

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

**AGENDA**

March 17, 2008

7:00 P.M.

A. CALL TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. CONSENT AGENDA

1. **United Way Grant Application - JBCC**

Approval of submittal of 2008/09 Grant Application to United Way for continuation of the Jerome Brown Community Center Bus Program in the amount of \$10,000.

2. **Recreational Trails Program (RTP) Grant Application**

Consideration of approval to apply for funds in the amount of \$50,000 to resurface the walking trail at Tom Varn Park and authorize the \$10,000 match to come from the McKethan Fund account #302-020-572-556-50.

3. **Reuse Reimbursement #3 and Repayment of Oversizing Costs**

Authorization to refund \$169,838.62 of Water Management District Reuse Reimbursement #3 to Hampton Ridge Developers, LLC., and retain the balance of \$52,254.60.

4. **Radio Read Meter Project**

Consideration of request to go out for bids.

5. **Amendment to Seagate Utility Service Agreement**

Approval of request to extend the payment date for the utility fees to April 30, 2008, or to prior to issuance of building permit for the project.

**CONSENT AGENDA APPROVAL (√)**

Recommendation:	Approval of Consent Agenda
Action:	Motion to Approve
Attachments:	1) Memo from Director of Parks & Recreation dated 03/05/08; 2) Memo from Director of Parks & Recreation dated 03/05/08; 3) Memo from Director of Public Works dated 03/05/08; 4) Memo from Director of Public Works dated 03/04/08; 5) Utility Service Agreement Amendment

D. CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

1. **WWJB Proclamation**

Presentation of Proclamation in honor of the 50<sup>th</sup> Anniversary of WWJB Radio.

Presentation:	Mayor
Attachment:	Proclamation

REGULAR CITY COUNCIL MEETING - MARCH 17, 2008

**REGULAR CITY COUNCIL MEETING - MARCH 17, 2008**

2. **24<sup>th</sup> Annual Hernando County Arts, Crafts and Music Festival**  
Consideration of requests from the Hernando County Fine Arts Council (FAC) for their annual Art Festival at Tom Varn Park on May 3rd & 4th, 2008:

Presentation: FAC Executive Director  
Recommendation: Direction from Council  
Action: Motion to Approve  
Attachments: Letter from FAC dated 02/26/08; Memo from City Manager dated 03/05/08

3. **Hernando County Fair Association (HCFA) - 2008 Fair Support**  
Consideration of requests from the HCFA for the 2008 Hernando County Fair & Youth Livestock Show, which runs April 7-13, 2008:

Presentation: HCFA Fairgrounds Manager  
Recommendation: Direction from Council  
Action: Motion to Approve  
Attachments: Letters from HCFA dated 02/25/08; Memo from City Manager dated 3/5/08

**E. PUBLIC HEARINGS**

1. **\*\*Ordinance No. 735-A - Master Plan Revisions - Villa Rosa (Underwood Property) - Bob Colverd, Agent for Underwood Family Trust**

Consideration of petition for a master plan revision of 9.33 acres + located on the south side of North Avenue, between Stafford Avenue and Zoller Street.

**[Approved on First Reading 03/03/08]**

Presentation: Coastal Engineering  
Recommendation: Approval of Ordinance No. 735-A upon roll call vote on second reading  
Action: Motion to Approve Staff/P&Z Recommendations  
Attachments: Staff Report dated 03/04/08; Revised Proposed Ordinance; Revised Master Plan Narrative; Preliminary Plan; Site Location Map

2. **Ordinance No. 757 - Repeal of Occupational License Code**  
Consideration of ordinance repealing Local Business Tax (Occupational License) Code effective September 30, 2008.  
**[Approved on First Reading 03/03/08]**

Presentation: Director of Administration  
Recommendation: Approval of Ordinance No. 757 upon roll call on second reading  
Action: Motion to Approve  
Attachment: Memo from Director of Administration dated 03/06/08; Proposed Ordinance

## REGULAR CITY COUNCIL MEETING - MARCH 17, 2008

### F. REGULAR AGENDA

1. **Ordinance No. 758 - Photographic Traffic Enforcement Program**  
Consideration of ordinance establishing a red light photographic traffic enforcement program to help reduce vehicle crashes and resulting injuries.  

Presentation: Police Chief  
Recommendation: Approval  
Action: Motion to Approve  
Attachments: Memo from Police Chief dated 03/07/08; Proposed Ordinance
2. **Resolution No. 2008-07 - Repealing Occupational License Fee Structure**  
Consideration of resolution repealing Resolution No. 95-13, which provided for Local Business Tax (Occupational License) fees.  

Presentation: Director of Administration  
Recommendation: Approval of Resolution #2008-07 upon roll call vote  
Action: Motion to Approve  
Attachment: Memo from Director of Administration dated 03/06/08; Resolution
3. **Brook Haven, LTD (Brook Haven Apartments) - Request for Connection Fee Refund**  
Consideration of a refund of connection fees in the amount of \$73,427 as provided for in Developer's Utility Service Agreement; and approval of staff recommendation for amendment to the Capital Needs Plan.  

Presentation: Director of Public Works  
Recommendation: Approval  
Action: Motion to Approve  
Attachments: Memo from Director of Public Works dated 02/28/08; Certification of costs
4. **KMS Investment Partnership Radio Tower Issue**  
Review of Release Agreement providing for restoration costs of \$25,000 to restore the ground radial wiring system from General Fund Reserve Contingencies and authorize Mayor to executive accordingly.  

Presentation: City Manager  
Recommendation: Approval of Staff Recommendation  
Action: Motion to Approve  
Attachments: Memo from Community Development Director dated 03/05/08; Proposed Release Agreement
5. **Brooksville Going Green Initiatives**  
Discussion and review of plans to work on "green" initiatives.  

Presentation: City Manager  
Recommendation: Direction to Staff  
Action: Motion to Approve

# REGULAR CITY COUNCIL MEETING - MARCH 17, 2008

Attachment: Memo from City Manager dated  
03/07/08

- G. ITEMS BY COUNCIL
- H. CITIZEN INPUT
- I. ADJOURNMENT

## CORRESPONDENCE TO NOTE

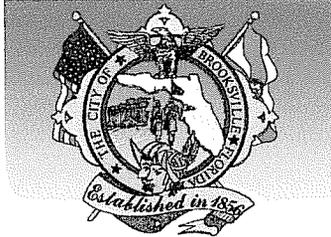
*Meeting agendas and supporting documentation are available from the City Clerk's office, and on line at [www.ci.brooksville.fl.us](http://www.ci.brooksville.fl.us). Persons with disabilities needing assistance to participate in any proceedings should contact the City Clerk's office 48 hours in advance 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 PARKS & RECREATION DEPARTMENT

**MEMORANDUM**



To: Honorable Mayor and City Council Members

CC: T. Jennene Norman – Vacha, City Manager

From: Mike Walker, Parks & Recreation Director

Date: March 05, 2008

Re: United Way Grant Application



**Brief Overview:**

The Parks and Recreation Department is requesting from City Council the authorization to once again apply for grant funding from The United Way of Hernando County, Inc Community Investment Grant in the amount of \$10,000.00.

**Budget Statement:**

The \$10,000.00 that we receive from The United Way of Hernando County, Inc. provides us the funding for the part-time bus driver position at the Jerome Brown Community Center. This allows us to provide our free community bus transportation for children to and from JBCC, Monday – Thursday.

**Staff Recommendations:**

Staff recommends that the City Council authorize the Parks and Recreation Director to apply for the United Way of Hernando County, Inc. Community Investment Grant in the amount of \$10,000.00

Attachments:(2) Parks and Recreation – Transportation Fund 105  
JBCC Personnel Budget

**PARKS AND RECREATION DEPARTMENT: Jerome Brown Center Division**

GL CODES	STAFFING/Level	Type	04/05	05/06	06/07	Adopted	Adopted	Adopted
			of Pay	Staffing	Staffing	Staffing	06/07 Budget	07/08 Staffing
001-025-572-51200	Recreation Leader III	H	2.0	2.0	2.0	\$58,901	2.0	\$61,258
	<b>Total full Time</b>		<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	<b>\$58,901</b>	<b>2.0</b>	<b>\$61,258</b>
	Part Time							
001-025-572-51200	Bus Driver Part Time	H	0.0	1.0	1.0	10,000	1.0	10,000
	<b>TOTAL</b>		<b>2.0</b>	<b>3.0</b>	<b>3.0</b>	<b>\$68,901</b>	<b>3.0</b>	<b>\$71,258</b>

S = SALARIED H = HOURLY

GL CODES	PERSONNEL SERVICES	04/05	05/06	06/07	Projected	Adopted
		Actual	Actual	Budget	06/07 Budget	07/08 Budget
001-025-572-51200	Regular Salaries	58,146	58,100	68,901	66,859	71,258
001-025-572-51400	Overtime	265	800	2,000	1,849	3,000
	<b>Total Wages</b>	<b>58,411</b>	<b>58,900</b>	<b>70,901</b>	<b>68,708</b>	<b>74,258</b>
001-025-572-52100	FICA	4,282	3,732	5,628	5,074	5,681
001-025-572-52200	Retirement	4,352	4,885	6,772	6,766	7,315
001-025-572-52300	Health Insurance	5,395	5,755	7,110	7,110	8,674
001-025-572-52301	Life Insurance	425	333	438	443	478
001-025-572-52302	Health Reimbursement Account	848	411	1,000	1,394	1,000
001-025-572-52400	Worker's Comp Insurance	1,552	4,828	6,628	6,628	7,158
	<b>Total Benefits</b>	<b>16,854</b>	<b>19,944</b>	<b>27,576</b>	<b>27,415</b>	<b>30,306</b>
	<b>Total Personnel Service Costs</b>	<b>\$75,265</b>	<b>\$78,844</b>	<b>\$98,477</b>	<b>\$96,123</b>	<b>\$104,564</b>

(1) Bus driver's wages are funded by a transfer in from Grant Fund 105.

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**POLICE SPECIAL EDUCATION FUND 104**

	Actual 04/05	Actual 05/06	Budgeted 06/07	Projected 06/07	Adopted 07/08
<b>INCOME</b>					
Intergovernmental Revenue	\$0	\$0	\$0	\$0	\$0
Fines & Forfeitures	2,762	2,965	2,700	2,675	2,700
Miscellaneous	0	0	0	0	0
Interest Income	31	336	220	400	400
Special Assessment	0	0	0	0	0
Transfers In	6,500	0	0	0	0
Prior Year Carry forward	151	7,122	9,822	10,423	13,498
<b>Total Income</b>	<b>\$9,444</b>	<b>\$10,423</b>	<b>\$12,742</b>	<b>\$13,498</b>	<b>\$16,598</b>
<b>EXPENDITURES</b>					
Personnel Services	\$0	\$0	\$0	\$0	\$0
Operating Expenditures	0	0	0	0	0
Capital Outlays	0	0	0	0	0
Transfers Out	2,322	0	0	0	0
Reserves	7,122	10,423	12,742	13,498	16,598
<b>Total Expenditures</b>	<b>\$9,444</b>	<b>\$10,423</b>	<b>\$12,742</b>	<b>\$13,498</b>	<b>\$16,598</b>

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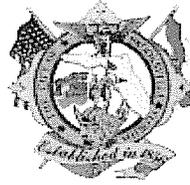
**PARKS & RECREATION-TRANSPORTATION 105**

	Actual 04/05	Actual 05/06	Budgeted 06/07	Projected 06/07	Adopted 07/08
<b>INCOME</b>					
Intergovernmental Revenue	\$0	\$0	\$0	\$0	\$0
Fines & Forfeitures	0	0	0	0	0
Miscellaneous	9,875	10,007	10,000	10,024	10,000 (1)
Interest Income	11	11	0	12	15
Special Assessment	0	0	0	0	0
Transfers In	0	0	0	0	0
Prior Year Carry forward	224	235	0	246	258
<b>Total Income</b>	<b>\$10,110</b>	<b>\$10,253</b>	<b>\$10,000</b>	<b>\$10,282</b>	<b>\$10,273</b>
<b>EXPENDITURES</b>					
Personnel Services	\$0	\$0	\$0	\$0	\$0
Operating Expenditures	0	0	0	0	0
Capital Outlays	0	0	0	0	0
Transfers Out	9,875	10,007	10,000	10,024	10,000 (2)
Reserves	235	246	0	258	273
<b>Total Expenditures</b>	<b>\$10,110</b>	<b>\$10,253</b>	<b>\$10,000</b>	<b>\$10,282</b>	<b>\$10,273</b>

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(1) United Way Grant  
(2) Transferred out to JBCC for bus driver.

# CITY OF BROOKSVILLE



## **MEMORANDUM**

**TO:** HONORABLE MAYOR AND CITY COUNCIL MEMBERS  
**FROM:** MIKE WALKER, PARKS & RECREATION DIRECTOR *Mike Walker*  
**SUBJECT:** 2008 RECREATIONAL TRAILS PROGRAM (RTP) GRANT FUNDING –  
AUTHORIZATION TO APPLY  
**DATE:** MARCH 5, 2008

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### **Brief Overview:**

The City of Brooksville's Parks & Recreation Department is requesting City Council's authorization to apply for grant funding through the RTP in the amount of \$50,000 for the purpose of repaving the Tom Varn Park Walking Trail, which was originally surfaced in 1982. A "Fact Sheet" about the grant is provided as "Attachment 1".

### **Budget Statement:**

The grant if approved and awarded, would require a twenty percent (20%) match of \$10,000. Match monies are available within the McKethan Fund, Capital Outlay line item #302-020-572-556-30, the balance as of February 29, 2008 is \$35,000.

### **Staff Recommendation:**

Staff recommends that City Council grant authorization to the Parks & Recreation Director to apply for the RTP grant funding in the amount of \$50,000 that requires a match of \$10,000 to be paid from the McKethan Fund.

### **Attachments (4):**

- Recreational Trails Program Fact Sheet
- Conceptual Site Plan
- Map of Project Area
- McKethan Fund Budget Sheet

# ***Attachment 1***

# Recreational Trails Program

## Florida Fact Sheet

### ***What is the Recreational Trails Program (RTP)?***

RTP is a competitive program which provides grants for projects that provide, renovate or maintain recreational trails, trailhead and trailside facilities. The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 included the National Recreational Trails Fund Act (NRTFA) and established the National Recreational Trails Funding Program (NRTFP). The National Highway System Designation Act (NHS Act) of 1995 amended and revived the NRTFA. The Transportation Equity Act for the 21st Century (TEA-21) amended the previous legislation and provided for six years of funding. The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) replaced TEA-21. Project proposals may address the following recreational trail interests:

Motorized Trails

Nonmotorized Trails

Mixed-Use projects (either motorized, nonmotorized or a combination of both)

### ***What is a "Recreational Trail"?***

The federal legislation defines a recreational trail as follows: A thoroughfare or track across land or snow, used for recreational purposes including, but not limited to, such uses as bicycling, nordic (cross-country) skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long distance backpacking, roller skating, in-line skating, dog sledding, running, snowmobiling, aquatic or water activity and vehicular travel by motorcycle, four-wheel drive or all terrain, off-road vehicles.

### ***How is RTP Administered?***

Florida's Department of Environmental Protection (DEP) administers the program in coordination with the U.S. Department of Transportation, Federal Highway Administration (FHWA).

### ***Who May Apply for RTP Funds?***

Municipal or county governments, state or federal governmental agencies, recognized state and federal Indian tribal governments, and organizations approved by the State.

### ***How Do I Apply?***

Applicants must submit a completed RTP Grant Application, during the submission cycle of March 17 – 31, 2008. Applications must be postmarked no later than March 31, 2008. Applicants may submit only one application during the submission period. Applications must involve only one project site.

***What is the Maximum Grant Amount?***

The current maximum grant amount for mixed-use projects and non-motorized projects is \$250,000. The maximum grant award amount for motorized projects it is \$592,000.

***What are the Match Requirements?***

All grant awards must be matched. In your application you choose either 50:50, 60:40 or 80:20 match. The more match provided, the more points awarded.

For example, with a \$100,000 project, your match could be any of the following:

<u>Total Project Cost</u>	<u>RTP Grant</u>	<u>Local Match</u>
\$100,000	\$50,000	\$50,000
\$100,000	\$60,000	\$40,000
\$100,000	\$80,000	\$20,000

***What Can I use to Match a RTP Grant?***

Cash and/or In-kind services.

**NOTE:** Federal agencies may match grant funds with federal funds up to 95% of total project cost.

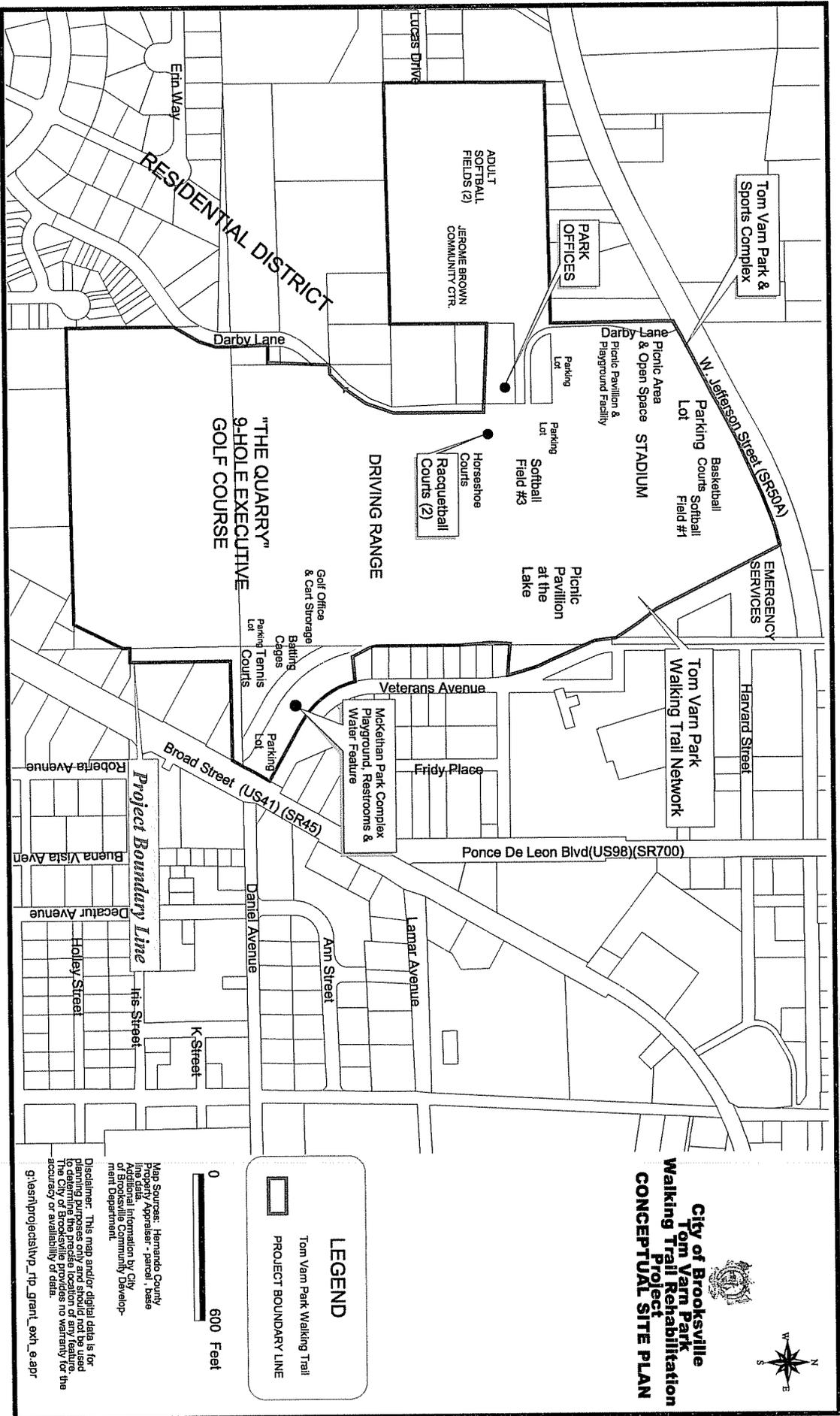
***How are RTP Grants Awarded?***

Each application is reviewed to determine eligibility. The Office of Greenways and Trails, in consultation with the RTP Advisory Committee, evaluates each eligible application according to program policy and assigns a final score. Based on the scores, DEP prepares and submits a recommended priority list to the Federal Highway Administration for funding consideration.

