

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

AGENDA

January 7, 2008

7:00 P.M.

A. CALL TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. CONSENT AGENDA

1. Minutes

October 1, 2007 CRA, LPA & Regular Meeting
October 15, 2007 Regular Meeting
November 5, 2007 Local Planning Agency Meeting

2. Firefighter Pension Trust Fund (FFPTF) Board Member

Ratification of appointment of Frank R. Phillips as the "fifth member" of the FFPTF for a two year term of office through January 31, 2010 as recommended by the Pension Board at its meeting on December 13, 2007.

3. Police Pension Trust Fund (PPTF) Board Member

Ratification of appointment of Jason Matheson to the PPTF for a 2-year term of office through January 31, 2010, as elected by members of the PPTF on December 28, 2007.

4. Water System Upgrade State Financial Assistance Agreements

Authorization for City Manager to sign the above named agreements associated with the \$250,000 appropriation the City was awarded for a Water System Upgrade project in downtown Brooksville.

5. FDLE Edward Byrne Memorial Justice Assistance Grant (JAG) Program

Consideration of approval to apply for funds in the amount of \$5,668 to purchase Digital Patroller Cameras with flash card capabilities and authorize the signature of the Mayor on the application.

6. Beautification Board Appointment

Consideration of re-appointment of current member, Sarah L. "Sally" Sperling, to an expiring 3-year term of office through January 31, 2011.

7. City Hall Generator Wall Bid

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

8. Broad Street Sidewalk Extension/FDOT TOPS Grant

Requesting Council Approval of a \$4,664.80 cost increase for handrails and authorization to pay contractor final amount of \$47,353.80 to be reimbursed through the TOPS Grant

REGULAR CITY COUNCIL MEETING - JANUARY 7, 2008

CONSENT AGENDA APPROVAL (√)

Recommendation: Approval of Consent Agenda
Action: Motion to Approve
Attachments: 1) Minutes; 2) Memo from FFPTF Secretary dated December 14, 2007, Board Member List; 3) Memo from FFPTF Board Secretary dated 12/14/07; 4) Memo from Director of Public Works dated 12/10/07, Agreement, map; 5) Memo from Police Chief dated 12/21/07; Grant Application; 6) Memo from Director of Administration dated 12/26/07, Member List, Applications; 7) Memo from Director of Public Works dated 12/18/07, Plans; 8) Memo from Director of Public Works dated 12/21/07, Change Order

D. CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

1. Kiwanis Club

Presentation of \$1,000 to help offset costs for traffic control by the City in conjunction with the annual Christmas Parade.

Presentation: Ron Wheelles
Attachment: Letter from Kiwanis Club President dated 10/26/07

2. Flatlanders Challenge

Approval of temporary closing of designated streets for the 2008 Flatlanders Challenge and waiver of fees for traffic control in the amount of \$1,159.

Presentation: Addison Sullivan, Event Coordinator
Attachment: Memo from Coordinator dated 12/28/07; Street Closing Permit

3. Kid Central, Inc, Request for Fee Waiver

Consideration of fee waiver in the amount of \$185 for a resource fair promoting the welfare of children through prevention services to be held on February 18, 2008, from 3:00 - 7:00 p.m. and free to the public.

Presentation: Kara M. Votta
Attachment: Memo from Director of Parks & Recreation dated 12/18/07; Letter from Kid Central, Inc. dated 11/13/07; Facility Use Agreement

REGULAR CITY COUNCIL MEETING - JANUARY 7, 2008

4. Friends of R.L. Lewis Artwork Community Project

Presentation of Giclee Renditions of Brooksville Avenue (Water Tower) oil painting by R. L. Lewis, one of the original "Florida Highwaymen" Painters, in appreciation for fundraising project for the purchase of original artwork.

Presentation: Joseph E. Johnston, III -
Project Coordinator
Attachment: Memo from Director of
Administration dated 12/26/07

5. Proclamation - Tom Hudson Retirement

Proclamation in honor of the retirement of Tom Hudson from the Parks & Recreation Department after over 7 years of service.

Presentation: Mayor
Attachment: Proclamation

6. Brooksville Raid Festival use of Jerome Brown Bus

Consideration of use of the Jerome Brown bus to help shuttle spectators to the event and authorization for City employee and Brooksville Raid Board Member to drive the bus pending receipt of Insurance Certificate naming the City as additional insured.

Presentation: Brooksville Raid Chairman
Attachment: Letter from Chairman dated
12/11/07; Certificate of
Insurance.

E. PUBLIC HEARING

1. Notice of Intent - City-wide Radio Read Meter Installation Project

Public review of proposed project approved by Council on December 4, 2006 as required by USDA.

Presentation: Director of Public Works
Action: Public Input
Attachment: Notice

F. REGULAR AGENDA

1. Investment of Funds

a. Investment Policy No. 3-95(b)

Amendment to Policy adding provisions for additional investment options and clarifying language pursuant to F.S. 218.40 - 218.415.

b. Resolution No. 2008-01

Consideration of resolution authorizing Investment Policy and provisions of F.S. 218.40 - 218.415.

Presentation: Finance Director
Recommendation: (a) Approval of amendment
(b) Approval of Resolution
upon roll call vote
Action: Motion to approve each item
individually
Attachment: Memo from Finance Director
dated 12/26/07; Proposed
Policy Amendment & Resolution

REGULAR CITY COUNCIL MEETING - JANUARY 7, 2008

2. **Southern Hills Plantation Phase 3-A-1 - Final Plat Approval**
Consideration of approval of the final plat as submitted by Coastal Engineering Associates, Inc., date stamped 12/18/07 and authorize Mayor to sign the plat documents.

Presentation: Director of Community Development
Recommendation: Approval of Agreement
Action: Motion to Approve
Attachment: Memo from Director of Community Development dated 12/19/07; Performance Bond; Narrative; Certificate of Cost Estimate; Final Plat

3. **Brookstone Subdivision Plat**
Design Issues (a) Moline St. paving & sidewalk; and (b) Highland Street sidewalks (tree removal associated with installing the sidewalks).

Presentation: Developer Representative
Recommendation: Approval of Plat
Action: Motion to Approve
Attachment: Memo from Community Development Director dated 12/19/07; Narrative; Tree Mitigation Plan; Plat

4. **Good Neighbor Trail Project - Florida Recreation Development Assistance Program (FRDAP) Grant Project No. F06253**
Approval to withdraw acceptance of the grant award for FRDAP Project No. F06253 in the amount of \$200,000 and authorize staff to prepare a new application, which may be submitted during the next FRDAP grant application cycle.

Presentation: Community Development Director
Recommendation: Approval
Action: Motion to Approve
Attachments: Memo from Director of Community Development dated 12/19/07

5. **US41/SR50 Connector Road (Governor Blvd.) Implementation Update**
Update/information regarding agreements with Hernando County and Hernando County Fair Association (separately) with Hampton Ridge Developers, LLC, for US41/SR50 Connector Road (Governor Blvd.) Project.

Presentation: City Attorney

6. **Community Budget Issue Requests (CBIR's) for Consideration by the Legislative Delegation for FY2007/08**
Consideration of ratification of CBIR's and authorize submission to the Hernando County Legislative Delegation with a request for sponsorship and support.

Presentation: Community Development Director
Recommendation: Approval
Action: Motion to Approve
Attachments: Memo from Director of Community Development dated

REGULAR CITY COUNCIL MEETING - JANUARY 7, 2008

12/27/07; CBIR's

7. Policy No. 1-2008 Take Home Vehicle

Consideration for approval and adoption of proposed Policy No. 1-2008 Take Home Vehicle Policy.

Presentation: City Manager
Recommendation: Approval or Direction to Staff
Action: Motion to Approve
Attachment: Memo from City Manager dated 12/31/07

G. ITEMS BY COUNCIL

H. CITIZEN INPUT

I. ADJOURNMENT

CORRESPONDENCE TO NOTE

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

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

L:\agenda\01-07-08 Agenda\01-07-08 Regular Meeting.doc

**CITY OF BROOKSVILLE
COMMUNITY REDEVELOPMENT AGENCY
LOCAL PLANNING AGENCY
AND
REGULAR CITY COUNCIL MEETINGS
COUNCIL CHAMBERS
201 HOWELL AVENUE**

MINUTES

OCTOBER 1, 2007

7:00 P.M.

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

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

Mayor Pugh proposed the following changes to the Agenda:

1. Move Item G-7, approving the City Attorney contract, forward as we do not currently have an attorney.
2. To continue having the LPA meeting separately and move Items F1A, F1B and F2a to a separate LPA Meeting.
3. He also indicated that there was an additional nominee for the Great Brooksvillian, which was Bob Martinez, and requested the item be moved forward as well, to right after Item E-5 for a presentation.

Council consensus was to allow the changes.

City Attorney Contract

Approval of negotiated contract with The Hogan Law Firm for the position of City Attorney.

Mayor Pugh indicated the Hogan Law Firm reduced it's hourly rate to \$185, which can be reviewed in 6 months, and a 30-day written notice for termination clause had been added.

Motion:

Motion was made by Council Member Bernardini and seconded by Vice Mayor Burnett for approval of the contract with The Hogan Law Firm as the City's Attorney.

Council Member Bradburn asked that the phrase "Attorney shall notify the City Manager and Mayor of any conflict or reasonably perceived conflict as it arises" be added to the contract. Attorney Hogan agreed and it was added to the motion.

REGULAR CITY COUNCIL MINUTES - OCTOBER 1, 2007

Mayor Pugh asked for public input; there was none.
Motion carried 5-0.

Attorney Hogan was welcomed aboard and Mayor Pugh thanked him and his firm for going through the long process.

Mayor Pugh stated that the City's new Police Chief, George Turner was in the audience and welcomed him as well.

The Council Meeting was adjourned and Council reconvened as the Community Redevelopment Agency Board.

COMMUNITY REDEVELOPMENT AGENCY (CRA) MEETING

CONSENT AGENDA

Minutes

January 8, 2007 Community Redevelopment Agency Meeting

Motion:

Motion was made by Vice-Chairman Burnett and seconded by Board Member Lewis for approval of the CRA Consent Agenda. Motion carried 5-0.

REGULAR AGENDA

Resolution No. 2007-06 Community Redevelopment Agency Budget

Ratification of CRA Budget

Director of Community Development Geiger reviewed the Budget, advising that it is the same as presented in the City's Annual Budget.

Motion:

Motion was made by Board Member Bernardini and seconded by Vice-Chairman Burnett for approval of the Budget Resolution.

City Clerk Phillips read Resolution No. 2007-06 by title, as follows:

A RESOLUTION ADOPTING THE ANNUAL BUDGET FOR THE CITY OF BROOKSVILLE COMMUNITY REDEVELOPMENT AGENCY FOR THE 2007-2008 FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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

Board Member Bernardini	AYE
Board Member Bradburn	AYE
Board Member Lewis	AYE
Vice Chair Burnett	AYE
Chairman Pugh	AYE

The CRA meeting was adjourned by the Board and Council reconvened as the Local Planning Agency at 7:11 p.m.

LOCAL PLANNING AGENCY (LPA) MEETING

REGULAR CITY COUNCIL MINUTES - OCTOBER 1, 2007

Minutes

July 2, 2007 Local Planning Agency Meeting

Board Member Bradburn, referencing the minutes, under the motion, requested "minutes" be corrected to months.

Motion:

Motion was made by Board Member Bernardini and seconded by Vice-Chairman Burnett for approval of the Consent Agenda as amended. Motion carried 5-0.

PUBLIC HEARING

Attorney Hogan requested Attorney McAteer read the following statement into the record:

"Should the Council choose to deny a proposed Comprehensive Plan Amendment, it can only do so if the decision is fairly debatable, due process is not denied, and denial of the land owner's proposed amendment is substantially related to a governmental interest. Fairly debatable being where reasonable...differ as to the propriety of the planning action."

He reminded Council that it is legislative in nature, therefore the fairly debatable standard applies.

LARGE SCALE COMPREHENSIVE PLAN AMENDMENTS

a. Ordinance No. 752 - Public School Facilities Element and subsequent text amendments

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

[This is the first of two required readings, with the second reading tentatively set for 2/04/08.]

Director Geiger reviewed the amendment, advising that the amendment deals with CPA2007-L1, which is the creation of goals, objectives and policies to provide the background and guidance to implement the school concurrency requirement. The amendment creates Chapter 11, Public School Facilities Element, which contains two goals with supporting objectives and policies to address the issues contained in Chapter 163 F.S. as adopted by the Florida Legislature in Senate Bill 360 and implements an Interlocal Agreement between Hernando County, the Hernando County School Board and the City of Brooksville.

He advised that, meeting as the LPA, the Board would review the CPA, open the meeting for public input, and make a finding that the proposed amendment is consistent with the City's Comprehensive Plan. He recommended that the governing body approve the first reading of the ordinance to adopt the CPA, authorize its transmittal, together with supporting documentation, to the appropriate agencies for sufficiency review.

REGULAR CITY COUNCIL MINUTES - OCTOBER 1, 2007

Director Geiger advised that there was a citizen sign-in sheet in the back of the room for anyone who may have an interest in receiving information on any of the amendments.

Board Member Bradburn asked for confirmation that this is one of two hearings. Director Geiger affirmed that this is the transmittal stage only. The amendment goes to the Department of Community Affairs, which has 60 days to review and provide a report back to the City. Board Member Bradburn then requested a management report comparing the differences between the City's and the County's amendment, which Director Geiger will provide.

Chairman Pugh asked for public input; there was none.

Motion:

Meeting as the Local Planning Agency, motion was made by Board Member Bernardini and seconded by Board Member Bradburn for recommendation to the governing body for approval of the first reading of Ordinance No. 752 to adopt the Comprehensive Plan Amendment, authorizing transmittal of same together with supporting documentation to the appropriate agencies for sufficiency review and with the management report to be provided at the second hearing. Motion carried 5-0.

b. Proposed Ordinance No. 753 - Future Land Use Map and Element Text Comprehensive Plan Amendments

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

[This is the first of two required readings, with the second reading tentatively set for 2/04/08.]

Director Geiger reviewed the subject property, advising that the amendment was presented to the Planning & Zoning Commission on September 12, 2007 and they concurred with staff recommendation with a provision limiting the subject property to not exceed a density of ten units per acre.

Board Member Bradburn asked how many stories are permitted on this type of property, which Director Geiger explained to be four but that it will probably come back with a zoning change proposal. He guessed it would probably be two.

Chairman Pugh asked if there was still a possibility that they may come back with some other type of residential development if approved. Director Geiger advised that they could.

The developer's representative, Joseph Quinn of Coastal Engineering gave an overview of the client's intent, stating that it has always been to use a town home concept in that area.

Discussion continued as to the zoning classification as well as residential zoning requirements.

Chairman Pugh asked for public input; there was none.

REGULAR CITY COUNCIL MINUTES - OCTOBER 1, 2007

Motion:

Motion was made by Board Member Lewis and seconded by Board Member Bernardini to recommend that the governing body approve the first reading of Ordinance No. 753 to adopt the Comprehensive Plan Amendment, authorizing transmittal of same, with supporting documentation, to the appropriate agencies for sufficiency review. Motion carried 4-1 with Board Member Bradburn voting in opposition.

Ordinance No. 748 - SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT - PETITIONER: HUBERT W. DUKES

Requesting a change to the Future Land Use designation of this property, a .69 acre ± parcel of land located on the North side of Oakdale Avenue, approximately 196' west of Ponce De Leon Boulevard and 187' east of Sharon Street, from Single-Family Residential to Commercial.
[This is the LPA review continued from the 07/02/07 meeting and adoption hearing by the Governing Body (City Council).]

Director Geiger reviewed the ordinance and changes being requested, stating it had been presented to the Board on July 2, 2007, which at that time determined to defer hearing the plan amendment until an accompanying zoning ordinance was available for consideration.

Chairman Pugh asked for public input; there was none.

Motion:

Motion was made by Board Member Bernardini and seconded by Vice-Chairman Burnett recommending the governing body approve Ordinance No. 748 to adopt the Comprehensive Plan Amendment, authorizing transmittal of same, together with supporting documentation, to the appropriate agencies as per statutory requirements. Motion carried 5-0.

The LPA Meeting was adjourned and the Regular Council Meeting reconvened.

REGULAR COUNCIL MEETING

CONSENT AGENDA

Minutes

July 31, 2006 Executive Session
August 29, 2007 Special Workshop - City Attorney Interviews
September 5, 2007 1st Budget Hearing

2008 Annual Holiday and Meeting Schedule

Review and consideration of proposed meeting and holiday schedule for 2008, including tentative budget workshop and public hearing dates, pursuant to City Code & Policy. Dates are consistent with county and school board holiday schedules.

Experience Works Contract

Consideration of renewal of contract for senior workers.

Interlocal Agreement for Transit Operations

Consideration of approval of the Transit Operations Interlocal Agreement between the Hernando County Board of County Commissioners, the City of Brooksville City Council and the Hernando County Metropolitan Planning Organization.

REGULAR CITY COUNCIL MINUTES - OCTOBER 1, 2007

Withlacoochee Regional Planning Council Annual Renewal Agreement for Professional Services

Consideration of approval of renewal and authorize Mayor to execute.

USDA Funding for City Wide Radio Read Meter Installation

Consideration of approval of staff request to seek funding assistance from USDA in the amount of \$1,458,000.

City of Brooksville Computer Licensing

Consideration of approval of the purchase of licensing for City of Brooksville computers.

Misc. Valve & Fire Hydrant Replacement Project UD 2007-03

Consideration of canceling award of bid to Chilton Construction Inc. for failure to return Agreements and proof of insurance and awarding bid to next lowest bidder, Mueller Services Company, for the not-to-exceed amount of \$59,100.

Council Member Bradburn requested the Executive Session minutes of July 31, 2006 and the August 29, 2007, Special Workshop/City Attorney Interviews minutes be pulled for separate votes.

Vice Mayor Burnett recommended and Mayor Pugh concurred that the Annual Holiday and Meeting Schedule reflect possible workshops on the 2nd Monday of every month. Council consensus was to schedule the 2nd Monday of every other month starting in January 2008.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Bernardini for approval of the Consent Agenda with the removal of the minutes of July 31, 2006 and August 29, 2007 and the amendment to the Holiday & Meeting Schedule.

Mayor Pugh, referencing D-8, the Misc. Valve & Fire Hydrant Replacement Project, asked what prevents our own employees from performing the linestopper work and would it be any cost savings to the City.

Emory Pierce, Director of Public Works, advised that it takes more manhours than he has available and that Mueller can handle the job.

Motion carried 5-0.

July 31, 2006 Executive Session

Council Member Bradburn indicated there were nine condemnations included in the Executive Session and requested an update on the items from the Attorney. She pointed out the paragraph on page 29, wherein the Mayor, in regards to Southern Hills, reminded Council that ultimately they are getting transportation impact fee credits which would be used throughout the City and felt this should be stressed in the minutes.

She then asked Attorney Hogan, because the minutes were from a previous Council and she cannot verify their accuracy, if she is required to vote on them. Attorney Hogan advised that she can make the record clear that she was not there, but if she has no reason to object she can vote to accept them.

REGULAR CITY COUNCIL MINUTES - OCTOBER 1, 2007

Council Member Lewis noted that the minutes were certified verbatim by a court reporter and were taken in a closed legal session.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Lewis to approve the minutes of July 31, 2006. Motion carried 4-1, with Council Member Bradburn voting in opposition.

August 29, 2007 Special Workshop - City Attorney Interviews

Council Member Bradburn again indicated that she was not present for the meeting.

Motion:

Motion was made by Council Member Lewis and seconded by Council Member Bernardini to approve the minutes of August 29, 2007. Motion carried 4-1, with Council Member Bradburn voting in opposition.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

NAACP Proclamation

Proclamation in support of the NAACP's 21st Annual Freedom Fund Banquet.

The proclamation was read in its entirety by Mayor Pugh and presented to Ronald Swanson, Second Vice-President of the Hernando branch of the NAACP, who thanked Council and the community for their participation.

Fire Prevention Week Proclamation

Proclamation in support of Fire Prevention Week October 7-13, 2007.

