAY PIPE
- 1980 GDBG PROJECT
- 1995 CDBG PROJECT
- 1998 CDBG PROJECT
- 1999 USDA PROJECT
- SEWER REHAB PHI
- SEWER REHAB PHII

C:\CAOD DWG's
danderson_sewer4.dwg



City of Brooksville
Dept of Public Works

600 South Bracksville Avenue
Brooksville, FL 34601
TEL: 352-544-5465
FAX: 352-544-5470

CITY OF BROOKSVILLE
SEWER SYSTEM

NOT VALID FOR CONSTRUCTION
UNLESS SIGNED AND SEALED

JOB #:	DRAWN BY: DCP
DATE: 05/18/01	DESIGNER:
SCALE: AS NOTED	SECTION:
TOWNSHIP:	RANGE:
SHEET 1 of 1	

DATE: 5/18/01
DRAWN BY: DCP
DESIGNER: DCP
SECTION: SEWER SYSTEM
TOWNSHIP: 10
RANGE: 16
SHEET: 1 OF 1

DANKER
P.E. No. _____

CORRESPONDENCE-TO-NOTE

REGULAR COUNCIL MEETING – April 07, 2008

1. TYPE: Letter
DATE: March 3, 2008
RECEIVED FROM: Ray Graber, Director of government & Public Affairs/
BrightHouse Networks
ADDRESSED TO: City Clerk Phillips
SUBJECT: Notification of 'sun interference' expected from
March 3 - 13th, 2008, in local cable programming.
2. TYPE: Cover letter
DATE: March 10, 2008
RECEIVED FROM: Henry C. Wright, Brooksville resident
ADDRESSED TO: City Manager and City Council Members
SUBJECT: Cover for petition from the residents of East
Early Street, requesting the installation of speed
bumps.
3. TYPE: Annual Report
DATE: March 17, 2008
SENT BY: Bill Geiger, CRA Executive Director
SUBJECT: "City of Brooksville Community Redevelopment Agency
Annual Report for the 2006-2007 Fiscal Year".
4. TYPE: Letter
DATE: March 20, 2008
SENT BY: Council Member Lewis, City Liaison
SUBJECT: Mr. Lewis' written support, as requested for grant
purposes, endorsing the efforts of the Hernando
County Community Anti-Drug Coalition to participate
in the Drug Free Communities Support Program Grant
through the Executive Office of the President, Office
of National Drug Control Policy, Department of Health
and Human Services, Substance Abuse and Mental Health
Services Administration and the Substance Abuse
Prevention.
5. TYPE: Letter
DATE: March 20, 2008
RECEIVED FROM: Mike McDaniel, Chief, Office of Comprehensive Planning/
Department of Community Affairs
ADDRESSED TO: Mayor Pugh
SUBJECT: Compliance/non-compliance details of the City's
comprehensive plan amendment as adopted on 2/4/08 by
Ordinances #753 and #752.
6. TYPE: Letter
DATE: March 21, 2008
RECEIVED FROM: Charlie Srsich, President, Chasco Camera Club
ADDRESSED TO: Rhonda Hancock, Art Gallery Coordinator
SUBJECT: Letter of thanks for allowing the club to display their
photographs in the Art Gallery.

7. TYPE: Letter
 DATE: March 24, 2008
 RECEIVED FROM: Ray Graber, Director of Government & Public Relations
 BrightHouse Networks
 ADDRESSED TO: City Clerk Phillips
 SUBJECT: Information regarding upcoming deadline (2/17/09) for
 the public to make the transition to digital television.
8. TYPE: Proclamations (41)
 DATE: April 7, 2008
 SENT BY: City of Brooksville (Mayor David Pugh)
 ADDRESSED TO: Top 3% of seniors graduating from:
 Central, Hernando, Nature Coast Technical, F.W.
 Springstead High Schools, in addition to top 3% from
 Hernando Christian Academy, Spring Hill Christian
 Academy and W. Hernando Christian School.
 SUBJECT: In recognition of outstanding academic accomplishments.