***Who Do I Call for More Information?***

Alexandra H. Weiss, CPM  
Office of Greenways and Trails  
3900 Commonwealth Boulevard, Mail Station #795  
Tallahassee, Florida 32399-3000  
Phone: 850.245.2052 (Suncom 205.2052)  
Email: alexandra.weiss@dep.state.fl.us

[www.FloridaGreenwaysAndTrails.com](http://www.FloridaGreenwaysAndTrails.com)



City of Brooksville  
 Tom Varn Park  
 Walking Trail Rehabilitation  
 Project  
 CONCEPTUAL SITE PLAN



**LEGEND**

Tom Varn Park Walking Trail

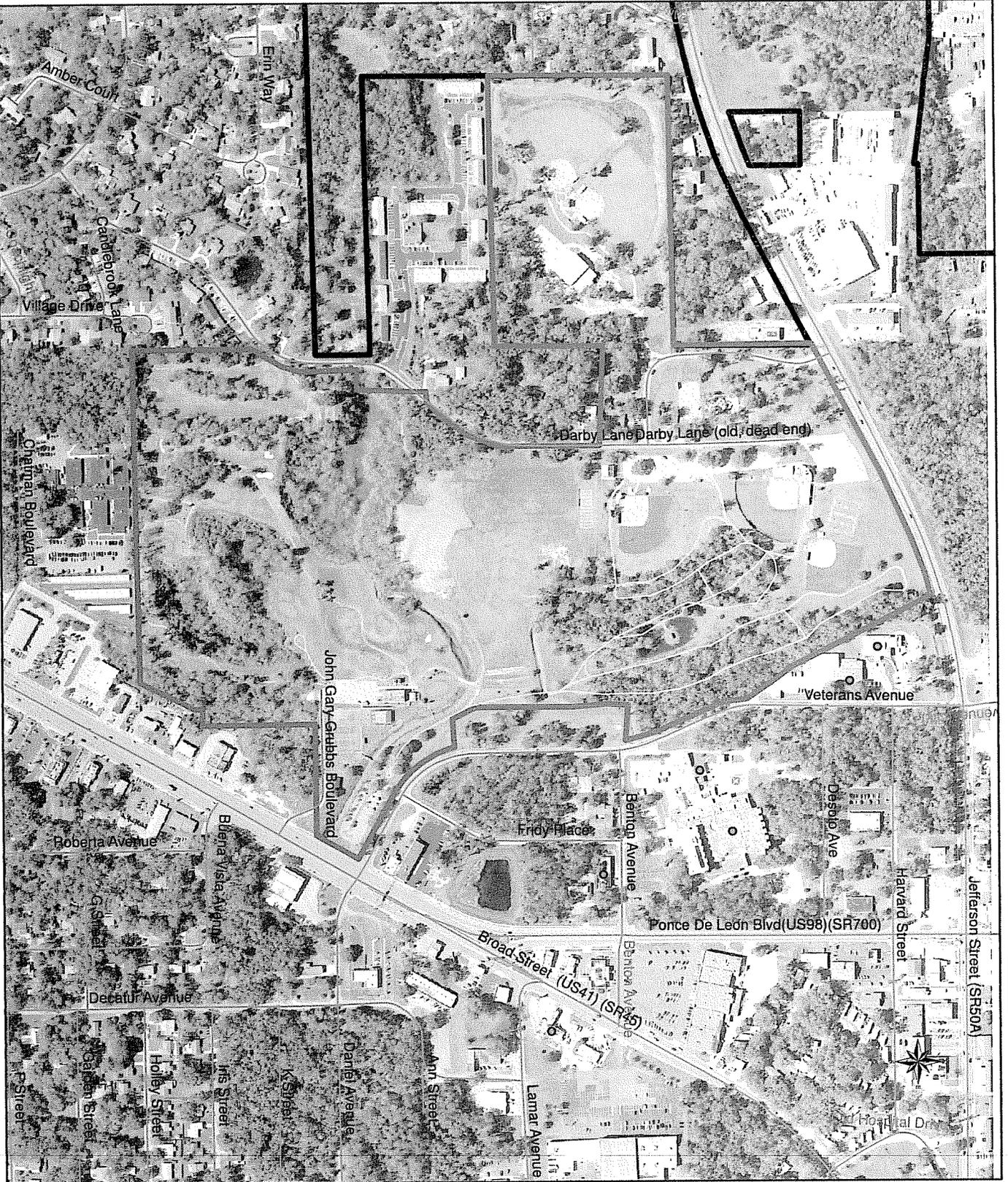
PROJECT BOUNDARY LINE



Map Sources: Hernando County  
 parcel data, appraiser parcel, state  
 Additional information by City  
 of Brooksville Community Develop-  
 ment Department

Disclaimer: This map and/or digital data is for  
 planning purposes only and should not be used  
 to determine the precise location of any feature.  
 The City of Brooksville provides no warranty for the  
 accuracy or suitability of data.  
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**RTP GRANT APPLICATION**



**LEGEND**

 PROJECT AREA

 TYP WALKING TRAIL



This map prepared by the City of Brooksville Community Development Department

Disclaimer: This map/digital data is for planning purposes only and should not be used to determine the exact location of any feature. The city of Brooksville provides no warranty for the accuracy or availability of data.

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**McKETHAN CAPITAL PROJECTS FUND 302**

	Actual 04/05	Actual 05/06	Budgeted 06/07	Projected 06/07	Adopted 07/08
<b>INCOME</b>					
Intergovernmental Revenue	\$0	\$5,000	\$0	\$5,500	\$0
Interest Income	1,249	3,701	900	3,750	3,000
Miscellaneous	30,677	16,104	0	0	0
Transfers In	0	0	0	0	0
Prior Year Carry forward	68,338	78,346	74,746	78,152	62,700
<b>Total Income</b>	<b>\$100,264</b>	<b>\$103,151</b>	<b>\$75,646</b>	<b>\$87,402</b>	<b>\$65,700</b>

**EXPENDITURES**

Operating Expenditures	\$1,918	\$24,999	\$2,000	\$0	\$3,000
Capital Outlay	0	0	0	24,702	35,000 (1)
Transfers Out	20,000	0	0	0	0
Reserves	78,346	78,152	73,646	62,700	27,700
<b>Total Expenditures</b>	<b>\$100,264</b>	<b>\$103,151</b>	<b>\$75,646</b>	<b>\$87,402</b>	<b>\$65,700</b>

(1) JBCC Bike and Walking Trail \$25,000; Bathroom improvements at McKethan Park

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**PUBLIC FACILITIES REPAIR AND MAINTENANCE FUND 306**

	Actual 04/05	Actual 05/06	Budgeted 06/07	Projected 06/07	Adopted 07/08
<b>INCOME</b>					
Intergovernmental Revenue	\$0	\$0	\$0	\$0	\$0
Interest Income	416	647	400	1,000	1,000
Miscellaneous	0	0	0	0	0
Transfers In	0	2,500	3,175	3,261	0 (1)
Prior Year Carry forward	11,748	12,164	14,964	15,311	19,572
<b>Total Income</b>	<b>\$12,164</b>	<b>\$15,311</b>	<b>\$18,539</b>	<b>\$19,572</b>	<b>\$20,572</b>
<b>EXPENDITURES</b>					
Capital Outlay	\$0	\$0	\$0	\$0	\$0
Transfers Out	0	0	0	0	0
Reserves	12,164	15,311	18,539	19,572	20,572
<b>Total Expenditures</b>	<b>\$12,164</b>	<b>\$15,311</b>	<b>\$18,539</b>	<b>\$19,572</b>	<b>\$20,572</b>

(1) \$3,175 Transferred in from City Hall Renovations in 06/07 to close Fund 307

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**CONSENT AGENDA ITEM  
MEMORANDUM**

**TO:** HONORABLE MAYOR AND CITY COUNCILMEN  
**VIA:** T. JENNENE NORMAN-VACHA, CITY MANAGER  
**FROM:** EMORY H. PIERCE, DIRECTOR OF PUBLIC WORKS  
**SUBJECT:** REUSE REIMBURSEMENT #3 AND REPAYMENT OF  
OVERSIZE COSTS  
**DATE:** March 5, 2008

*T. Jennene Norman-Vacha*  
*Emory H. Pierce*

**GENERAL SUMMARY/BACKGROUND:** City of Brooksville has received reimbursement from Southwest Florida Water Management District (SWFWMD) for the reuse water line along Mobley Road in the amount of \$222,093.25, as requested through "Reuse Reimbursement #3 and Repayment of Oversize Costs."

The "Reuse Reimbursement #3 and Repayment of Oversize Costs" outlined costs/monies expended for the project in the amount of \$411,283.74. The costs/monies were previously expended by Hampton Ridge Developers LLC in the amount of \$315,164.12 for the reuse line and by the City of Brooksville in the amount of \$96,119.62 for oversizing (from 12" line to 18" line size) costs of the reuse line.

As Council is aware SWFWMD reimburses the City for reuse expenditures as per Cooperative Funding Agreement No. 04CON0079 at a rate of sixty percent (60%) less ten percent (10%) retainage amount. Therefore \$169,838.62 ( $\$315,164.12 \times 60\% = 189,098.47$  less 10% retainage of \$18,909.85 = \$170,188.62 less \$350.00 City processing fee) is due to Hampton Ridge Developers LLC and \$52,254.60 ( $\$96,119.62 \times 60\% = 57,671.77$  less 10% retainage of \$5,767.17 = 51,904.59 plus \$350.00 City processing fee).

**BUDGET IMPACT:** As outlined above reimbursement monies have been received from SWFWMD. Monies retained by the City of Brooksville should be amended into the 2007-08 budget, under Fund 409, SR 50 West Cobb Road Expansion.

**LEGAL REVIEW:** Legal has reviewed and has no legal concern with reimbursement.

Reuse Reimbursement #3 and Repayment of Oversize Costs

Page 2 of 2

**STAFF RECOMMENDATION:** Staff recommends that City Council authorize reimbursement from the City of Brooksville in the amount of \$169,838.62 for Hampton Ridge Developers LLC in conjunction with Reuse Reimbursement #3 costs/monies expended and then reimbursed from Southwest Florida Water Management District through Cooperative Funding Agreement No. 04CON0079. Authorize staff to prepare City budget amendment for \$52,254.60 into the revenues of Fund 409, SR 50 West Cobb Road Expansion. Expenditures for the reimbursement were previously expended within the budget.

**CITY OF BROOKSVILLE**  
**MEMORANDUM**

To: City Council

Via: T. Jennene Norman-Vacha, City Manager

From: Emory H. Pierce, Director of Public Works

Re: **Radio Read Meter Project**

Date: March 4, 2008



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Some time ago Council directed staff to explore funding options, to include USDA funding. USDA has stated that we are eligible for funding but not with the vendor (Triton) that we had intended to use, (copy of USDA letter attached). Although Triton did an excellent job for us with the Damac subdivision; USDA is not comfortable with the selection process used by West Melbourne, which was the bid we piggybacked on to use Triton. Since then another entity (Master Meter) has provided us with a proposal that could be considerably cheaper. However the scope of work described in this new proposal is not quite the same as the Triton proposal.

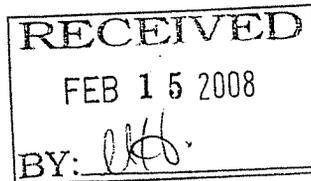
Therefore in order to comply with USDA and City purchasing procedures and to give all entities a fair chance; we are recommending that we go through a formal bidding process for this \$1,000,000 + project. We estimate we can have a bid back before Council for approval within 60 days.



Florida/Virgin Islands  
2629 Waverly Barn Road, Suite 129  
Davenport, Florida 33897

Area Five Office  
Telephone: (863) 420-4833  
FAX: (863) 424-7333  
TDD: (352) 338-3499  
[www.rurdev.usda.gov/fl](http://www.rurdev.usda.gov/fl)

February 12, 2008



Mr. Emory Pierce, P.E. DPW  
City of Brooksville  
600 South Brooksville Ave.  
Brooksville, FL 34601-3710

Dear Mr. Pierce:

Our review of the proposed purchase and installation of 4,420 radio read meters for the City of Brooksville is complete. The project scope is eligible for RUS financing. Based on the Jeff Kimbrough's February 8, 2008 letter it appears that installing radio read water meters other than the Neptune900 will be cost prohibitive for the City due to interface issues with competitor products. Therefore procurement of the Neptune 900 radio meters is acceptable.

However, we can not concur with using Triton's quote since other companies in Florida are capable of installing these meters, and the RFQ, based on the quotes received by the City of West Melbourne does not appear to meet the procurement requirements of RUS Instruction 1780.72.

We are therefore notifying the City that this project is eligible for funding; however, compliance with RUS procurement methods will be required. Please find attached the above referenced instruction for your review.

Please notify our office within 30 days as to how the City would like to proceed with the application. If you require any additional information please contact Angela Prioleau of this office.

Sincerely,

**Vernon M. Fuller**  
Area Director

Enclosures

**Committed to the future of rural communities**

"USDA is an equal opportunity provider, employer and lender."

To file a complaint of discrimination write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD).

**AMENDMENT TO UTILITY SERVICE AGREEMENT**  
**BETWEEN THE CITY OF BROOKSVILLE AND**  
**SEA GATE LAND HOLDINGS, INC.**

THIS AMENDMENT to the UTILITY SERVICE AGREEMENT between the CITY OF BROOKSVILLE and SEA GATE LAND HOLDINGS, INC. (“AMENDMENT”), is entered into this \_\_\_\_ day of March, 2008, by the CITY OF BROOKSVILLE, hereinafter referred to as the “CITY” and SEA GATE LAND HOLDINGS, INC., hereinafter referred to as “SEA GATE” , with reference to the following facts:

A. That CITY and SEAGATE entered into that certain Utility Service Agreement between the City of Brooksville and Sea Gate Land Holdings, Inc., dated April 3, 2007, and recorded in the Public Records of Hernando County at Official Records Book 2431, Pages 23 through 40 (“AGREEMENT”).

B. That Paragraph B. 2. of “Exhibit G” of the AGREEMENT states that:  
“Within one-hundred-eighty (180) days of execution of this agreement but prior to obtaining any building permit, the DEVELOPER shall pay twenty (20) percent of the total utility fees for the DEVELOPMENT as a down payment.”

C. That the utility fees referenced in Paragraph B. 2. of “Exhibit G” of the AGREEMENT total \$158,262.98, due and payable to CITY.

D. That there have been significant changes in the marketplace which have delayed the SEA GATE project, and SEAGATE has requested that CITY extend the payment date of the \$158,262.98 to **April 30, 2008**, or prior to the issuance of a building permit for the project, whichever occurs first.

E. That CITY believes that the continuation and completion of the SEA GATE project will benefit the City of Brooksville.

NOW, THEREFORE, in consideration of the mutual promises contained herein between CITY and SEA GATE, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

1. Paragraph B. 2. of “Exhibit G” of the AGREEMENT shall be amended to read as follows:

“SEA GATE shall pay to CITY, \$158,262.98 by April 30, 2008, or prior to the issuance of a building permit for the project, whichever occurs first, which amount reflects twenty (20) percent of the total utility fees for the DEVELOPMENT as a down payment.”

**IN WITNESS WHEREOF**, the parties have signed and sealed these presents as of the day and year first above written.

FOR THE DEVELOPER  
Sea Gate Land Holdings, Inc.

\_\_\_\_\_  
By: Irving E. Gitlin

The foregoing instrument was acknowledged  
Before me this \_\_\_\_ day of March, 2008, by  
Irving E. Gitlin, Vice President of Sea Gate  
Land Holdings, Inc., who is personally known.

\_\_\_\_\_  
Notary Public, State of Florida

Approved by City Council on:

CITY OF BROOKSVILLE

BY: \_\_\_\_\_  
David Pugh, Mayor

ATTEST:

Approved as to form and content for the  
reliance of the City of Brooksville only:

\_\_\_\_\_  
Karen M. Phillips, City Clerk

BY: \_\_\_\_\_  
Thomas S. Hogan, Jr. City Attorney

Approved as to technical content and City  
requirements.

BY: \_\_\_\_\_  
Will Smith, Utilities Supt.

PROCLAMATION AGENDA ITEM NO. D-1  
3/17/08

WHEREAS, IN RECOGNITION OF 50 YEARS OF *DEDICATION* TO ITS LISTENING AUDIENCE BY PRESENTING UNBIASED LOCAL AND NATIONAL NEWS AND INFORMATION; THE *INGENUITY* OF DELIVERING SERIOUS MAJOR ISSUES, AND TRANSITIONING TO OUR LIGHTER SIDE WITH UNIQUE ENTERTAINMENT AND THE *HARD WORK* AND *DILIGENCE* OF PRODUCING IT ALL BY THE WWJB-AM RADIO FAMILY; AND

WHEREAS, HERNANDO COUNTY CITIZENS AS WELL AS EMERGENCY OFFICIALS HAVE RELIED ON WWJB-AM AS THE "VOICE OF THE NATURE COAST" FOR INFORMATION, COURAGE AND COMFORT ESPECIALLY DURING STORMS THAT HAVE AFFECTED THE AREA IN THE PAST AND IS COMMITTED TO PROVIDE THE SAME OR HEIGHTENED STANDARD OF SERVICE IN THE FUTURE; AND

WHEREAS, WWJB-AM IN CELEBRATING 50 YEARS OF BROADCASTING HAS AND WILL CONTINUE TO PEAK THE INTERESTS OF ITS LISTENING AUDIENCE AND PROPEL THEM TO BECOME INVOLVED IN COMMUNITY PROJECTS AND EVENTS, AND EFFECTIVELY PROMOTING DIALOG AMONGST GROUPS AND/OR BETWEEN INDIVIDUALS ABOUT ISSUES THAT AFFECT THEM ON A PERSONAL BASIS, OR THE CITY OF BROOKSVILLE AND/OR HERNANDO COUNTY AS A WHOLE; AND

WHEREAS, THE CITIZENS OF HERNANDO COUNTY AND LISTENERS BEYOND COUNTY BORDERS JOIN IN TRIBUTE, THANKS AND CELEBRATION OF WWJB-AM'S 50<sup>TH</sup> ANNIVERSARY OF BROADCASTING, WHICH ENLIGHTENS OUR MINDS, AND RELAXES OUR LIGHTER SIDE WITH MUSIC AND SPORTS -- WE HOPE THAT WWJB-AM WILL SUSTAIN US FOR MANY YEARS TO COME; AND

NOW, THEREFORE, ON BEHALF OF CITY COUNCIL FOR THE CITY OF BROOKSVILLE, FLORIDA, I, DAVID PUGH, MAYOR, do hereby ORDER AND PROCLAIM MARCH 9, 2008, THE 50<sup>TH</sup> ANNIVERSARY OF WWJB-AM AS A MILESTONE IN THE CITY OF BROOKSVILLE'S HISTORY, AND THAT WWJB-AM WILL CONTINUE ITS TRADITION FOR ANOTHER 50-YEAR MILESTONE IN OUR HISTORY.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND CAUSED THE SEAL OF THE CITY OF BROOKSVILLE TO BE AFFIXED THIS 17<sup>TH</sup> DAY OF MARCH, 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



February 26, 2008

Mayor David Pugh and City Council  
City of Brookville  
201 Howell Ave.  
Brooksville, FL 34601

RE: 24<sup>th</sup> Annual Hernando County Art, Craft & Music Festival

Dear Mayor and Council:

The Hernando County Fine Arts Council, is organizing the 24<sup>th</sup> Annual Hernando County Art, Craft, and Music Festival, "Art in the Park" to be held **May 3<sup>rd</sup> and 4<sup>th</sup>, 2008 in Tom Varn Park**. As in previous years, we expect art and craft dealers from all over Florida to attend as well as an anticipated attendance of 10,000+ patrons.

We want to thank you and the City of Brooksville for your support of the Festival and all the help you so generously give every year to make this event a success.

As in past years, it would be greatly appreciated if the City of Brooksville would permit the Fine Arts Council's to use the following items during the 24<sup>th</sup> Annual Hernando County Art, Craft & Music Festival.

- Available tents
- Available tables and chairs from Jerome Brown Center
- BERT comfort station for first aid and overnight security

Thanks again for your continued support of the arts in Hernando County.

Sincerely,

A handwritten signature in cursive that reads "Mary Jane Russell".

Mary Jane Russell  
Executive Director

pc Tami  
Smith  
JAV

3/17 aynd



## AGENDA ITEM MEMORANDUM

**TO:** HONORABLE MAYOR AND CITY COUNCILMEN  
**FROM:** T. JENNENE NORMAN-VACHA, CITY MANAGER   
**SUBJECT:** HERNANDO COUNTY FINE ARTS COUNCIL REQUEST FOR  
ITEMS & SERVICES  
**DATE:** March 5, 2008

**GENERAL SUMMARY/BACKGROUND:** In response to the request for services from the Hernando County Fine Arts Council (letter dated February 26, 2008), staff has prepared information for City Council as to the associated costs of providing those services.

The Fine Arts Council has requested that the City of Brooksville provide “available tents” and “available tables and chairs” for outdoor use during the 24<sup>th</sup> Annual Hernando County Art, Craft & Music Festival on May 3<sup>rd</sup> and 4<sup>th</sup> at Tom Varn Park. Parks and Recreation Director Mike Walker has provided a memorandum (Attachment 1) outlining City owned tents, tables, and chairs that could be used for this event if approved by City Council.

The Fine Arts Council has also requested the use of “BERT comfort station for the first aid and overnight security.” Fire Chief Tim Mossgrove has provided a memorandum (Attachment 2) outlining costs for this requested service in the amount of \$550.00.

Although not included in their letter of request, the Fine Arts Council has requested two (2) dumpsters for the two (2) day event, with daily pickup service. Public Works Director Emory Pierce has provided a memorandum (Attachment 3) outlining costs for this requested service in the amount of \$192.00. The costs for the dumpsters cannot be “waived” by the Sanitation Division and fees for the costs for dumpster charges would have to be paid to the Sanitation Fund by someone; if not the Fine Arts Council, then the City’s General Fund. This is not a budgeted expenditure and monies would need to be approved for release from the General Funds’ Reserve for Contingencies line item and transferred to the Sanitation Division.

The Fine Arts Council has asked that the City of Brooksville provide these items and services at no cost to the Fine Arts Council.

**BUDGET IMPACT:** Should City Council waive fees for the services requested by the Fine Arts Council, the City would lose revenues in the amount of \$742.00, yet incur additional unbudgeted costs within the General Fund. Monies in the amount of \$192.00 would need to be approved for release from the General Funds' Reserve for Contingencies line item and transferred into the Sanitation Division.

**LEGAL REVIEW:** Legal has reviewed and finds that it is in the purview of the City Council to waive fees, loan property and/or allocate monies in the manner requested if they find it in the best interest of the City. However, when the City loans its property it is exposed to potential liability.

**STAFF RECOMMENDATION:** Should City Council determine that it is in the best interest of the City to waive costs/provide services to the Fair Association at no cost, Council should approve that monies in the amount of \$192.00 be released from the General Funds' Reserve for Contingencies line item and transferred into the Sanitation Division and authorize staff to prepare/implement the appropriate budget amendment for the FY 2007-08 budget.

# ***Attachment 1***

CITY OF BROOKSVILLE PARKS & RECREATION DEPARTMENT

**MEMORANDUM**



To: T. Jennene Norman – Vacha, City Manager  
From: Mike Walker, Parks & Recreation Director  
Date: March 05, 2008  
Re: Request For Tents, Tables and Chairs

---

The Hernando County Fine Arts Council has requested to use tents, tables and chairs from the Parks Department for their 24<sup>th</sup> Annual Arts, Craft and Music Festival on May 3<sup>rd</sup> and 4<sup>th</sup> at Tom Varn Park.

I have provided you an inventory list below of the items I would feel comfortable with allowing the group to use for their outside event.

Tents:

4 White 10' x 10'  
2 Blue 8' x 8'  
4 White 10' x 20'  
2 Grey 20' x 20'

Chairs:

25 – exterior chairs at the Cemetery

Tables:

2 4' tables - JBCC Press Box  
2 6' tables - JBCC Press Box  
1 8' table - JBCC Press Box

/aw

HFAC request for tents,tables,chairs 08.doc

# ***Attachment 2***

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# BROOKSVILLE FIRE DEPARTMENT

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## Memo

**To:** T. JENNENE NORMAN-VACHA, CITY MANAGER  
**From:** TIMOTHY A. MOSSGROVE, FIRE CHIEF   
**Date:** MARCH 5, 2008  
**Subject:** HERNANDO COUNTY FINE ARTS COUNCIL REQUEST

### Background

In the past, BERT II (Rehab Unit) ) has been provided to organizations for personal use. I am unsure exactly who paid to use it and who did not. The Hernando County Fine Arts Council has used BERT II for first aid and security at its "Art in the Park" festivals.

### Facts

The Hernando County Fine Arts Council is holding its "Art in the Park" festival May 3<sup>rd</sup> and 4<sup>th</sup>, 2008 and has requested the use of BERT II. They have requested to use the unit for the two days of the festival and the night of May 2, 2008, opening day

According to City Policy Number 2-99 adopted by council on March 15, 1999, the cost for use of the Unit for non-emergency use is \$250 per day plus \$150 for each additional day or part thereof. This total cost due the city would be \$550 for this event. Copy of the policy is attached.