The proclamation was read in its entirety by Mayor Pugh and presented to Chief Mossgrove.

Chief Mossgrove advised that the Brooksville Housing Authority will hold Fire Prevention Day event on Saturday, October 6 from 10:00 a.m. until noon. He indicated the department had partnered with the American Red Cross to practice exit drills and promote awareness to the community.

David LaCroix Appreciation Plaque

Presentation in appreciation of David LaCroix as City Attorney.

Mayor Pugh presented Attorney LaCroix with a plaque in appreciation of his dedicated service to the City of Brooksville.

Attorney LaCroix stated that his tenure with the City of Brooksville had been one of the top two most enjoyable of his career and he will miss those professional and personal relationships.

Central Healthy Start Coalition

Consideration for waiver of fees for the use of Jerome Brown Community Center (JBCC) in the amount of \$275 for their annual campaign.

Dawn Easter, Community Liaison for the Healthy Start Coalition, gave an overview of the coalition, stating it is support for pregnant women and their newborns and is free. She requested Council waive the \$275 fee for use of the JBCC.

REGULAR CITY COUNCIL MINUTES - OCTOBER 1, 2007

Vice Mayor Burnett asked the maximum capacity for the JBCC, which Director Walker advised is approximately 650.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Bernardini for approval of the waiver of fees in the amount of \$275.

Mayor Pugh indicated the event does meet the criteria set by Council that it be open to the public. Ms. Easter indicated that she can be contacted at 352-594-7124 or dawn@dishmail.com. Motion carried 5-0.

Hernando High School Homecoming Parade

Consideration of waiver of fees.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Lewis for approval of the waiver of fees in the amount of \$1,097.06 with the understanding that they will provide insurance. Motion carried 5-0.

2007 "Great Brooksvillian of the Year"

Review of nominations received for annual award program for the following individuals:

- a. John Carlone
- b. Dr. Paul Farmer, MD, PhD
- c. Robert G. "Bob" Fincannon
- d. Robert "Bob" Martinez
- e. Dan Patrick
- f. Arthur St. Clair

Council Member Bradburn requested that in the future more time be allowed for processing nominations and notifying recipient.

The nominees were briefly reviewed.

City Clerk Phillips read the list of nominees and tallied the votes made by Council. Mayor Pugh announced that this year's winner of the award was Arthur St. Clair.

Ms. Mable Sims thanked Council for voting in favor of Arthur St. Clair and read a poem in his honor.

City Clerk Phillips advised that the presentation ceremony will be held in conjunction with Founders Week and will take place on October 17 at approximately 5:00 p.m. in Council Chambers. She requested Ms. Sims and any family members to meet with her as soon as possible to get invitations sent.

A 5 minute recess was taken.

REGULAR CITY COUNCIL MINUTES - OCTOBER 1, 2007

PUBLIC HEARING

LARGE SCALE COMPREHENSIVE PLAN AMENDMENTS

a. Ordinance No. 752 - Public School Facilities Element and subsequent text amendments

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

[This is the first of two required readings, with the second reading tentatively set for 2/04/08.]

Director Geiger again briefly reviewed the ordinance as discussed at the prior LPA Meeting.

Motion:

Motion was made by Council Member Bernardini and seconded by Vice Mayor Burnett for approval of the first reading of Ordinance No. 752 to adopt the Comprehensive Plan Amendment and authorize transmittal of same together with supporting documentation to the appropriate agencies for sufficiency review and with the requested management report to be provided at the second hearing, as recommended by the LPA.

Mayor Pugh asked for public input; there was none.

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

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

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

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

b. Proposed Ordinance No. 753 - Future Land Use Map and Element Text Comprehensive Plan Amendments

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

REGULAR CITY COUNCIL MINUTES - OCTOBER 1, 2007

[This is the first of two required readings, with the second reading tentatively set for 2/04/08.]

Director Geiger again briefly reviewed the ordinance as discussed at the prior LPA Meeting.

Motion:

Motion was made by Council Member Lewis and seconded by Council Member Bernardini for approval of the first reading of Ordinance No. 753 to adopt the Comprehensive Plan Amendment, authorizing transmittal of same, together with supporting documentation, to the appropriate agencies for sufficiency review, as recommended by the LPA.

Mayor Pugh asked for public input; there was none.

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

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

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

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

2. Ordinance No. 748 - SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT - PETITIONER: HUBERT W. DUKES

Requesting a change to the Future Land Use designation of this property, a .69 acre ± parcel of land located on the North side of Oakdale Avenue, approximately 196' west of Ponce De Leon Boulevard and 187' east of Sharon Street, from Single-Family Residential to Commercial.

[This is the LPA review continued from the 07/02/07 meeting and adoption hearing by the Governing Body (City Council).]

Director Geiger stated the specifics of the property in question and the requested amendment.

Motion:

Meeting as the governing body, motion was made by Council Member Lewis and seconded by Vice Mayor Burnett for approval of Ordinance No. 748 to adopt the Comprehensive Plan Amendment, authorizing transmittal of same, together with supporting documentation, to the appropriate agencies as per statutory requirements.

Mayor Pugh asked for public input; there was none.

City Clerk Phillips read Ordinance No. 748 by title, as follows:

REGULAR CITY COUNCIL MINUTES - OCTOBER 1, 2007

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING A SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN; PURSUANT TO PROCEDURES ESTABLISHED IN SECTIONS 163.3187(1)(C), FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

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

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

3.** Ordinance No. 749 - Dukes Property Re-zoning

Consideration of the re-zoning of the property located between Ponce De Leon and Sharon Street from the existing R1B to C1 with a Special Exception Use for a "Storage Establishment".

[First reading 09/10/07]

Attorney McAteer stated for the record:

"This is a quasi judicial hearing and this Council is now sitting in a Quasi-judicial capacity. You may base your consideration only on the evidence presented before you at this hearing and any additional information, which has been properly submitted into the record. If you have engaged in any ex parte communications concerning this matter, which will carry weight in your decision and consideration of the Quasi-judicial matters before you this evening, those communications should be disclosed prior to discussion of the matters at hand. Moreover, you may only base your consideration and decision on competent substantial evidence within the record. Competent substantial evidence has been defined by the courts as evidence that will establish the substantial basis of fact from which the fact of the issue can be reasonably inferred, or such relevant evidence as a reasonable mind would accept as adequate support or conclusion. The courts have held that layman testimony, based solely on opinion, as opposed to fact-based testimony, does not constitute competent substantial evidence. As to a special exception, it is appropriate for you to consider what affect the proposed special exception will have on the health, safety and welfare of the City and this consideration must be based on competent substantial evidence."

Mayor Pugh asked if discussion with staff is considered ex parte communication. Attorney McAteer indicated it is not.

Mayor Pugh advised that this is the second reading, the first being on 9/10/07.

For the record, Council Member Bradburn asked if the validity of the legal description had been substantiated and if there were any written letters for or against the issue. Director Geiger indicated the validity of the legal description had been substantiated and there were no letters for or against the issue.

REGULAR CITY COUNCIL MINUTES - OCTOBER 1, 2007

Director Geiger entered the staff report into the record in its entirety as if it were read. (**Attachment A**)

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Lewis for approval of the second and final reading of Ordinance No. 749.

Mayor Pugh asked for public input; there was none.

City Clerk Phillips read Ordinance No. 749 by title, as follows:

AN ORDINANCE REZONING CERTAIN PROPERTY FROM R-1B (SINGLE FAMILY RESIDENTIAL DISTRICT) TO C-1 (COMMERCIAL DISTRICT) WITH A SPECIAL EXCEPTION USE FOR A STORAGE ESTABLISHMENT (MINI-WAREHOUSE STORAGE ONLY) FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

[First reading 9/10/07]

Mayor Pugh indicated this to be a Quasi-judicial hearing.

Joe Mason, representing Grace Haines, the holder of the lease with the County, stated that he would like to be made a party on behalf of his client and was recognized as an expert on Planning & Zoning.

Director Geiger reviewed the petition and entered the entire staff report into the record as though it were read. (**Attachment B**) He stated that the Planning & Zoning concurred with staff recommendation.

Mayor Pugh asked if the experts needed to be sworn in. Attorney Hogan indicated they did and they were so sworn by the Clerk.

Joe Mason, being sworn, asked that Council Member Bernardini, being a board member of their most vocal opponent, the Fair Board, abstain from participating in the discussion or the vote. Following discussion of the issue, in which City Attorney Hogan requested more time to research the Statute, Council Member Bernardini abstained from discussion and voting and filed form 8B. (**Attachment C**)

Clifford Fouts, Executive Director of the Hernando County Habitat for Humanity, reviewed Habitat's interest in the rezoning of the property, stating that Habitat had entered into a lease with Mrs. Haines because they are going to have to move from their current location. However, the building on Oliver Street needs extensive additions which exceed the verbal estimates received at the time of their lease and if the rezoning

REGULAR CITY COUNCIL MINUTES - OCTOBER 1, 2007

is approved, and Mrs. Haines' upholds the lease agreement with Habitat, they will have to sub-lease the building as they cannot afford the additions necessary.

Mr. Mason clarified Grace Haines' interest in the property as leaseholder with Hernando County and stated it is not correct that if the zoning goes through they will hold Habitat to the lease if they cannot afford it and asked that Council grant the rezoning. Discussion continued as to ownership and zoning options, as well as the zoning classification of surrounding parcels of land.

Vice Mayor Burnett recommended postponement to allow Attorney Hogan to review the legal issues of the petition.

Mayor Pugh asked for public input.

Sarah Nicholson, Vice-Chair of the Fair Association, recommended postponement for review of the lease on the property.

Pierre Desjardins asked for clarification that Habitat will sublet the property, that it has to be another non-profit and how another thrift store would be able to stay there if Habitat cannot. Mayor Pugh confirmed his understanding of the issue and stated that Council has no knowledge of the finances of non-profits to be able to say whether one or the other would be able to afford to inhabit the space.

Attorney Mason stated his concern is that the issue has been pending for some time and he does not see the purpose of postponing. He asked that Council consider the proposal as submitted or to consider the proposal without the commercial request.

Mayor Pugh asked Director Geiger what will happen if the petition is denied. Director Geiger indicated it would stay agriculturally zoned and there is a 12-month waiting period to petition for the same zoning change they are currently seeking, with all parties currently involved.

Council Member Lewis asked if Council can approve a part of the zoning request to C2 without the special exception. Director Geiger indicated yes. Discussion continued.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Bradburn for a 30-day continuance to the November 5 meeting. Motion carried 4-0, with Council Member Bernardini abstaining.

Thomas Malouf, Malouf Enterprises, presented by Coastal Engineering Associates, Inc.**

Requesting affirmation of action taken by the Planning & Zoning Commission for a Special Exception Use for a Commercial Planned Development Project in a C2 Commercial District, subject to conditions.

Attorney McAteer reminded Council that the Competent Substantial Evidence Standard he read for Ordinance No. 749 applies here as well and confirmed that Director Geiger's qualifications as being an expert witness were being accepted.

REGULAR CITY COUNCIL MINUTES - OCTOBER 1, 2007

Director Geiger gave a background of the petition stating that at the August 20, 2007 meeting Council indicated a desire to have all Planned Development Projects (PDP) come before City Council for a final action on the petition and directed that City Code be amended to provide for this to occur. He further stated that currently the Planning & Zoning Commission is authorized to take final action on PDPs that are proposed as Special Exception Uses under a current zoning district. In an interim time, while an Ordinance is crafted to affect the referenced change of authority from the P&Z Commission to the City Council, all PDPs that fall under the SEU rule may be presented to City Council under its Appeal Policy which states that City Council may make the determination to affirm, modify or overrule the decision made by the P&Z Commission on a petition. Given the direction that was provided on August 20, 2007, Petition Number SE2007-12 is being presented to Council at this time as an automatic appeal. After reviewing the petition further, he entered the entire staff report into the record as if it were read (**Attachment D**).

Joseph Quinn, Coastal Engineering Associates, as representative for the petitioner, was sworn in as an expert witness. He reviewed the proposal and concurred with staff recommendation.

All three phases of the development were discussed, which included the Peck Sink Water Shed, area two of the project and setbacks.

Council Member Bradburn elaborated on the Peck Sink Water Shed area stating that this particular parcel was one of the few areas of upland in the northeast sector of the project area, pointing out, however, that there is a part that is wetlands. She expressed concerns about area two of the future development in that any commercial drainage from this project that did not go into the DRA would flow directly into the sink.

Mr. Quinn confirmed that those two areas are separated, with required treatment within the pond area, and that there is a buffer between that and the delineated wetland.

Council Member Bradburn pointed out the adjacent flow flows right into Peck Sink and distributed the maps and project narrative (Attachment E) for the Peck Sink study area, which shows current use. She stressed that the area is unique in that it is not just the infusion into the aquifer that is sought to be protected but it is a hardwood hammock, one of the most uniquely diverse biological areas we have, as well as an archaeological site. Discussion continued relative to Hwy. 50 and access into the project.

Council Member Bradburn indicated she would support the current petition but not area two.

Mayor Pugh asked for public input; there was none.

Motion:

Motion was made by Council Member Bradburn and seconded by Vice Mayor Burnett for approval of action taken by P&Z Commission granting a Special Exception Use for a Commercial Planned Development Project in a C2 Commercial District, with the understanding that the Peck Sink issues and the wetlands issues will be appropriately addressed in the Master

REGULAR CITY COUNCIL MINUTES - OCTOBER 1, 2007

Plan and that those resources are abundantly preserved.
Council Member Lewis, referenced items 2 and 9, under staff recommendation, which he felt dealt with Council Member Bradburn's concerns.

Motion carried 5-0.

REGULAR AGENDA

Ordinance No. 754 - Firefighters' Pension Plan Amendment

Consideration of proposed Ordinance amending Section 5, reducing member's required contribution amount to the Fund from 4% to 2.97% of their salary.

Finance Director Baumgartner reviewed the Ordinance and indicated that Patrick Donlan, Enrollment Actuary with Foster and Foster, was on hand to explain the amendments, which he did for the benefit of the new Council Members.

Director Baumgartner indicated the money from the state this year is about \$20,000 and that the City's contribution will go up and the Firemen's contribution will go down, which was discussed.
Mayor Pugh asked what could be done to reduce the City and Member contributions. Mr. Donlan indicated it is set by Ordinance.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Lewis for approval of the first reading of Ordinance No. 754.

Mayor Pugh asked for public input; there was none.

City Clerk Phillips read Ordinance No. 754 by title, as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE CITY OF BROOKSVILLE FIREFIGHTERS' RETIREMENT TRUST FUND, ADOPTED PURSUANT TO ORDINANCE NO. 525-C, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 5, CONTRIBUTIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

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

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

Discussion of Council Regarding St. Johns Water District Plans

Discussion of preparation of resolution or memorandum opposing the proposed plan to remove water from the Withlacoochee River to benefit the St. Johns Water District.

City Manager Norman-Vacha revisited the issue wherein it was recommended to coordinate with the County and to write a letter in support of the County's opposition.

REGULAR CITY COUNCIL MINUTES - OCTOBER 1, 2007

City Hall and Police Department Wind Retrofit Project Re-bid No. 2

Consideration of awarding the Alt. #1 Bid for City Hall to Anchor/Centurion for the not-to-exceed amount of \$158,775 and the Base Bid for the Police Department to Hurricane Glass Shield for the not-to-exceed amount of \$12,859.14. Both awards are contingent upon USDA approval.

Director of Public Works, Emory Pierce reviewed the bid and recommendation. Discussion followed in which Council Member Bradburn stated she has never felt it to be a necessary project and Mayor Pugh stated the same product should be used throughout the City. For the record, if storm windows are to be approved, Council Member Bradburn stated she would support the ones with the hinges, but still felt that they obscure the view and are not appropriate for City Hall and the Historic District.

Sherrri Meier of Centurion addressed Council and reviewed the material being used. Discussion continued.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Lewis for the award of the Wind Retrofit Project Bid for City Hall and rejection of the bid award for the Police Dept.

Mayor Pugh asked for public input.

Pierre Desjardins recommended the same product and same vendor be used. Director Pierce disagreed because the windows will be fixed in place.

Motion:

Motion was amended by Vice Mayor Burnett and seconded by Council Member Lewis for award of the Wind Retrofit Project Bid per staff recommendation. Motion carried 3-2, with Mayor Pugh and Council Member Bradburn voting in opposition.

A recess was called so the video tape could be changed.

Reuse Reimbursement to Hampton Ridge Developers, LLC

Request for approval to reimburse the developer \$106,682.60, (We are also requesting consideration of allowing that the City's share of \$218,569.32 be approved to be placed within Utility Division Reserve for contingencies.) which is their share of a \$325,251.82 reimbursement received by the City from the Southwest Florida Water Management District Cooperative Funding Program.

Director Pierce reviewed the reimbursement as stated in his staff report.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Lewis for approval of the reimbursement to Hampton Ridge Developers and the recommendation that the balance be placed in Utility Division Reserves.

Mayor Pugh asked for public input; there was none.

Motion carried 5-0.

REGULAR CITY COUNCIL MINUTES - OCTOBER 1, 2007

City Attorney LaCroix Contract Extension

Consideration of extension of City Attorney LaCroix's contract ending September 30, 2007.

Mayor Pugh noted that he was not involved in the contract negotiation. Discussion followed in which Council Member Bernardini felt current Counsel may need help with specific scopes of current issues Attorney LaCroix is already involved in.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Bradburn to deny the extension of City Attorney LaCroix's contract, thereby allowing the new firm to evaluate the outstanding cases.

Attorney McAteer commented on the Hogan Law Firm's ability to handle the outstanding litigations. Discussion continued.

Mayor Pugh asked for public input; there was none.

Motion carried 4-1, with Council Member Bernardini voting in opposition.

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

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

City Manager Norman-Vacha indicated Attorney Bruce Snow requested postponement of this item until the October 15 meeting.

A brief discussion of the reason for the postponement followed in which it was noted that the City, at this point, is not releasing anyone from liability.

Motion:

Motion was made by Council Member Bernardini and seconded by Vice Mayor Burnett for approval of postponing the item until the October 15 meeting. Motion carried 5-0.

ITEMS BY COUNCIL

Lara Bradburn, Council Member

The Great Brooksvillian Nomination Process

She suggested issuing an invitation to Dr. Landers within the next 3 months to come up with a set of criteria and guidelines for the nomination process, giving insight on what would be appropriate criteria. She suggested those with knowledge of local history review the applications prior to coming before Council. Secondly, she requested Council review the applications 2 months prior to Founder's Week, giving the nominee or his/her family sufficient time to prepare for the ceremony. Criteria was discussed. Council consensus was to move forward with Council Member Bradburn's recommendation.

Derrill McAteer, Attorney

Attorney McAteer thanked Council for the opportunity to be here.

REGULAR CITY COUNCIL MINUTES - OCTOBER 1, 2007

David Pugh, Mayor

Brooksville Housing Authority

He indicated that he attended the meeting and has concerns that there are issues. He expressed concern for the outbursts and the way Board Members treat each other when they do not agree. He felt overall management of the board and the actions of the residents were disturbing and stated that he will be attending their meetings in the future.

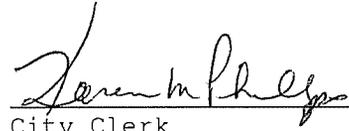
Council Member Bradburn asked the Mayor to keep Council aware of what is happening.

CITIZENS INPUT

There was none.

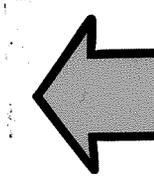
ADJOURNMENT

The meeting adjourned at 11:25 p.m.



City Clerk

Attest: _____
Mayor



MEMORANDUM

To: Honorable Mayor & City Council Members

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

From: Bill Geiger, Community Development Director *Bill Geiger*

Subject: RZ2007-06 and SE2007-10; Petition Request for a Re-zoning from R1B (Single Family Residential District) to C1 (Commercial District) with Special Exception Use for a Storage Establishment (Specifically, mini-warehouses)

Petitioner: Hubert W. Dukes

Location: 712-714 Oakdale Avenue - Located between Ponce De Leon Boulevard and Sharon Street (The legal description for the subject site is given in full in the petition packet). Ref. Hernando County Property Appraiser Key Numbers 355056 & 354976.