Monthly Departmental Reports (February 2008)

Community Development
 Department of Public Works
 Finance Departmental
 Fire Departmental
 Human Resources
 Parks and Recreation
 Police Department

Miscellaneous Minutes

City Advisory Boards:

Beautification Board	January 8, 2008
Planning & Zoning	February 13, 2008

Council Rep. Boards:

Withlacoochee Regional Planning Council	January 17, 2008
Hernando County Elder Affairs Council	January 28, 2008
Withlacoochee Regional Water Supply Authority	February 20, 2008
Hernando County Community Anti-Drug Coalition	February 27, 2008
Hernando County Tourist Development	February 28, 2008

NOTE: COPIES OF ALL CORRESPONDENCE ON FILE IN THE OFFICE OF THE CITY CLERK

1004 U.S. Highway 92 West
Auburndale, FL 33823
tel 863.965.7733

03-05-08 001:35



March 3, 2008

Karen Phillips, City Clerk
City of Brooksville
201 Howell Avenue
Brooksville, FL 34601

Re: Sun Interferences

Dear Ms. Phillips:

It is sun interference time again. Commercial communications satellites are geostationary, and therefore have orbits which lie in the equatorial plane. During the spring and fall equinoxes, the sun also passes behind the satellites once a day. During the time when both the satellite and the sun are in the earth stations' field of view, the RF energy from the sun can overpower the signal from the satellite. It is the loss or degradation of communications traffic from the satellite that is referred to as sun fade, sun transit, solar interference, or sun interference.

This sun interference will begin on March 3, 2008 and end on March 13, 2008. During this period, disruptions in service will occur on almost all channels. Sun interferences manifest themselves as mild to intense power specks, snow and noisy picture, or complete loss of signal. The duration of the disruption will be between 1 and 20 minutes daily for each satellite that provides programming from 12:45 to 5:45 PM. Interference will range from mild to moderate to severe, and back again to moderate and then to mild.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Ray Graber".

Ray Graber
Director of Government & Public Affairs

PC: JMV
CTW 4/7/07
3/7/08 jw

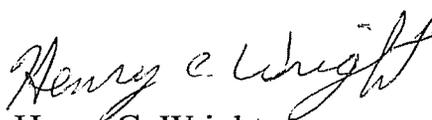
Handwritten initials, possibly "R" or "J", in the bottom right corner of the page.

CTN
04.07.08
[Signature]
JP

March 10, 2008

To: T. Jennene Norman-Vacha
Brooksville City Manager
And
Brooksville City Council members

Enclosed is a copy a petition from the residents of East Early Street
requesting speed bumps, that was sent to Mr. Emory Pierce at the
Public Works department.