Conclusion:

I will see that BERT II is ready for use should council allow the Fine Arts Council to use it for its festival this year.

# **CITY OF BROOKSVILLE**

OFFICIAL POLICY

Number 2-99

## **BROOKSVILLE EMERGENCY RESPONSE TEAM (BERT) FEE SCHEDULE**

Utilization of the equipment by any City Agency will require prior City Manager/or City Council approval. The Director of Emergency Management may, subject to the approval of the City Manager, establish additional rates for use of designated BERT equipment based on the City's estimated costs and how, when and where the equipment will be used.

The City Manager may, upon notification of the City Council which may disapprove such requests, waive or modify the application of the fee schedule if the proposed use is in connection with events sponsored by the City, or in response to another government jurisdiction in the event of an emergency, when the use will directly benefit the residents of the City. Other request to waive or adjust fees will be presented to the City Council for consideration.

The following fees are established, others will be determined based on City costs and state/federal schedules.

### **BERT I**

#### **Incident Command and Communications Unit**

Rate: \$450 plus \$275 for each additional day or part thereof, (weekly rate \$1,800). For "non-emergency" use (excludes use of communication and office equipment) the rate will be \$300 plus \$175 for each additional day or part thereof, (weekly rate \$1,100). A separate charge of \$2.50 per metered hour (\$20.00 per day minimum), will be made if the on-board generator is used.

Rental Rate Includes: Pick-up and delivery within 100 miles (for destinations over 100 miles there will be a charge of \$0.39 per mile), gasoline, oil, LP gas, water and sewer (including emptying/sanitizing water and waste water holding tanks), use of communication (except long distance/cell phone time charges) and office equipment, restroom supplies, laundry, and cleaning.

NOTE: City employee(s) will be assigned to transport the unit. If more than 100 miles to the destination and/or if employee(s) assigned to remain with the Unit to assist with operation, maintenance, and/or security, there will be an additional charge, based on the City's cost.

**BERT II**  
**Rehab Unit**

Rate: \$375 plus \$225 for each additional day or part thereof, (weekly rate \$1,425). For "non-emergency use" the rate will be \$250 plus \$150 for each additional day or part thereof, (weekly rate \$945).

Rental Rate Includes: Pick-up and delivery within 100 miles (for destinations over 100 miles there will be a charge of \$0.34 per mile), water and sewer (including emptying/sanitizing water and waste water holding tanks), cleaning, linen service and restroom supplies.

NOTE: City employee(s) will be assigned to transport the unit; if more then 100 miles to destination and/or if employee(s) assigned to remain with the Unit to assist with operation, maintenance, and/or security, there will be an additional charge based on the City's costs.

**BERT III**  
**Generator - Trailer Mounted**  
45KVA/36KW Diesel Generator

Rate: \$200 plus \$135 for each additional day or part thereof, (weekly rate \$850). For "non-emergency" use the rate will be \$150 plus \$100 for each additional day, or part thereof, (weekly rate \$625).

Rental Rate Includes: Pick up and delivery within 100 miles (for destinations over 100 miles there will be a charge of \$0.34 per mile), fuel, and up to 24 hour per day operation.

NOTE: If the unit is (A) not used with BERT I or II, (B) not towed by BERT I, (C) an employee is assigned to transport over 100 miles and/or (D) an employee is assigned to remain with the unit to assist with operation, maintenance, and/or security, an additional charge will apply based on the City's cost to provide the level of service/assistance required.

Although these units are designed for heavy commercial usage and an allowance for reasonable wear based on intended use is included in the rental rate, users are responsible for repair/replacement for failure to comply with operating/maintaining instructions, and for damage/loss

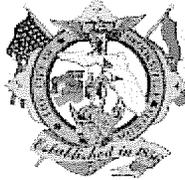
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Richard E. Anderson  
City Manager

Approved by Council: March 15, 1999

# ***Attachment 3***

# CITY OF BROOKSVILLE



## MEMORANDUM

**TO:** HONORABLE MAYOR AND CITY COUNCIL MEMBERS

**FROM:** EMORY H. PIERCE, DIRECTOR OF PUBLIC WORKS *Emory H. Pierce*

**VIA:** T. JENNENE NORMAN-VACHA, CITY MANAGER *T. Jennene Norman-Vacha*

**SUBJECT:** HERNANDO COUNTY 24<sup>th</sup> ANNUAL ARTS, CRAFTS AND MUSIC FESTIVAL -  
WAIVE SANITATION FEES FOR THIS EVENT

**DATE:** MARCH 5, 2008

---

Tom Varn Park has been the venue for the Arts Festival for several years. The amount of refuse generated from this event requires two (2) 8 cubic yard dumpsters for the two-day event. The City's normal fee for the short-term event is \$192.00. This cost includes the operator's overtime for emptying the dumpsters when necessary on both days.

**2 (8 cyd dumpsters @ \$48 ea. = \$96.00) x 2 extra pick-ups @ \$48 ea. = \$192.00**

We are requesting City Council to waive the sanitation fees for Arts Festival in the amount of \$192.00 and reimburse the City's Sanitation Department from the General Fund Reserves.

02-27-08 P01:08

AGENDA ITEM NO. D-3

3/17/08



## HERNANDO COUNTY FAIR ASSOCIATION

P.O. Box 10456 • Brooksville, Florida 34603 • Phone: 352-796-4552 • Fax: 352-799-2842

February 25, 2008

City of Brooksville  
Attn: Brooksville City Council  
201 Howell Avenue  
Brooksville, Florida 34601

Dear Brooksville City Council Members:

We are scheduling events for the 2008 Hernando County Fair and Youth Livestock Show. We are planning Bulls and Barrels for Friday, April 11, 2008 and the demolition derby on Saturday, April 12. The gates open for both events at 6:00 pm.

We would like to come to an agreement with you regarding ambulance and fire protection for these events. In and past, we have enjoyed reciprocal relationship and we are hoping that relationship will continue. As such we are asking that you provide ambulance and fire protection for these events free of charge.

We appreciate your consideration of this matter. If you have any questions or concerns, please call me at (352) 796-4552.

Sincerely,

Joy Jackson  
Fairgrounds Manager  
Hernando County Fair Association

JJ/cjd

cc: Joe Bernardini, President  
Dana Hurst, Bulls and Barrels Chair  
Brian Chytka, Entertainment Chair  
Cherie Plourde Demolition Derby Co-Chair  
Dave Russell Demolition Derby Co-Chair

*Per JNU  
Chair for...*



## HERNANDO COUNTY FAIR ASSOCIATION

---

P.O. Box 10456 • Brooksville, Florida 34603 • Phone: 352-796-4552 • Fax: 352-799-2842

February 25, 2008

City of Brooksville  
Attn: Brooksville City Council  
201 Howell Avenue  
Brooksville, Florida 34601

Dear Brooksville City Council Members:

The Hernando County Fair Association would like to request the use of four (4) additional 8 cubic yard dumpsters during the 2008 Hernando County Fair & Youth Livestock Show to be held April 7-13, 2008. We would also like to request 7 pickups (1 per event day) during our fair. We are requesting this service to be at no charge and considered a donation to a non-profit community organization. Again, this year we expect an increase in attendance over last year.

We are in the process of requesting that Hernando County waive the tipping fees for these dumpsters.

We appreciate your consideration of this matter. If you have any questions or concerns, please call me at (352) 796-4552.

Sincerely,

A handwritten signature in cursive script that reads 'Joy Jackson'.

Joy Jackson  
Fairgrounds Manager  
Hernando County Fair Association

JJ/cjd

cc: Joe Bernardini, President

Handwritten initials 'JC' and the date '2/27/08' in the bottom right corner of the page.



## **A G E N D A I T E M**

### **M E M O R A N D U M**

**TO: HONORABLE MAYOR AND CITY COUNCILMEN**

**FROM: T. JENNENE NORMAN-VACHA, CITY MANAGER**

**SUBJECT: HERNANDO COUNTY FAIR ASSOCIATION REQUEST FOR SUPPORT OF SERVICES**

**DATE: March 5, 2008**

**GENERAL SUMMARY/BACKGROUND:** In response to the request for services from the Hernando County Fair Association (two letters dated February 25, 2008), staff has prepared information for City Council as to the associated costs of providing those services.

The Fair Association has requested that the City of Brooksville provide additional services for their Bull and Barrels event and their Demolition Derby. Fire Chief Tim Mossgrove has provided a memorandum (Attachment 1) outlining costs for this requested service that amount to approximately \$2,147.59.

The Fair Association has also requested the use of four (4) additional dumpsters for the 2008 Fair dates (April 7-13), with daily pickup service. Public Works Director Emory Pierce has provided a memorandum (Attachment 2) outlining costs for this requested service in the amount of \$1,409.68. The costs for the dumpsters cannot be "waived" by the Sanitation Division and fees for the costs for dumpster charges would have to be paid to the Sanitation Fund by someone; if not the Fair Association, then the City's General Fund. This is not a budgeted expenditure and monies would need to be approved for release from the General Funds' Reserve for Contingencies line item and transferred to the Sanitation Division.

The Fair Association has asked that the City of Brooksville provide these additional services at no cost to the Fair Association.

**BUDGET IMPACT:** Should City Council waive fees for the services requested by the Fair Association, the City would lose revenues in the amount of \$3,557.27, yet incur additional unbudgeted costs within the General Fund. Monies in the amount of \$1,409.68 would need to be approved for release from the General Funds' Reserve for Contingencies line item and transferred into the Sanitation Division.

Hernando County Fair Association Request for Services

**LEGAL REVIEW:** Legal has reviewed and finds that it is in the purview of the City Council to waive fees and/or allocate monies in the manner requested if they find it in the best interest of the City.

**STAFF RECOMMENDATION:** Should City Council determine that it is in the best interest of the City to waive costs/provide services to the Fair Association at no cost, Council should approve that monies in the amount of \$1,409.68 be released from the General Funds' Reserve for Contingencies line item and transferred into the Sanitation Division and authorize staff to prepare/implement the appropriate budget amendment for the FY 2007-08 budget.

# ***Attachment 1***

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# BROOKSVILLE FIRE DEPARTMENT

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## Memo

**To:** T. JENNENE NORMAN -VACHA, CITY MANAGER  
**From:** TIMOTHY A. MOSSGROVE, FIRE CHIEF   
**Date:** MARCH 5, 2008  
**Subject:** HERNANDO COUNTY FAIR-2008

### **Background:**

For at least two decades the City of Brooksville Fire Department has been providing support services, at no cost to the Fair Association, during the Hernando County Fair held in the spring. These services have included watering the arena to minimize the dust, and "standing by" at various events. In the past the city and the fair association have enjoyed a reciprocal agreement for providing services to each other. We have been allowed the use of the Fairgrounds for training, and in reciprocation we have provided our services without cost to the Fair Association.

### **Facts:**

We no longer use the fairgrounds for training as we have located an alternate facility, although we fully appreciate the assistance and cooperate efforts of the Fair Association.

Although the Fairgrounds Manager, Joy Jackson, did not state a request for watering the arena in her letter of February 28, 2008, she did, in fact, indicate this to me in a telephone conversation. She also requested that we participate in the Bulls and Barrel rodeo on April 11, 2008 and the Demolition Derby on April 12, 2008. She requested that these services be provided by the city at no cost to the Fair Association.

Ms. Jackson also requested ambulance service. I advised her to check with Mike Nickerson, Chief of Hernando County Fire Rescue.

I have prepared a cost sheet for providing these services at the Hernando County Fair this year, which is attached to this memorandum. Equipment rates are based on the current rates used by FEMA.

### **Conclusion:**

I will provide our services to the Hernando County Fair Association should council approve the request.

Encl.

**COSTS ASSOCIATED WITH PROVIDED FIRE SERVICES TO THE HERNANDO COUNTY FAIR ON APRIL 10, 2008, APRIL 11, 2008 AND APRIL 12, 2008**

**April 10<sup>th</sup>**

Watering Arena @ 1:00 p.m  
 Firefighter pay \$11.60 plus benefits @ 1.5. \$26.02 X 3 hours= \$78.06  
**Total \$78.06**

**April 11<sup>th</sup>**

Watering Arena @ 3:00 p.m.- Pay plus benefits \$26.02 X 3 hours- \$78.06  
  
 Bulls and Barrels 7:00 p.m. - 11 p.m., 4 hours  
 2 Staff Members- Pay plus benefits X 8 hours  
 1 Officer pay \$16.70 hr. plus benefits \$33.67 X 4 hours \$134.68  
 1 Firefighter 1\$11.60 plus benefits -\$26.02 X 4 hours  
 \$104.68  
**Total \$316.82**

**April 12<sup>th</sup>**

Watering arena @ 3:00 p.m. 3 hours \$78.06  
 Demolition Derby 5 hours  
 1 Officer @ \$33.67 X 5 hours \$168.35  
 3 Firefighters @ 5 hours each \$26.02 X 15 hours \$390.30  
**Total \$636.71**

**Equipment Rates ( Based on FEMA rates)**

1500 GPM = \$71.00 hour- Engine 63  
 \$53.00 hour- Tanker 1

**Equipment Costs**

Watering 9 hours @ 53.00= **\$477.00**  
 Stan By 9 hours @ \$71.00 **\$639.00**  
**Total \$1,116.00**

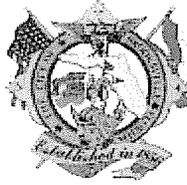
**Personnel Costs**

**April 10<sup>th</sup> \$78.06**  
**April 11<sup>th</sup> \$316.82**  
**April 12<sup>th</sup> \$636.71**  
**Total \$1,031.59**

**TOTAL COSTS FOR EQUIPMENT AND PERSONNEL \$2,147.59**

# ***Attachment 2***

# CITY OF BROOKSVILLE



## MEMORANDUM

**TO:** HONORABLE MAYOR AND CITY COUNCIL MEMBERS

**FROM:** EMORY H. PIERCE, DIRECTOR OF PUBLIC WORKS *Emory H. Pierce*

**VIA:** T. JENNENE NORMAN-VACHA, CITY MANAGER *T. Jennene Norman-Vacha*

**SUBJECT:** HERNANDO COUNTY FAIR ASSOCIATION - REQUEST TO WAIVE CITY SANITATION FEES

**DATE:** FEBRUARY 27, 2008

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Our estimate of the revenue we will lose if sanitation fees are waived is calculated as follows:

From current sanitation pick-up charges:

1 ea. 8 cyd dumpster 5 pick-ups per week = \$713.69 per mo.  
1 ea. 8 cyd dumpster 2 pick-ups per week = \$311.64 per mo.

Duration of Service is for seven (7) pickups, which equates to:

1 week @ 5 pickups p/wk. and 1 week @ 2 pickups p/wk:

$(.25 \times \$713.60/\text{mo.} + .25 \times \$311.64) \times 4 = \$1,025.68$

Also, the Fair Association's request will require "special" pickups on Saturday and Sunday, which would add our normal "call back" charge of \$48 per dumpster:

2 days x 4 dumpsters per day @ \$48 per dumpster = \$384.00

**Total loss revenue would be:  $(\$1,025.68 + \$384) = \$1,409.68$**

**MEMORANDUM**

**To:** Honorable Mayor & City Council Members  
**Via:** T. Jennene Norman-Vacha, City Manager  
**From:** Bill Geiger, Community Development Director  
**Subject:** Master Plan Revision - Planned Development Project (PDP) with a Special Exception Use for a Residential Planned Development Project (RPDP) - Amendment to Ordinance No. 735  
**Petitioner:** Bob Colvard, Agent for Underwood Family Trust, presented by Coastal Engineering Associates, Inc.  
**Location:** South side of North Avenue, between Stafford Avenue and Zoller Street  
**Date:** March 4, 2008

ORD # 735-1A

**GENERAL INFORMATION - SUMMARY OF REQUEST**

The subject property is 9.33 acres ±, and is located on the south side of North Avenue, between Stafford Avenue and Zoller Street. On November 8, 2006, the Planning Zoning Commission reviewed a Rezoning/Special Exception Use petition and recommended City Council deny the request for rezoning based on concerns that the high density would be out of character with the surrounding single family neighborhood. On February 12, 2007, City Council approved Ordinance No. 735, rezoning the property from C-4 (Neighborhood Commercial District) to PDP (Planned Development Project), with a special exception use for a Residential Planned Development Project (RPDP), with conditions that included a reduction in density from the original request. The master plan approved in conjunction with the zoning ordinance enabled the development of up to 128 units, consisting of one, two and three story townhouses with garages and outside parking. The following are the specific conditions that were established within Ordinance No. 735:

- a. Within one year of the Council's approval of the RPDP zoning, the petitioner/developer will need to initiate the subdivision process, providing preliminary plat plans that address infrastructure needs, construction plans that reflect the preliminary plat (once approved) and a final plat (all being consistent with the requirements of the City's subdivision regulations). Otherwise, this SEU approval becomes null and void.
- b. The petitioner/developer must obtain all permits and meet all applicable land development regulations, for future construction or use of the property.
- c. The maximum number of units associated with this Zoning/SEU approval is one hundred-twenty-eight (128) units.
- d. The perimeter building setbacks shall be a minimum of 25 feet.
- e. Unless specifically addressed to the contrary by conditions referenced herein, City ordinance regulations which apply with regard to zoning district classification shall apply to this PDP as if they are zoned R3.
- f. The petitioner shall provide adequate buffers around the perimeter of the property that are consistent with or are better than City adopted standards.
- g. Pursuant to an interlocal agreement between the City, County and the Hernando County School Board, the developer is encouraged to coordinate with the Hernando County School District to determine if adequate school capacity exists for each school level based on the number of residential units to be constructed by the development. If adequate capacity does not exist, the developer may propose and the school district may accept a proportionate share mitigation settlement to address any identified deficiency. School concurrency issues related to a proposed development should be resolved prior to the City taking final action on a PDP final plat.
- h. The developer will be required to construct an on-site storm water drainage control system that meets the design and performance standards as specified by the technical requirements for open and closed basins in the *Environmental Resource Permitting Information Manual, latest*

*Villas Rosa - North Avenue (Underwood Property)*  
*Revised Master Plan*  
*March 4, 2008*

*edition*, as published by the Southwest Florida Water Management District. The proposed stormwater plan associated with this project must comply with all applicable federal, state and local standards. To ensure the maintenance of stable subsurface conditions in areas where ponds or drainage retention areas are located or being proposed, the developer is required to have geophysical/geotechnical investigations conducted and the findings of such shall be incorporated into the final design.

- i. The developer will be required to coordinate with the City's Department of Public Works and Community Development to properly plan for and address drainage and pedestrian improvements around the perimeter of the site. Public sidewalks are to be installed along the public rights-of-way and design should provide for cross walks and underground drainage where appropriate.
- j. The developer will be required to successfully negotiate a utility service agreement with the City prior to permitting.
- k. The developer will be required to provide a site lighting plan to ensure that the lights do not disturb the neighboring single family residential development adjacent to this project.
- l. The residential community entrances may incorporate appropriate signage, consistent with community standards and subject to approval by the City Manager or the City Manager's designee.
- m. There will be no efficiency units, and the dwelling units within the development will have the following minimum living areas: (1) One-bedroom units, 800 square feet; (2) Two-bedroom units, 1200 square feet; (3) Three-bedroom units, 1600 square feet.
- n. The development will either be platted for zero-lot-line units or made subject to a declaration of condominium, so that each unit may be individually owned. All common areas shall be deeded to a property owner's association, and each unit will be subject to deed restrictions, approved by the City, requiring membership in such association and permitting the assessment of units for maintenance of the common areas.

At this time, the Petitioner is requesting approval of a Revised Master Plan to enable the development of an age restricted (senior) residential apartment complex. The proposed development will consist of a clubhouse and one-hundred (100) individual units within a single, two-story building situated on the site, as depicted on the enclosed preliminary plan. The individual residences will include fifty (50) one bedroom/one bath units approximately seven-hundred-twenty-five (725) square feet per unit, and fifty (50) two bedroom/two bath units approximately nine-hundred-sixty-five (965) square feet per unit. All residences will be accessed through an internal hallway system, with elevators providing mobility between floors.

Per the developer's narrative, amenities for each unit will include full bathrooms, water/dryer hookups, a large kitchen pantry, appliances, programmable thermostats, window treatments, cable TV hookups in the living room and in the master bedroom, and ceiling fans in all bedrooms and living areas. Common amenities will include a community center/recreation room, meeting areas, computer lab with computers, printers and internet access, an exercise room, library, swimming pool, shuffleboard courts and a covered picnic area with permanent tables and grills. The entire development will incorporate Green Building construction and energy efficiency principles. The building will include office space for use by leasing agents and resident services staff.

The petitioner has further indicated that vehicular access may be restricted via gates leading to the resident parking off the main entrance to be located on North Avenue. A secondary access to the site may contain a crash gate and only be available for use by emergency personnel if the facility is inaccessible via the main entrance.

The petitioner is requesting the building setbacks be twenty-five (25) feet from North Avenue, Stafford Avenue and also the West and South side of the property.

**STAFF FINDINGS:**

**CURRENT LAND USE/ZONING**

The subject property is zoned PDP with a special exception use for RPDP (Residential Planned Development Project) with a City Comprehensive Plan Future Land Use Map (FLUM) designation of Multi-Family/Mobile Homes. Property to the north zoned R1A and property to the south is zoned R1B, with both having a future land use map designation of Single Family Residential. Property to the east is zoned R1A with a SEU for a religious establishment and a future land use map designation of Public Facilities and Land. Property to the west is zoned I-1 (Industrial) with a future land use designation of Industrial.

**FACTUAL INFORMATION**

1. The property was rezoned from C4 to PDP with a Special Exception Use for a RPDP
2. Property has a FLUM designation for Multi-Family/Mobile Homes.
3. The property for this petition's zoning is approximately 9.33± acres.
4. The site is currently undeveloped.
5. The developer is proposing to construct a 100-unit senior housing complex with related facilities to service the development (proposed density = 10.72 D.U./Acre). The proposed structure is two stories in height with outside parking.
6. The subject property has potential public access to North Avenue, Zoller Street, Stafford Avenue and Jeff-a-Lee Street.
7. The on-site soil types include Flemington fine sandy loam and Micanopy loamy fine sand.
8. The property is located in flood zone C (as per the FIRM).
9. The developer will be required to negotiate a utility service agreement with the City of Brooksville to facilitate the provisions for and determine the availability of water and sewer services to the property.
10. The subject property is not located within a wellhead protection area.
11. The petitioner is converting the master plan from a private, individually owned townhouse project to a private, age restricted (senior) residential apartment housing complex.