Date: September 14, 2007 CRD # 749

Introduction & Background Information:

The subject property related to this petition is .69 acres +/-, and is located on the north side of Oakdale Avenue, approximately 196' west of Ponce De Leon Boulevard and 187' east of Sharon Street. This property is directly adjacent to industrial/commercial uses on the east, residential uses on the west and south, and vacant land (unimproved r/w & the west end of a commercial property) on the north. The City's current "Future Land Use" designation for the subject parcel is "Single Family Residential," and the zoning is R1B. A land use petition was previously recommended for approval by the Planning & Zoning Commission to assign this property with a designation of "Commercial." On July 2, 2007, the City Council expressed a concern with processing the land use petition without also addressing the zoning, and directed staff to work with the petitioner to initiate the zoning process concurrently with the land use process.

The petitioner is requesting that the City re-zone this property from the existing R1B (Single Family Residential) to C1 (Commercial), with a Special Exception Use for a "Storage Establishment." The petitioner has expressed an intent to build a mini-warehouse/storage facility at the subject site, to serve the residential community in the vicinity and to act as a buffer to the higher intensity uses to the east.

Land Use and Zoning:

The subject property is zoned R1B with a SFR land use. It lies directly adjacent to heavy commercial activities (including a propane service and delivery company and a pest control company) that are located directly east and north of the property on Ponce De Leon Boulevard (U.S. 98 North). The propane company has a Future Land Use designation of Industrial and the pest control company is Commercial. Property to the south has a multifamily residential land use and is zoned R3. Property to the west has a residential land use and is zoned R1B.

Factual Information:

1. The property has a current zoning designation of R1B, single family residential.
2. The property for this petition's zoning is approximately .69 ± acres.
3. The site previously contained single family residential structures on it that have been demolished in recent years.

4. The Petitioner is requesting a C2 zoning designation with Special Exception Use for a “storage establishment.”
5. The subject property has existing access to Oakdale Avenue.
6. The on-site soil type is Nobleton Fine Sand (0 to 5% slopes).
7. The property is located in flood zone C (as per the FIRM). Elevations range from 113' to 115' with the property sloping/draining toward the west-southwest.
8. This zoning petition is being processed concurrently with a land use amendment to change the property’s land use designation from SFR to Commercial.
9. The subject property is not located within a wellhead protection area.

Staff Findings (*Data & Analysis*):

Natural Resources and Features

The subject property was the prior location of a single family residence which was demolished during the first quarter of 2007. Vegetation is sparse over approximately 60% of the property. Native trees (including Oak, Magnolia & Cedar) provide some buffering along the east and west property boundaries. The site is not located within a well head protection area. The soil on the subject property is identified as Nobleton Fine Sand (0 to 5% slopes), and appears to drain to the west-southwest between elevations of 115 and 113 feet.

Compatibility with Surrounding Area

If the re-zoning is approved, the property owner is proposing a 6,000 square foot mini-warehouse facility to serve the neighboring residential areas. Given the location and proximity of this property to heavy commercial uses on Ponce DeLeon Boulevard and residential neighborhoods (including an apartment complex located south of the subject site), it would appear that the proposed commercial land use designation to facilitate the warehouse use of the property would be compatible (with appropriate buffers) between the different types of existing uses.

Public Facilities and Level of Service

This property will be served by City water and sewer services. Access will be via Oakdale Avenue (City local street). Police, fire and sanitation collection services will also be provided by the City. Based on data assumptions contained within the City’s Comprehensive Plan, the following analysis depicts the impacts associated with the proposed level of development as well as discussion concerning the maximum development potential of the property with the prospective land use -

Trip Generation: Per the ITE Trip Generation Manual, 6th Edition, the proposed land use (LU Code #151) would generate approximately 2 vehicle trips during the P.M. Peak Hour. The maximum development potential that this property could theoretically have under the Commercial designation would be for a 21,000± square foot facility (70% of lot area) that could generate up to 1,100 P.M. Peak Hour trips under certain retail scenarios. A more reasonable approach to estimating maximum development potential of the site would be to take the City’s average commercial floor area

ratio of .25 (which is more realistic in addressing what it takes to economically meet all performance standards) and use that ratio to calculate the most intense retail use. Using this methodology, the maximum building area would be about 7,510 square feet, which in turn could generate up to 396 P.M. Peak Hour retail trips.

Water: Assuming potable water usage of 0.18 gallons per day per square foot for commercial users, the theoretical amount of water that would be consumed per day for this project would be 1,080 gallons (for a 6,000 square foot building). A mini-warehouse/storage use would actually consume closer to what is calculated as an Equivalent Residential Unit (ERU), which would be 242 gallons per day. The maximum development consumption that this property could theoretically have under the Commercial designation would be for a 21,000± square foot facility (70% of lot area) that could consume up to 3,780 gallons per day under certain retail scenarios. These quantities are all currently available from the City and do not cause the City to exceed its allowable maximum daily consumption of 2.24 MGD.

Sewer: Assuming sanitary sewer effluent generation of 0.15 gallons per day per square foot for commercial users, the theoretical amount of waste water that would be generated per day for this project would be 900 gallons (for a 6,000 square foot building). A mini-warehouse/storage use would actually generate closer to what is calculated as an Equivalent Residential Unit (ERU) which would be 220 gallons per day. The maximum development consumption that this property could theoretically have under the Commercial designation would be for a 21,000± square foot facility (70% of lot area) that could generate up to 3,150 gallons per day of effluent under certain retail scenarios. The project's effluent can currently be accommodated by the City's present sewer treatment capacity which is 3.0 MGD.

Drainage: The subject site is located within Flood Zone C, which is defined as an area exhibiting minimal flood potential. No wetlands are located on the site. Development of the site will have to meet SWFWMD 40D-4 permitting requirements, as well as the City's Comprehensive Plan policies relating to stormwater retention and conveyance.

Budget Impact:

There are no budget amendments or adjustments required in conjunction with the processing of this petition.

NOTE: The zoning amendment/special exception use petition process is a land use determination which does not constitute a permit for either construction on or use of the property. Nor are these actions considered a Certificate of Concurrency. Prior to use of or construction on the property, the petitioner must receive construction plan or use approval from the appropriate City and/or other governmental agencies that have regulatory authority over the proposed development/use.

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 and Staff Recommendation:

At their meeting on August 8, 2007, the Planning & Zoning Commission concurred with staff to recommend that City Council approve the re-zoning of this property from R1B (Single Family Residential) to C1 (Commercial), with a Special Exception Use for a Storage Establishment (specifically a mini-warehouse facility) subject to the following conditions:

1. The use of this property is restricted exclusively for a mini-warehouse (storage only) facility. No other use is permitted on this property. The owner must apply to the City with a request to re-zone the property in order to establish a different use for this property.
2. Development/construction plans for this property will be analyzed for impact to roads, utilities, drainage, public services, the environment and all other applicable land use criteria, and will be subject to meeting all federal, state and local agency permitting requirements.
3. The developer of the subject property shall 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 *Management and Storage of Surface Waters Permit Information Manual*, as published by the Southwest Florida Water Management District. Site development plans will be submitted, including drainage control system design and calculations, that are subject to approval by the City's Department of Public Works prior to obtaining a building permit.
4. The petitioner shall provide adequate buffers around the perimeter of the property that are consistent with or exceed City adopted standards and comply with the City's landscaping, buffers and tree protection regulations.
5. A dumpster pad is required that complies with the screening requirements of Chapter 109 of the City Code.
6. The development must be served by City central water and sewer.
7. The developer will be required to coordinate with the City Department of Public Works 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 crosswalks and underground drainage where appropriate.
8. The proposed zoning will not become effective until the land use change from "Single Family Residential" to a "Commercial" designation has been approved.

Page 5
RZ2007-06
Hubert W. Dukes
October 1, 2007

City Council approved the first reading of Ordinance No. 749 at the September 10, 2007 meeting. The public hearings to consider the ordinances assigning a land use classification and zoning designation to the property are scheduled for October 1, 2007, at 7:00 p.m. in the City Council chambers.

- Attachments:
- 1) Rezoning Petition
 - 2) Special Exception Petition
 - 3) Letter from Hubert W. Dukes date stamped 4/24/07
 - 4) Conceptual Site Plan
 - 5) Ordinance No. 749
 - 6) Site Location Map

CITY OF BROOKSVILLE ZONING AMENDMENT PETITION

Date: 4/23/07

Print or Type All Information.

Applicant: Hubert W. Dukes
Mailing Address: 4234 Camelia Dr
Hernando Beach FL 34607
Daytime Telephone: 352-596-8383

Representative: _____
Mailing Address: _____
Daytime Telephone: _____

Legal Description: Section: 22 Township: 22 Range: 19

Size of Area Covered by Application: 0.69 ac

Highway & Street Boundaries: Oakdale Avenue

Future Land Use Designation: Commercial

Current Land Use Designation: Residential

Current Zoning Classification: _____

Zoning Classification Desired: C-1 with S.F. for Storage Establishment
(Mini-warehouse)

Has a public hearing been held on this property within the last twelve months? No

PETITION FOR SPECIAL EXCEPTION USAGE

TO THE CITY OF BROOKSVILLE, FLORIDA
PLANNING & ZONING COMMISSION

The undersigned Petitioner/Property Owner hereby submits this Petition for a Special Exception Usage at the following described property, to wit: (insert typewritten legal description)

See attached

Subject Property Street Address: 712-714 Oakdale Ave
Brooksville, Fla

PETITIONER IS SPECIFICALLY REQUESTING SPECIAL EXCEPTION USAGE FOR THE FOLLOWING:

Storage Establishment (Mini-warehouse)

Property future land use is: Residential
Current land use is: Residential-Vacant Property
Property is zoned: R1B-Single Family Residential

Petitioner requests that said Special Exception Usage be permitted so that the Owner may utilize the above said property to its highest and best use.

It is in the opinion of the Petitioner that the granting of a Special Exception Use of said property will not be materially detrimental to the Public Welfare, nor to the persons or properties located in the immediate area.

Wherefore, the Petitioner requests that the City of Brooksville, Florida, Planning and Zoning Commission convene to hear and take jurisdiction over the subject matter of this petition.

Petitioner's Name: Hubert Wayne Dukes

Street Address: 4234 Camelia Dr

City/State/Zip: Hernando Beach, FL 34607

Daytime Phone: 352-596-8383

Signature: Hubert W. Dukes

PARCEL A

FOR A POINT OF BEGINNING COMMENCE AT A FOUND CONCRETE MONUMENT ON THE NORTH RIGHT-OF-WAY OF OAKDALE AVENUE AND THE SOUTHEAST CORNER OF LOT 6, BLOCK "B", PLAT OF SNOW CAPS; A SUBDIVISION IN SECTION 22, TOWNSHIP 22 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA AS RECORDED IN PLAT BOOK 5, PAGE 84, PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA, SAID CONCRETE MONUMENT BEING AS A PERMANENT REFERENCE MARK ON SAID PLAT OF SNOW CAPS, RUN THENCE NORTH 00°32' EAST ALONG THE EAST BOUNDARY OF BLOCK "B", 225.00 FEET TO ITS INTERSECTION WITH THE SOUTH RIGHT-OF-WAY OF CARRICK STREET; THENCE EAST ALONG SAID SOUTH RIGHT-OF-WAY TO THE EAST RIGHT-OF-WAY OF CARRICK STREET; NORTH ALONG SAID EAST RIGHT-OF-WAY 22.35 FEET TO ITS INTERSECTION WITH THE SOUTH BOUNDARY OF THE FORMER SNOW PROPERTY, AS ESTABLISHED BY SURVEYS EXECUTED IN SEPTEMBER 1973 AND PER DEED RECORDED IN OFFICIAL RECORD BOOK 15, PAGE 197, PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA AND NOW STRONGLY OCCUPIED AND MONUMENTED; THENCE NORTH 89°42' EAST ALONG SAID SOUTH BOUNDARY OF THE FORMER SNOW PROPERTY 75.21 FEET; THENCE SOUTH 00°32' WEST 123.87 FEET; THENCE SOUTH 89° 51' WEST 62.50 FEET; THENCE SOUTH 00°32' WEST, 123.71 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF OAKDALE AVENUE; THENCE WEST 62.50 FEET ALONG SAID NORTH RIGHT-OF-WAY TO THE POINT OF BEGINNING. EAST RIGHT-OF-WAY.

AND

PARCEL B

COMMENCE AT A FOUND CONCRETE MONUMENT ON THE NORTH RIGHT-OF-WAY OF OAKDALE AVENUE AND THE SOUTHEAST CORNER OF LOT 6, BLOCK "B", OF THE PLAT OF SNOW CAPS; A SUBDIVISION IN SECTION 22, TOWNSHIP 22 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA, AS RECORDED IN PLAT 5, PAGE 84, OF THE PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA, SAID CONCRETE MONUMENT BEING DESIGNATED AS A PERMANENT REFERENCE MARK ON SAID PLAT OF SNOW CAPS, RUN THENCE EAST ALONG THE NORTH RIGHT-OF-WAY OF OAKDALE AVENUE, 62.50 FEET TO THE POINT OF BEGINNING; CONTINUE THENCE EAST ALONG SAID NORTH RIGHT-OF-WAY 62.50 FEET; RUN THENCE NORTH 00°32'00" EAST A DISTANCE OF 123.87 FEET; RUN THENCE SOUTH 89°51'00" WEST A DISTANCE OF 62.50 FEET; RUN THENCE SOUTH 00°32'00" WEST A DISTANCE OF 123.71 FEET TO THE POINT OF BEGINNING.

ACKNOWLEDGMENT

I, Hubert W. Dukes, hereby state and affirm that all answers to the questions in said application and all sketches and data attached to and made part of this application are honest and true to the best of my knowledge.

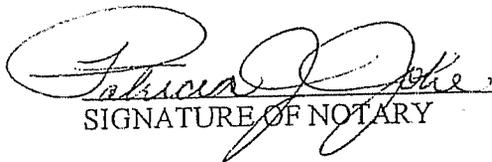
I am the owner of the property covered under this application.

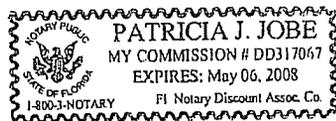
I am the legal representative of the owner or lessee of the property described which is the subject matter of this application.


Signature

STATE OF FLORIDA
COUNTY OF Hernando

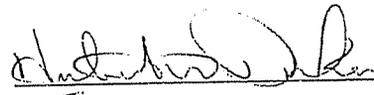
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 24th DAY OF April, 2007 BY THE ABOVE PERSON(S) _____ WHO IS PERSONALLY KNOWN TO ME OR ~~WHO HAS PRODUCED AS IDENTIFICATION~~ AND WHO ~~(DID)~~ (DID NOT) TAKE AN OATH.


SIGNATURE OF NOTARY



OWNER OR AGENT AFFIDAVIT

*CITY OF BROOKSVILLE
COUNTY OF HERNANDO
STATE OF FLORIDA*

I, , being duly sworn, hereby depose and say
I am the owner of the herein described property to-wit:

(Insert Legal Description Below)

APR 24 2007

**Hubert W. Dukes
4234 Camelia Drive
Hernando Beach, FL 34607
(352) 596-8383**

City of Brooksville
201 Howell Ave
Brooksville, FL 34601

Subject: Zoning Amendment Petition

Please find the enclosed petition concerning the properties located at 712 and 714 Oakdale Avenue, Brooksville.

My proposal is for a centrally located 40'X150' metal mini storage building that meets Florida's building codes. This building would be a premanufactured building and would be assembled on site. This low impact building would offer a genuine buffer zone from the two existing commercial properties.

As a normally unoccupied facility it would not generate any adverse conditions to any of the property owners surrounding the proposed site. The property on the South side of the proposed site is an apartment complex consisting of 40 one and two bedroom apartments for which the proposed storage facility would be conveniently located. The West Side of the property would provide a true buffer zone to the two residential properties that are located at least 70 feet west of the subject property.

County Traffic Management office determined that the project will only generate 15 daily trips of which only two are PM peak hour trips.

Potable water service is available adjacent to the project site on Oakdale Avenue. This includes a 2-inch potable water line adjacent to the project, and a 6-inch potable water line on the south right-of-way of Oakdale Avenue. Potable water capacity is currently available to serve the proposed project.

Wastewater service is currently available adjacent to the project on Oakdale Avenue. This includes a 8-inch gravity sewer currently serving Oakdale Avenue. Sanitary sewer is available for this project.

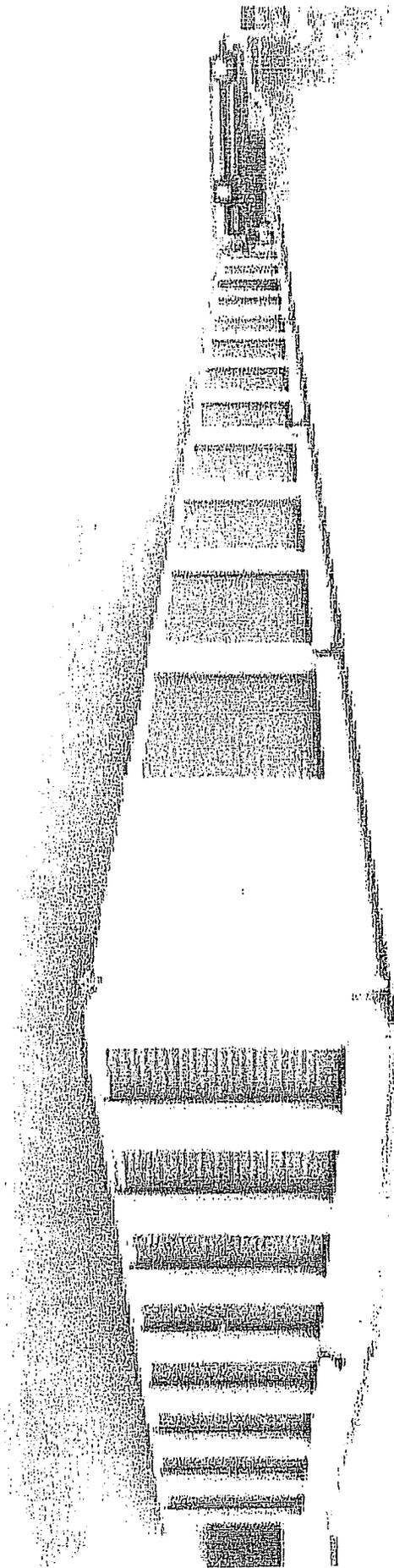
Surface water drainage will be accommodated through on-site retention and ditch system.

The capacity for solid waste is available to project on Oakdale Avenue by the City Sanitation Dept. for services in the area. The Hernando County's Northwest Waste Management Facility is located on US 98 Northwest of Brooksville.

Your favorable consideration is greatly appreciated.



Hubert W. Dukes



ORDINANCE NO. 749

AN ORDINANCE REZONING CERTAIN PROPERTY FROM R-1B (SINGLE FAMILY RESIDENTIAL DISTRICT) TO C-1 (COMMERCIAL DISTRICT) WITH A SPECIAL EXCEPTION USE FOR A STORAGE ESTABLISHMENT (MINI-WAREHOUSE STORAGE ONLY) FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN; 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 as shown on Exhibit "A" and described below is hereby zoned as C-2 Commercial with Special Exception Use for a Storage Establishment (Mini-warehouse storage only). The zoning map of the City of Brooksville shall be amended accordingly.