Henry C. Wright
219 E. Early street
Brooksville, Florida 34601

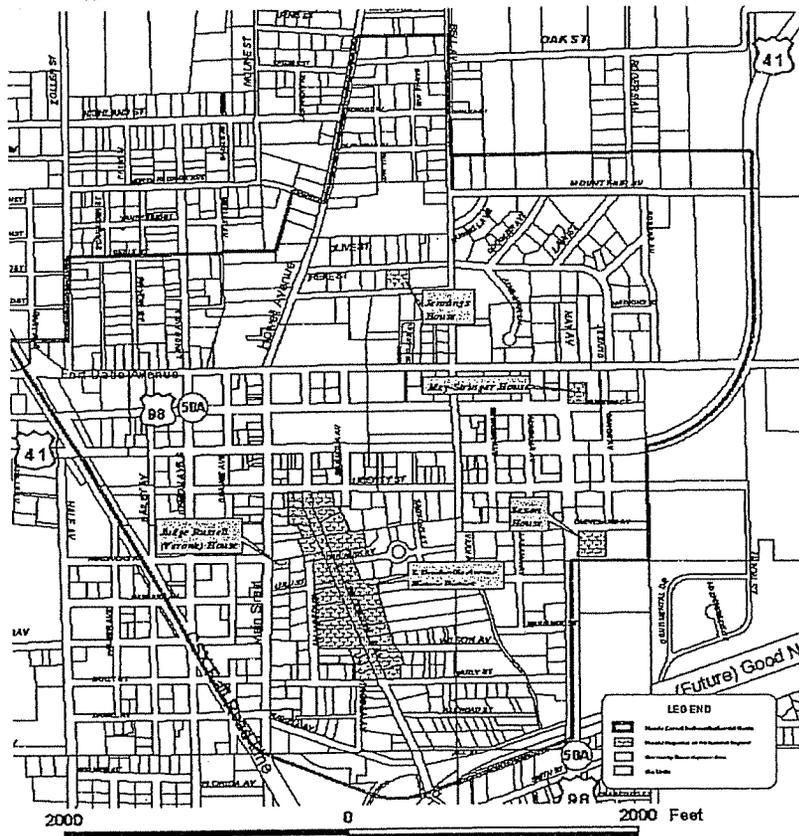
Phone # 799-7494

Rec'd
3-10-08
2:17 PM

CITY OF BROOKSVILLE COMMUNITY REDEVELOPMENT AGENCY ANNUAL REPORT for the 2006-2007 FISCAL YEAR



City of Brooksville
Historic District/Community Redevelopment Area



Base map provided by the Hernando County Property Appraiser's Office
Prepared by: The City of Brooksville Community Development Department
Date of Print: March 14, 2006

c:\sri\projects\historic cra areas

Filed: March 17, 2008

Read
✓ P.C. C.M. 4/7/08

g

City of Brooksville



(352) 544-5400 (Phone)

(352) 544-5424 (Fax)

(352) 544-5420 (TDD)

March 20, 2008

Tresa Watson
Vice President & Treasurer
Hernando County Community Anti-Drug Coalition
6147 Deltona Blvd.
Spring Hill, FL 34606

Dear Ms. Watson:

As the City of Brooksville City Council Member Liaison to the Hernando County Anti-Drug Coalition, I am pleased to endorse the efforts of the Coalition to participate in the Drug Free Communities Support Program Grant through the Executive Office of the President, Office of National Drug Control Policy (ONDCP) and the Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services Administration (SAMHSA) and the Substance Abuse Prevention (CSAP). As said City Council Member Liaison, I pledge to:

- (a) Attend 12 number of meetings annually;
- (b) Participate in 2 committees;
- (c) Attend coalition sponsored trainings, seminars, and community-wide events;
- (d) Participate in assessing and analyzing root causes of substance abuse problems in the community;
- (e) Participate in on-going logic model development and strategic planning processes;
- (f) Participate in on-going refinement of the coalition vision, mission, objectives, goals, and activities;
- (g) Ensure clear communication between the sector member's organization and the coalition;
- (h) Participate in the implementation of multiple strategies across multiple sectors to achieve community change;
- (i) Work towards creating population-level change as evidenced by the four core measures;
- (j) Participate in sustaining the coalition's vitality, involvement, and energy in the community; &
- (k) Support the overarching principles of cultural competence and ensure its incorporation into the coalition's comprehensive approach.

Please feel free to contact me at (352) 544-5407 if you have any questions or need additional information. As always, it is my pleasure and honor to participate in the efforts put forth by the Anti-Drug Coalition in our community and look forward to a long and continued working relationship.

Sincerely,

Richard E. Lewis
Brooksville City Council Member/Liaison

G:\WP_WORK\Clerk\Office\LETTERS\REL Anti Drug Coalition Support Ltr doc

Handwritten notes:
1 - send
14 = 12/0/07

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CTW 2/7/08



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

March 20, 2008

The Honorable David Pugh, Mayor
City of Brooksville
201 Howell Avenue
Brooksville, Florida 34601

Dear Mayor Pugh:

The Department of Community Affairs (Department) has completed its review of the comprehensive plan amendment for the City of Brooksville (Department No. 08-1) as adopted on February 4, 2008, by Ordinance Nos. 752 and 753, and has determined that the amendment adopted by Ordinance 753 and a portion of the amendment adopted by Ordinance 752 (amendment to Transportation Element Policy 7-7) meet the requirements of Chapter 163, Part II, Florida Statutes (F.S.), for compliance while the remainder of Ordinance 752, including those amendments related to the Public Schools Facilities Element and related elements, do not meet the requirements of Chapter 163, Part II, F.S. for compliance. The Department is issuing a Notice of Intent to find the Comprehensive Plan amendments adopted by Ordinance 752, including those amendments related to the Public Schools Facilities Element and related elements "Not In Compliance" and those amendments adopted by Ordinance 753 and Ordinance 752 (amendment to Transportation Element Policy 7-7) "In Compliance." The Notice of Intent has been sent to *Hernando Today* for publication on March 24, 2007. The Department is also issuing a Statement of Intent regarding the Public Schools Facilities Element and related elements amendments adopted by Ordinance 752 found not in compliance.