**STAFF DISCUSSION & FINDINGS OF FACT**

The petitioner has revised the Master plan and proposes to develop the site with up to 100-units, consisting of a two-story age restricted (senior) residential apartment complex with outside parking. A preliminary engineering review that addresses topography, flood plain, soils, vegetation, access, utilities and a DRI Statement are contained in the revised master plan narrative. Comments and considerations for recommended performance standards are as follows:

1. The detailed development plan for this proposal will be required to reflect and adhere to the standards of the City's Landscaping, Buffer and Tree Protection code (Chapter 109, City Code). This portion of the City code encourages the preservation of existing trees on the site and it is recommended that the developer give due consideration to this in the design and final plan layout. Additionally, a minimum Type "B" buffer (minimum 10'-wide buffer that includes a continuous hedge of shrubbery, plus one tree for every 50 linear feet of property) should be required along all property lines, including the southern property line.
2. Per Table 1 of the City's Planned Development Project regulations, the following square footage amounts represent the "maximums/minimums" permitted for the acreage involved with this PDP:
  - a. Maximum gross floor area permissible = 121,925 square feet
  - b. Min. open space required (includes roads/parking) = 304,813 sq. ft. (7.00 acres)

*Villas Rosa - North Avenue (Underwood Property)*  
*Revised Master Plan*  
*March 4, 2008*

- c. Min. open space required, less roads & parking = 195,080 sq. ft. (4.48 acres)
- d. Min. recreation space that must be provided = 18,289 sq. ft. (.42 acres)
- e. Minimum number of parking spaces required = 200 parking spaces

The petitioner has submitted information related to total gross floor area, square footage of roads and parking, and square footage of the balance of open space and recreation space proposed for the site. This information has been used to determine compliance with land use and intensity standards established by the City for Planned Development Projects. The proposed project is in compliance with the established standards.

3. It is recommended that the developer incorporate and provide appropriate pedestrian amenities with this plan including sidewalks, cross walks, etc. All facilities constructed are required to be ADA accessible.
4. Traffic - The developer proposes to utilize two (2) entrances; with the primary access off of North Avenue and a secondary (emergency) access off Zoller Street. It would be appropriate to consider requiring the primary access to be off of either Zoller Street or Stafford Avenue, so as to minimize the number of driveway cuts on North Avenue (which carries a considerably higher amount of traffic). If access is permitted off of North Avenue, consideration should be given to its location, right-of-way needs, clear zone issues and turn lanes. A traffic access analysis must be completed and submitted to the City prior to or in conjunction with final planned development project plat submittal. The analysis will be used to help determine the appropriate access requirements for site development.
5. Drainage - This project will be required to be designed to meet all applicable standards established by the Southwest Florida Water Management District and the City of Brooksville.
6. Infrastructure & Services - The developer will be required to negotiate a utility service agreement with the City of Brooksville for water and sewer services. Connection to City water and sewer service will be required.
7. Solid waste collection (dumpster) services will be provided by the City.
8. City Concurrency Standards - The City requires concurrency review and analysis at the time when a development order/permit application is submitted. The developer will be required to provide a "Statement of Impact - Concurrency Application" for this project that will be reviewed to ensure that level-of-service standards are being maintained within their adopted levels.
9. Pursuant to an interlocal agreement between the City, County and the Hernando County School Board, the developer is required to coordinate with the Hernando County School District to determine if adequate school capacity exists for each school level based on the number of residential units to be constructed by the development. If adequate capacity does not exist, the school district may accept a proportionate share mitigation settlement to address any identified deficiency. School concurrency issues related to a proposed development must be resolved prior to the City taking final action on a PDP final plat. It is recognized that the developer is proposing a senior housing project, and that "new student" impact to the school district would be minimal as long as the facility retains its age-restricted status.
10. Unless specifically addressed to the contrary by conditions referenced herein, City ordinance regulations which apply with regard to zoning district classification shall apply to this PDP as if they are zoned R3.
11. One-hundred (100) age-restricted (senior) housing apartments are the maximum number of residential units proposed for this project.
12. The developer will be required to submit a final planned development project plat/Master Plan for review and approval that reflects the City's standards and conditions approved in conjunction with this zoning/special exception use approval.
13. Architectural design of the project must be consistent and compatible with the historic character of

Brooksville.

14. Ordinance No. 735 needs to be amended and restated to reflect conditions appropriate to the revisions made within the Master Plan for the site.

When development plans are submitted for permitting on this project, they will be reviewed and analyzed for impact to roads, utilities, drainage, the environment and compliance with all other applicable land use criteria and will be subject to meeting all federal, state and local agency permitting requirements.

**Budget Statement:** Direct costs incurred by the City in processing this petition are billed to and paid by the petitioner.

**Legal Note:** The processing of this petition is subject to the rules of quasi-judicial procedure. The documentation associated with this petition is subject to the City's legal counsel review for legal form and sufficiency.

**NOTE:** The Zoning/Special Exception Use process is a land use determination which does not constitute a permit for either construction on or use of the property. These actions are not considered a Certificate of Concurrency. Prior to use of or construction on the property, the petitioner must receive approval from the appropriate City and/or other governmental agencies that have regulatory authority over the proposed development.

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any City land use ordinances. Homeowner associations or architectural review committees may require submission of plans for their review and approval. The applicant for this land use request should contact the local association (if there is one) and review the Public Records for all restrictions that may be applicable to this property.

This report does not include the perspective of adjacent landowners, who may be present at the public meeting to address and present questions and comment.

#### **PLANNING & ZONING COMMISSION/STAFF RECOMMENDATION AND SUBSEQUENT CITY COUNCIL ACTION:**

At their meeting on February 13, 2008, the Planning & Zoning Commission concurred with staff to recommend that City Council approve the Revised Master Plan, labeled as the Preliminary Plan for the "Villa Rosa" project with a revision date of 1/14/08, and further amend and restate Ordinance No. 735 (in a new Ordinance No. 735-A), with the following Special Exception Use performance conditions (using strikethrough/underline format, with changes made by City Council at the first reading of Ordinance No. 735-A on March 3, 2008, noted in **Bold highlight**):

- a. Within one **two eighteen months years** of the Council's approval of the ~~RPDP zoning Ordinance No. 735-A~~, the petitioner/developer will need to submit a final Planned Development Project Plat/Master Plan that reflects the City's standards and conditions approved in conjunction with this zoning/special exception use approval ~~initiate the subdivision process, providing preliminary plat plans that address infrastructure needs, construction plans that reflect the preliminary plat (once approved) and a final plat (all being consistent with the requirements of the City's subdivision regulations).~~ Otherwise, this SEU approval becomes null and void.

- b. The petitioner/developer must obtain all permits and meet all applicable land development regulations, for future construction or use of the property.
- c. The maximum number of age-restricted (Senior) housing units ~~associated~~ permitted with this Zoning/SEU approval is one hundred ~~twenty-eight (10028)~~ units.
- d. The perimeter building setbacks shall be a minimum of 25 feet **and the maximum building height shall not exceed two (2) stories.**
- e. Unless specifically addressed to the contrary by conditions referenced herein, City ordinance regulations which apply with regard to zoning district classification shall apply to this PDP as if they are zoned R3.
- f. The petitioner shall provide adequate buffers around the perimeter of the property that are consistent with or are better than City adopted standards. **At a minimum, a Type "B" buffer is required around the north, east and west perimeter sides of the property, and the balance of requirements as prescribed and defined in Chapter 109, City of Brooksville Code, must be adhered to. A twenty (20) foot buffer that includes a minimum six (6) foot high decorative wall is required along the southern boundary of the property.**
- g. Pursuant to an interlocal agreement between the City, County and the Hernando County School Board, the developer is required ~~encouraged~~ to coordinate with the Hernando County School District to determine if adequate school capacity exists for each school level based on the number of residential units to be constructed by the development. If adequate capacity does not exist, the developer may propose and the school district may accept a proportionate share mitigation settlement to address any identified deficiency. School concurrency issues related to a proposed development shall ~~should~~ be resolved prior to the City taking final action on a PDP final plat/Master Plan.
- h. The developer will be required to construct an on-site storm water drainage control system that meets the design and performance standards as specified by the technical requirements for open and closed basins in the *Environmental Resource Permitting Information Manual, latest edition*, as published by the Southwest Florida Water Management District. The proposed stormwater plan associated with this project must comply with all applicable federal, state and local standards. To ensure the maintenance of stable subsurface conditions in areas where ponds or drainage retention areas are located or being proposed, the developer is required to have geophysical/geotechnical investigations conducted and the findings of such shall be incorporated into the final design.
- i. The developer will be required to coordinate with the City's Department of Public Works and Community Development to properly plan for and address drainage and pedestrian improvements around the perimeter of the site. Public sidewalks are to be installed along the public rights-of-way and design should provide for cross walks and underground drainage where appropriate.
- j. The developer will be required to successfully negotiate a utility service agreement with the City prior to permitting.
- k. The developer will be required to provide a site lighting plan to ensure that the lights do not disturb the neighboring single family residential development adjacent to this project.
- l. The residential community entrances may incorporate appropriate signage, consistent with community standards and subject to approval by the City Manager or the City Manager's designee.
- m. ~~There will be no efficiency units, and the dwelling units within the development will have the following minimum living areas: (1) One-bedroom units, 800 square feet; (2) Two-bedroom~~

units, 1200 square feet; (3) Three-bedroom units, 1600 square feet. Primary and secondary access points should be from either Zoller Street or Stafford Avenue. A traffic access analysis must be completed and submitted to the City prior to or in conjunction with final planned development project plat submittal. The analysis will be used to help determine appropriate access requirements and off-site right-of-way improvements that may be required for site development.

- n. The development will either be platted for zero-lot-line units or made subject to a declaration of condominium, so that each unit may be individually owned. All common areas shall be decided to a property owner's association, and each unit will be subject to deed restrictions, approved by the City, requiring membership in such association and permitting the assessment of units for maintenance of the common areas. Building and site design must be consistent and compatible with the historic character of Brooksville. Architectural standards and review shall be applied to this project consistent with the guidelines adopted within the City's Community Revitalization Plan.
- o. A minimum of 1.5 parking spaces per unit is required, subject to approval by the administrative official.
- p. Prior to the issuance of a permit for this project, the developer is required to provide a copy of the recorded restrictive covenants, or other such legally binding document(s), that demonstrate the a fifty (50) year minimum, long-term commitment for this facility to maintain its age-restricted status.

- Enclosures:
- (1) Revised Master Plan Narrative - Villa Rosa Senior Apartments
  - (2) Preliminary Plan - Revision dated 1/14/08
  - (3) Site Location Map
  - (4) Ordinance No. 735-A

ORDINANCE NO. 735-A

AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 735 PERTAINING TO THE REZONING OF CERTAIN PROPERTY FROM C-4 (COMMERCIAL DISTRICT) TO PLANNED DEVELOPMENT PROJECT (PDP) DISTRICT WITH A SPECIAL EXCEPTION USE (SEU) FOR A RESIDENTIAL PLANNED DEVELOPMENT PROJECT (RPDP) FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN, SPECIFICALLY PROVIDING FOR AMENDMENTS TO THE CONDITIONS STATED IN SECTION 1, SUB-SECTION 1.a. THROUGH 1.n., ADDING ADDITIONAL CONDITIONS THERETO, IN RESPONSE AND CONSIDERATION OF A MASTER PLAN REVISION FOR THE RPDP; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

**Section 1.** -- That the property in the City of Brooksville, Florida described as:

The West 460 feet, more or less, of the North 540 Feet, more or less, of the Northeast 1/4 of the Northwest 1/4 of Section 22, Township 22 South, Range 19 East, Hernando County, Florida; and the East 445 feet, more or less, of the North 390 feet, more or less, of the Northwest 1/4 of the Northwest 1/4 of Section 22, Township 22 South, Range 19 East, Hernando County, Florida

**Location:** South side of North Avenue, between Stafford Avenue and Zoller Street.

**Petitioner:** Ty Underwood

1. The property described herein is hereby zoned Planned Development Project (PDP) with a Special Exception Use for a Residential Planned Development Project (RPDP), and the zoning map of the City of Brooksville shall be amended accordingly. The Special Exception Use (SEU) consideration for a Residential Development Project is subject to the following conditions.
  - a. Within ~~one~~ **two** eighteen months ~~years~~ of the Council's approval of ~~the RPDP zoning Ordinance No. 735-A~~, the petitioner/developer will need to submit a final Planned Development Project Plat/Master Plan that reflects the City's standards and conditions approved in conjunction with this zoning/special exception use approval ~~initiate the subdivision process, providing preliminary plat plans that address infrastructure needs, construction plans that reflect the preliminary plat (once approved) and a final plat (all being consistent with the requirements of the City's subdivision regulations)~~. Otherwise, this SEU approval becomes null and void.
  - b. The petitioner/developer must obtain all permits and meet all applicable land development regulations, for future construction or use of the property.
  - c. The maximum number of age-restricted (Senior) housing units ~~associat~~permitted with this Zoning/SEU approval is one hundred ~~twenty-eight~~ (100) units.
  - d. The perimeter building setbacks shall be a minimum of 25 feet and the maximum building height shall not exceed two (2) stories.
  - e. Unless specifically addressed to the contrary by conditions

referenced herein, City ordinance regulations which apply with regard to zoning district classification shall apply to this PDP as if they are zoned R3.

- f. The petitioner shall provide adequate buffers around the perimeter of the property that are consistent with or are better than City adopted standards. At a minimum, a Type "B" buffer is required around the north, east and west perimeter sides of the property, and the balance of requirements as prescribed and defined in Chapter 109, City of Brooksville Code, must be adhered to. A twenty (20) foot buffer that includes a minimum six (6) foot high decorative wall is required along the southern boundary of the property.
- g. Pursuant to an interlocal agreement between the City, County and the Hernando County School Board, the developer is ~~required~~ encouraged to coordinate with the Hernando County School District to determine if adequate school capacity exists for each school level based on the number of residential units to be constructed by the development. If adequate capacity does not exist, the developer may propose and the school district may accept a proportionate share mitigation settlement to address any identified deficiency. School concurrency issues related to a proposed development shall ~~should~~ be resolved prior to the City taking final action on a PDP final plat/Master Plan.
- h. The developer will be required to construct an on-site storm water drainage control system that meets the design and performance standards as specified by the technical requirements for open and closed basins in the *Environmental Resource Permitting Information Manual, latest edition*, as published by the Southwest Florida Water Management District. The proposed stormwater plan associated with this project must comply with all applicable federal, state and local standards. To ensure the maintenance of stable subsurface conditions in areas where ponds or drainage retention areas are located or being proposed, the developer is required to have geophysical/geotechnical investigations conducted and the findings of such shall be incorporated into the final design.
- i. The developer will be required to coordinate with the City's Department of Public Works and Community Development to properly plan for and address drainage and pedestrian improvements around the perimeter of the site. Public sidewalks are to be installed along the public rights-of-way and design should provide for cross walks and underground drainage where appropriate.
- j. The developer will be required to successfully negotiate a utility service agreement with the City prior to permitting.
- k. The developer will be required to provide a site lighting plan to ensure that the lights do not disturb the neighboring single family residential development adjacent to this project.
- l. The residential community entrances may incorporate appropriate signage, consistent with community standards and subject to approval by the City Manager or the City Manager's designee.
- m. ~~There will be no efficiency units, and the dwelling units within the development will have the following minimum living~~

~~areas: (1) One bedroom units, 800 square feet; (2) Two bedroom units, 1200 square feet; (3) Three bedroom units, 1600 square feet. Primary and secondary access points should be from either Zoller Street or Stafford Avenue. A traffic access analysis must be completed and submitted to the City prior to or in conjunction with final planned development project plat submittal. The analysis will be used to help determine appropriate access requirements and off-site right-of-way improvements that may be required for site development.~~

- n. ~~The development will either be platted for zero lot line units or made subject to a declaration of condominium, so that each unit may be individually owned. All common areas shall be deeded to a property owner's association, and each unit will be subject to deed restrictions, approved by the City, requiring membership in such association and permitting the assessment of units for maintenance of the common areas. Building and site design must be consistent and compatible with the historic character of Brooksville. Architectural standards and review shall be applied to this project consistent with the guidelines adopted within the City's Community Revitalization Plan.~~
- o. ~~A minimum of 1.5 parking spaces per unit is required, subject to approval by the administrative official.~~
- p. ~~Prior to the issuance of a permit for this project, the developer is required to provide a copy of the recorded restrictive covenants, or other such legally binding document(s), that demonstrate the **a fifty (50) year minimum**, long-term commitment for this facility to maintain its age-restricted status.~~

**Section 2.** - This Ordinance and zoning classification for the property described is consistent with the City of Brooksville Future Land Use Element of its Comprehensive Plan and shall take effect immediately upon its adoption.

**Section 3.** - All Ordinances in conflict herewith are expressly repealed.

**CITY OF BROOKSVILLE**

Attest: \_\_\_\_\_  
 Karen M. Phillips  
 City Clerk

By: \_\_\_\_\_  
 Mayor

PASSED on First Reading March 3, 2008  
 PUBLIC NOTICE PUBLISHED March 7, 2008  
 PASSED on Second & Final Reading \_\_\_\_\_

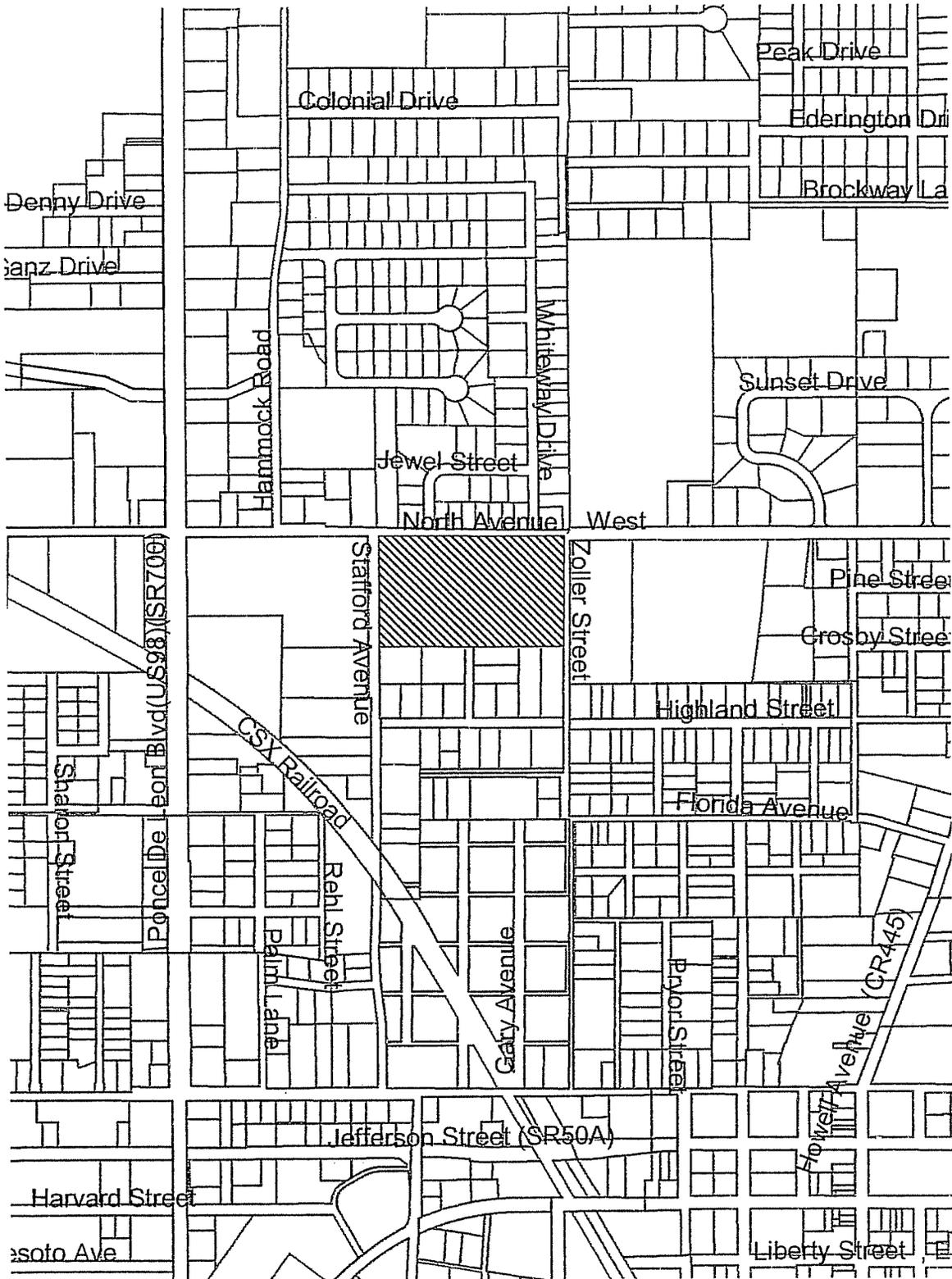
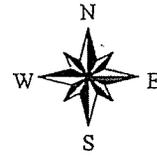
Approved as to form and content  
 for the reliance of the City of  
 Brooksville only:

VOTE OF COUNCIL:  
 Bernardini \_\_\_\_\_  
 Bradburn \_\_\_\_\_  
 Burnett \_\_\_\_\_  
 Lewis \_\_\_\_\_  
 Pugh \_\_\_\_\_

\_\_\_\_\_  
 Thomas S. Hogan, Jr.  
 City Attorney

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**Bold-Highlighted text represents City Council amendments on 3/3/08**



Villa Rosa (Underwood)  
 Revised Master Plan  
 9.33 Acres +/- )

**735-A**

Legend

-  Villa rosa.shp
-  City boundary 120507.shp

## VILLA ROSA SENIOR APARTMENTS REVISED MASTER PLAN NARRATIVE

### GENERAL DESCRIPTION:

This subject property (parcel key no. 00420388), consisting of approximately 9.33 acres, is located in Section 22, Township 22 South, Range 19 East, City of Brooksville, Florida. The property borders on North Avenue to the north, Stafford Avenue on the east and Zoller Street on the west. Access is proposed via a primary entrance on North Avenue and an emergency access with Zoller Street. The subject property is designated as Mobile Home/Multi-Family Residential on the City of Brooksville's Future Land Use Map. Zoning for this property is Planned Development Project (PDP) with a Special Exception Use of Residential for the development of up to 134 individual townhomes. Adjacent surrounding zoning, as indicated on the attached Master Plan, includes R1B to the south; R1A to the north and east; and I1 and C4 to the west.

The applicant is requesting approval of a revised Master Plan for development of age-restricted (senior) residential apartments. The proposed development will consist of a clubhouse and 100 individual units within a two-story building generally situated on the site as depicted on the enclosed Master Plan. The individual residences include 50 one-bedroom/one-bath units of approximately 725 square feet and 50 two-bedroom/two-bath units of approximately 965 square feet. All residences will be accessed through an internal hallway system, with elevators providing mobility between floors.