Legal Description of Subject Property:

PARCEL A

FOR A POINT OF BEGINNING COMMENCE AT A FOUND CONCRETE MONUMENT ON THE NORTH RIGHT-OF-WAY OF OAKDALE AVENUE AND THE SOUTHEAST CORNER OF LOT 6, BLOCK "B," PLAT OF SNOW CAPS; A SUBDIVISION IN SECTION 22, TOWNSHIP 22 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA AS RECORDED IN PLAT BOOK 5, PAGE 84, PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA, SAID CONCRETE MONUMENT BEING AS A PERMANENT REFERENCE MARK ON SAID PLAT OF SNOW CAPS, RUN THENCE NORTH 00°32' EAST ALONG THE EAST BOUNDARY OF BLOCK "B," 225.00 FEET TO ITS INTERSECTION WITH THE SOUTH RIGHT-OF-WAY OF CARRICK STREET; THENCE EAST ALONG SAID SOUTH RIGHT-OF-WAY TO THE EAST RIGHT-OF-WAY OF CARRICK STREET; NORTH ALONG SAID EAST RIGHT-OF-WAY 22.35 FEET TO ITS INTERSECTION WITH THE SOUTH BOUNDARY OF THE FORMER SNOW PROPERTY, AS ESTABLISHED BY SURVEYS EXECUTED IN SEPTEMBER 1973 AND PER DEED RECORDED IN OFFICIAL RECORD BOOK 15, PAGE 197, PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA AND NOW STRONGLY OCCUPIED AND MONUMENTED; THENCE NORTH 89°42' EAST ALONG SAID SOUTH BOUNDARY OF THE FORMER SNOW PROPERTY 75.21 FEET; THENCE SOUTH 00°32' WEST 123.87 FEET; THENCE SOUTH 89° 51' WEST 62.50 FEET; THENCE SOUTH 00°32' WEST, 123.71 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF OAKDALE AVENUE; THENCE WEST 62.50 FEET ALONG SAID NORTH RIGHT-OF-WAY TO THE POINT OF BEGINNING. EAST RIGHT-OF-WAY.
AND

PARCEL B

COMMENCE AT A FOUND CONCRETE MONUMENT ON THE NORTH RIGHT-OF-WAY OF OAKDALE AVENUE AND THE SOUTHEAST CORNER OF LOT 6, BLOCK "B," OF THE PLAT OF SNOW CAPS; A SUBDIVISION IN SECTION 22, TOWNSHIP 22 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA, AS RECORDED IN PLAT 5, PAGE 84, OF THE PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA, SAID CONCRETE MONUMENT BEING DESIGNATED AS A PERMANENT REFERENCE MARK ON SAID PLAT OF SNOW CAPS, RUN THENCE EAST ALONG THE NORTH RIGHT-OF-WAY OF OAKDALE AVENUE, 62.50 FEET TO THE POINT OF BEGINNING; CONTINUE THENCE EAST ALONG SAID NORTH RIGHT-OF-WAY 62.50 FEET; RUN THENCE NORTH 00°32'00" EAST A DISTANCE OF 123.87 FEET; RUN THENCE SOUTH 89°51'00" WEST A DISTANCE OF 62.50 FEET; RUN THENCE SOUTH 00°32'00" WEST A DISTANCE OF 123.71 FEET TO THE POINT OF BEGINNING.

Location: 712 - 714 Oakdale Avenue

Petitioner: Hubert W. Dukes

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

A. The property described herein is hereby zoned C-1 (Commercial District) with a Special Exception Use for a Storage Establishment (Mini-warehouse storage only), and the zoning map of the City of Brooksville shall be amended accordingly. The Zoning/Special Exception Use consideration for a Storage Establishment (Mini-warehouse only) is subject to the following conditions:

1. The use of this property is restricted exclusively for a mini-warehouse "storage only" facility. No other use is permitted on this property. The owner must apply to the City with a request to re-zone the property in order to establish a different use for this property.

2. Development/construction plans for this property will be analyzed for impact to roads, utilities, drainage, public services, the environment and all other applicable land use criteria, and will be subject to meeting all federal, state and local agency permitting requirements.
3. The developer of the subject property shall 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 *Management and Storage of Surface Waters Permit Information Manual*, as published by the Southwest Florida Water Management District. Site development plans will be submitted, including drainage control system design and calculations, that are subject to approval by the City's Department of Public Works prior to obtaining a building permit.
4. The petitioner shall provide adequate buffers around the perimeter of the property that are consistent with or exceed City adopted standards and comply with the City's landscaping, buffers and tree protection regulations.
5. A dumpster pad is required that complies with the screening requirements of Chapter 109 of the City Code.
6. The development must be served by City central water and sewer.
7. The developer will be required to coordinate with the City Department of Public Works 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 crosswalks and underground drainage where appropriate.
8. The proposed zoning will not become effective until a Comprehensive Plan land use change from "Single Family Residential" to a "Commercial" designation has been approved.

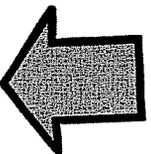
Section 2. -- This Ordinance and zoning classification for the properties described shall take effect at such time as when the City's amendment of the Future Land Use Map of its Comprehensive Plan designating a "Commercial District" land use for the described properties hereto, is approved and becomes effective per Statutory requirements.

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

CITY OF BROOKSVILLE

Attest: _____
 Karen M. Phillips
 City Clerk

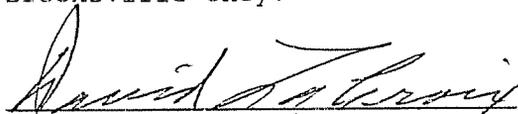
By: _____
 David Pugh
 Mayor



PASSED on First Reading September 10, 2007
 NOTICE Published on September 21 & 28, 2007
 PASSED on Second & Final Reading _____

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

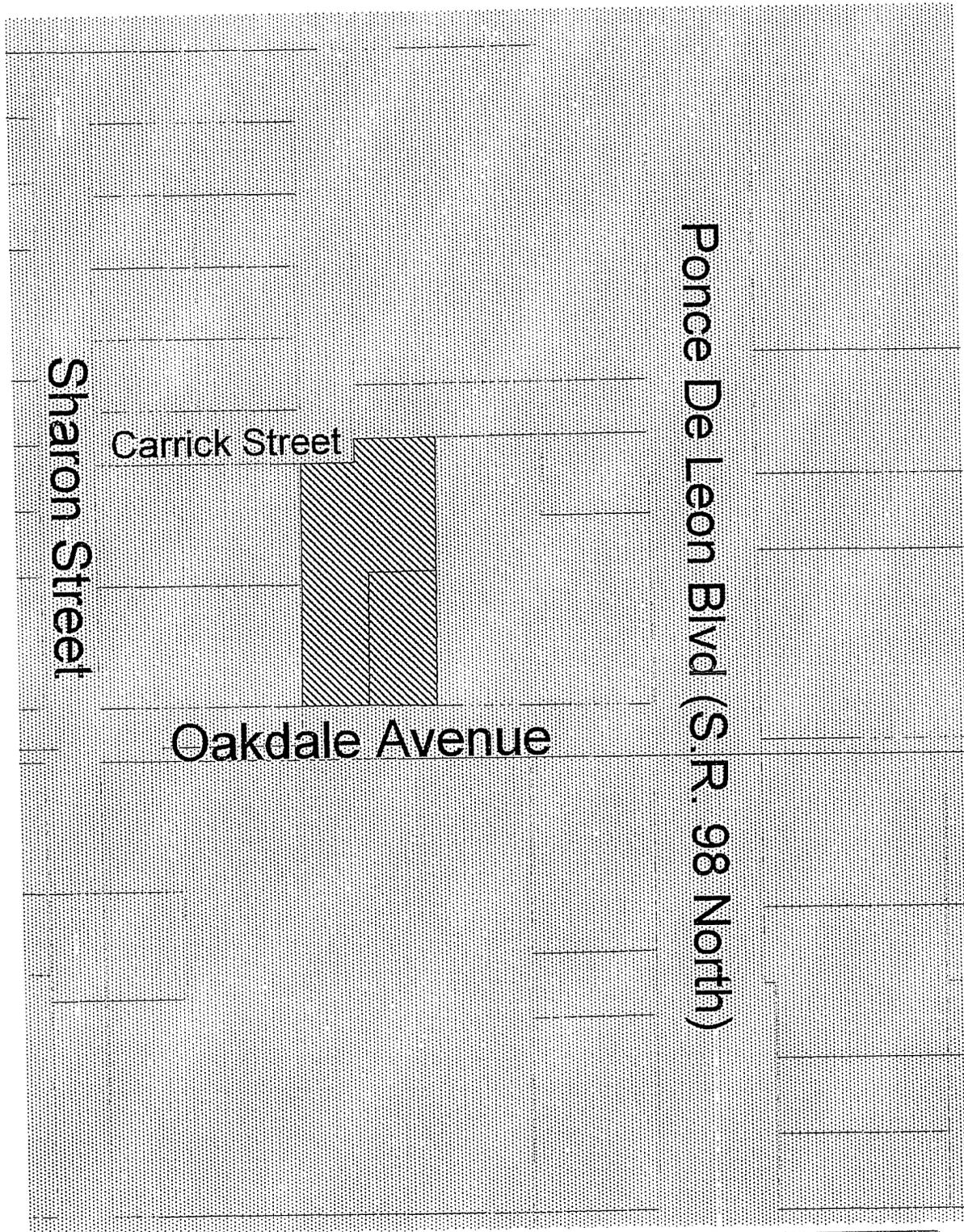
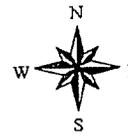
VOTE OF COUNCIL:
 Bernardini _____
 Bradburn _____
 Burnett _____
 Lewis _____
 Pugh _____


 David La Croix, City Attorney





Hubert W. Dukes Oakdale Avenue Property



Prepared by
City of Brooksville
Community Development Department
August 8, 2007

Hubert W. Dukes
Exhibit "A"
Rezoning Ord. No. 749

Legend	
	Dukes epa.chp
	City Boundary as of August 14, 2008

STAFF REPORT

To: Honorable Mayor & City Council Members
Via: T. Jennene Norman-Vacha, City Manager *Jennene Norman-Vacha*
From: Bill Geiger, Community Development Director *Bill Geiger*
Subject: RZ2007-04 and SE2007-07 and 08; Petition request to rezone from Agricultural to C-2 (Commercial) with a Special Exception Use for Light Manufacturing and a Special Exception Use for a Secondhand Retail Store
Petitioner: Hernando County Board of County Commissioners (property owner) and Grace M. Haines (lessee/building owner); Presented by Clifford Fouts - Habitat for Humanity of Hernando County
Location: 19370 Oliver Street - Ref. HCPA Parcel Key # 01305607
Date: September 14, 2007 ORD # 750

Introduction and Background Information:

The subject property is 3.25 acres \pm , currently zoned as Agricultural and is located on the north-central side of the Hernando County Fairgrounds property off of U.S. Highway 41 South, and on the south side of Oliver Street (See attached location map). The Petitioner is specifically requesting that the property be rezoned from Agricultural to C-2 Commercial, with two (2) Special Exception Use (SEU) petitions. One SEU petition is for Light Manufacturing and one is for a Secondhand Retail Store, both to be located at this site. This property was annexed into the city on June 7, 1993. Historically, light manufacturing operations have been a primary use on this property (including a sewing factory and Clinch-On Tools, a fastener manufacturer).

Land Use/Zoning:

The subject property is zoned Ag (Agricultural) with a City Comprehensive Plan Future Land Use (FLU) designation of Public Facilities and Land. Property located on the north side of Oliver Street has a County zoning designation of Residential with a FLU designation of residential, and properties to the south, east and west have a City zoning designation of Agricultural, with a FLU designation of Public Facilities and Land.

Factual Information:

1. The property has a current zoning designation of Agricultural. The Petitioner is requesting a C2 zoning designation with Special Exception Use for a second hand store and light manufacturing.
2. The property for this petition's zoning is approximately 3.25 \pm acres.
3. The site is already developed with buildings and parking that will support the proposed use.
4. Habitat for Humanity of Hernando County is proposing to use the site for their office, thrift store, warehouse and pre-assembly activities associated with their program to build affordable housing in Hernando County.
5. The subject property has existing, improved access to Oliver Street.
6. The on-site soil type is Blichton loamy fine sand (2% to 5% Slopes).
7. The property is located in flood zone C (as per the FIRM). Elevations range from 100' to 112' with the property sloping/draining toward the northwest.
8. The subject property is not located within a wellhead protection area.

Page 2

RZ2007-004 & SE 2007-07 and 08

Hernando County BCC and Grace M. Haines;

Presented by Clifford Fouts -Habitat for Humanity of Hernando County

19370 Oliver Street

October 1, 2007

Staff Findings:

The petitioner is requesting this re-zoning and two (2) special exception uses to enable the petitioner to use the existing, developed property for light manufacturing (storage of building materials, construction of walls to be transported to home building sites, etc.) and also to enable the petitioner to operate a secondhand retail store with all the proceeds going toward defraying the cost for construction materials. No new buildings or development is being proposed with this project.

The city will continue to provide services to the site, including police & fire protection, water service and solid waste collection services.

The Habitat for Humanity project traffic will be served by Oliver Street, which is currently a small, local road with varying pavement width. This general area is transitioning, with additional higher density residential and commercial uses anticipated for the future. City and County staff have done some preliminary coordination and planning with prospective developers in this vicinity, and anticipate that Oliver Street will eventually be improved and extended to the east to connect with the future road to be constructed by 2008-2009, know as Governor Boulevard. The anticipated traffic impact produced by Habitat for Humanity's use of the subject property is expected to be nominal, in consideration of its prior established use. However, if another heavier commercial use were to occupy the property in the future, additional evaluation of the impacts of said heavier use would need to be measured and mitigated, if necessary.

If approved, the petitioner's requested zoning and SEU will facilitate their proposed use for the property. Any future development or change of use on the property will be subject to concurrency review and analysis at the time when a development order/permit application is submitted.

Budget Impact:

There are no budget amendments or adjustments required in conjunction with the processing of this petition.

NOTE: The zoning amendment/special exception use petition process is a land use determination which does not constitute a permit for either construction on or use of the property. Nor are these actions considered a Certificate of Concurrency. Prior to use of or construction on the property, the petitioner must receive construction plan or use approval from the appropriate City and/or other governmental agencies that have regulatory authority over the proposed development/use.

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 and Staff Recommendation:

At their meeting on August 8, 2007, the Planning & Zoning Commission concurred with staff to recommend that City Council approve the re-zoning of this property from Agricultural to C2 (Commercial) with a Special Exception Use for Light Manufacturing and a Special Exception Use for a Secondhand Retail Store, subject to the following conditions (*Strikeout/Underline formatting is used to indicate modifications made by the Commission to the original staff recommendation-Staff endorse the modifications made*):

1. Use of this property is restricted exclusively for a secondhand store and light manufacturing with related offices and storage areas. No other uses are permitted on this property. The owner must apply to the city with a request to rezone the property in order to establish a difference use for this property.
2. The petitioner/developer must obtain all required permits and meet all applicable land development regulations, for construction or use of the property.
3. If additional site development were proposed for the property (beyond the scope of exiting site coverage and floor area ratio), the prospective 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. 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.
4. The active leasehold interest will need to coordinate with the City's Customer Service Division to activate an account for City services.
5. Any future use of the site, other than that which is being proposed by Habitat for Humanity of Hernando County, will be subject to concurrency and compliance review to determine consistency with city codes and regulations.

At the September 10, 2007 meeting, City Council approved the first reading of Ordinance No. 750, and authorized the public hearing for second and final reading of the Ordinance to take place on October 1, 2007 at 7:00 p.m. in the City Council chambers.

Attachments: Rezoning Petition
Special Exception Use Petitions (Including existing site plan)
Letter dated January 25, 2007 from Habitat for Humanity
Letter dated May 18, 2007 from Hernando County Deputy County Administrator
Letter dated June 18, 2007 from Attorney Joseph M. Mason, representing Grace Haines
Zoning/SEU Ordinance No. 750
Site Location Map

CITY OF BROOKSVILLE ZONING AMENDMENT PETITION

Date: May 5, 2007

Print or Type All Information.

Applicant: Clifford B. Fouts
Mailing Address: P. O. Box 15389
Brooksville, FL 34604
Daytime Telephone: 352-754-1159

Representative: Clifford B Fouts for Habitat for Humanity
Mailing Address: Same as above
Daytime Telephone: _____

Legal Description: Section: 33 Township: 22S Range: 19E

Size of Area Covered by Application: 3.25 acres ±

Highway & Street Boundaries: Oliver Street and U.S. Hwy 41 South

Future Land Use Designation: Public Facilities and Land

Current Land Use Designation: Agricultural

Current Zoning Classification: Agricultural

Zoning Classification Desired: C-2 Commercial

Has a public hearing been held on this property within the last twelve months? NO

ACKNOWLEDGMENT

I, Clifford B. Fouts, hereby state and affirm that all answers to the questions in said application and all sketches and data attached to and made part of this application are honest and true to the best of my knowledge.

 I am the owner of the property covered under this application.

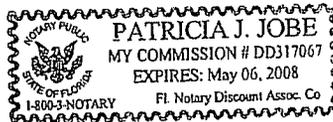
I am the legal representative of the owner or lessee of the property described which is the subject matter of this application.

Clifford B. Fouts
Signature

STATE OF FLORIDA
COUNTY OF Demands

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 26th DAY OF July, 2007 BY THE ABOVE PERSON(S) WHO IS PERSONALLY KNOWN TO ME ~~OR WHO HAS PRODUCED AS IDENTIFICATION AND WHO (DID) (DID NOT)~~ TAKE AN OATH.

Patricia J. Jobe
SIGNATURE OF NOTARY



PETITION FOR SPECIAL EXCEPTION USAGE

TO THE CITY OF BROOKSVILLE, FLORIDA PLANNING & ZONING COMMISSION

The undersigned Petitioner/Property Owner hereby submits this Petition for a Special Exception Usage at the following described property, to wit: (insert typewritten legal description)

Commencing at the NE corner of the SW ¼ of Section 33, township 22 South, Range 19 East, Hernando County, Florida, to thence S 01 degrees 10' 13" W, a distance of 25.00 feet to the POINT OF BEGINNING, continue
thence S 01 • 10' 13" W, a distance of 637.01 feet;
thence N 30 • 34' 41" W, a distance of 97.29 feet;
thence N 42 • 49' 11" W, a distance of 168.74 feet;
thence N 32 • 40' 26" W, a distance of 327.25 feet;
thence N 00 • 30' 14" E, a distance of 157.00 feet;
thence S 89 • 29' 41" E, a distance of 352.49 feet to
the POINT OF BEGINNING.

Also described as: A TR 637X97X168X327X157X352 FT MOL IN E1/2 OF SW ¼
ORB 1041 PG 1705. PARCEL R33 422 19 0000 0510 0010

Subject Property Street Address: 19370 Oliver Street, Brooksville, Fl. 34601

PETITIONER IS SPECIFICALLY REQUESTING SPECIAL EXCEPTION USAGE FOR THE FOLLOWING:

Habitat for Humanity of Hernando County needs a location which will provide office space to administer the Habitat home building program in Hernando County, a warehouse area for the storage of building materials used in the construction of Habitat homes, an area where frame wall section can be pre-built for delivery to the home construction site and a large area suitable for the operation of a Thrift Store where Habitat is able to sell donated used items. The proceeds of the Thrift Store are used to pay for the administrative costs of the Habitat Affiliate so that other donations can be used entirely toward building homes for low-income families.

Property future land use is: manufacturing and retail
Current land use is: Currently vacant, was light manufacturing
Property is zoned: Agricultural, grandfathered as manufacturing

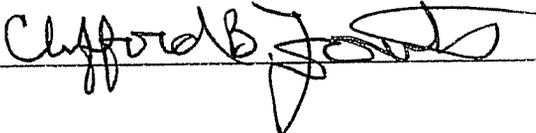
Petitioner requests that said Special Exception Usage be permitted so that the Owner may utilize the above said property to its highest and best use.

It is in the opinion of the Petitioner that the granting of a Special Exception Use of said property will not be materially detrimental to the Public Welfare, nor to the persons or properties located in the immediate area.

Wherefore, the Petitioner requests that the City of Brooksville, Florida, Planning and Zoning Commission convene to hear and take jurisdiction over the subject matter of this petition.