Please note that a copy of the adopted City of Brooksville Comprehensive Plan amendment, the Department's Objections, Recommendations, and Comments Report dated December 11, 2007, and the Notice of Intent must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the City of Brooksville, Department of Community Development, 201 Howell Avenue, Brooksville, Florida. Please be advised that Section 163.3184(8)(c)2, F.S., requires a local government that has an internet site to post a copy of the Department's Notice of Intent on the site within 5 days after receipt of the mailed copy of the agency's notice of intent.

PC
3/25/08 jo
COUNCIL
JND
4/7/08

2555 SHUMARD OAK BOULEVARD TALLAHASSEE, FL 32399-2100
Phone: 850-488-8466/SUNCOM 278-8466 Fax: 850-921-0781/SUNCOM 291-0781
Website: www.dca.state.fl.us

COMMUNITY PLANNING
Phone: 850-488-2356/SUNCOM 278-2356
Fax: 850-488-3309/SUNCOM 278-3309

AREAS OF CRITICAL STATE CONCERN FIELD OFFICE
Phone: 305-289-2402
Fax: 305-289-2442

HOUSING AND COMMUNITY DEVELOPMENT
Phone: 850-488-7956/SUNCOM 278-7956
Fax: 850-922-5623/SUNCOM 292-5623

with the administrative law judge assigned by the Division of Administrative Hearings. Any mediation shall not affect a party's right to an administrative hearing.

Chasco Camera Club

FYI
Karen
Jennere ✓
CTN

Rhonda Hancock
Art Gallery Coordinator
Brooksville City Hall Art Gallery
201 Howell Ave.
Brooksville, FL. 34601

March 21, 2008

Ms. Hancock,

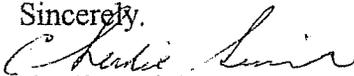
On behalf of the entire membership of the Chasco Camera Club, I wish to thank you and the City of Brooksville for inviting us to share our photographs with the local citizens and others and being able to also share "the stage" with other very talented artists. Even though I was late in arriving and missed the gathering in the Council Room due to a doctors appointment, plus additional waiting time, I was able to enjoy viewing all the other artists efforts, which were very impressive. We did have about 10 + members attending and they too were equally impressed.

We shall mark down April 10th to retrieve our photographs and will call you to confirm our arrival time. At present, It should be at approximately 11:00AM.

And we look forward to exhibiting at Brooksville City Hall in the future.

Again, Thank you.

Sincerely,



Charlie Srsich

President

Chasco Camera Club

1004 U.S. Highway 92 West
Auburndale, FL 33823
tel 863.965.7733



March 24, 2008

Ms. Karen Phillips
City Clerk
City of Brooksville
201 Howell Avenue
Brooksville, FL 34601

Dear Ms. Phillips,

As you are probably aware, the Digital Television (DTV) transition that was directed by the Federal Communications Commission will take place on February 17, 2009. We would like you to partner with us to explain to the public that this transition is a federal mandate taking place around the country and to reassure your residents that nobody wants to see anyone left in the dark.

Several organizations, including the National Cable and Telecommunications Association (NCTA) and National Association of Broadcasters (NAB), have begun educational campaigns to let the public know about the upcoming transition. We at Bright House Networks have begun our own campaign to ensure our customers that we are ready for the transition and to help educate the public about the various options available to them.

During the initial stages of the public education campaign, we expect that there will be some confusion in the market place. Also, people who receive analog signals may be upset that they have to buy new equipment and/or sign up for a new service.

As a provider of these services, Bright House Networks is committed to reducing confusion about this issue and is offering a variety of digital services packages to help a range of people make the conversion. Our goal is to make life easier for our customers and the DTV transition is just one example of how we live up to that promise.

Enclosed with this letter is a sheet of information you can use to help explain this issue to your constituents. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Graber".

Ray Graber
Director of Government & Public Relations

enclosure

[Faint handwritten notes and stamps on the right side of the page, including "1004 U.S. Highway 92 West" and "4/21/08"]