Amenities to be provided with each unit include full bathrooms (one or two, depending on unit type), washer/dryer hookups, a large kitchen pantry, Energy Star Appliances, programmable thermostats, window treatments, cable TV hookups in living rooms and master bedrooms and Energy Star rated ceiling fans in all bedrooms and living areas.

Common amenities available to all residents will include a community center/recreation room, meeting areas, a computer lab (with computers, printers and internet access), an exercise room, library, swimming pool, shuffleboard courts and covered picnic area with permanent tables and grills. The entire development will incorporate Green Building construction and energy efficiency principles. The building will also provide office space for use by leasing and resident services staff.

A variety of services will be offered onsite to the residents at no cost. These services will include regularly scheduled visits by health care professionals (for health screenings, flu shots, vision and hearing tests, etc.), daily exercise classes, monthly birthday parties, a community newsletter, pot luck suppers, holiday parties, health and nutrition classes, computer training and financial counseling.

Vehicular access to the site may be restricted via gates leading to the resident parking off the main entrance. A secondary access to the site may contain a crash gate and only be available for use by emergency personnel if the facility is inaccessible via the main entrance. For security reasons, potential residents and visitors to the project will be required to obtain access through the main entrance.

Following building setbacks are requested:

Multi-Family Site Building Setbacks

From North Ave (north) = 25'  
From Stafford Ave (east) = 25'  
West = 25'  
South = 25'

**I. PRELIMINARY LAYOUT**

Twelve copies of the layout are included in this submittal.

**II. DRAFT OF PROTECTIVE COVENANTS**

Common infrastructure will be maintained by the project's management.

**III. PRELIMINARY ENGINEERING REPORT**

**A. Topography.** According to USGS topography, elevations on the subject property range from a high of approximately 165 feet m.s.l. at the southeast corner to a low of approximately 140 feet m.s.l. in the northwest corner.

**B. Flood Plain.** According to FEMA Flood Insurance Rate Map Community-Panel Number 120110 0001C, the subject property lies in Zone C. Zone C is described as an area not expected to flood in the 100-year storm event.

**C. Soils.** According to the Soil Survey of Hernando County, Florida, the subject property consists of Flemington fine sandy loam, 0 to 2 percent slopes, Flemington fine sandy loam, 2 to 5 percent slopes and Micanopy loamy fine sand, 2 to 5 percent slopes.

**D. Environmental.** A site visit was conducted to provide a preliminary review of the subject property including vegetation, soils, wetlands and wildlife. The following are the results of a pedestrian survey previously conducted on the site.

- The property is a mixture of open land and pocketed densely wooded areas. Tree species include live oak, laurel oak, camphor-tree, sweet gum, and chinaberry.
- Groundcover consists of bahia grass, flat-top golden rod, air-potato, and various ruderal plant species.
- Several specimen trees were noted throughout the property.
- No listed plant or animal species were noted during the preliminary site visit.
- No wetlands or other surface water systems were observed on the subject property.
- No active or remnant sinkholes were noted during the site visit

**IV. STATEMENT OF DEVELOPER'S INTENT WITH RESPECT TO CONSTRUCTION OF IMPROVEMENTS PRIOR TO RECORDING SUBDIVISION PLAT OR BONDING INSTRUMENTS.**

Infrastructure improvements will be completed as part of the project's construction.

**V. DEVELOPMENT SCHEDULE**

Development is anticipated to commence in Spring 2009 and be completed in late 2009 or early 2010.

**VI. ADEQUATE ACCESS ANALYSIS**

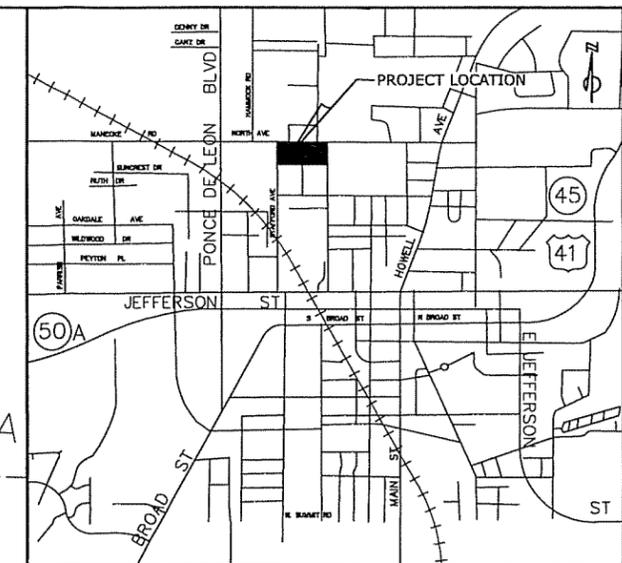
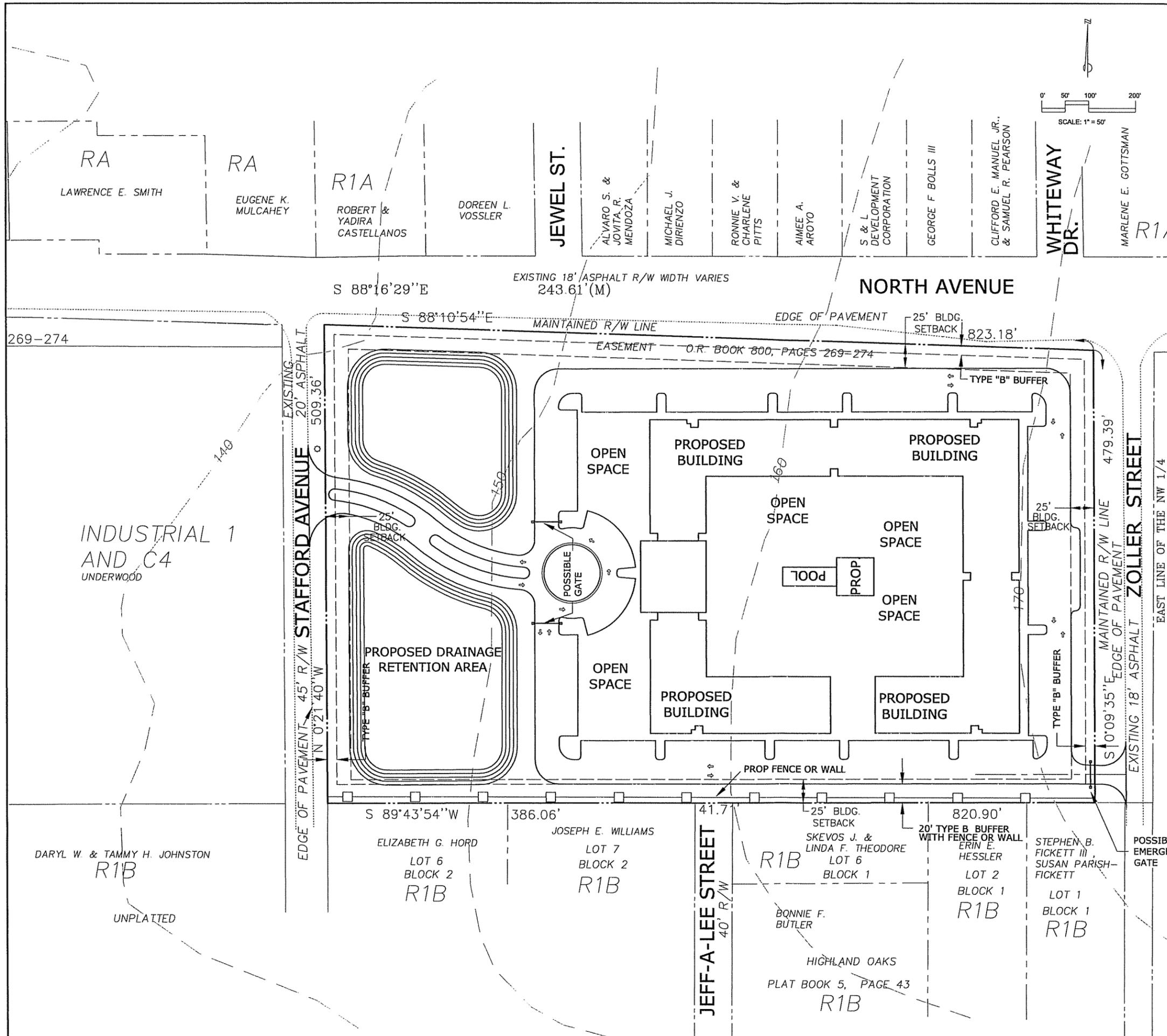
Primary access to the property is proposed from North Avenue, with emergency access proposed from Zoller Street.

**VII. DEVELOPMENT OF REGIONAL IMPACT STATEMENT IF REQUIRED**

The proposed project is below all applicable DRI thresholds.

**VIII. WATER AND SEWER**

The proposed project lies within the City of Brooksville's utility service area for water and sewer. Existing water lines and sewer collection/transmission facilities are adjacent to the property and can be accessed to serve the proposed development. Analysis of the City's water and sewer plant facilities and capital improvement projects indicate sufficient capacity will be available to meet the demands of the proposed project at time of development.



LAND USE		
LAND USE	AREA	INTENSITY
MAX. GROSS FLOOR AREA	121,924 S.F.	
MIN. OPEN SPACE	7.0 Ac.	
MIN. LIVABILITY SPACE	4.5 Ac.	
MIN. RECREATION SPACE	0.42 Ac.	
SITE AREA	9.33 AC.	100 MAX. DWELLING UNITS

**SITE DATA**

APPLICANT:  
 ROUNDSTONE DEVELOPMENT, LLC  
 933 BARELLO LANE  
 COCOA BEACH FL, 32931

ENGINEER:  
 COASTAL ENGINEERING ASSOCIATES, INC.  
 966 CANDLEDIGHT BLVD.  
 BROOKSVILLE, FL 34601  
 PHONE: (352) 796-9423

PROJECT AREA = APPROX. 9.33 ACRES  
 PARCEL KEY NUMBERS: 00420388  
 LOCATED IN SECTION 22, TOWNSHIP 22 S.,  
 RANGE 19 E., HERNANDO COUNTY, FLORIDA.

CURRENT ZONING: PDP (RES)  
 FUTURE LAND USE MAP DESIGNATION: COMMERCIAL

FLOOD INSURANCE RATE MAP (FIRM):  
 COMMUNITY PANEL NO. 1200333 0001 C EFFECTIVE  
 APRIL 17, 1984, ZONE "C" AND "A"

MULTI-FAMILY PERIMETER PROPERTY LINE SETBACKS:  
 FROM NORTH AVE. BLDG. SETBACK: 25'  
 FROM STAFFORD AVE. BLDG. SETBACK: 25'  
 FROM ZOLLER ST. BLDG. SETBACK: 25'  
 ALL OTHERS BLDG. SETBACK: 25'

SEPARATION BETWEEN BUILDINGS: 0' - 15'

CHRIST LUTHERAN CHURCH  
 R1A

- NOTES:
- 1.) DRAINAGE RETENTION AREAS SHOWN ARE PRELIMINARY. ACTUAL LOCATION AND SIZE IS PENDING FINAL ENGINEERING DESIGN.
  - 2.) THIS IS A PLANNING DOCUMENT AND IS NOT TO BE CONSIDERED A FINAL DESIGN OR CONSTRUCTION PLAN AND IS NOT INTENDED FOR RECORDATION IN THE PUBLIC RECORDS. DRAINAGE AND UTILITY EASEMENTS WILL BE INCLUDED IN THE FINAL CONSTRUCTION PLAN AND SHALL MEET THE REQUIREMENTS OF HERNANDO COUNTY AND ANY AGENCIES HAVING JURISDICTION RELATING TO THIS PROJECT.
  - 3.) EASEMENT SIZE AND LOCATION SHALL BE DETERMINED WITH FINAL DESIGN AND SHOWN ON FINAL PLAN.
  - 4.) SETBACK FOR ACCESSORY STRUCTURES: SWIMMING POOLS, SWIMMING POOL ENCLOSURES AND SCREEN ENCLOSURES ARE PERMITTED ONLY IN SIDE OR REAR YARD AND MUST BE AT LEAST FIVE (5) FEET FROM SIDE AND REAR PROPERTY LINE.
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  - 6.) TYPE "A" BUFFER INCLUDES; A MINIMUM FIVE-FOOT WIDE BUFFER WHICH INCLUDES THE REQUIRED PLANTING OF TWENTY-FIVE (25) SHRUBS PER ONE-HUNDRED (100) LINEAR FEET OF PROPERTY, PLUS, ONE (1) TREE PER EVERY FIFTY (50) LINEAR FEET OF PROPERTY, OR PORTION THEREOF. EARTHEN BERMS MAY BE USED IN CONJUNCTION WITH REQUIRED LANDSCAPING. SUCH BERMS SHALL UTILIZE A SLOPE OF 4:1 OR LESS, AND SHALL INCLUDE SUCH LANDSCAPING AS NECESSARY TO ENSURE SOIL STABILIZATION.
  - 7.) TYPE "B" BUFFER INCLUDES; A MINIMUM TEN-FOOT WIDE BUFFER WHICH INCLUDES A CONTINUOUS HEDGE OF DENSE SHRUBBERY, PLUS, ONE (1) TREE PER EVERY FIFTY (50) LINEAR FEET OF PROPERTY, OR PORTION THEREOF.

PRELIMINARY PLAN

VILLA ROSA

DRAWING INVALID UNLESS SIGNED, DATED & SEALED BY REGISTERED PROFESSIONAL

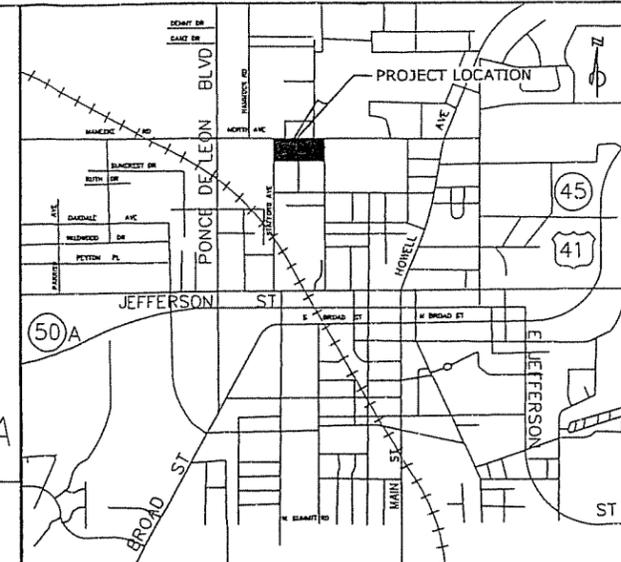
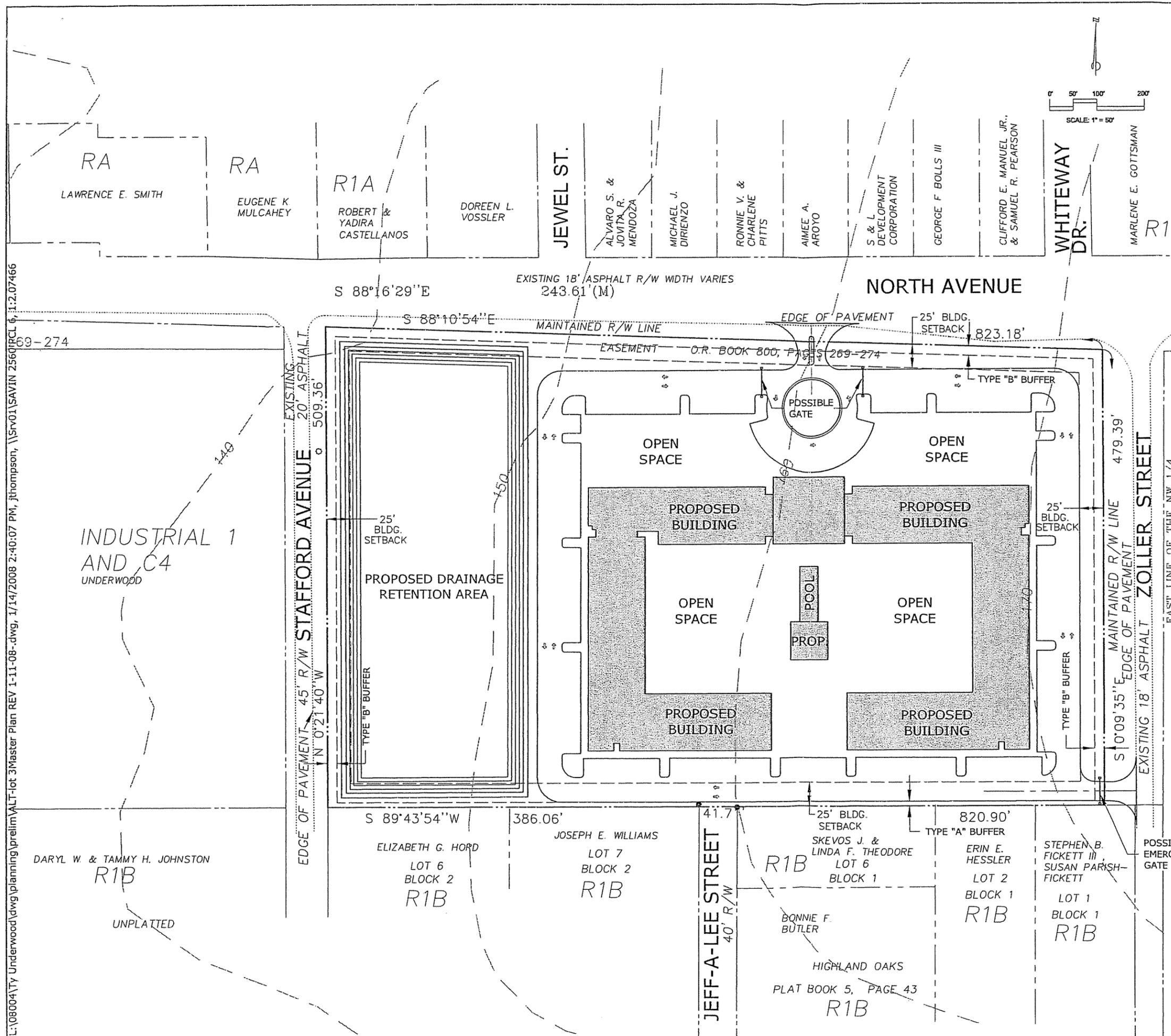
Engineering  
 Planning  
 Surveying  
 Environmental  
 Construction Management

**Coastal**  
 engineering associates, inc.

966 Candedlight Boulevard - Brooksville - Florida 34601  
 (352) 796-9423 - Fax (352) 796-9359  
 EB-0000142

REUSE OF DOCUMENT  
 THIS DOCUMENT, COMPOSED OF THE INCORPORATED PLAN AND RESOLUTION, IS THE PROPERTY OF COASTAL ENGINEERING ASSOCIATES, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF COASTAL ENGINEERING ASSOCIATES, INC.

DATE	REV. BY	REV. NO.	REVISION
1-14-08	JET	1	REVISED MASTER-PLAN APPLICATION SUBMITTAL
3-5-08	MHU	2	REVISED PER CITY COMMENTS



**LOCATION MAP**  
N.T.S.

LAND USE		
LAND USE	AREA	INTENSITY
MAX. GROSS FLOOR AREA	121,024 S.F.	
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966 CANDLIGH BLVD.  
BROOKSVILLE, FL 34601  
PHONE: (352) 796-9423

PROJECT AREA = APPROX. 9.33 ACRES  
PARCEL KEY NUMBERS: 004203BB  
LOCATED IN SECTION 22, TOWNSHIP 22 S.,  
RANGE 19 E., HERNANDO COUNTY, FLORIDA.

CURRENT ZONING: PDP (RES)  
FUTURE LAND USE MAP DESIGNATION: COMMERCIAL  
FLOOD INSURANCE RATE MAP (FIRM):  
COMMUNITY PANEL NO. 1200333 0001 C EFFECTIVE  
APRIL 17, 1984, ZONE "C" AND "A".

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SEPARATION BETWEEN BUILDINGS; 0' - 15'

CHRIST LUTHERAN CHURCH  
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PRELIMINARY PLAN  
VILLA ROSA

DRAWING SHALL UNLESS NOTED, DATED & SEALED BY REGISTERED PROFESSIONAL

Engineering  
Planning  
Surveying  
Environmental  
Construction Management

**Coastal**  
engineering associates, inc.  
966 Candlight Boulevard - Brooksville - Florida 34601  
(352) 796-9423  
EA-00001742

REVISE OF DOCUMENT  
THE DOCUMENT CONTAINS THE  
APPROVED AND RECORDED  
PLAT NUMBER OF THIS PLAT  
AND THE PLAT NUMBER OF THE  
PREVIOUS PLAT. THE PLAT  
MAY BE RECORDED IN THE  
PUBLIC RECORDS OF THE  
COUNTY WITHOUT THE  
APPROVAL OF THE COUNTY  
ENGINEER AND ASSOCIATES, INC.

DATE	REV. BY	REV. NO.	REVISION
1-14-08	JET	1	REVISED MASTER PLAN APPLICATION SUBMITTAL

L:\08004\Ty Underwood\dwg\planning\prelim\ALT-lot 3 Master Plan REV 1-11-08-.dwg, 1/14/2008 2:40:07 PM, jthompson, \\sr01\SAVIN 2560\PRCL 6, 1:2.07466

# City of Brooksville

## MEMORANDUM

AGENDA ITEM NO. E-2  
3/17/08



**To:** Honorable Mayor and City Council Members  
**Via:** T. Jennene Norman-Vacha, City Manager  
**From:** Karen M. Phillips, Director of Administration/City Clerk  
**Subject:** Repeal of Occupational License Code Ordinance  
**Date:** March 6, 2008

*[Handwritten signature of T. Jennene Norman-Vacha]*  
*[Handwritten signature of Karen M. Phillips]*

Based on (a) past City Council discussions during the budget process, (b) prior action taken by the Hernando County Board of County Commissioners to repeal the County's Occupational License Tax following the Florida Legislature's recent revisions to Chapter 205, F.S., and (c) termination of the agreement with the Hernando County Tax Collector for collection of fees and issuance of the City's Occupational Licenses effective June 30, 2008, staff has prepared the attached proposed ordinance repealing the City of Brooksville's Occupational License Code effective September 30, 2008, and revising several other sections of the Code referencing Occupational License requirements. If approved, a resolution will be also be presented on the Agenda following final reading to rescind the current Fee Structure Resolution.

On March 3, 2008 City Council unanimously approved first reading of Ordinance No. 757 and a legal notice is published in the Friday, March 7, 2008 edition of Hernando Today indicating second and final reading on Monday, March 17, 2008.