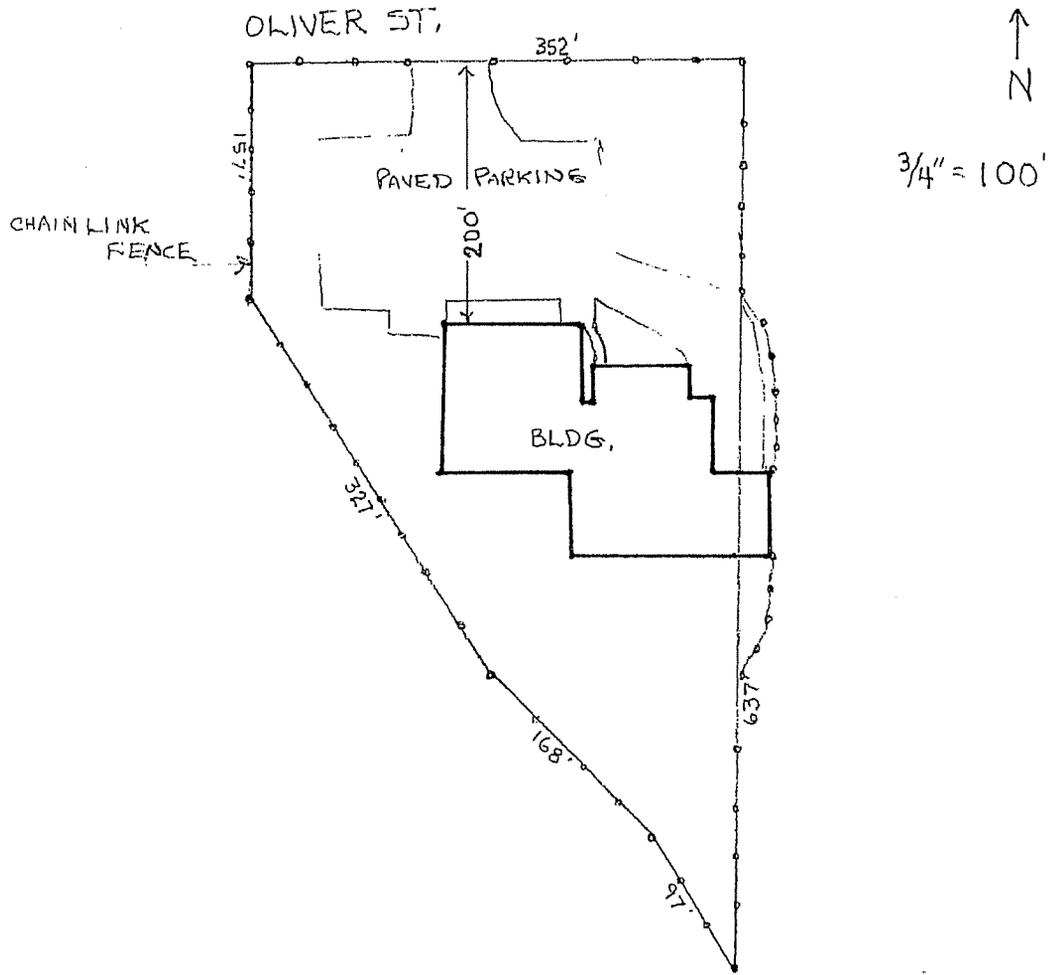
Petitioner's Name: Clifford B. Fouts for Habitat for Humanity of Hernando County, Inc.

Street Address: 2035 Broad Street
mailing: P.O. Box 15389
City/State/Zip: Brooksville, Fl. 34604
Daytime Phone: 352-754-1159

Signature: 

C:\bolt\boards\pet_form\se_petit
Rev. 09/14/97, 12/09/97

**SITE PLAN OF 19370 OLIVER STREET
EXISTING BUILDING**



APPOINTMENT OF AGENT

CITY OF BROOKSVILLE
COUNTY OF HERNANDO
STATE OF FLORIDA

I, Grace M. Haines, the owner(s) in fee simple of the below described real property hereby appoint Clifford Fouts-Habitat For Humanity as my (our) agent to file required petitions, sign required documents, make representations as to issues of fact and to appear, as may be necessary, before the appropriate City of Brooksville authority. My agent shall also have the authority to commit myself as owner to the necessary future performance conditions as may be directed by the appropriate City authority as a condition of granting my petition.

Commencing at the NE corner of the SW ¼ of Section 33, township 22 South, Range 19 East, Hernando County, Florida, to thence S 01 degrees 10' 13" W, a distance of 25.00 feet to the POINT OF BEGINNING, continue
thence S 01 ° 10' 13" W, a distance of 637.01 feet;
thence N 30 ° 34' 41" W, a distance of 97.29 feet;
thence N 42 ° 49' 11" W, a distance of 168.74 feet;
thence N 32 ° 40' 26" W, a distance of 327.25 feet;
thence N 00 ° 30' 14" E, a distance of 157.00 feet;
thence S 89 ° 29' 41" E, a distance of 352.49 feet to the POINT OF BEGINNING.

Also described as: A TR 637X97X168X327X157X352 FT MOL IN E1/2 OF SW ¼
ORB 1041 PG 1705. PARCEL R33 422 19 0000 0510 0010

Dated: 1/25/2007

Signed in the presence of:

WITNESSES:

Signature Cynthia M. Arko
Print Name CYNTHIA M. ARKO

Signature [Signature]
Print Name EDWARDS L. PARSON

Signature _____
Print Name _____

Signature _____
Print Name _____

LANDOWNER(S):

Signature Grace M. Haines
Print Name Grace M. Haines

Signature _____
Print Name _____

G:\WP_work\Bgeig\Planning\old\boards\PET\FORM\APPT_AOT.WPD

OWNER OR AGENT AFFIDAVIT

CITY OF BROOKSVILLE
COUNTY OF HERNANDO
STATE OF FLORIDA

I, Grace M. Haines, being duly sworn, hereby depose and say
Grace M. Haines is the owner of the herein described property to-wit:

Commencing at the NE corner of the SW ¼ of Section 33, township 22 South,
Range 19 East, Hernando County, Florida, to thence S 01 degrees 10' 13" W, a
distance of 25.00 feet to the POINT OF BEGINNING, continue
thence S 01 ° 10' 13" W, a distance of 637.01 feet;
thence N 30 ° 34' 41" W, a distance of 97.29 feet;
thence N 42 ° 49' 11" W, a distance of 168.74 feet;
thence N 32 ° 40' 26" W, a distance of 327.25 feet;
thence N 00 ° 30' 14" E, a distance of 157.00 feet;
thence S 89 ° 29' 41" E, a distance of 352.49 feet to
the POINT OF BEGINNING.

Also described as: A TR 637X97X168X327X157X352 FT MOL IN E1/2 OF SW ¼
ORB 1041 PG 1705. PARCEL R33 422 19 0000 0510 0010

ACKNOWLEDGMENT

All information submitted within this Petition is in all respects true and correct to the best of my knowledge and belief.

Witness Signature: [Signature]

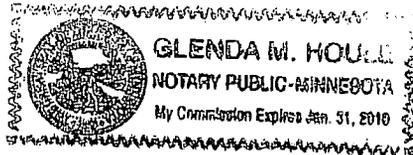
Owner/Agent Signature: Grace M. Haines

STATE OF ~~FLORIDA~~ Minnesota
COUNTY OF Ramsey

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 25th
DAY OF January, 2007 BY THE ABOVE PERSON(S) Grace M. Haines
WHO IS PERSONALLY KNOWN TO ME OR WHO HAS PRODUCED
AS IDENTIFICATION AND WHO (DID) (DID NOT) TAKE AN
OATH.

Glenda M. Houle
SIGNATURE OF NOTARY

Glenda M. Houle
PRINTED NAME OF NOTARY



G:\WP_WORK\Bgeig\Planning\old\BOARDS\PET_FORMOWN_AFF.WPD



Office and Thrift Store: 2035 Broad Street
Office: (352) 754-1159 Fax: (352) 754-6044
Thrift Store: (352) 754-1255
Mailing: P.O. Box 15389, Brooksville, Fl. 34604

Officers

January 25, 2007

President:
Bob Jillings

To: The City of Brooksville, Florida
Planning & Zoning Commission

Vice-President:
Ken Aldridge

Habitat for Humanity of Hernando County is an affiliate of Habitat for Humanity International. Habitat of Hernando receives no funds from Habitat International and accepts no Government funds. Donations in time and money from individuals, businesses and organizations in Hernando County are used to build the simple, decent, affordable houses for low-income families.

Secretary:
Arlene Palmeri

Treasurer:
Diana Bartlett

In order to attempt to build more homes Habitat opened a Thrift Store in July of 2003 because people were willing to donate "things" when they would not donate funds. We have been able to turn donated items into cash used to build homes. The success of our Thrift Store has become very important to the continued success of the Affiliate. That is, by funding the construction of homes.

Directors

Don Berg
Glenn Claytor
Al Hernandez
Lisa Kiddon
Gerard Schneider
Doug Steele
Bill Yoos
David VanHorn

Since July of 2003 the Thrift Store has been in two different locations. We moved the first time to increase space. This time we are moving at the request of our current landlord. Habitat needs to be in a consistent location where we can concentrate on developing funding and building more homes.

The location at 19370 Oliver Street would give us the space for offices, a Thrift Store and still provide warehouse space where we can store building materials and build wall sections to be transported to the home building site.

Advisory Board

Ginny Brown-Waite
Josh Kelly
Richard Nugent
David Sasser
Grant Tolbert

The building at 19370 Oliver Street is owned by Mrs. Grace Haines, who lives in Minnesota. The land is owned by Hernando County and is adjacent to the Fair Grounds. I understand that it is zoned Agricultural but the property was grandfathered in as industrial. Mrs. Haines wishes the property to retain its industrial designation.

Habitat is requesting that the Planning and Zoning Commission grant a Special Exception Usage for this property to C-2 zoning, which would allow the property to support both industrial (manufacturing) and retail use.

Executive Director:

C. B. Fouts

Habitat wishes to continue, and increase, its work in Hernando County and asks for your assistance in helping our Affiliate to have a "home" for our operation.

Have you
remembered
Habitat in your
will?

Thank you,


Cliff Fouts for the
volunteers and staff

Email: habitathernando@juno.com Web-site: habitat-hernando.com

Habitat for Humanity does not retain a professional solicitor or professional fundraising consultant.

All donations to Habitat for Humanity under this program are used exclusively for the building of Habitat houses. Habitat for Humanity of Hernando County is a 501 (c) 3 tax-exempt organization.

Florida Department of Agriculture and Consumer Services I.D. SC-03131

Habitat for Humanity of Hernando County is a United Way Agency

Jesus replied, "You must love the Lord your God with all your heart, all your soul, and all your mind..'
This is the first and greatest commandment. A second is equally important: Love your neighbor as yourself." Matthew 22: 37-39 NLT

Board of County Commissioners

Hernando County



MAY 22 2007

20 N. Main Street, Room 460
Brooksville, FL 34601
(352) 754-4000
Fax (352) 754-4477
www.co.hernando.fl.us

May 18, 2007

Mr. William "Bill" Geiger
Community Development Director
City of Brooksville
201 Howell Avenue
Brooksville, Florida 34601

Re: Habitat for Humanity
Application to City of Brooksville for Commercial Uses

Dear Bill:

This letter will confirm action taken by the Hernando County Board of County Commissioners at their meeting on May 15, 2007. On that date, the Board authorized the re-zoning of the property located at 19370 Oliver Street, which is leased to Grace Haines and will be subleased by Habitat for Humanity, to allow a thrift store provided the re-zoning includes the continuation of the light manufacturing use.

If you need additional information or further action by the Board of County Commissioners, please advise.

Sincerely,

Larry Jennings
Deputy County Administrator

pc: Joseph M. Mason, Jr.

JUN 18 2007

JOSEPH M. MASON, JR. *

CAROLE JOY BARICE⁺ #¹¹

RICHARD M. MITZEL[#]
OF COUNSEL

*ALSO ADMITTED IN THE DISTRICT OF COLUMBIA

⁺ALSO ADMITTED IN ALASKA

[#]ALSO ADMITTED IN MICHIGAN

¹¹BOARD CERTIFIED IN LOCAL GOVERNMENT LAW

LAW OFFICES OF
MCGEE & MASON

PROFESSIONAL ASSOCIATION
101 SOUTH MAIN STREET
POST OFFICE BOX 1900
BROOKSVILLE, FLORIDA 34605-1900

TELEPHONE: (352) 796-0795
FACSIMILE: (352) 796-0235
E-MAIL: MAIL@MCGEEMASONLAW.COM

PLEASE REPLY TO:
BROOKSVILLE

June 18, 2007

RICHARD E. MCGEE, SR.
(1916 - 2005)

4026 COMMERCIAL WAY
SPRING HILL, FLORIDA 34606-2398
TELEPHONE: (352) 686-1028

1520 WEST CLEVELAND STREET
TAMPA, FLORIDA 33606
TELEPHONE: (813) 259-1098

Mr. William "Bill" Geiger
Community Development Director
City of Brooksville
201 Howell Avenue
Brooksville, Florida 34601

HAND DELIVERY

In Re: Habitat for Humanity
Hernando County Chapter
Property at 19370 Oliver Street

Dear Bill:

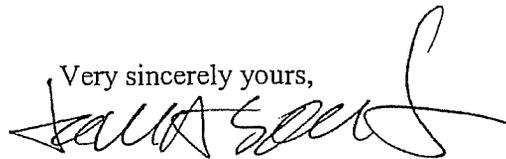
Enclosed is a copy of a letter dated June 15, 2007, which I have received from Edward L. Pardee, primary counsel, in Minnesota, for my client, Grace Haines, who I represent locally. The letter is self-explanatory.

As you are aware, Habitat for Humanity seeks to lease the building, on Oliver Street, which Grace Haines has under long-term lease from Hernando County. It is my understanding that Habitat has submitted an application requesting the City to re-zone the property from agriculture (with a preexisting non-conforming light industrial/ manufacturing use) to C-2, with a special exception for retail uses, to accommodate both its light manufacturing/industrial and its thrift store activities.

Recently, you received a letter from the County consenting to that re-zoning, so long as the entire property retained at least its "light manufacturing" uses. According to our conversations regarding this matter, prior to the issuance of the County's consent letter, both "light manufacturing" and "thrift store retail commercial" will be allowed on the property following the rezoning as requested.

Apparently the application by Habitat for Humanity is languishing, and not making progress toward an ultimate decision thereon. Please let me know if there is anything I can do that will assist in moving this matter towards a resolution.

Very sincerely yours,



JOSEPH M. MASON, JR.

JMM/kpm/kmD: 06/17/07

HAB061707.H-1LET

Enclosure

pc (w/o enc.): Edward L. Pardee, Esquire

ORDINANCE NO. 750

AN ORDINANCE REZONING CERTAIN PROPERTY FROM AGRICULTURAL DISTRICT TO C-2 COMMERCIAL DISTRICT WITH SPECIAL EXCEPTION USE FOR LIGHT MANUFACTURING AND WITH SPECIAL EXCEPTION USE FOR SECONDHAND RETAIL STORE FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN; 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 as shown on Exhibit "A" and described below is hereby zoned as C-2 Commercial with Special Exception Use for Light Manufacturing and with Special Exception Use for Secondhand Retail Store and the zoning map of the City of Brooksville shall be amended accordingly.

Commencing at the NE corner of the SW 1/4 of Section 33, Township 22 South, Range 19 East, Hernando County, Florida, to thence S 01°10'13" W, a distance of 25.00 feet to the POINT OF BEGINNING, continue thence S01°10'13"W, a distance of 637.01 feet; thence N 30°34'41"W, a distance of 97.29 feet; thence N 42°49'11"W, a distance of 168.74 feet; thence N 32°40'26"W, a distance of 327.25 feet; thence N 00°30'14"E, a distance of 157.00; thence S89°29'41"E, a distance of 352.49 feet to the POINT OF BEGINNING. Also described as: A TR 637X97X168X327X157X352 FT MOL IN E1/2 OF SW1/4 ORB 1041 PG 1705. PARCEL R33 422 19 0000 0510 0010

Location: 19370 Oliver Street

Petitioner: Hernando County Board of County Commissioners

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

- A. The aforementioned property located within the City of Brooksville, Florida, is hereby assigned a zoning classification of C-2 Commercial with a Special Exception Use for Light Manufacturing and a Special Exception Use for a Secondhand Retail Store, subject to the following conditions:
1. Use of this property is restricted exclusively for a secondhand store and light manufacturing with related offices and storage areas. No other uses are permitted on this property. The owner must apply to the city with a request to rezone the property in order to establish a difference use for this property.
 2. The petitioner/developer must obtain all required permits and meet all applicable land development regulations, for construction or use of the property.
 3. If additional site development were proposed for the property (beyond the scope of exiting site coverage and floor area ratio), the prospective 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. 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.

- 4. The active leasehold interest will need to coordinate with the City's Customer Service Division to activate an account for City services.
- 5. Any future use of the site, other than that which is being proposed by Habitat for Humanity of Hernando County, will be subject to concurrency and compliance review to determine consistency with city codes and regulations.

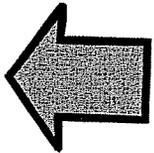
Section 2. - The City Council does hereby find that zoning classification for the property described is consistent with the City of Brooksville Future Land Use Element of its Comprehensive Plan and shall take effect immediately upon its adoption.

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

CITY OF BROOKSVILLE

Attest: _____
Karen M. Phillips
City Clerk

By: _____
David Pugh
Mayor



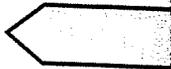
PASSED on First Reading September 10, 2007
NOTICE Published on September 21 & 28, 2007
PASSED on Second & Final Reading _____

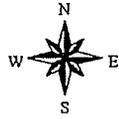
Approved as to form and content
for the reliance of the City of
Brooksville only:



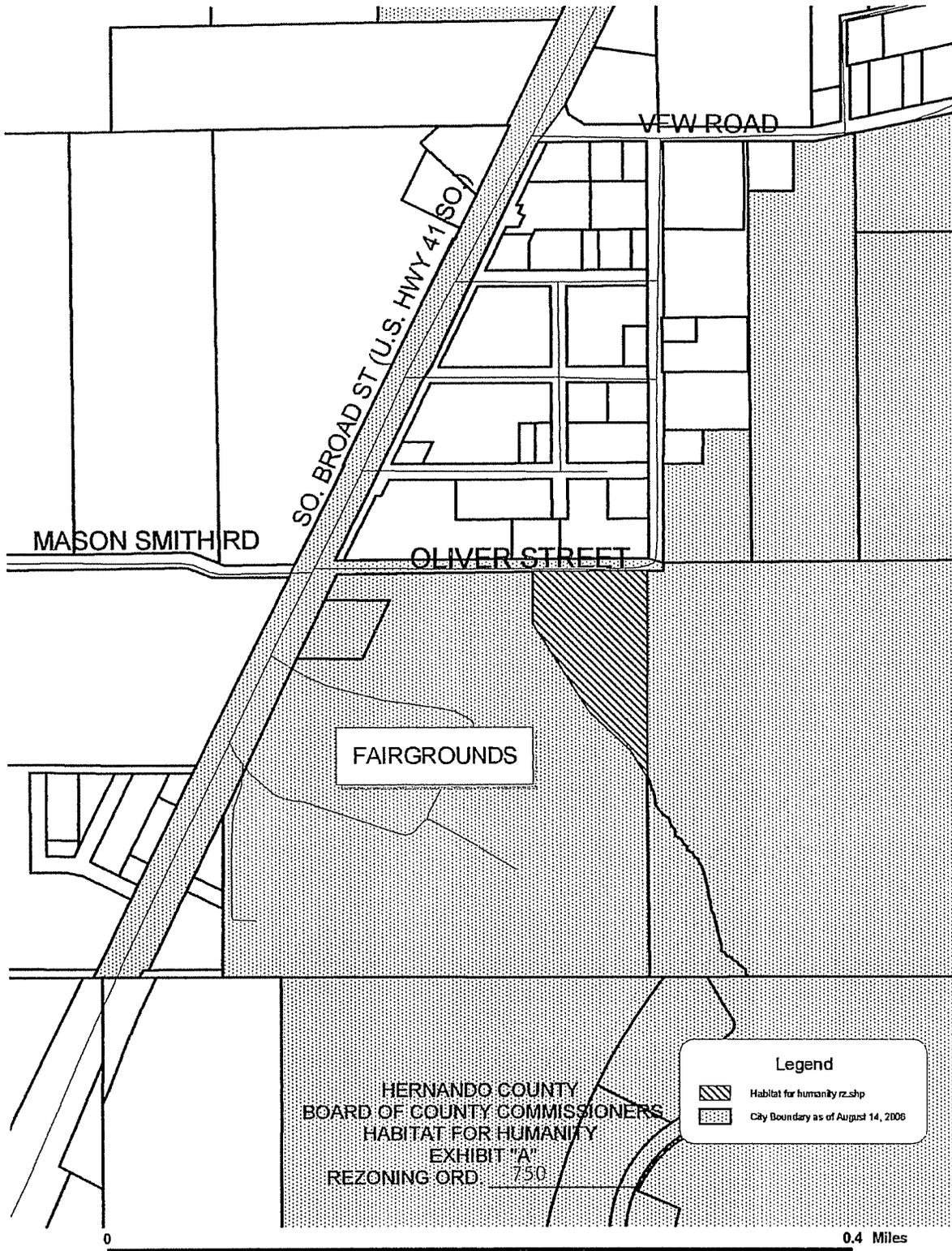
David La Croix, City Attorney

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





HERNANDO COUNTY BOARD
OF COUNTY COMMISSION PROPERTY
HABITAT FOR HUMANITY



Prepared by
City of Brooksville Community
Development Department
August 8, 2007

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Bernardini Frank Joseph</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Brooksville City Council</i>	
MAILING ADDRESS <i>520 Rogers Av</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
<i>Hernando</i>		<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
CITY <i>Brooksville</i>	COUNTY <i>Hernando</i>	NAME OF POLITICAL SUBDIVISION: <i>City of Brooksville</i>	
DATE ON WHICH VOTE OCCURRED <i>10-1-07</i>		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Frank J. Bernardini, hereby disclose that on Sept. 10, 2007:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of Hernando County Fair Grounds + Association, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Member and President of The Hernando County Fair Association

10-1-07
Date Filed

Frank J. Bernardini
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

MEMORANDUM

To: Honorable Mayor & City Council Members

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

From: Bill Geiger, Community Development Director *Bill Geiger*

Subject: SE2007-12 ; Special Exception Use for a Commercial Planned Development Project in a C2 Commercial District.

Petitioner: Thomas Malouf, Malouf Enterprises, presented by Coastal Engineering Associates, Inc.

Location: The property is located on the west side of Horse Lake Road and south side of Cortez Boulevard (See attached drawing).

Date: September 14, 2007

Introduction & Background Information

At the August 20, 2007 meeting, City Council indicated a desire to have all Planned Development Projects (PDP's) come before the City Council for a final action on the petition, and directed that the City Code be amended to provide for this to occur. Currently, the Planning and Zoning Commission is authorized to take final action on PDP's that are proposed as a Special Exception Use (SEU) under a current zoning district. In the interim time while an ordinance is crafted to effect the referenced change of authority from the Planning and Zoning Commission to the City Council, all PDP's that fall under the SEU rule may be presented to City Council under its appeal policy. Under the appeal policy, City Council may make the determination to affirm, modify or overrule the decision made by the Planning & Zoning Commission on this petition. Given the direction provided at the August 20, 2007 meeting, Petition #SE2007-12 is being presented to the City Council at this time as an automatic appeal.

The petitioner is requesting Special Exception Use approval for a Commercial Planned Development Project in a C2 Commercial District, on approximately 25 acres. The property is located on the west side of Horse Lake Road and on the south side of Cortez Boulevard. This property was annexed into the City on May 15, 1992, via Ordinance No. 515. The petitioner has submitted a request for approval of a Special Exception Use to allow for a 14,000 square foot commercial center with two future development areas to be located in the northwest quadrant of the property (See attached site plan). It is anticipated that several retail enterprises will be located in the commercial center along with a 4,000 square foot restaurant with an attached 800 square foot porch. The developer is proposing two access driveways to the property off Horse Lake Road. The petitioner is requesting the frontage road requirement be waived, since connectivity to the north is barred by environmental issues (including wetlands and an FDOT Drainage Retention Area). During a meeting held on May 15, 2007, with Hernando County planning & engineering, FDOT and City planning staff, there was concurrence that connectivity was not attainable and they would not be opposed to the waiver of the frontage road requirement for this property.

STAFF FINDINGS:**CURRENT LAND USE/ZONING**

The subject property is currently zoned C2 Commercial with a Comprehensive Plan Future Land Use

(FLU) designation of Commercial. This is 25 acres \pm of undeveloped land. Zoning and land use on property to the north, east and west are zoned Commercial C2 & C3. Property to the south is zoned County Agricultural.

FACTUAL INFORMATION

1. The subject property is currently zoned as C2 commercial with a FLU designation of Commercial.
2. The subject property is approximately 25 acres +/- in size.
3. The 25 acre site is currently undeveloped land.
4. The developer is proposing several retail stores to be located in the commercial center along with a 4,000 square foot restaurant with an attached 800 square foot porch.
5. Access to the site is proposed via Horse Lake Road.
6. Development of this property for the proposed uses is consistent with the City Comprehensive Plan.
7. The subject property is not located within any wellhead protection areas.
8. 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 this property.
9. In addition to water and sewer, services, the property will be served by City police, fire and sanitation collection services.

STAFF DISCUSSION AND FINDING OF FACTS

The petitioner has submitted a request for approval of a Special Exception Use for a Commercial Planned Development to allow for a commercial center in the northwest quadrant of the property of approximately 14,000 square feet and two future development areas. It is anticipated that several retail enterprises will locate in the commercial center along with a 4,000 square foot restaurant with an attached 800 square foot porch. The developer is proposing two access driveways to the property off Horse Lake Road.

Due to an intervening FDOT drainage retention area and wetland mitigation, connectivity for a frontage road to Clinton Avenue on the north side of the site is not reasonably achievable. The petitioner is requesting the frontage road requirement be waived. During a meeting held on May 15, 2007, Hernando County planning & engineering, FDOT and City staff concurred that connectivity was not reasonably attainable, and that it was appropriate to waive the frontage road requirement. Policy 2.04C(5) of the County Comprehensive Plan's Transportation Element provides for an exemption from the frontage road standard in these circumstances. In addition to the frontage road discussion, the following items may be considered in establishing performance standards for this proposal:

1. Landscaping/Buffers - The detailed development plans for this property 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 contains provisions for tree preservation, landscaping and open space. The developer will be required to give due consideration to this in the design and final plan layout. A Type "A" buffer is required along the north, east and west property boundaries and a type "B" buffer is required along the south boundary line. Additional buffer setbacks (25-foot minimum) are required adjacent to wetlands and conservation areas.

2. 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.
3. Sidewalks - The developer will be required to install appropriate pedestrian amenities including bicycle racks, sidewalks in areas adjacent to public road rights-of-way and internal to the project as applicable, and crosswalks where deemed appropriate, subject to approval through the construction plan review process. All facilities must meet ADA standards.
4. Infrastructure & Services - The developer will be required to enter into a utility service agreement with the City of Brooksville for water and sewer services.
5. Sanitation - Solid waste collection services will be provided by the City. Special solid waste services (such as compactor service) are subject to city approval.
6. Minimum structure setback requirements for this PDP are as follows:

From Cortez Boulevard (S.R. 50)	75 feet
From Horse Lake Road	35 feet
From West Property Line	10 feet
From South Property Line	25 feet (Subject also to wetland buffer setbacks)
Separation between buildings	15 feet
7. Subdivision Requirements - If the developer plans to divide and transfer property to different owners, the property must be platted in accordance with the City's subdivision regulations.
8. City Concurrency Standards - The City requires concurrency review and analysis at the time when a development order/permit application is submitted. The developer has provided a "Statement of Impact - Concurrency Application" which indicates that impacts associated with this project will not exceed adopted levels-of-service for public facilities and services.
9. When development plans are submitted for permitting of 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.
10. Unless specifically addressed to the contrary by conditions referenced herein, City ordinance regulations which apply with regard to zoning district classification should be applied to this PDP as though it were zoned C2.

BUDGET IMPACT

There are no budget amendments or adjustments required in conjunction with the processing of this petition.

NOTE: The 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's 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.

STAFF RECOMMENDATION

Staff recommends that City Council affirm the action taken by the Planning & Zoning Commission at their meeting on September 12, 2007, which was as follows: The Special Exception Use petition (SE2007-12), for the proposed Commercial Planned Development Project, was approved subject to the following conditions and stipulations:

1. Landscaping/Buffers - The detailed development plans for this property 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 contains provisions for tree preservation, landscaping and open space. The developer will be required to give due consideration to this in the design and final plan layout. A Type "A" buffer is required along the north, east and west property boundaries, and a type "B" buffer is required along the south boundary line. Additional buffer setbacks (25-foot minimum) are required adjacent to wetlands and conservation areas.
2. 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.
3. Sidewalks - The developer will be required to install appropriate pedestrian amenities including bicycle racks, sidewalks in areas adjacent to public road rights-of-way and internal to the project as applicable, and crosswalks where deemed appropriate, subject to approval through the construction plan review process. All facilities must meet ADA standards.
4. Infrastructure & Services - The developer will be required to enter into a utility service agreement with the City of Brooksville for water and sewer services.
5. Sanitation - Solid waste collection services will be provided by the City. Special solid waste services (such as compactor service) are subject to city approval.
6. Minimum structure setback requirements for this PDP are as follows:

From Cortez Boulevard (S.R. 50)	75 feet
From Horse Lake Road	35 feet

Page 5
SE2007-12 - Thomas Malouf, Malouf Enterprises
Special Exception Use Petition
October 1, 2007

- | | | |
|--|------------------------------|---|
| | From West Property Line | 10 feet |
| | From South Property Line | 25 feet (Subject also to wetland buffer setbacks) |
| | Separation between buildings | 15 feet |
7. Subdivision Requirements - If the developer plans to divide and transfer property to different owners, the property must be platted in accordance with the City's subdivision regulations.
 8. City Concurrency Standards - The City requires concurrency review and analysis at the time when a development order/permit application is submitted. The developer has provided a "Statement of Impact - Concurrency Application" which indicates that impacts associated with this project will not exceed adopted levels-of-service for public facilities and services.
 9. When development plans are submitted for permitting of 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.
 10. Unless specifically addressed to the contrary by conditions referenced herein, City ordinance regulations which apply with regard to zoning district classification should be applied to this PDP as though it were zoned C2.
 11. This project is permitted to have two access points on Horse Lake Road, located at least 250 feet from its intersection with SR 50.
 12. The frontage road requirement is waived for this site, due to mitigating natural and man-made features that make the application of such a standard infeasible.

- Enclosures:**
- 1) Special Exception Petition
 - 2) Narrative
 - 3) Site Plan - date stamped September 12, 2007
 - 4) Site Location Map

PETITION FOR SPECIAL EXCEPTION USAGE

TO THE CITY OF BROOKSVILLE, FLORIDA PLANNING & ZONING COMMISSION

The undersigned Petitioner/Property Owner hereby submits this Petition for a Special Exception Usage at the following described property, to wit: (insert typewritten legal description)

See attached legal description.

Subject Property Street Address: Northwest Corner of SR 50 and Horse Lake Road

PETITIONER IS SPECIFICALLY REQUESTING SPECIAL EXCEPTION USAGE FOR THE FOLLOWING:

Special Exception for a Commercial Planned Development Project (PDP)

Property future land use is: Commercial

Current land use is: Vacant

Property is zoned: Commercial (C-2)

Petitioner requests that said Special Exception Usage be permitted so that the Owner may utilize the above said property to its highest and best use

It is in the opinion of the Petitioner that the granting of a Special Exception Use of said property will not be materially detrimental to the Public Welfare, nor to the persons or properties located in the immediate area.

Wherefore, the Petitioner requests that the City of Brooksville, Florida, Planning and Zoning Commission convene to hear and take jurisdiction over the subject matter of this petition.

Petitioner's Name: Thomas Malouf

Street Address: 3115 Mossvale Lane

City/State/Zip: Tampa, Florida 33618

Daytime Phone: 813-453-8104

Signature:



Thomas Malouf, Malouf Enterprises

PROPERTY DESCRIPTION : AS SHOWN ON WARRANTY DEED RECORDED IN
O.R.B. 1429, PAGES 318-320

PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA.

PARCEL I

A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 22 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A 4"x 4" CONCRETE MONUMENT AT THE SOUTHEAST CORNER OF THE OF SAID SECTION 29, THENCE S 89°18'16" W, ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF NORTHEAST ¼ SAID SECTION 29, A DISTANCE OF 455.76 FEET TO A POINT ON THE EXISTING WESTERLY RIGHT OF WAY LINE OF HORSE LAKE ROAD, PER OFFICIAL RECORD BOOK 849 AT PAGE 969 OF THE PUBLIC RECORDS OF HERNANDO COUNTY, AND THE POINT OF BEGINNING; THENCE S 89°18'17" W, 686.94 FEET; THENCE LEAVING SAID 1/4 SECTION LINE, RUN N 07°32'07" W, 115.82 FEET; THENCE N 62°05'50" W, 171.73 FEET; THENCE N 06°28'21" E, 444.20 FEET; THENCE N 58°19'59" E, 201.15 FEET; THENCE N 19°47'08" E, 588.29 FEET; THENCE N 19°47'08" E, 5.94 FEET TO THE PROPOSED WESTERLY RIGHT OF WAY LINE OF STATE ROAD 50, SAID POINT BEING ON A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 2004.86 FEET, A CENTRAL ANGLE OF 09°29'42", A CHORD BEARING OF S 47°44'59" E, AND A CHORD LENGTH OF 331.86 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 332.24 FEET TO THE END OF SAID CURVE TO A POINT ON THE SAID EXISTING WESTERLY RIGHT OF WAY LINE OF HORSE LAKE ROAD; THENCE S 11°23'05" E, 854.16 FEET; THENCE S 04°11'54" E, 233.00 FEET TO THE POINT OF BEGINNING.

AGENT OF RECORD LETTER

To: CITY OF BROOKSVILLE

I, **Thomas Malouf, Malouf Enterprises**, hereby designate and appoint **Coastal Engineering Associates, Inc.**, as my Agent of Record for the purposes of representing me during the following application and review/hearing process(es):

Commercial Planned Development Project (PDP) Application for Parcel Key Number: 01150603

Date: 7/16/07

[Signature]
Applicant/Owner (Signature)

Applicant's Representative:
Coastal Engineering Associates, Inc
966 Candlelight Blvd.
Brooksville, FL 34605
Ph. (352) 796-9423 Fax (352) 799-8359

STATE OF _____ :

COUNTY OF _____ :

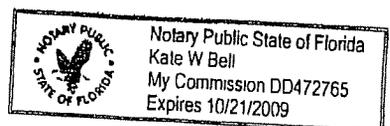
I HEREBY CERTIFY that on this day personally appeared before me, an officer duly qualified to administer oaths and take acknowledgments, **Thomas Malouf**, to me known to be the person described in and who executed the above and foregoing Agent of Record Letter and who acknowledged before me that they executed the same for the purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid this 16th day of July 2007.

[Signature: Kate W Bell]
NOTARY PUBLIC
State of Florida at Large

My Commission Expires 10/21/09

- Personally known to me
- Presented identification _____
- DID Take an oath DID NOT take an oath



AGENT OF RECORD LETTER

To: CITY OF BROOKSVILLE

I, Donald Pleasants, Director, Lovering-Pleasants Partnership, hereby designate and appoint Thomas Malouf, Malouf Enterprises, as my Agent of Record for the purposes of representing me during the following application and review/hearing process(es):

Commercial Planned Development Project (PDP) Application for Parcel Key Number: 01150603

Date: 7/19/07

Donald Pleasants
Applicant/Owner (Signature)

Applicant's Representative:
Thomas Malouf
Malouf Enterprises
3115 Mossvale Lane
Tampa, FL 33618

STATE OF _____ :

COUNTY OF _____ :

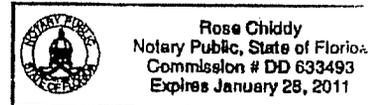
I HEREBY CERTIFY that on this day personally appeared before me, an officer duly qualified to administer oaths and take acknowledgments, Donald Pleasants, to me known to be the person described in and who executed the above and foregoing Agent of Record Letter and who acknowledged before me that they executed the same for the purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid this 19th day of July, 2007.

Rose Chiddy
NOTARY PUBLIC
State of Florida at Large

My Commission Expires: January 28, 2011

- Personally known to me
- Presented identification _____
- DID Take an oath DID NOT take an oath



AGENT OF RECORD LETTER

To: CITY OF BROOKSVILLE

I, Sam Lovering, Director, Lovering-Pleasants Partnership, hereby designate and appoint Thomas Malouf, Malouf Enterprises, as my Agent of Record for the purposes of representing me during the following application and review/hearing process(es):

Commercial Planned Development Project (PDP) Application for Parcel Key Number: 01150603

Date: 7-19-07

Sam Lovering AKA Sam O'Neil
Applicant/Owner (Signature)

Applicant's Representative:
Thomas Malouf
Malouf Enterprises
3115 Mossvale Lane
Tampa, FL 33618

STATE OF South Carolina
COUNTY OF Bamberg

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly qualified to administer oaths and take acknowledgments, Sam Lovering, to me known to be the person described in and who executed the above and foregoing Agent of Record Letter and who acknowledged before me that they executed the same for the purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid this 19th day of July, 2007.

Jayne J.
NOTARY PUBLIC
State of Florida ~~at Large~~ South Carolina

My Commission Expires: 2-23-2015

Personally known to me

Presented identification Florida Drivers License # L165-52444300-0

DID Take an oath DID NOT take an oath

Notary Public for the State of Florida
My Commission Expires 2-23-2015

ACKNOWLEDGMENT

All information submitted within this Petition is in all respects true and correct to the best of my knowledge and belief.

Witness Signature: _____

Owner/Agent Signature: _____

STATE OF FLORIDA
COUNTY OF HERNANDO

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 16TH
DAY OF JULY, 2007 BY THE ABOVE PERSON(S)

JOSEPH P. QUINN WHO IS PERSONALLY KNOWN TO ME OR WHO
HAS PRODUCED _____ AS IDENTIFICATION AND WHO (DID)
(DID NOT) TAKE AN OATH.

Janet S. Hehn
SIGNATURE OF NOTARY



PRINTED NAME OF NOTARY

**SR 50/HORSE LAKE ROAD PROPERTY
COMMERCIAL PDP APPLICATION
NARRATIVE**

GENERAL DESCRIPTION:

The subject property (parcel key no. 01150603), consisting of approximately 25 acres, is located on the southwest corner of Horse Lake Rd. and Cortez Blvd (SR 50), in Section 29, Township 22 South, Range 19 East, City of Brooksville, Florida. The subject property is bounded by Cortez Blvd. (S.R. 50) on the north, vacant commercial property on the east, Florida Department of Transportation (FDOT) drainage retention area on the west and Horse Lake to the south. The subject property is currently zoned C2 and it is located within a commercial designation on the City's Future Land Use Map. Adjacent surrounding zoning, as indicated on the attached plan, is C2 with the exception of the parcel to the south being located in Hernando County and zoned AG.

The applicant is requesting approval of the attached Special Exception Commercial Planned Development Project. The proposed project consists of a commercial center in the northwest quadrant of the property (a maximum of 14,000 sq. ft.) and two future development areas. It is anticipated that several retail enterprises will locate in the commercial center along with a restaurant. It is estimated that the restaurant will be 4,000 sq. ft. enclosed and an attached porch providing an additional estimated 800 sq. ft. for outdoor seating. The project is consistent with the comprehensive plan, existing zoning and anticipated development within the SR 50 corridor.

Following are the requested perimeter and building setbacks:

- From Cortez Blvd. (S.R. 50) = 75'
- From Horse Lake Road = 35'
- From West Property Line = 10'
- From South Property Line = 25'
- Separation Between Buildings = 15' minimum

The applicant is requesting a waiver from the frontage road requirement, based upon the fact that connectivity to Clinton Avenue is not achievable due to the intervening FDOT drainage retention areas and wetland mitigation. This request was discussed in a meeting with staff of the City's Planning Department, Hernando County Planning and Engineering Departments and the FDOT District 7 held at the Hernando County Department of Public Works conference room on May 15, 2007. There was concurrence among all parties that connectivity, as described above, was not attainable and therefore they would not oppose the waiver to the frontage road requirement.