### Legal Impact

The City Attorney's Office has reviewed the attached ordinance and has approved as drafted.

### Financial Impact

On an annual basis we have budgeted around \$50,000, however, the figures were conservatively modified this year as a result of the termination of the agreement with the Tax Collector. If we were to continue the Occupational License Tax, we would need to make alternate arrangements to collect and issue in-house and the costs for this process would reduce the revenues significantly, as well as most likely increase the staff level to process.

### Staff Recommendation

Based on the above, staff hereby recommends approval of Ordinance No. 757 upon second and final reading.

ORDINANCE NO. 757

AN ORDINANCE OF THE CITY OF BROOKSVILLE CODE OF ORDINANCES REPEALING CHAPTER 78, ARTICLE III - OCCUPATIONAL LICENSE TAXES; PROVIDING FOR NON-ISSUANCE AND NON-RENEWAL; PROVIDING FOR SEVERABILITY AND CODIFICATION; PROHIBITING REVIVAL BY REPEAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, effective July 1, 2007 the Legislature of the State of Florida enacted Chapter 2007-97, Committee Substitute for Senate Bill No. 1178, making certain revisions to Chapter 205 of the Florida Statutes primarily effecting dates associated with the collection of occupational license/local business taxes; and,

WHEREAS, following this recent legislative action the Hernando County Board of County Commissioners repealed the Hernando County Occupational License/Local Business Tax effective on October 1, 2007; and,

WHEREAS, Brooksville City Council wishes to repeal the entire Occupational License/Local Business Tax Code in the City of Brooksville in its entirety to alleviate any confusion among the local taxpayers and businesses as it relates to the purpose of the tax and of administrative costs imposed by the collection and enforcement of existing obligations for payment of the tax.

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

**SECTION 1. Repeal of Code.**

Effective September 30, 2008, Chapter 78, Article III, entitled "Occupational License Taxes" is hereby repealed in its entirety.

**SECTION 2. License issuance and implementation.**

There shall be no occupational licenses issued after June 1, 2008. Based upon the end of occupational license/business tax liability on September 30, 2008, the City of Brooksville

shall be under no legal duty to process renewals of licenses or applications for receipt for payment of tax for the tax year ending on said September 30, 2008, from and after the effective date of this ordinance.

**SECTION 3. Amending provisions of the City of Brooksville Code of Ordinances which reference occupational licenses.**

The following sections, subsections, paragraphs or subparagraphs, as the case may be, of the City of Brooksville Code of Ordinance are hereby amended to read as set forth in this section, with new matter indicated by underlining and deleted matter indicated by strike-through:

**Article IV, Division 2. Construction Contractors**

**Sec. 78-151. Licenses, certificates of competency and classes of building contractors.**

(a) *Licenses and certificates of competency required.* It shall be unlawful for any person to engage in the business or act in the capacity of a building contractor within the city without having a certificate of competency issued by the state or a certificate of registration issued by the state, a county certificate of competency issued by the county, a city certificate of competency and ~~a city occupational license as provided in article III of this chapter,~~ unless particularly exempted by other provisions of this division or Code.

~~Sec. 78-153. Occupational license required; nontransferrable; certificate of competency prerequisite to issuance.~~

~~Before any person, partnership, corporation or other association shall carry on or engage in the business of building construction, such person or one of the principal officers of the corporation or partnership shall first procure a building contractor's occupational license and pay the annual license fee imposed on such business in article III of this chapter. Every applicant for a building contractor's occupational license shall first furnish proof that he is the lawful possessor of a current, valid building contractor's certificate of competency. Any work in progress shall be under the licensee's constant personal supervision. No such occupational license shall be~~

transferable.

~~Sec. 78-174. Master electrician—Occupational license required, nontransferable, certificate of competency prerequisite to issuance.~~

~~—Before any person, partnership or corporation shall carry on or engage in the business of electrician or electrical contracting the person or one of the principal officers of the corporation or partnership shall first procure a master electrician's certificate of competency and pay the annual fee imposed on such business. Every applicant for a master electrician's license shall furnish proof of ownership and that he is the lawful possessor of a current, valid master electrician's certificate of competency. Any work in progress shall be under his constant personal supervision. No such license shall be transferable.~~

**Sec. 78-193. Registration of plumbers and plumbing contractors; issuance of certificates to firms or corporations.**

(f) The firm or corporation to whom a certificate was issued upon the competency of an individual who is no longer acting in the capacity as required by subsection (b) of this section may, if such firm or corporation has complied with subsection (e) of this section, surrender such registration and designate some other qualified individual to obtain another registration without the payment of an additional fee ~~or occupational license fee~~ for the remainder of the license year if such individual qualifies.

~~Sec. 78-194. Master plumber; occupational license required, nontransferable, certificate of competency prerequisite to issuance.~~

~~—Before any person, partnership, corporation or other association shall carry on or engage in the business of plumbing, such person or one of the principal officers of the corporation or partnership shall first procure a master plumber's occupational license and pay the annual fee imposed on such business. Every applicant for a master plumber's license shall first furnish proof that he is the lawful possessor of a current valid master plumber's certificate of competency. Any work in progress shall be under the licensee's constant personal supervision. No such occupational license shall be transferable.~~

Sec. 78-222. Persons excluded from provisions of this article requiring permit.

~~(3) Those persons possessing a valid current occupational license issued by the city and whose activities may from time to time include those activities described within the definitions of peddler, solicitor and canvasser.~~

~~(4)~~ (3) Sales or solicitations at a public event after receipt of approval by the chief of police or his then designee.

#### Article I. Zoning and Land Use - In General

Sec. 137.10. Outdoor nonresidential temporary uses and structures.

(b) *Specific provisions.* Within the city, unless otherwise allowed in this chapter, only the following outdoor nonresidential temporary uses, subject to related provisions, are permitted, provided they comply with the standards and conditions set forth herein and obtain approval pursuant to subsection (d) of this section: Specific provisions.

(3) *Temporary on-site sales.* Temporary on-site sales (defined as temporary outdoor displays or sales by any business permanently located on, ~~and having paid an occupational license tax for,~~ a location on the same lot as the temporary sale or display) are permitted on any improved property in any nonresidential zoning district in accordance with the following conditions, requirements and limitations: No outdoor on-site sale shall last for more than ten consecutive days. Sales by any one business may not exceed 30 days in any consecutive period of six months.

(4) *Temporary offsite sales.* Temporary offsite sales (defined as temporary outdoor displays or sales by any person or organization that does not maintain a permanent business location ~~for which an occupational license has been paid~~ on the same lot as the temporary display or sale) are permitted on any improved property in any nonresidential zoning district in accordance with the following conditions, requirements and

limitations: No offsite sale shall last for more than seven consecutive days. Sales by any one offsite business may not exceed 15 days in any consecutive period of six months.

**SECTION 4. Severability.**

Should the provisions contained herein be in conflict with any laws, rules, regulations, or higher authority, or be declared null and/or void of constitutional authority by courts of competent jurisdiction, such provisions so declared shall stand severed herewith and in which case all remaining provisions of this ordinance not so declared, shall stand and continue in effect until superseded or rescinded.

**SECTION 5. Codification.**

(a) This repealing ordinance shall be codified by the deletion of Article III, Chapter 78, Sections 78-91 through 106, inclusive, from the City of Brooksville Code of Ordinances are hereby repealed in their entirety to the extent required to effectuate the directions of this ordinance.

(b) Where required by Section 5 of this ordinance amending various provisions of the City of Brooksville Code of Ordinances, it is the intention of the Brooksville City Council, and it is hereby provided, that such amendments shall become and be made a part of the City of Brooksville Code of Ordinances. To this end, the codifier is hereby authorized to renumber or reletter any provisions of the Code as may be deemed proper to accomplish such intention, including such redesignation of articles, divisions, sections or other Code classifications as may facilitate organized codification.

**SECTION 6. No revival by repeal.**

No provision of this ordinance shall be construed or deemed, either expressly or by implication, to have the effect of reviving or operating to revive any previously repealed provisions of prior ordinances or previously repealed provisions of the City of Brooksville Code of Ordinances.

SECTION 7. Effective date.

Except as otherwise provided herein, this ordinance shall take effect June 1, 2008.

ADOPTED in regular session of the Brooksville City Council this \_\_\_\_ day of \_\_\_\_\_, 2008.

CITY OF BROOKSVILLE

\_\_\_\_\_  
David Pugh, Mayor

ATTEST: \_\_\_\_\_  
Karen M. Phillips, City Clerk  
City Clerk

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

  
\_\_\_\_\_  
Thomas S. Hogan, Jr., City Attorney

VOTE OF COUNCIL:

Bernardini \_\_\_\_\_  
Bradburn \_\_\_\_\_  
Burnett \_\_\_\_\_  
Lewis \_\_\_\_\_  
Pugh \_\_\_\_\_

Legend/Key:

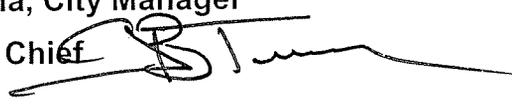
Additions - Underlined  
Deletions - ~~Strikethrough~~

G:\WP\_WORK\ClerkOffice\ORDIN\758<sup>757</sup> - Occ Lic Tax Repeal.doc

PASSED on First Reading: March 3, 2008  
PUBLIC NOTICE PUBLISHED: March 7, 2008  
PASSED on Second & Final Reading: \_\_\_\_\_

**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:** March 7, 2008  
**SUBJ:** Photographic Traffic Enforcement Program

**General Information:**

The Brooksville Police Department has identified that red light traffic enforcement is a primary responsibility in our efforts to reduce vehicle crashes and resulting injuries.

According to the Institute for Highway Safety, red light running is the leading cause of urban crashes. In 2004 as many as 207,000 crashes, 168,000 injuries and over 900 fatalities in the U.S. were attributed to red light running.

An innovative and nationally proven method for red light enforcement and compliance is a Photographic Traffic Enforcement Program. The Photographic Traffic Enforcement Program would include a public awareness campaign and the installation of high resolution camera systems on high accident intersections within the City of Brooksville. These camera systems would record violations on a 24/7 basis without the need for dedicated law enforcement presence. Violators would be issued a citation under a local ordinance, similar to a parking ticket. Fines would be set by ordinance and collection and fees associated are the responsibility of the vendor. There would be no out of pocket cost to the City, with the City receiving approximately 65% of each fine collected.

The City of Gulf Breeze Florida, who implemented a Photographic Traffic Enforcement Program in 2005, has reported that their red light ordinance and camera installation has resulted in a 24.9% reduction in crashes within their jurisdiction. In 2007 they issued 2275 violation notices with 1704 paid.

Proof of the program's effectiveness is also listed in American Traffic Solutions' publications. New York City's Photographic Traffic Enforcement program resulted in a 93% reduction in red light running from 1994 – 2005. Similar results were achieved in Philadelphia (72%) Columbus Ohio (72%) and Fairfax Virginia (40%).

Working with the Hogan Law Firm, we have prepared the attached Ordinance authorizing the Photographic Enforcement Program for the City of Brooksville. The ordinance is provided as Attachment 1 for your consideration. Staff and the Hogan Law Firm will discuss the details of the ordinance with Council during the meeting.

Because there are numerous identified vendors that provide this service in the State of Florida, if Council supports the program for Brooksville and adopts the Ordinance we are requesting authorization for staff and the Hogan Law Firm to negotiate with the best vendor for a service delivery agreement to implement the program.

**Staff Recommendation:** Staff recommends that the City Council:

1. Approve the attached Ordinance #758 authorizing the Photographic Enforcement Program for the City of Brooksville effective April 7, 2008.
2. Authorize service delivery negotiations with identified vendors for the implementation of the Brooksville Police Department Photographic Traffic Enforcement Program.
3. Upon finalization of negotiations, authorize the City Manager to sign the service delivery agreement and initiate the Brooksville Police Department Photographic Enforcement Program.

## Attachment # 1

ORDINANCE NO. 758 - TRAFFIC LIGHT SAFETY

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, RELATING TO TRAFFIC LIGHT SAFETY; PROVIDING FOR LEGISLATIVE FINDINGS AND PURPOSE; ESTABLISHING DEFINITIONS; ESTABLISHING AN ENFORCEMENT PROGRAM WITHIN THE CITY; AUTHORIZING THE CITY TO PERMIT AND IMPLEMENT THE USE OF TRAFFIC CONTROL SIGNAL MONITORING SYSTEM FOR RED LIGHT INFRACTIONS; PROVIDING ENFORCEMENT PROCEDURES, INCLUDING NOTICE, APPEAL HEARINGS, PENALTIES, IMPOSITION OF ADMINISTRATIVE CHARGES AND COLLECTION; PROVIDING FOR EXCEPTIONS; PROVIDING FOR DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REFERRAL OF APPEALS TO HEARING OFFICERS AND MATTERS RELATING THERETO; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Brooksville is located in a high density traffic area and regularly experiences traffic incidents related to the failure of motorists to obey duly erected traffic control devices, exposing its citizens to the dangers of personal injury and property damage;

WHEREAS, the City is concerned with the violation of State statutes and local ordinances concerning traffic signals, including the running of red lights;

WHEREAS, the State of Florida's present legislation has proven ineffective at reducing steady red light traffic violations because of the limited number of law enforcement officers available to monitor intersections and the need to have law enforcement officers respond to other criminal and traffic offenses;

WHEREAS, apprehending violators of traffic signals through law enforcement observance, chase and citation is difficult, dangerous and expensive and requires the City to commit an extreme amount of personnel that would not be necessary with the use of automated image capture technologies (unmanned cameras);

WHEREAS, local governments in different parts of the State and Nation have demonstrated that the combination of unmanned cameras with traditional traffic law enforcement methods enhances vehicular and pedestrian safety;

WHEREAS, the use of unmanned cameras is an effective means of enforcing traffic signal control laws and ordinances and will free the City's law enforcement personnel to be more efficiently utilized in responding to other, and sometimes more serious, criminal and traffic offenses;

WHEREAS, ordinances penalizing or assessing civil fees against the owner of a motor vehicle has proven extremely effective at reducing red light violations and traffic accident;

WHEREAS, the City desires to reduce the number of violations of traffic light signals within the City by installing and implementing traffic control signal monitoring systems and corresponding enforcement procedures;

**WHEREAS**, the City of Brooksville is vested with home rule authority pursuant to Article VII, Section 2 of the Constitution of the State of Florida and Chapter 166, F.S. to enact ordinances making the failure to stop for a right light indication a code violation and to provide for enforcement of such violation;

**WHEREAS**, this ordinance is authorized by Section 316 Florida Statutes which recognizes the rights of municipalities to pass traffic ordinances to regulate municipal traffic under the reasonable exercise of the police power including the power to control certain traffic movement and parking on streets and highways under the City's jurisdiction; regulating traffic by means of police officers or official traffic control devices and regulating, restricting or monitoring traffic by security devices or personnel on public streets and highways, whether by public or private parties;

**WHEREAS**, the Office of the Attorney General of the State of Florida (Attorney General Opinion 05-41 of the State of Florida, dated July 12, 2005) has specifically concluded that a local government has the right to enact ordinances making the failure to stop at a red light indication a code violation and to install and utilize unmanned cameras to monitor intersections in the City for such code violations;

**WHEREAS**, in order to be consistent with State law and the referenced Attorney General Opinion, the City will issue the uniform traffic citation prescribed by Chapter 316, Florida Statutes, and will not prosecute offenses of this Ordinance through the County Court, but rather, through the City's code enforcement program, procedures and processes; and

**WHEREAS**, the City of Brooksville finds that implementation of the enforcement program set forth in this ordinance will promote, protect and improve the health, safety and welfare of its citizens, consistent with the authority of and limitations on the City pursuant to the Constitution of the State of Florida and the Florida Statutes.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA:**

**SECTION 1. Legislative Findings and Intent/Purpose**

(a). The foregoing recitals (Whereas clauses) are hereby adopted as the legislative findings of the City Council of the City of Brooksville and incorporated into this Ordinance as if set forth in haec verba.

(b). The purpose of this Ordinance is to authorize the use of an unmanned camera monitoring system to promote compliance with red light signal directives as set forth in this Ordinance, and to adopt a civil enforcement system for red light signal violations. This Ordinance will supplement law enforcement personnel in the enforcement of red light signal violations and shall not prohibit law enforcement officers from issuing a citation for a red light signal violation in accordance with normal statutory traffic enforcement techniques.

**SECTION 2. Definitions**

(a). *Hearing Officer* means a person whom the City authorizes to conduct appeals or other administrative hearings. Hearing officers must be members of The Florida Bar in good standing and have adequate experience or knowledge in the area of the matters over which they will preside and make

recommendations, determinations, decisions, or findings of facts and conclusions of law, or any combination thereof. Hearing Officers shall be selected through the request for proposal process in a manner authorized by the City Attorney consistent with the City's purchasing procedures.

(b). *Intersection* means the area embraced within the prolongation or connection of the lateral curb line; or if none, then the lateral boundary lines, of the roadways of two roads which join or intersect one another at, or approximately at, right angles; or the area within which vehicles traveling upon different roads joining at any other angle may come in conflict.

(c). *Motor Vehicle* means the meaning set forth in the definition in Section 316.003 (21), Florida Statutes, or its successor provision.

(d). *Notice of Infraction* means a citation issued for a Red Zone Infraction.

(e). *Owner* means the person or entity identified by the Florida Department of Highway Safety and Motor Vehicles, or other State vehicle registration office, as the registered owner of a vehicle. Such term shall also mean a lessee of a motor vehicle pursuant to a lease of six (6) months or more.

(f). *Recorded Images* means images recorded by a Traffic Control Signal Monitoring System:

1. On:
  - Two (2) or more photographs, or
  - Two (2) or more electronic images; or
  - Two (2) or more digital images; or
  - Digital or Video movies; or
  - Any other medium that can display a violation; and
2. Showing the rear of a motor vehicle and on at least one (1) image, clearly identifying the license plate number of the vehicle.

(g). *Red Zone Infraction* means a traffic offense whereby a Traffic Control Signal Monitoring System established that a Motor Vehicle entered an intersection controlled by a duly erected Traffic Control Signal at a time when the Traffic Control Signal for such Motor Vehicle's direction of travel was emitting a steady red signal.

(h). *Traffic Control Signal* means a device exhibiting different colored lights or colored lighted arrows, successively, one at a time, or in combination, using only the colors green, yellow, and red which indicate and apply to drivers of motor vehicles as provided in Section 316.075, Florida Statutes.

(i). *Traffic Control Signal Monitoring System* means an electronic system consisting of one or more vehicle sensors, working in conjunction with a traffic control signal, still cameras and video recording devices, to capture and produce recorded images of motor vehicles entering an intersection against a steady red light signal indication.

**SECTION 3. Use of Traffic Control Signal Monitoring Systems**

The City shall utilize Recorded Images from Traffic Control Signal Monitoring Systems as a supplemental means of monitoring compliance with the State laws and local ordinances related to Traffic Control Signals and as an ancillary deterrent to traffic control and Red Zone Infractions. This Ordinance shall not supersede, infringe, curtail or impinge upon any State laws related to red light signal violations or conflict with such laws. The City Manager shall have authority to promulgate the process and procedure for installing and implementing the traffic control signal monitoring system described herein.

**SECTION 4. Adherence To Red Light Traffic Control Signals**

A Motor Vehicle facing a Traffic Control Signal's steady red light indication shall stop before entering the crosswalk on the near side of an Intersection or, if none, then before entering the Intersection and shall remain standing until a green indication is shown on the Traffic Control Signal. Provided, however, the driver of a Motor Vehicle which is stopped at a clearly marked stop line, or if none, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersection roadway before entering the Intersection in obedience of a steady red Traffic Control Signal, may make a right turn (unless such turn is otherwise prohibited by posted sign or other traffic control device or indicator), but shall yield right-of-way to pedestrians and other traffic proceeding as directed by the Traffic Control Signal at the Intersection. Except as otherwise provided in this Article, it shall be the responsibility of each Owner of a Motor Vehicle to make certain that his or her Motor Vehicle adheres to the requirements of this Section regardless of who is driving said vehicle.

**SECTION 5. Penalties for Failure to Adhere to Red Light Traffic Control Signals.**

A violation of Section 4 of this Ordinance (Adherence To Red Light Traffic Control Signals) established by a Traffic Control Signal Monitoring System (Red Zone Infraction) shall be deemed a civil, non-criminal violation subject to civil fines assessed against the Motor Vehicle Owner in amounts authorized by City Code. Violations of this Ordinance will be enforced using the City's code enforcement process and not uniform traffic citations or County Courts. Notices of Infractions will be issued pursuant to this Ordinance. As the violation relates to this Ordinance and not the *Florida Statutes*, no points as provided in Section 322.27, *Florida Statutes*, shall be recorded on the driving record of the Owner or responsible party.

**SECTION 6. Introductory Period**

The period from the time a Traffic Control Signal Monitoring System is installed at an Intersection until such time as the City Council adopts a resolution advertising the City Manager to commence enforcement of this Ordinance shall be defined as the Introductory Period. During the Introductory Period, Red Zone Infractions captured on Recorded Images by a Traffic Control Signal Monitoring System shall not be enforced through this Ordinance. The Owner of the Motor Vehicle shall receive a courtesy notice of the violation. Infractions of traffic control signals including Red Zone Infractions may be enforced at any time in accordance with normal traffic enforcement techniques and citations from a law enforcement officer.

**SECTION 7. Enforcement of Adherence to Red Light Control Signals Using Unmanned Cameras**

Commencing on the date set forth in a resolution authorizing the City Manager to commence enforcement of this Ordinance:

(a). The Chief of Police or designee shall serve as a Traffic Control Review Officer. The Traffic Control Review Officer shall be responsible for the accuracy and the integrity of the Recorded Images and the proper functioning of the Traffic Control Monitoring System at the time Recorded Images are captured.

(b). Recorded Images will be taken of Motor Vehicles who commit a Red Zone Infraction.

(c). The City's police officers or other designated persons who meet the qualifications set forth in Section 316.640(5)(a), *Florida Statutes*, or any other relevant statute shall review the Recorded Images to determine if (i) there exists reasonable and probable grounds to believe that a Red Zone Infraction has been committed; (ii) the license tag number on the Motor Vehicle is visible in the Recorded Images and (iii) after taking into account all relevant facts, a Notice of Infraction should be issued.

(d). If the police officer/designee is satisfied that the above criteria has been met, a Notice of Infraction shall be sent to the Owner of the Motor Vehicle at the address on record with the Florida Department of Highway Safety and Motor Vehicles or any other state vehicle registration office. The Recorded Image shall be sufficient grounds to issue a Notice of Infraction.