I. PRELIMINARY LAYOUT

One 24" x 36" and one 8 1/2" x 11" copy of the layout are included.

II. DRAFT OF PROTECTIVE COVENANTS

The applicant has not indicated that a property owners association is being formed.

III. PRELIMINARY ENGINEERING REPORT

A. Topography. According to USGS topography, the subject property slopes from a central high of approximately 75 feet m.s.l., to a low of approximately 66 feet m.s.l. at its southwest corner.

B. Flood Plain. According to FEMA Flood Insurance Rate Map Community-Panel Number 120110 0175B, the subject property lies in Zone X and Zone AH. Zone C is described as an area not expected to flood in the 100-year storm event.

C. Soils. The Soil Survey of Hernando County, Florida, depicts three soil types on the subject site. These include: Blichton loamy fine sand, 0 to 2 percent slopes, Kendrick fine sand 0 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, wetlands and wildlife. The following is a summary of the pedestrian survey conducted on the site:

- No buildings or structures were observed on site.
- The subject parcel is moderately wooded with canopy cover consisting of live oak, laurel oak, sweetgum, pignut hickory, swamp chestnut oak, and southern magnolia. Minor associations of eastern red cedar and slash pine are also present among this vegetative cover.
- Groundcover consists of bahia grass, cogon grass, sand blackberry, saw greenbrier, tropical soda apple, and tread softly. The groundcover appears to be maintained by cattle grazing and mowing practices.
- Specimen and majestic trees were observed on site during the field review of the parcel.
- No listed plant or animal species were detected on the commercial parcel during the field review.
- A wetland system associated with the adjacent Horse Lake borders the commercial parcel to the south.

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

Infrastructure improvements will be constructed or bonded prior to final platting.

V. DEVELOPMENT SCHEDULE

A development schedule has not yet been determined, but it should be assumed that they will construction will begin once the required permits have been obtained.

VI. ADEQUATE ACCESS ANALYSIS

Access to the property is proposed from Horse Lake Road.

VII. DEVELOPMENT OF REGIONAL IMPACT STATEMENT IF REQUIRED

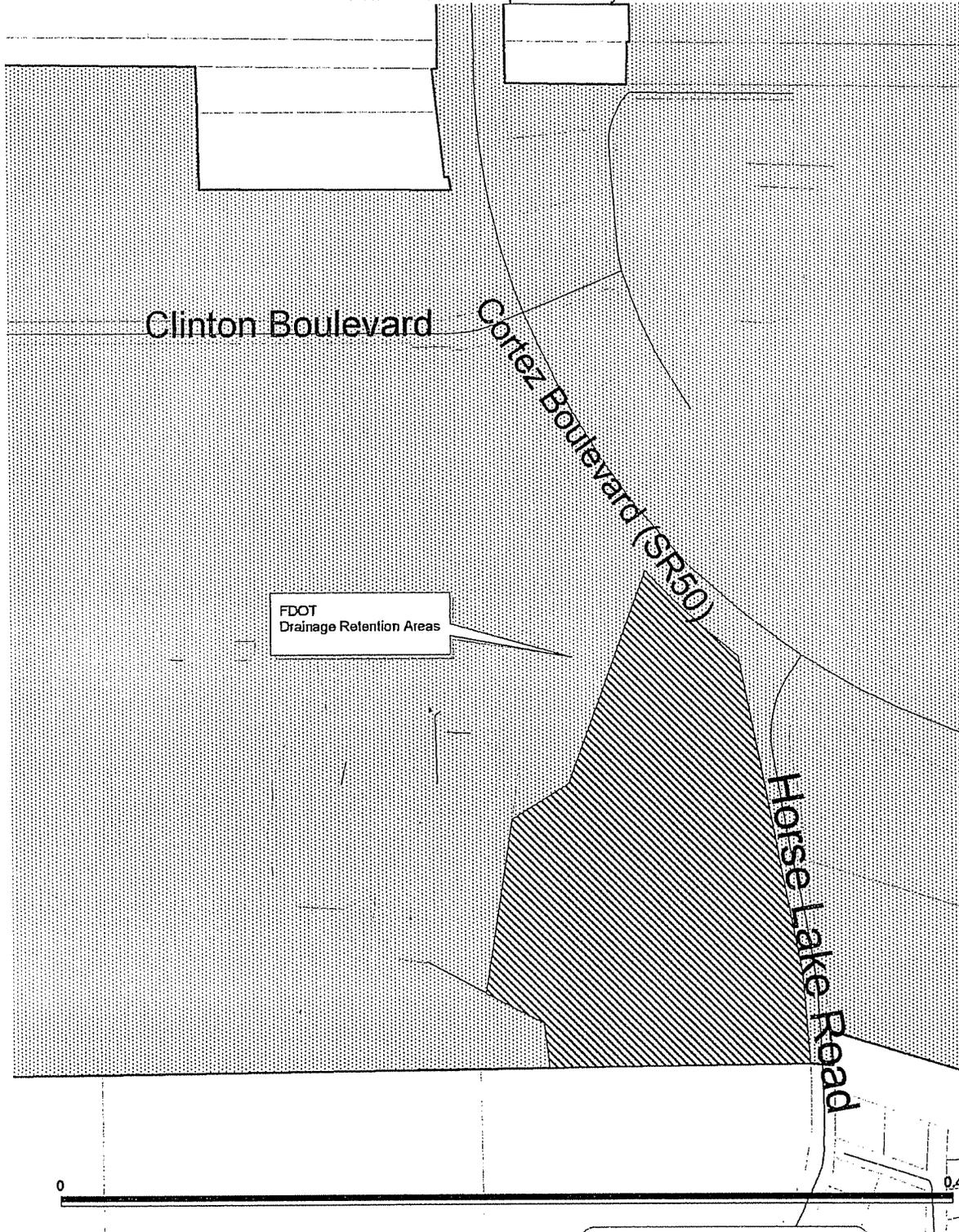
The proposed project is below all applicable DRI thresholds.

VIII. WATER AND SEWER

The proposed project lies within the City of Brooksville's utility service area for water and sewer. Water lines and sewer collection/transmission facilities are located within proximity to the subject project and can be accessed to serve the proposed development. Current and planned improvements for the City's water and sewer plant facilities will provide sufficient capacity to meet the demands of the proposed project at time of development.



SE2007-11
 Malouf Enterprises
 Special Exception Petition
 Commercial
 Planned Development Project



0 0.4 Mil

Prepared by
 City of Brooksville
 Community Development Department September 12, 2007

Legend

	Malouf enterprises shp
	City Boundary as of August 14, 2006

PECK SINK WATERSHED FLOODPLAIN ACQUISITION PROJECT NARRATIVE

Introduction

The Peck Sinkhole Complex west of Brooksville is one of the most significant sinkhole complexes in the County. The sink complex drains a watershed of approximately 11,000 acres including a portion of the existing Brooksville urban area and the developing residential/golf course developments of Hernando Oaks and Southern Hills Plantation. The sink complex has an associated FEMA 100-year floodplain of approximately 1,500 acres which is the primary focus of this Environmentally Sensitive Lands (ESL) application.

Hydrology and Water Quality Issues (ESL Requisite Condition 12)

This sink comprises a direct connection to the underlying Floridan Aquifer which provides Hernando County with its potable water. The sink receives stormwater runoff from a rapidly developing urbanized area. Stormwater is conveyed to the sink through well developed channels which cover a large drop in elevation from 250 feet above sea level at the edge of the basin to just 30 feet within the main sink itself. These factors contribute to a rapid rate of transport of untreated stormwater and debris from the urbanized area to the sink complex. This phenomenon was documented in the 1987 USGS report *Potential for Pollution of the Upper Floridan Aquifer from Five Sinkholes and an Internally Drained Basin in West-Central Florida* (Water Resources Investigations Report 87-4013). According to a 1988 USGS report the project area recharges the Floridan Aquifer at more than 10 inches per year, the highest category listed (Water Resources Investigation Report 88-4057).

Ecological Communities (ESL Requisite Condition 1)

The project area includes a large area of mesic hammock native to the Brooksville Ridge. There are only remnant areas of native hammock remaining in the County due to impacts from development, mining, and agricultural. The project area also includes areas of freshwater marsh, wet prairie and several large lakes.

Public Access, Recreation, Education and Consistency with the Comprehensive Plan (ESL Requisite Condition 10)

There are unique opportunities for public recreation and education within this project. Peck Sink itself is an extremely impressive geologic feature. The sink would create unique environmental educational opportunities as part of a geologic park similar to the Devil's Millhopper State Geologic Park in Gainesville. Additionally, there are several prominent lakes included within the project area which have the potential for county parks. Along with these more active uses are the usual passive recreational uses associated with Environmentally Sensitive Lands Preserves such as hiking, biking and wildlife observation among others. These opportunities for public access and park sites will assist the County in meeting the level of service standards for parks set out in the Comprehensive Plan.

Threatened by Development (ESL Requisite Conditions 6 & 10)

This project lies directly between the expanding urban areas of Spring Hill and the City of Brooksville. This region has experienced increased development pressure within the past two years. If purchased this area would create a useful low intensity land use buffer between these two communities. The establishment of a greenbelt in this area will help to focus urban development within the established urban core. This is also in line with several policies within the Comprehensive Plan.

Feasibility of Acquisition and (ESL Requisite Condition 4)

Parcels within the acquisition area range from over 500 acres to individual 1/4 acre lots. This application breaks the project area into five study areas. The separate study areas offer the opportunity to prioritize acquisition goals and objectives and then to eventually prioritize individual parcels. Once this prioritization has taken place the possibility of narrowing the project into manageable units will be key. Less-than-fee acquisitions would be pursued on agricultural parcels within the project boundary.

Manageability (ESL Requisite Condition 3)

Due to the mesic nature of the native forest cover extensive use of prescribed burning should not be necessary. The possibility of undertaking stormwater and floodplain management projects in the area further enhances the potential environmental benefits of this acquisition. These benefits should help to leverage additional acquisition funds from state and federal agencies.

Study Area Descriptions

Study Area A

Study Area A is 204 acres and contains the Peck Sink Complex and the drainage way leading to the sink. There are 18 dwelling units within this study area, the majority of which are along Mobley Road where the smallest parcels are located. Several of the larger parcels are under common ownership. There are areas of native hammock, planted pine and pasture. A geologic park surrounding Peck Sink and stormwater treatment projects are possible future public uses within this study area.

Study Area B

Study Area B is 361 acres and contains Horse and Bonnie Lakes and their associated wetlands. There are 22 dwelling units the majority of which are in a subdivision surrounding Bonnie Lake. The area is predominantly lake, wetland, hammock and pasture. If acquired there is the possibility of a mixed use county park along one of the lakes.

Study Area C

Study Area C is 521 acres and is primarily pasture, planted pine some native hammock. There is a large amount of FEMA 100-year floodplain within this area. As water flows out of Horse lake under Wiscon Rd, this area might have possibilities of offering stormwater and floodwater retention and treatment. There are 23 dwelling units, 9 of which are within the Plantation Mobile Home Park.

Study Area D

Study Area D is 529 acres and is primarily pasture with some native hammock cover and freshwater marsh. This area would be a prime candidate for less-than-fee acquisitions. There are 12 dwelling units in this area. This area could serve as a primary break along the U.S. 41 corridor between the intense land uses associated with Spring Hill and Brooksville.

Study Area E

Study Area E is 1415 acres and includes 49 dwelling units. The largest parcels within the project fall within this area as well as some of the largest areas of native hammock. The area also includes planted pine, freshwater marsh, wet prairie and lies within a large segment of the 100-year floodplain associated with Peck Sink. There is a high density of karst features within this study area.

STAFF EVALUATION

Peck Sink Floodplain Acquisition Project

SECTION 1

Supports prime examples of ecological communities native to Hernando County and/or significant features as identified in Section 1 of the manual.

According to the Florida Fish and Wildlife Conservation Commission Landsat Habitat Maps and Florida Land Use Cover Classification System (FLUCCS) the project area includes cropland and pasture, mixed coniferous/hardwood forest, pine flatwoods, residential < 2 du/ac and several wetland habitats. County data resources show 27 sinkhole features within the project area including the Peck Sink Complex.

SECTION 2

Supports exceptional biodiversity - sites which represent several ecological communities or exhibit high species diversity within an ecological community native to Hernando County.

Staff has not conducted any biological surveys within the project. There are large contiguous areas of native hardwood hammock within the project area interspersed with numerous wetlands which would favor high biodiversity. There is a large amount of karst activity within the project area as well. Sinkholes sometimes harbor unique vegetative communities. Along with these communities there are extensive areas of improved pasture which will have lower comparative biodiversity.

SECTION 3

Manageability - feasible to manage in a fashion that will protect and enhance the resource.

The final determination of which of the Study Areas would receive acquisition priority would affect the manageability of the project. Also a determination of which parcels would be approached for less-than-fee purchases would also affect the manageability. There is a mosaic of land uses within the Study Areas ranging from agricultural to residential to undeveloped native cover. The ESLC and BCC will need to determine which parcels would be purchased for public access and park site locations and which would be targeted for conservation easements in order to discourage more intense development of the area.

SECTION 4

Feasibility of acquisition - ownership patterns, property restrictions or other conditions should not pose significant barriers.

There are 256 parcels within the proposed project area ranging from 0.1 acres to 415 acres. It is unlikely that smaller developed residential lots included in the study area would be considered. Once purchase priorities are determined the feasibility of acquisition of the individual Study Areas within the larger project can be determined. Several of the larger parcels are under single ownership which may allow the purchase or conservation of large amounts of floodplain, native hammock, and highly karst landscapes; three of the main focuses of the project. Owners of frequently flooded property might be more likely to sell than those of higher more developable parcels.

SECTION 5

Surrounding land use - the current land use of adjacent property should be compatible with the proposed management and preservation of the site as environmentally sensitive.

The Future Land Use Map indicates that the area surrounding the project site is chiefly residential.

Current zoning surrounding the project is AG (agriculture), AR-2 (agricultural-residential) and some R1A/R1B (residential) and PDP residential zoning including the Hernando Oaks subdivision. There are also a few commercial uses along US 41 and a recent commercial/office professional rezoning adjacent to SR 50.

SECTION 6

Threatened by development - when sites are in imminent danger of development, they should receive preference for purchase.

The development potential of the majority of the project area is limited by the amount of floodplain and by a rural Future Land Use classification. Peck Sink itself is adjacent to the recently rezoned LIAX property. The Williams property (40 acres) immediately south of the sink is for sale with potential to be developed. As Brooksville and Spring Hill continue to develop, parcels within the area with fewer environmental constraints will undoubtedly see increased development pressure.

SECTION 7

Size - large sites are preferable in order to encompass a diversity of resources and a mixture of uses. Exceptions will be small vegetative communities for which only small populations of listed plants or animals remain and properties which will function as greenway/wildlife corridors. These exceptions are not required to be depicted on the Environmentally Sensitive Lands Map.

The project area is 2986 acres as proposed. Project boundaries could be adjusted once acquisition priorities are determined.

SECTION 8

Other methods of protection - sites which receive substantial protection by other strategies should receive lower priority.

A low percentage of this project area is protected by other methods. Wetlands account for a small portion of the project area. Changes in land use would require a zoning action.

SECTION 9

Rarity - vegetative communities which are poorly represented in public ownership should receive preference. These communities include those species which, while not currently listed, are known to be poorly represented in the state or county.

A large portion of this project is improved pasture. Large areas of native mixed coniferous/hardwood hammock are also present within the project. Additionally, this project area holds the largest concentration of sinkholes in the county according to County data resources. The vegetative communities associated with active sinkholes are not well represented in public ownership at the present time. A sinkhole complex with as large recharge capacity as Peck Sink is certainly a rarity in the County and not well represented in public ownership.

There is hammock habitat in public ownership at the ESL Fickett Hammock Preserve and Division of Forestry Lands.

SECTION 10

Consistency with Comprehensive Plan - the property satisfies a goal, objective, or policy of the adopted Comprehensive Plan.

Relevant Comprehensive Plan language is as follows:

GOAL 6.01

PROTECT WILDLIFE AND CONSERVE, APPROPRIATELY USE, AND PROTECT WILDLIFE HABITATS.

IDENTIFICATION AND PRESERVATION OF ENVIRONMENTALLY SENSITIVE LANDS AND UNIQUE NATURAL VEGETATIVE COMMUNITIES

OBJECTIVE 6.01C: IDENTIFY AND PRESERVE ENVIRONMENTALLY SENSITIVE LANDS AND UNIQUE NATURAL VEGETATIVE COMMUNITIES WHERE POSSIBLE THROUGH LAND ACQUISITION, MANAGEMENT AGREEMENTS, OR INTER-AGENCY COOPERATION IN THE MANNER THAT FURTHERS THE GOALS AND OBJECTIVES IN

POLICY 6.01C(1): Prepare an annual report identifying environmentally sensitive lands and unique natural vegetative communities including a prioritization of acquisition by applicable criteria.

POLICY 6.01C(2): Develop and maintain a protection plan for County-owned environmentally sensitive lands and unique natural vegetative communities.

POLICY 6.01C(3): Assist state agencies in the development of protection plans for state-owned environmentally sensitive lands and unique vegetative communities.

POLICY 6.01C(5): As part of the protection plan, provide a method through which private developers could increase density or decrease on-site open space by providing funds or land for natural preservation areas.

POLICY 6.01C(6): Require in the land development approval criteria the promotion of density clustering and protection of unique natural vegetative communities.

ESTABLISHMENT OF CONSERVATION AREAS

OBJECTIVE 6.01E: COOPERATE WITH CITRUS AND PASCO COUNTIES AND THE CITY OF WEEKI WACHEE TO CONSERVE, PROTECT AND APPROPRIATELY USE UNIQUE VEGETATIVE COMMUNITIES LOCATED WITHIN MORE THAN ONE LOCAL JURISDICTION.

POLICY 6.01E(2): Continue to coordinate with the FG&FWFC and the Division of Forestry regarding the management, protection, and use of CARL lands.

CREATION OF NATURAL AREA GREENWAYS

OBJECTIVE 6.01G: ENCOURAGE THE CREATION OF CONNECTING NATURAL AREA GREENWAYS BY CONNECTING ENVIRONMENTALLY SENSITIVE LANDS AND OTHER PRESERVED AREAS IN THE COUNTY.

POLICY 6.01G(1): Continue to encourage appropriate agencies and private organizations to develop or preserve natural area greenways which may function as wildlife corridors and/or recreation areas, and to meet the passive recreational needs of the County while preserving the County's natural vegetation.

POLICY 6.01G(2): The natural area greenways shall consist of environmentally sensitive lands, wetlands, preserved lands, and conservation easements with vegetative communities which are beneficial to threatened and endangered species.

POLICY 6.01G(3): Encourage inter-agency agreements for joint land acquisitions or through the use of Purchase of Development Rights (PDR) for creation of natural area greenways.

POLICY 6.01G(5): Support appropriate agencies in obtaining conservation easements on private lands.

POLICY 6.01G(6): Continue to request assistance in public acquisition or through the use of Purchase of Development Rights (PDR) of natural preserves under regional, state and federal programs.

POLICY 6.01G(7): Prevent fragmentation of wildlife corridors, where possible, and continue to preserve wildlife corridors and natural areas within development projects.

GOAL 6.05

CONSERVE, APPROPRIATELY USE AND PROTECT THE QUALITY AND QUANTITY OF WETLANDS AS DESIGNATED BY SWFWMD AND DEP.

GOAL 6.08

GROWTH IN HARMONY WITH NATURAL CONDITIONS.

DEVELOPMENT COMPATIBLE WITH THE NATURAL SYSTEM

OBJECTIVE 6.08A: DEVELOPMENT SHALL BE COMPATIBLE WITH THE ABILITY OF THE NATURAL SYSTEMS TO SUPPORT THE INTENSITY OF DEVELOPMENT.