(e). Recorded Images reviewed by a police officer/designee indicating a Red Zone Infraction are admissible in any proceeding before a Hearing Officer to enforce the provisions of this Ordinance, and shall constitute prima facie evidence of a violation of Section 4 of this Ordinance.

(f). Unless an affidavit is provided pursuant to Section 11, it is presumed the person registered as the owner with the Florida Department of Highway Safety and Motor Vehicles or any other State vehicle registration office, or an individual operating the Motor Vehicle with the owner's consent, was operating the Motor Vehicle at the time of a Red Zone Infraction.

**SECTION 8. Notice of Infraction**

(a). The Notice of Infraction shall include at a minimum:

1. The name and address of the owner;
2. The license plate number and registration number of the motor vehicle;
3. The make, model, and year of the motor vehicle;
4. The Number of Code Violated;
5. The location of the intersection where the violation occurred;

6. The date and time of the infraction;
7. Notice that the recorded images relating to the vehicle are evidence of a red zone infraction;
8. The civil penalty imposed;
9. Images depicting violation;
10. The procedures for payment of the civil penalty and contesting the notice of infraction;
11. A signed statement by the traffic control infraction officer that, based on inspection of recorded images, the vehicle was involved in a red zone infraction;
12. Notice advising the person alleged to be liable under this Section of the manner and time in which liability as alleged in the notice of infraction may be appealed and warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability.

(b). The City Manager shall have authority to promulgate the form described herein.

#### **SECTION 9. Owner Responsibilities**

(a). An Owner receiving a Notice of Infraction may, within twenty-one (21) days of the date of the date of the Notice of Infraction:

1. Pay the assessed civil penalty pursuant to instructions on the Notice of Infraction; or
2. Request an Appeal pursuant to Section 10 of this Ordinance.

(b). The failure to comply with the provisions of this Section within twenty-one (21) days from the date of the Notice of Infraction shall constitute a waiver of the right to contest the Notice of Infraction and will be considered an admission of liability.

#### **SECTION 10. Appeal to Hearing Officer**

(a). Timely filed appeals of Notices of Infraction may be referred to Hearing Officers for a determination, decision, recommendation, or findings of facts and conclusions of law, or any combination thereof, by providing for same in the provisions of an ordinance enacted or a resolution adopted by the City Council. The rules of procedure relating to a matter referred to a Hearing Officer shall be as set forth in the ordinance or resolution providing for the involvement of hearing officers; provided, however, that in the absence of such rules of procedure, hearing officers shall conduct proceedings in accordance with the *Uniform Rules of Procedure* set forth in the *Florida Administrative Code*.

(b). The following shall be the only permissible grounds for an appeal:

1. At the time of the infraction, the vehicle was not under the care, custody, or control of the owner or an individual with owner's consent, established pursuant to affidavit as provided in Section 11;
2. The motor vehicle driver was issued a citation by a law enforcement officer, which was separate and distinct from the citation issued under this Section, for violating the steady red traffic control signal;
3. The motor vehicle driver was required to violate the steady red traffic control signal in order to comply with other governing laws;
4. The motor vehicle driver was required to violate the steady red traffic control signal in order to reasonably protect the property or person of another;
5. The steady red traffic control signal was inoperable or malfunctioning; or
6. Any other reason the hearing officer deems appropriate.

(c). The City and the Owner, or his or her representative, may present testimony and evidence at the hearing. The police officer reviewing the Recorded Images and the Traffic Control Review Officer may testify at the appeal.

(d). Recorded Images indicating a Red Zone Infraction are admissible in any proceeding before the Hearing Officer to enforce the provisions of this Ordinance, and shall constitute prima facie evidence of the violation.

(e). The Hearing Officer shall issue a written order either granting or denying the appeal which decision shall be final.

#### **SECTION 11. Owner Affidavit of Non-Responsibility**

(a). Penalties will be assessed for violations of this Ordinance against the Motor Vehicle Owner unless the Motor Vehicle Owner establishes that the at the time of the Red Zone Infraction, the Motor Vehicles was in the care, custody, or control of another person without the consent of the Owner.

(b). In order for the Owner to establish that the Motor Vehicle was, at the time of the Red Zone Infraction, in the care, custody, or control of another person without the consent of the Owner, the Owner is required to complete an affidavit setting forth facts circumstances demonstrating that the Motor Vehicle was not in the Owner's care, custody or control, or that of any person with Owner's consent. The affidavit must be executed in the presence of a notary, and include at a minimum:

1. If known to the Owner, the name, address, and the driver license number of the person who leased, rented or otherwise had care, custody, or control of the motor vehicle at the time of the alleged Red Zone Infraction; or

2. If the Motor Vehicle was stolen, a copy of the police report indicating the Motor Vehicle was stolen at the time of the alleged Red Zone Infraction.
3. The following language immediately above the signature line: "Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true."

(c). The Owner may present the affidavit pursuant to this Section, as a defense in any proceeding before a Hearing Officer.

#### **SECTION 12. Administrative Charges**

In addition to the penalties assessed pursuant to Section 5, administrative charges in the amount of the City's actual costs and attorney's fees shall be assessed in the event of an unsuccessful appeal or the necessity to institute collection procedures.

#### **SECTION 13. Collection of Fines**

The City Manager may establish procedures and processes for the collection of any penalty or administrative charge imposed or assessed under the provisions of this Ordinance and may enforce such penalty by civil action in the nature of debt.

#### **SECTION 14. Exceptions**

(a). This Ordinance shall not apply to Red Zone Infractions involving Motor Vehicle collisions.

(b). This Ordinance shall not apply to Red Zone Infractions by any authorized emergency vehicle responding to a bona fide emergency.

(c). This Ordinance shall not apply to Red Zone Infractions in any case where the operator of the Motor Vehicle was issued a citation for violating State law regarding the failure to stop at a red light indication.

#### **SECTION 15. Codification**

The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the City of Brooksville, Florida* and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 19, 20, 21 and 22 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

#### **SECTION 16. Conflicts**

All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

#### **SECTION 17. Severability**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or

unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 18. Effective Date**

This Ordinance shall take effect immediately upon its adoption.

**CITY OF BROOKSVILLE**

By: \_\_\_\_\_  
David Pugh, Mayor

Attest: \_\_\_\_\_  
Karen M. Phillips, City Clerk

PASSED on First Reading \_\_\_\_\_  
NOTICE Published on \_\_\_\_\_  
PASSED on Second & Final Reading \_\_\_\_\_

Approved as to form and content  
for the reliance of the City of  
Brooksville only:

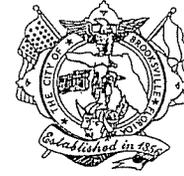
VOTE OF COUNCIL:  
Bernardini \_\_\_\_\_  
Bradburn \_\_\_\_\_  
Burnett \_\_\_\_\_  
Lewis \_\_\_\_\_  
Pugh \_\_\_\_\_

\_\_\_\_\_  
Thomas S. Hogan, Jr., City Attorney

# City of Brooksville

## MEMORANDUM

AGENDA ITEM NO. F-2  
3/17/08



**To:** Honorable Mayor and City Council Members

**Via:** T. Jennene Norman-Vacha, City Manager

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

**Subject:** Repeal of Occupational License Fee Structure

**Date:** March 6, 2008

Upon approval of Ordinance No. 757 repealing the City of Brooksville Occupational License Code [Section 78-103 of the Code of Ordinances], Council consideration of also repealing Resolution No. 95-13, previously adopted September 11, 1995 setting a fee structure for Occupational Licenses, is also requested.

Attached is proposed Resolution No. 2008-06 repealing said prior resolution, effective September 30, 2008 to coincide with the repeal of the Code.

### Legal Impact

The City Attorney's Office has reviewed the attached resolution and has approved as drafted.

### Financial Impact

As reported for the Ordinance Repeal, on an annual basis we have budgeted around \$50,000, however, the figures were conservatively modified this year as a result of the termination of the agreement with the Tax Collector. If we were to continue the Occupational License Tax, we would need to make alternate arrangements to collect and issue in-house and the costs for this process would reduce the revenues significantly, as well as most likely increase the staff level to process.

### Staff Recommendation

Based on the above, staff hereby recommends approval of Resolution No. 2008-06 repealing the Occupational License Code fee structure effective September 30, 2008.

RESOLUTION NO. 2008-06

A RESOLUTION OF THE CITY OF BROOKSVILLE  
REPEALING RESOLUTION NO. 95-13 IN ITS ENTIRETY;  
AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 78-103 of the Code of Ordinances entitled Classification and Rate Structure stipulates that the Local Business Tax fees for the standard industrial classification ("SIC") codes adopted shall be fixed by resolution; and,

WHEREAS, Brooksville City Council has repealed Chapter 78, Article III - Occupational Licenses Taxes in its entirety effective September 30, 2008.

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

SECTION 1. Resolution No. 95-13, adopted September 11, 1995, is hereby repealed in its entirety.

SECTION 2. This Resolution shall take effect September 30, 2008.

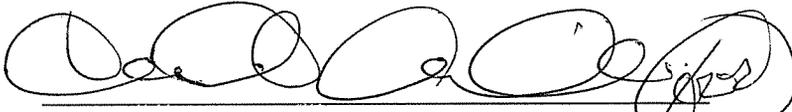
ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

CITY OF BROOKSVILLE

\_\_\_\_\_  
David Pugh, Mayor

ATTEST: \_\_\_\_\_  
Karen M. Phillips, City Clerk

APPROVED AS TO LEGAL FORM & 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

AGENDA ITEM NO. F-3  
3/17/08

To: City Council  
Via: T. Jennene Norman-Vacha, City Manager  
From: Emory Pierce, Director of Public Works  
Date: 28 February 2008  
Subject: Brook Haven LTD (Brook Haven Apartments) – Request for Connection Fee Refund

*Emory Pierce*  
*T. Jennene Norman-Vacha*

The Brook Haven Apartments is located behind the Main Post Office on Cortez Blvd. In the attached Utility Service Agreement (USA) and in accordance with City Code the Developer was allowed to off-set a portion of the water and sewer connection fees with off-site water and sewer improvement expenses. The construction is completed and the Developer is now requesting a refund as allowed by the USA.

The Developer's Engineer has submitted certifications of the costs for the qualified elements of the off-site improvements (attached). I have reviewed them with the "As Built" drawings and find them to be accurate.

The Developer paid up front a total of \$325,198 of water and sewer connection/impact fees and is requesting \$73,427 (\$18,077 water + \$55,350 sewer) as provided for in the USA. This leaves a net of \$251,771 water and sewer connection fees for the City.

This refund was not included into the Capital Needs Plan so an amendment must be made to accommodate it. The Majestic Oaks and Cascades projects are not likely to start up this budget year and will be pushed forward at least another year. I am recommending that the current year funding planned for those two projects are used to fund this refund as follows.

Project	07/08 Budget	Amendment	Funding Source	Comments
Majesty Oaks Force Main Oversizing	\$150,000		Sewer Impact Fees	Use \$53,350 for Brook Haven Apts.
Brook Haven Off-Site Sewer Improvements		\$55,350	Sewer Impact Fees	
Cascades Water Line to Powell Oversizing	\$84,000		Loan Proceeds	Use \$18,077 for Brook Haven Apts.
Brook Haven Off-Site Water Improvements		\$18,077	Water Impact Fees	
Total		\$73,427		

If approved by Council, we will charge \$53,350 to the **Sewer Connection Fees** (408 000 164 19031--Improvements Other Than Buildings) and \$18,077 to **Water Connection Fees** (407 000 164 19031—Improvements Other Than Buildings) for payment of the refund.

**STAFF RECOMMENDATION:** Staff recommends that Council authorize staff to issue a check in the amount of \$73,427 to Brook Haven LTD through the referenced account numbers.



**HAMILTON ENGINEERING & SURVEYING, INC.**

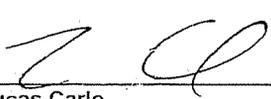
CIVIL ENGINEERING / SURVEYING / ENVIRONMENTAL / LAND PLANNING  
311 NORTH NEWPORT AVENUE, SUITE 100, TAMPA, FLORIDA 33606  
813-250-3535 813-250-3636 (FAX) HESI@HAMILTONTAMPA.COM

Engineer's Certification Total Cost and Quantities

Project name

Brook Haven Apartments

Item No.	Description	Quantity	Unit	Unit Price	Total
<b>Potable Water</b>					
1	12" PVC DR18	965	LF	26.00	\$25,090.00
2	10" PVC DR18	60	LF	21.00	\$1,260.00
3	Wire	1	SP	235.00	\$235.00
4	Det Tape	1	RL	30.00	\$30.00
5	12" PVC Bell Restraint	49	EA	145.00	\$7,105.00
6	12x12 Tapping Sleeve and Valve	1	EA	4535.00	\$4,535.00
7	12x10 Tee	1	EA	660.00	\$660.00
8	12x6 Tee	2	EA	660.00	\$1,320.00
9	12x45 Bend	10	EA	455.00	\$4,550.00
10	12x22.5 Bend	1	EA	455.00	\$455.00
11	12" Gate Valve	1	EA	1750.00	\$1,750.00
12	10" Gate Valve	1	EA	1435.00	\$1,435.00
13	6" Gate Valve	2	EA	530.00	\$1,060.00
14	Valve Box	4	EA	60.00	\$240.00
15	12x2 Tapped Plug	1	EA	150.00	\$150.00
16	12" LPS	1	EA	225.00	\$225.00
17	2" Blow Off Assembly	1	EA	300.00	\$300.00
18	10" Joint Restraint	4	EA	100.00	\$400.00
19	Fire Hydrant Assembly	2	EA	2175.00	\$4,350.00
20	Valve Pads	4	EA	50.00	\$200.00
<b>Total for potable water improvements</b>					<b>\$55,350.00</b>

  
Lucas Carlo

8/25/07 61636



**HAMILTON ENGINEERING & SURVEYING, INC.**

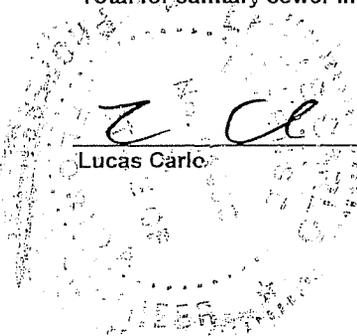
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311 NORTH NEWPORT AVENUE, SUITE 100, TAMPA, FLORIDA 33606  
813-250-3535 813-250-3636 (FAX) HESI@HAMILTONTAMPA.COM

**Engineer's Certification Total Cost and Quantities**

Project name

Brook Haven Apartments

Item No.	Description	Quantity	Unit	Unit Price	Total
<b>Sanitary Sewer System</b>					
1	4' Manhole 6/8'	1	EA	1660.00	\$1,660.00
2	4' Manhole 8/10'	1	EA	2015.00	\$2,015.00
3	4' Manhole 12/14'	1	EA	2500.00	\$2,500.00
4	Concrete for Inverts	3	EA	175.00	\$525.00
5	Set F&C	3	EA	150.00	\$450.00
6	8" SDR 26 6/8'	140	LF	18.00	\$2,520.00
7	8" SDR 26 8/10'	136	LF	21.50	\$2,924.00
8	8" SDR 26 10/12'	134	LF	25.00	\$3,350.00
9	8" SDR 26 12/14'	79	LF	27.00	\$2,133.00
<b>Total for sanitary sewer improvements</b>					<b>\$18,077.00</b>

  
Lucas Carlo

6/1/07 61636

**STAFF REPORT**

**To:** Honorable Mayor and City Council  
**Via:** T. Jennene Norman-Vacha, City Manager  
**From:** Bill Geiger, Community Development Director  
**Subject:** *Release Agreement Between KMS Investment Partnership and the City of Brooksville - Reference Damages to Underground Radial Wiring System on a Radio Tower/Drainage Retention Area site known as Lot 9, David/Manuel Commercial Park Subdivision*

**Project Area:** Near the Southeast Corner of the Intersection of SR 50 (Cortez Blvd.) & SR 50-A (W. Jefferson Street). The location address is 1515 Whitfield Avenue.

**Date:** March 5, 2008

**BACKGROUND HISTORY**

During the 2002 legislative session, the City was awarded a grant in the amount of \$980,000 through the Transportation Outreach Program (TOP). \$675,000 of the grant was targeted to be leveraged with CDBG-ED and City impact fee funds to build a portion of a reverse frontage road along SR 50, along with related drainage and utilities. Additionally, TOP funding was planned to cover the cost of purchasing a new transit bus (\$110,850) and provide pedestrian-related improvements to the downtown area with the balance of funds (\$194,150). A portion of the frontage road network (Whitfield Avenue) was constructed in conjunction with the Tractor Supply Company project using CDBG-ED funds (\$179,958.38). The bus was purchased and transferred to the County pursuant to terms specified within an interlocal agreement, to augment the fixed-route transit system.

Due to high right-of-way acquisition costs, on December 18, 2006, the City Council reduced the scope of the reverse frontage road project and authorized staff to proceed with implementing the construction of only those portions of the project within rights-of-way currently owned by the City. Additionally, City Council directed staff to research the possibility of using surplus TOP funds to do pedestrian-related improvements in the downtown area. On June 18, 2007, City Council awarded a contract to WDG Construction, Inc., to do the reduced-scope frontage road project in the amount of \$339,999.99.

WDG Construction, Inc., commenced work on the road project in mid August 2007. On August 22, 2007, the silt fence subcontractor, during the installation of silt fencing around the perimeter of the existing DRA on Lot 9 of the David/Manuel Commercial Park subdivision, cut into an underground radial copper wiring system that provides signal enhancement for the existing radio tower on the site. The ground radial system is privately owned and was not identified by the "utility locate" process. Staff met with the property owners of the DRA site (KMS Investment Partnership) on August 23, 2007, to assess the situation. The ground radial system is a web of small (#10) copper wiring that is placed 2-6" underground. The wiring is run in lines that start at the tower base and stretch out to varying distances within the DRA, and as previously mentioned, serve to enhance the signal strength for the broadcast station. During the discussion of the topic concerning the wires that were cut, the issue of needing an easement was brought up. As a point of history, when the David/Manuel Commercial Park plat was approved (April 2002), page two of the plat provided for a restriction that states, "*LOT 9 IS RESTRICTED FOR USE AS A DRAINAGE RETENTION AREA (DRA) AND FOR A POTENTIAL COMMUNICATION*

*TOWER SITE. SAID DRA IS DESIGNED TO HANDLE THE DRAINAGE FROM THE "FUTURE DEVELOPMENT" AS NOTED ON THIS PLAT AS WELL AS THAT PORTION OF THE FUTURE ROAD SECTION DESIGNATED AS TRACT "A" ON THIS PLAT.* Although the plat did not formally dedicate an easement, the restriction implies the right to place water from the improved condition of the plat into the DRA. For this reason, the property was not targeted as an acquisition for ownership or easement parcel in conjunction with this project.

Since the Providence Boulevard/Whitfield Avenue project includes an area that is located outside the platted subdivision, the engineer designed a portion of the existing pond to be excavated an additional average of 1.5 feet more than its current condition. This was necessary in order to meet SWFWMD permitting requirements for the project, and to continue to maintain the storage/treatment capacity for the area labeled as "FUTURE DEVELOPMENT" on the plat. Since the DRA property is under a fee simple ownership, and the project impact was for more than what the restriction placed with the plat contemplated, the city attorney indicated that an easement would be required.

Communication commenced with the property owners for KMS Investment Partnership, with respect to working through the issues and concerns in granting an easement, including the issue of reimbursement for the repair/replacement of the ground radial system that was and would further be disturbed in excavating the DRA. Near the end of October 2007, an impasse was reached with regard to negotiating an easement agreement for the City to be able to use the KMS property as a drainage retention area for this project. The City and the property owner were unable to come to terms on an agreement due to issues that included the property owner's desire for the City to waive sovereign immunity, pay costs for excavation and use of the soil, pay maintenance costs (compounded annually) for the continued use of the site as a retention area, etc. Subsequent to the impasse, the City's legal staff continued communication with the property owner concerning a settlement agreement/release for repairing the aforementioned ground radial wiring system.

The City continued to move forward with projects in which the TOP funding could be utilized, and has completed the installation of approximately 6,200 linear feet of sidewalk pedestrian improvements along Cortez Boulevard and Broad Street in the downtown. These sidewalk projects as well as the purchase of some of the required right-of-way for Governor Boulevard have been deemed eligible for reimbursement under the TOP grant based on staff communication with the FDOT. The TOP grant is required to be closed out by the end of April 2008.

### **CURRENT STATUS**

At this time a Release Agreement has been negotiated that provides for the City to pay the KMS Investment Partnership the actual restoration costs of \$25,000 to restore the ground radial wiring system. The release provides for the property owner to release the City from "any and all claims, demands and causes of action, of whatsoever nature, whether in contract or in tort, for any and all damages, that have accrued or may ever accrue to Releasor, for or on account of the Incident."

**STAFF RECOMMENDATION**

Accept/approve the Release Agreement as written, and authorize the Mayor to sign said agreement and further authorize the disbursement of funds to the Releasor.

**BUDGET IMPACT**

The Release Agreement provides for the City to pay KMS Investment Partnership the actual restoration costs of \$25,000 to restore the ground radial wiring system. It is anticipated that the initial funds to settle this issue will come from the City's General Fund Contingency Reserves. The City is currently in the process of coordinating with its insurance carrier to submit a claim for reimbursement. Based on preliminary discussions, it appears that this claim will be covered by the City's insurance policy.

**MOTION**

Approval of staff recommendation.

Attachment: Proposed Release Agreement

pc: file

## RELEASE

THIS RELEASE between KMS INVESTMENT PARTNERSHIP, a Florida General Partnership (“Releasor”) and THE CITY OF BROOKSVILLE (the “City”) is dated the \_\_\_\_ day of March, 2008.

**WHEREAS**, The City undertook certain construction and improvements of a drainage retention area located on the Releasor’s property identified as follows: Lot 9 of David/Manuel Commercial Park, a subdivision as per plat recorded in Plat Book 33, Pages 3-4, of the Public Records of Hernando County, Florida (“Property”). The construction/improvements damaged the underground radial wiring systems of Releasor. (the “Incident”);

**WHEREAS**, as consideration for this Release, the City has agreed to reimburse the Releasor for the actual costs to restore the damaged underground radial wiring systems disturbed by the City *prior to the date of this Release* (“Restoration Costs”) in the amount of Twenty-five Thousand Dollars (\$25,000.00);

**KNOW ALL MEN BY THESE PRESENTS THAT**, KMS INVESTMENT PARTNERSHIP, a Florida General Partnership , for itself, its heirs, members, managers , all officers, directors, employees, shareholders, partners, parent companies, subsidiaries, affiliates, legal representatives, associates of the foregoing entities, and the successors and assigns of the foregoing parties, (collectively, the “Releasor”), in consideration of the sums set forth herein, hereby **RELEASES, ACQUITS and FOREVER DISCHARGES, THE CITY OF BROOKSVILLE** (the “City” or "Parties Hereby Released") from any and all claims, demands and causes of action, of whatsoever nature, whether in contract or in tort, for any and all damages, that have accrued or may ever accrue to Releasor, for or on account of the Incident.

The payment of the Restoration Costs shall be deemed by the parties to fully compensate Releasor for all damages caused by the City, its employees, agents, and contractors prior to the date of the execution of this Agreement. UPON THE PAYMENT BY THE CITY TO THE RELEASOR OF THE RESTORATION COSTS OF \$25,000.00 THIS RELEASE SHALL BECOME IMMEDIATELY EFFECTIVE. NO FURTHER ACTION OR ACKNOWLEDGEMENTS BY THE RELEASOR ARE REQUIRED TO AFFECT THIS RELEASE.

The aforementioned sum is accepted by the undersigned in full compromise and settlement of all claims and causes of action whatsoever being asserted or that might have been asserted in any civil action or otherwise, for damages, and Releasor understands and agrees that this is in full satisfaction for all relief sought arising on account of the incidents stated above and Releasor will receive no further sums of money. Releasor agrees not to assert or prosecute any further claims or lawsuits therefore against anyone whomsoever, whether or not herein otherwise named, described or identified arising out of the Incident. Any and all claims not specifically released herein, if any, are hereby assigned in full to the Parties Hereby Released.

By execution of this Agreement, Releasor, releases, (as defined above), the City from any and all damages arising out of the Incident.

As part of the consideration for the payment mentioned above, the Releasor expressly warrants and represents, and does hereby for itself, its legal representatives, successors, and assigns, that:

1. It is legally competent to execute this release agreement;
2. It has not assigned, pledged or otherwise in any manner whatsoever, sold or transferred, either by instrument in writing or otherwise, any right, title, interest or claim which it has or may have by reason of the property damage described above, or any matter arising out of or related thereto other than its attorneys of record.

It is agreed and understood that the payment of the above mentioned sum of money is being made by the Parties Hereby Released in compromise and settlement of a disputed claim and in order that such parties may buy their peace. Such payment is in no way to be construed as an admission of liability on the part of the Parties Hereby Released or anyone else.

Releasor has informed itself of all terms, contents, conditions and effect of this instrument; that in making this settlement no promise or representation of any kind has been made to Releasor by the Parties Hereby Released or by anyone acting for Releasor except as is expressly stated in this instrument. Releasor has relied solely and completely upon Releasor's judgment and fully understands that the sum of money mentioned above together with any and all previous sums paid is all the money that is ever to be paid to

Releasor or anyone else as the result of the above described Incident whether for past or future damages; and that the Parties Hereby Released have made no representations to Releasor regarding the tax treatment of the consideration that has been paid for this release.

Governing Law. All questions, issues or disputes arising out of or under this release, shall be governed by the laws of the State of Florida and State jurisdiction is hereby agreed by Releasor to be in Hernando County, Florida, and Federal jurisdiction is hereby agreed by Releasor to be in the Middle District of Florida and all Federal litigation shall be filed and litigated in Tampa, Hillsborough County, Florida. In the event that any litigation is commenced by either party to enforce this release, the action will be filed and litigated, if necessary, in a Court of competent jurisdiction located in Hernando County, Florida; and if the City elects to bring such action in Hernando County, Florida, Releasor waives any and all rights to have this action brought in any place other than Hernando County, Florida, under applicable venue laws. Releasor hereby agrees that the jurisdiction and venue of all disputes arising out of this release lie in no Court other than those stated above.

General. The invalidity of any provision of this release or any covenant herein contained on the part of any party shall not affect the validity of any other provision or covenant hereof or herein contained which shall remain in full force and effect. Releasor agrees to sign all such documents and do all such things as may be necessary or desirable to completely and effectively carry out the terms and conditions of this release. Time shall be of the essence of this release. In this agreement, wherefore the singular and masculine are used, they shall be construed as if the plural or the feminine or the neuter had been used, where the context or the party or parties so requires, and the rest of the sentence shall be construed as if the grammatical and the terminological changes thereby rendered necessary had been made. Paragraph headings are provided as an organizational convenience and are not meant to be construed as material provisions of this agreement. Releasor agrees that this release is consummated and entered into in Hernando County, Florida.

Severability. Whenever possible each provision and term of this release will be interpreted in a manner to be effective and valid but if any provision or term of this

release is held to be prohibited or invalid, then such provision or term will be ineffective only to the extent of such prohibition or invalidity, without invalidating or affecting in any manner whatsoever the remainder of such provision or term or the remaining provisions or terms of this release.

Releasor acknowledges that it has read this release and understands the terms and conditions herein. Further, Releasor has caused this Agreement to be executed on its behalf by the authorized officer whose signature appears below under its name, to be effective as of the date written above.

EXECUTED this \_\_\_\_ day of \_\_\_\_\_, 2008.

**IN WITNESS WHEREOF**, the parties have signed and sealed these presents as of the day and year first above written.

“RELEASOR”

WITNESSES:

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Approved by City Council on:  
\_\_\_\_\_

CITY OF BROOKSVILLE

BY: \_\_\_\_\_  
David Pugh, Mayor

ATTEST:

\_\_\_\_\_  
Karen M. Phillips, City Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
BY \_\_\_\_\_  
City Attorney



## AGENDA ITEM MEMORANDUM

**TO: HONORABLE MAYOR AND CITY COUNCILMEN**  
**FROM: T. JENNENE NORMAN-VACHA, CITY MANAGER**  
**SUBJECT: BROOKSVILLE GOING GREEN**  
**DATE: March 7, 2008**

**GENERAL SUMMARY/BACKGROUND:** What better day to show and share the Brooksville green than St. Patty's Day (March 17<sup>th</sup>) the day of the next City Council meeting. We are looking at several "green" initiatives that are very important to us as a government, as a City and as citizens/taxpayers.

During the St. Patty's Day meeting, staff will roll out presentations on some green initiatives that we recommend implementing over the next few months. Our proposed initiatives for going green are not only good for our own individual lifestyles, but our streets, neighborhoods, and our City. Our proposed green initiatives offer advocacy, information and facilitation in designing and building a more "Green City" for our future. Our envisioned green initiatives for Brooksville might look something like this:

*The citizens of Brooksville live in a community with tree-lined streets and lush green neighborhoods. We will have a natural trail that connects to an extension trail system across the state; we will enjoy clean air and water; we emphasize recycling and reuse; and we will minimize stormwater runoff. Our homes and commercial buildings will be designed for sustainability and energy efficiency; and newly constructed and/or retrofitted buildings will be environmentally responsible, profitable and healthy places to live and work. We will consciously seek ways to be more energy efficient and invest in long-term energy saving strategies.*

*We will take a green approach to how we manage our City's infrastructure, ensuring that greening not only beautifies, but increases public safety, reduces noise and airborne pollution, cuts city maintenance costs, improves resource efficiency, reduces our water consumption, and enhances our ability to manage wastewater.*

*City governmental agencies will be working partners with other agencies that promote green initiatives and with our citizens to create an attractive, clean area in which to live, and to protect the natural resources upon which all life is dependent.*

During the St. Patty's Day meeting, staff and "green partners" will highlight the following areas for discussion with City Council:

**Green Energy Efficiencies and Conservation** – Our partners at Progress Energy will discuss energy efforts across the State and its impact to Brooksville and efforts in growing a green community. Staff will discuss steps that we have already taken in looking at our own operations and facilities for better energy efficiencies and conservation. We will discuss with Council the need for installing energy-efficient lighting throughout our facilities; energy-saving devices that can be installed; motion sensors that turn off lights when the area is unoccupied; and others.

**Green Gardening** – Landscaping and garden maintenance activities can be major contributors to pollution. Soils, yard wastes, over watering and garden chemicals become part of the urban run-off mix that winds its way through neighborhoods, streets, gutters and storm drains.

Poorly functioning sprinklers and over watering, for example, waste water and increase the number of pollutants flowing into storm drains.

Leaves, grass clippings and tree trimmings that are swept or blown into the streets and gutters are also pollutants. These wastes clog drainage systems, increasing the risk of flooding our streets, and carry garden chemicals into our City.

Staff will discuss efforts to improve this green area and how we can provide better information and education programs to our citizens.

**Green Trees** – The City of Brooksville has been recognized by the National Arbor Day Foundation and the National Association of State Foresters as a "TREE CITY USA" community for the last 14 years. This recognition is based on the City's commitment to tree preservation, regulation, planting programs and continually meeting the criteria for this nationally recognized program. There are currently over 3,200 communities recognized as being a "TREE CITY USA."

Being a TREE CITY USA establishes a positive public image. It tells visitors to our community that we care about our environment. It is an indication to prospective businesses that the quality of life here might be better.

In continuing the effort to protect our "GREEN" urban forest resources, it is important that we continue to promote and educate citizens on the benefits of our beautiful trees and how we can all exercise better care of our existing tree resources. We must inform and educate our community on the effect and benefit that trees in our community have in providing us with cleaner air, shadier streets and aesthetic, natural beauty. It is important that we sponsor and provide public awareness and education of ways to improve our urban forestry practices.

For greener tree efforts, we must emphasize the cooperation between public and private interests in effectively managing our urban forest community and further develop programs that include tree replacement on our canopy streets, private property tree preservation and planting, and educational programs that increase public awareness of the many social, economic and environmental benefits of preserving and cultivating one of our most important, natural assets.

In April we will celebrate Arbor Day. Staff will discuss planned activities and information and education that can be provided to our community to preserve our trees and green areas.

Progress Energy will discuss their partnership efforts with the City for providing citizen education and their “Power-line Friendly Trees Program” for Brooksville.

**Green Recycling** - Recycling prevents the emission of many greenhouse gases and water pollutants, saves energy, supplies valuable raw materials to industry, creates jobs, stimulates the development of greener technologies, conserves resources for our children's future, and reduces the need for new landfills and combustors. Critical goals for overall waste reduction include conservation and reuse.

Staff will discuss recycling and local efforts for our City. Although we are not able to implement a curbside recycling program at this time, we believe that there are steps that we can take as a community to improve recycling efforts.

**Green Water Conservation** – Water supply is critical for the sustainability of any community and Brooksville is not different. Water efficiency and controlling water usage can be key in this area. There are many ways to implement and encourage water savings. For the City of Brooksville, we believe that it is important for us to make strides in reducing the quantity of water needed for a given individual business or residence, which in turn can reduce the burden of a building on our water and wastewater treatment facilities. This can include developing local green building strategies; encouraging and implementing water efficient landscaping that limits or eliminates the use of potable water for irrigation; continuing to improve the City's water and wastewater lines, decreasing infiltration and increasing reuse programs; and providing education and information to citizens on conserving water indoors and outdoors.

Partnerships with the Southwest Florida Water Management District will be essential to our public awareness, education and being successful in this area.

We know that there are many ways to be green and establish energy/environmental improvements in our City that are tightly linked in natural and economic systems. Perhaps our discussions will result in promoting the “green” in our own house and then out into the streets and neighborhood of our City. We will seek your thoughts, input and direction for implementing Green Goals in and with the citizens of Brooksville.

# CORRESPONDENCE-TO-NOTE

## REGULAR COUNCIL MEETING – March 17, 2008

1. TYPE: Audit  
RECEIVED FROM: Brooksville Housing Authority  
SUBJECT: Audit Report for the BHA, for year ending 12/31/06.
  
2. TYPE: Cover letter  
DATE: January 30, 2008  
SENT BY: City Clerk Phillips  
ADDRESSED TO: State of Florida Capitol Mail Room Distribution  
SUBJECT: Request for distribution of City's Annual Report (Sec. 119.071(5), FS 2007 Re: SSN Requests) to the FL. Governor, Senate President and Speaker of the House.
  
3. TYPE: Letter  
DATE: February 14, 2008  
RECEIVED FROM: Cynthia A. Schuler, CEO/Kids Central, Inc.  
ADDRESSED TO: Brooksville City Council and Mayor  
SUBJECT: In appreciation for the City recently waiving rental fees for their 'Independent Living Fair' at the Jerome Brown Community Center.
  
4. TYPE: Letter  
DATE: February 18, 2008  
RECEIVED FROM: Angela Crist, Director/USF Florida Institute of Government (FIOG)  
ADDRESSED TO: City Clerk Phillips  
SUBJECT: Notification that the FIOG will be in contact with the City in the near future, to review their services and discuss ways in which they can assist the City in providing quality governmental services.
  
5. TYPE: Cover Letter  
DATE: February 22, 2008  
SENT BY: City Manager Norman-Vacha  
ADDRESSED TO: Wanda McVeigh  
SUBJECT: Cover for appreciation certificate, acknowledging Ms. McVeigh's recent art donation to the City entitled "The Window".

6. TYPE: Cover Letter  
DATE: March 3, 2008  
SENT BY: Patricia J. Jobe, Planning & Zoning Coordinator  
ADDRESSED TO: Ming Gao, District Public Transportation Manager/Florida  
Department of Transportation  
SUBJECT: Cover for documents necessary for \$228,833.08  
reimbursement request for Contract No.AM827-FPN #413025-  
1-94-01-TOPS Grant.

Monthly Departmental Reports (January 2008)

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

Miscellaneous Minutes

City Advisory Boards:

Parks & Recreation January 23, 2008

Council Rep. Boards:

Metropolitan Planning Organization December 18, 2007

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

**BROOKSVILLE HOUSING AUTHORITY**  
Brooksville, Florida

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**REPORT ON AUDIT OF BASIC FINANCIAL STATEMENTS  
AND SUPPLEMENTAL INFORMATION**

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**FOR THE YEAR ENDED DECEMBER 31, 2006**

*Rec'd 3-5-08  
S. Langford*

*ofn 3/12/08*

# City of Brooksville



(352) 544-5400 (Phone)  
(352) 544-5424 (Fax)  
(352) 544-5420 (TDD)

FEDex # 8559 2201 8867  
0215

January 30, 2008

State of Florida  
Capitol Mail Room  
Office of Governor Charlie Crist  
400 S. Monroe St.  
Tallahassee, FL 32399-0001

Re: Mail Distribution

Dear Mail Room Manager:

Please distribute the enclosed letters to the appropriate recipients. Thank you for your assistance.

Sincerely,

Karen M. Phillips  
Director of Administration/City Clerk

:ms



# KIDS CENTRAL, INC.

A COMMUNITY APPROACH TO THE WELFARE OF CHILDREN

*Building Better Lives*

February 14, 2008

Brooksville City Council & Mayor Pugh  
201 Howell Avenue  
Brooksville, FL 34601

Dear Mayor Pugh:

*Kids Central, Inc. is committed to building better lives for children. Your gift will bring comfort to deserving children as we help them through some difficult times in their lives.*

*On behalf of the staff at Kids Central, Inc. and the children we serve, thank you very much for your thoughtfulness. Your donation of rental fees at the Jerome Brown Center for our Independent Living Fair on behalf of our Independent Living Youth will help improve the life outcome of an at-risk child.*

Sincerely,

Cynthia A. Schuler  
Chief Executive Officer

*We really appreciate your support of this endeavor. Cyndi*

PC. CTW ✓ 3/12/08  
JWU  
Mike W. Baker



*JP*



02-25-08 P03:03

February 18, 2008  
Karen Phillips  
City Clerk  
City Of Brooksville  
201 Howell  
Brooksville, Fl 34601

Note City Council all  
rec'd copies -

CTW to them

Dear Ms. Phillips:

Unfunded mandates, budget restrictions, expanding public service needs!! *The John Scott Dailey* Florida Institute of Government (FIOG) at the University of South Florida (USF), Tampa would like to help. The FIOG staff and I, the new Director of the Institute, are dedicated to our mission "to increase the effectiveness and quality of government in Florida through applied research, training, technical assistance programs and public service." The FIOG's location at USF is not by chance, but by design to facilitate the cooperation and coordination between the state's educational, governmental and non-profit organizations.

The Florida Institute of Government was established by the state legislature in 1981 as a part of a consortium hosted by state universities with a shared statewide mission: to increase the effectiveness and quality of government in Florida through applied research, training, technical assistance programs and public service. Now, 27 years later there are 6 Institutes: the IOG headquarters in Tallahassee at FSU and across the state at UF in Gainesville, FAU in Boca Raton, UCF in Orlando, FGCU in Ft. Myers and at the University of South Florida, Tampa, in the College of Arts and Sciences. What this consortium means to you is the availability of top-notch professionals from across the state prepared to work with you to find solutions.

Since its inception, the FIOG at USF has provided training and technical assistance to code enforcement officers, city clerks, elected and appointed local and state governmental officials, volunteers and the general public. Topics range from team building, strategic planning, and goal setting to effective written and verbal communications, the sunshine law, Robert's Rules, media relations and Discrimination and Harassment. In addition, the FIOG partners University professionals from a variety of disciplines with organizational leaders charged with solving specific local issues to identify, evaluate and implement effective solutions; for example: traffic studies and remediation; water quality issues; architectural design standards; emergency management planning; charter review processes and citizen opinion surveys etc. An Executive Fellows program and the Community Water Leadership Program are examples of other FIOG initiatives that unite diverse individuals and organizations to address common goals.

Over the next few months we will be contacting you to arrange a personal meeting to review the services available through the Institute and to discuss the ways in which we may be able to assist you in continuing to provide effective high quality governmental services. Our mission is to provide each of our clients with the customized services needed to achieve their goals.

We look forward to meeting you and customizing your solution!

Sincerely,  
  
Angela Crist  
Director

  
CTW 3/17/08

F-

# City of Brooksville



(352) 544-5400 (Phone)  
(352) 544-5424 (Fax)  
(352) 544-5420 (TDD)

February 22, 2008

Mrs. Wanda McVeigh  
5209 Championship Cup Lane  
Brooksville, FL 34609

Dear Mrs. McVeigh:

This will formally acknowledge your donation to the City of Brooksville of:

"The Window" Painting

<input checked="" type="checkbox"/>	Value of Donation:	<u>\$1,500.00</u>
<input type="checkbox"/>	Funds deposited to account:	<u>N/A</u>
<input checked="" type="checkbox"/>	Item(s) assigned to:	<u>General Govt.</u>
<input type="checkbox"/>	Other:	<u>N/A</u>

We are grateful for your generosity and thank you for considering the City. Please accept this Certificate from the Mayor with our appreciation.

Sincerely,

T. Jennene Norman-Vacha  
City Manager

pc: Honorable Mayor and City Council Members  
Finance Director

G:\WP\_WORK\Clerk\Office\Donation Thank You Letters\McVeigh Donation TY Ltr.doc

cm 3/17/08

# City of Brooksville



(352) 544-5400 (Phone)  
(352) 544-5424 (Fax)  
(352) 544-5420 (TDD)

March 3, 2008

Ming Gao  
District Public Transportation Manager  
Florida Department of Transportation (M. S. 7-330)  
11201 North McKinley Drive  
Tampa, FL 33612

Ref: FDOT Transportation Outreach Program - Contract No. AM827 - FPN #413025-1-94-01

Dear Mr./Ms. Gao:

Enclosed please find the required documents necessary for reimbursement for the above referenced contract. We are requesting reimbursement of \$228,833.08 in project costs as documented by the attached invoice and check copies. Copies of all documentation regarding this contract are located in the Community Development Department and may be viewed at any time.

If we can be of any further assistance in regards to this matter, please do not hesitate to contact this office.

Sincerely,

  
Patricia J. Jobe  
Planning & Zoning Coordinator

enclosures



# CITY OF BROOKSVILLE

Community Development Department  
 Monthly Activity Report  
 January 2008

CATEGORY	This Month January 2008	Fiscal Year to Date 10/01/07 - 01/31/08	This Month Last Year (January 2007)	Last Fiscal Year to Date 10/01/06 - 01/31/07
Building/Development Reviews	33	126	52	92
Occupational Licensing Reviews	2	19	15	68
Zoning Research Responses	63	224	67	255
Variances	0	2	1	1
Special Exceptions	0	1	1	3
Re/Zoning Amendments	0	1	0	5
Annexation	0	0	1	2
Conditional Plat	0	0	0	1
Final Plat	0	1	0	2
PDP Master Plan SEU/Zoning	0	1	1	6
Comprehensive Plan Amendments	0	1	0	1
Code Enforcement Violations	25	95	12	41

**PARKS & RECREATION ADVISORY BOARD**

January 23, 2008

5:15 P.M.

Parks Advisory Board held a meeting on January 23, 2008 in Council Chamber.

**MEMBERS PRESENT:** James Brooks  
Richard Gant, Vice Chairperson  
Mark Blanton  
Sally Sperling, Alternate  
Gary Schraut  
Toni Maletta, Alternate  
Alan Garman  
Joe Bernardini, Council Member

**MEMBERS ABSENT:** William Chatman

**OTHERS PRESENT:** Mike Walker, Parks & Recreation Director  
Audrey Williams, Recording Secretary  
Louise and John Downey

**CALL TO ORDER:**

Chairperson Brooks called meeting to order at 5:16 P.M.

**APPROVAL OF MINUTES:**

Chairperson Brooks called for approval of minutes from July 12, October 8, 2007 meeting. Member Schraut made motion for approval.

The Advisory Board's vote was unanimous, **Motion Carried.**

pc: 'read'  
3/17/08 eth ✓

**METROPOLITAN PLANNING ORGANIZATION BOARD**

**HERNANDO COUNTY**

**DECEMBER 18, 2007**

The Metropolitan Planning Organization Board met in Regular Session in the John Law Ayers Room, Government Center, Brooksville, Florida, on Tuesday, December 18, 2007, at 1:35 p.m. Members present were: David D. Russell, Jr., Chairman; Christopher A. Kingsley, Vice Chairman; Rose Rocco; Diane B. Rowden and Jeff Stabins, Commissioners; and Bob Clifford, Department of Transportation representative. Staff members present were: Garth Collier, County Attorney; Dennis Dix, MPO Coordinator; Larry Jennings, Interim County Administrator; Hugh Pascoe, MPO Planning Advisor; and Sherry Crum, Secretary.

City of Brooksville Mayor David Pugh was not present.

The meeting was called to order at 1:35 p.m. by Chairman Russell, followed by the Pledge of Allegiance.

**MPO – Agenda – Approval of Agenda**

The Agenda for December 18, 2007, was submitted for approval.

**Motion**

Comm. Rowden moved to approve; seconded by Comm. Rocco and carried 4-0.

**Minutes – MPO – Approval of Regular Meetings of September 6 and September 25, 2007**

The Minutes for the Regular Meetings of September 6 and September 25, 2007, were submitted for approval.

**Motion**

Comm. Rocco moved to approve; seconded by Comm. Stabins and carried 4-0.

PC: 'Rocco'  
eth 3-17-08  
R