POLICY 6.08A(1): Minimum lot sizes for septic fields may be further restricted from the minimum ½ acre in prime aquifer recharge areas, sinkhole areas, areas adjacent to lakes or rivers or areas where soils have severe limitations (USDA Natural Resources Conservation Service (NRCS)).

POLICY 6.08A(2): Development in flood-prone areas shall generally be less intensive and shall meet the standards established in the County flood plain ordinance.

POLICY 6.08A(3): The flood plain ordinance shall minimize development impacts on flood plains, including storage capacity and increase or decrease in the natural flow of floodwater.

SECTION 11

Location - the site has proximity to other resources which would heighten its value as a sensitive land or is within an area of long range planning with the objective of preserving greenway/wildlife corridors between existing protected resources. The property is within the mapped designation of environmentally sensitive lands as described in Section 2.

The project is not within any of the major planned greenway/wildlife corridors. However, it contains Peck Sink and numerous other karst features which are environmentally sensitive and very vulnerable to contamination. The project serves as scenic greenspace between Spring Hill and Brooksville. This area serves as floodplain storage with the potential for stormwater improvement projects.

SECTION 12

Historical/archaeological/paleontological resources - must satisfy the criteria provided in Section 1.

County data resources show a historical/archeological site between Wiscon Rd. and Mason-Smith Rd. The nature of this site will need to be determined prior to purchase or development.

SECTION 13

Hydrology - the property is critical to preserving hydrologic integrity of significant natural systems and/or contributes substantially to recharge of the Floridan Aquifer.

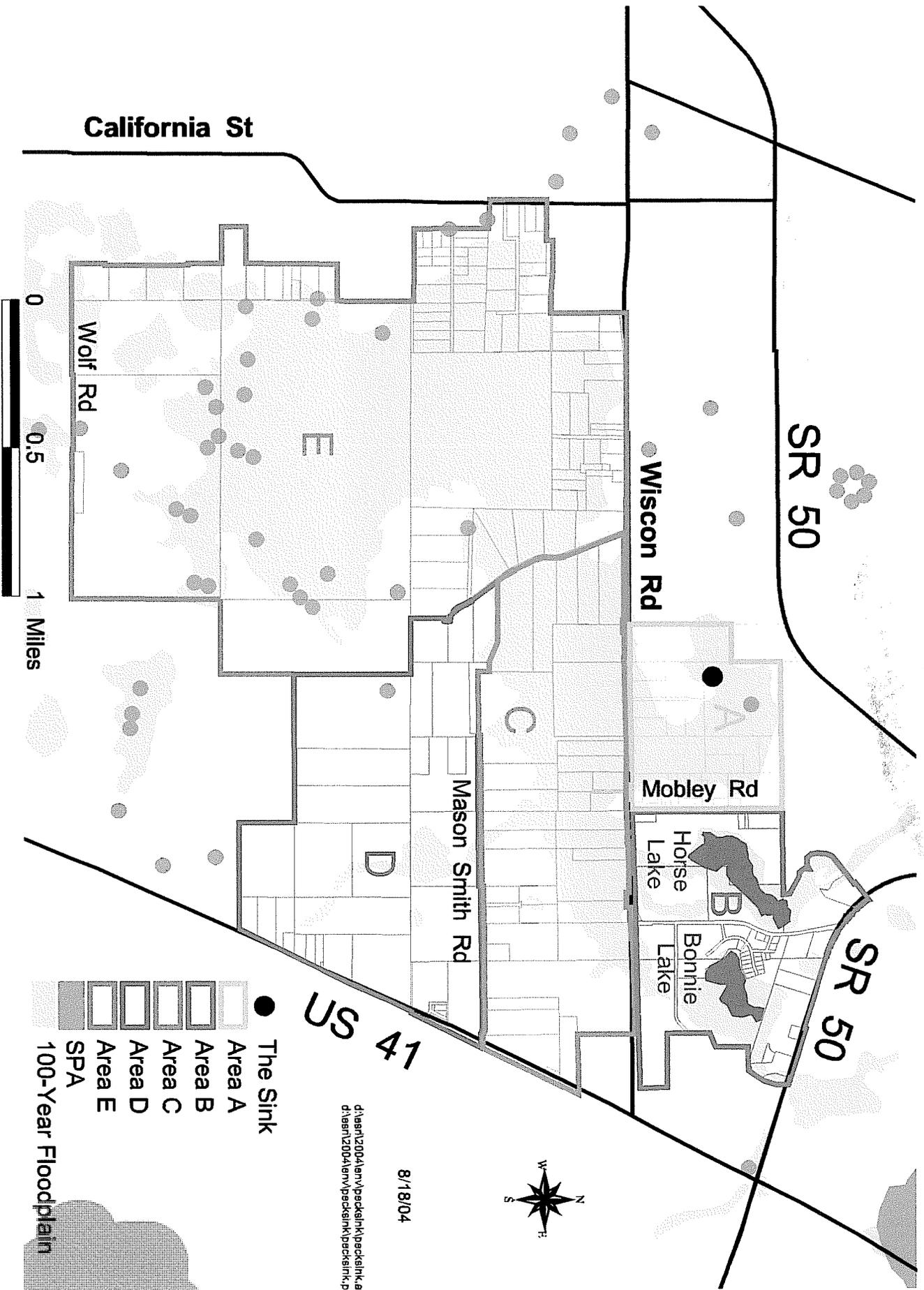
The Peck Sink Complex is a major recharge point to the Floridan Aquifer. The sink drains an increasingly urbanized 11,000 acre watershed. One of the primary focuses of acquiring the sink complex and its primary conveyance is to explore options for improving the water quality entering the sink. Additionally there is a high density of karst features throughout the project area all of which have the potential to directly discharge to the aquifer. The USGS report, *Potential for Pollution of the Upper Floridan Aquifer from Five Sinkholes and an Internally Drained Basin in West-Central Florida* (Water Resources Investigations Report 87-4013), documents the importance, vulnerability, and high recharge capacity of this area.

SECTION 14

Representation - the property provides protection to lands which have not been strongly represented in public ownership.

See discussion on rarity in Section 9.

Peck Sink Study Area



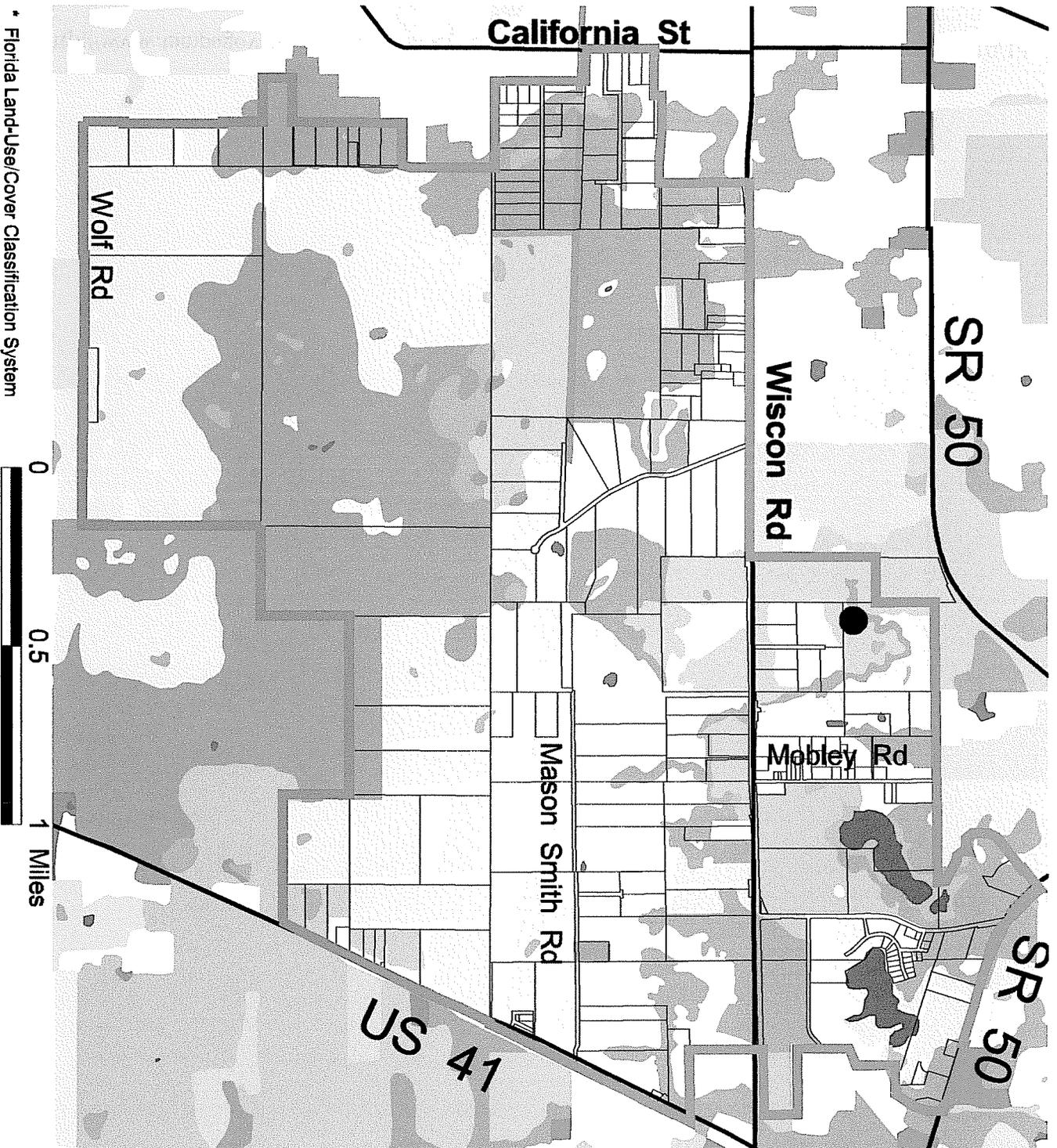
US 41

8/18/04

d:\asn\2004\env\pecksink\pecksink.apr
 d:\asn\2004\env\pecksink\pecksink.pdf

- The Sink
- Area A
- Area B
- Area C
- Area D
- Area E
- SPA
- 100-Year Floodplain

Land Use (FLUCCS) * in Peck Sink Study Area



* Florida Land-Use/Cover Classification System

- The Sink
- Study Area
- FLUCCS
- Aquatic Vegetation
- Commercial and Services
- Cropland and Pastureland
- Cypress
- Disturbed Land
- Freshwater Marsh
- Industrial
- Institutional
- Intermittent Ponds
- Lakes < 10 acres
- Mixed Coniferous/Hardwood
- Nurseries and Vineyards
- Open Land (Urban)
- Other Open Lands (Rural)
- Pine - Xeric Oak
- Pine Flatwoods
- Recreational
- Reservoirs < 10 acres
- Reservoirs > 10 acres & < 100 acre
- Residential: < 2 du/acre
- Residential: 2 to 5 du/acre
- Residential: > 5 du/acre
- River/Lake Swamp
- Streams and Waterways
- Upland Coniferous Forests
- Utilities
- Wet Prairie
- Wetland Forested Mixed



8/18/04

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

October 15, 2007

7:00 P.M.

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

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

Mayor Pugh indicated Item F-4, Transportation Outreach Program (TOP) - SR50 Reverse Frontage Road & Utility Project - Drainage Retention Area Easement for Lot 9, David/Manuel Commercial Park Subdivision, needed to be pulled from the Agenda.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Lewis to remove F-4 from the agenda. Motion carried 5-0.

Mayor Pugh advised that the appointment of the City's representative to the Hernando County Historic Advisory Committee needed to be added to the Agenda to extend the expiration date of the appointment from December 31, 2007 to December 31, 2009.

City Manager Norman-Vacha clarified that the City made a recommendation to the County to appoint Amanda Knight-Over for the remainder of a term and they are asking to extend her term through the next term, which ends December 31, 2009.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Bernardini to add the item to the Agenda as F-4. Motion carried 5-0.

CONSENT AGENDA

Minutes

July 31, 2007 Joint City/County/School Board Meeting

Broad Street Sidewalk Bid CD2007-05 Award

Consideration of awarding the Bid to Atlantis Construction of Tarpon Springs, Florida for the not-to-exceed amount of \$42,689. The source of the funds will be the FDOT Transportation Outreach Program (TOP).

REGULAR COUNCIL MEETING - OCTOBER 15, 2007

Motion:

Motion was made and amended by Vice Mayor Burnett and seconded by Council Member Lewis for approval of the Consent Agenda with a signed easement for the Broad Street Sidewalk Bid, as noted below.

City Manager Norman-Vacha added that, concerning the Broad Street Sidewalk Project, as of late this afternoon, Public Works Director, Emory Pierce has been working with Judge Merritt for the easement but it is not signed and returned as of yet and asked that "with a signed easement" be added to the motion. The motion was amended and carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Margaret R. Ghiotto Beautification Award - Commercial Award

Recognition of improvements to property of Easy Street Home Décor, owned by Pierre DesJardins and located at 838 E. Jefferson Street.

Lou Kavouras reviewed the award to Easy Street Home Décor. The award was presented to Pierre DesJardins by Mayor Pugh.

Lou Kavouras requested nominations from the public for future property improvements they are aware of.

Proclamation - City of Brooksville Founder's Week

A proclamation in celebration of the 2007 Founders' Week Events October 13-20, 2007.

Mayor Pugh read the proclamation in its entirety and presented it to Mary Jane Russell and Sallie Petrie. Ms. Russell thanked City Clerk Phillips for her hard work and input. Council Member Bradburn expressed her appreciation for the input of the local businesses and particularly the Business Alliance and how they have stepped forward during these tight budget times and taken on so much, including Christmas Festival activities.

Florida City Government Week Proclamation

Proclamation recognizing October 21-27, 2007, as Florida City Government Week.

City Clerk Phillips read the proclamation in its entirety to be forwarded to the Florida League of Cities. She distributed bumper stickers and pins to the audience.

Proclamation on Disability Mentoring

Proclamation designating October 18, 2007, as "Disability Mentoring Day".

Mayor Pugh read the proclamation in its entirety to be forwarded to Sharon Willman, Disability Program Navigator at Career Central.

Mayor Pugh stated he recently learned that all traffic has to stop when a blind person is in a crosswalk and that theft of a blind person's cane is a felony.

PUBLIC HEARING

Ordinance No. 754 - Firefighters' Pension Plan Amendment

Consideration of proposed Ordinance amending Section 5, reducing member's required contribution amount to the Fund from 4% to 2.97% of their salary.

REGULAR COUNCIL MEETING - OCTOBER 15, 2007

[First Reading 10/01/07]

Finance Director Baumgartner reviewed Ordinance No. 754, advising that it is the second reading.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett for approval of the second and final reading of Ordinance No. 754.

Discussion followed in which Council Member Bradburn requested the City Manager and Finance Director put together a report explaining the process in regards to the State and City contributions.

Mayor Pugh asked for public input; there was none.

City Clerk Phillips read Ordinance No. 754 by title, as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE CITY OF BROOKSVILLE FIREFIGHTERS' RETIREMENT TRUST FUND, ADOPTED PURSUANT TO ORDINANCE NO. 525-C, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 5, CONTRIBUTIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

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

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

REGULAR AGENDA

Resolution No. 2007-20 - FY2006/07 Budget Amendments

Consideration of amendments to FY2006/07 Budget.

Finance Director Baumgartner reviewed the Resolution.

Mayor Pugh asked if it is possible in the future to bring these amendments back closer to the time in which they happen. Finance Director Baumgartner indicated he could bring them back quarterly if amendments are needed. City Manager Norman-Vacha stated that the memo to Council for agenda items will have any budget impacts noted and there will not need to be Budget Amendment Resolutions necessary in the FY2007/08 Budget, based on the revised budget adoption ordinance language.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Lewis for approval of amendments to the FY2006/07 Budget.

City Clerk Phillips read Resolution No. 2007-20 by title as follows:

A RESOLUTION PROVIDING FOR CERTAIN BUDGET AMENDMENTS FOR FY 2006-07 BUDGET AND SETTING AN EFFECTIVE DATE.

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

REGULAR COUNCIL MEETING - OCTOBER 15, 2007

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

Resolution No. 2007-21 - Regarding St. Johns Water District Plans

Consideration of resolution opposing the proposed plan to remove water from the Withlacoochee River to benefit the St. Johns Water District.

City Manager Norman-Vacha and City Attorney Hogan reviewed Resolution No. 2007-21, which was briefly discussed.

At the request of Vice Mayor Burnett, City Attorney Hogan read into the record the following portion of the Resolution:

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE.

SECTION 1: The City of Brooksville is opposed to any inter-district transfer of water from any point within the Withlacoochee River Basin area, including Lake Rousseau, the Withlacoochee River or the chain of lakes included therein, as such a transfer is not in the public interest, dilutes water conservation and reuse efforts, is not proximate to the areas intended to be served, and, more generally, violates both the spirit and the specific provisions of Chapter 373, Florida Statutes and Rule 62-40.422, Florida Administrative Code noted herein, by failing to seek "local sources first" for water supply to the lands governed by the SJRWMD.

SECTION 2: The City of Brooksville intends to cooperate in and with any and all legal action that may be required to prevent the interdistrict transfer of surface water to the SJRWMD as described herein.

SECTION 3: City of Brooksville Staff shall direct copies of this resolution to SJRWMD, SWFWMD, the Withlacoochee Regional Water Supply Authority, Citrus, Marion and Sumter Counties.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Lewis for approval of Resolution No. 2007-21.

City Clerk Phillips read Resolution No. 2007-21 by title as follows:

**A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA
OPPOSING ANY INTER-DISTRICT TRANSFER OF WATER FROM THE
WITHLACOOCHEE RIVER BASIN AREA; CITING INTENTION TO
SUPPORT SUBSEQUENT LEGAL ACTION; AND PROVIDING FOR
DISTRIBUTION OF RESOLUTION TO APPROPRIATE PARTIES**

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

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

WRPC Proposal to Complete EAR-Based Comprehensive Plan Amendment

Consideration to accept the proposal to complete the EAR-based Comprehensive Plan Amendment and authorize staff to initiate a purchase

REGULAR COUNCIL MEETING - OCTOBER 15, 2007

order in the amount of \$36,450 for the WRPC to provide the required services; additionally to consider the optional task of creating a Transportation Concurrency Exception Area (TECA), for an estimated cost of \$50,000, which would require a budget amendment.

Community Development Director Geiger reviewed the proposed amendment and the request to create a TECA. Discussion followed concerning staffing, impact fee credits, the intersection at Jefferson and Hwy. 98 and the money required for the TECA, which Council Member Bradburn indicated she is not in favor of spending.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Lewis for approval to complete the EAR-Based Comprehensive Plan Amendment and to revisit the TECA request at a later date.

Motion carried 4-1, with Council Member Bernardini voting in opposition.

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

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

This item was removed prior to the meeting.

Historical Society City Representative extension

Consideration of recommendation to the Board of County Commissioners for extension of Amanda Knight-Over's term to December 31, 2009.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Lewis for approval of the extension of the term. Motion carried 5-0.

ITEMS BY COUNCIL

Lara Bradburn, Council Member

Jury Duty

She indicated she will have jury duty on the next Council Meeting date, November 5, 2007, but would hopefully be able to attend the meeting.

HAZMAT Collection Day

She advised that Saturday is the County's HAZMAT Collection Day at the Fairgrounds.

T. Jennene Norman-Vacha, City Manager

Reality Check Meeting

City Manager Norman-Vacha advised that the City had received an invitation to participate in "One Bay" a reality check meeting at which participants use Legos to reflect where it is anticipated the City/County will incur growth. The meeting is Thursday, October 18, between 9:30 and 11:30 a.m.

Council Member Bradburn felt it to be a very important exercise and attended the regional event in Tampa. She encouraged Council to attend.

Mayor Pugh indicated he had been invited to attend Cyber-Awareness at Hernando High School on Thursday but would try to make it to the One Bay event.

REGULAR COUNCIL MEETING - OCTOBER 15, 2007

Founders' Day

She also encouraged staff and citizens to participate in the Founders' Day activities, reviewing upcoming events.

Frankie Burnett, Vice Mayor

Chief Turner Introduction

Vice Mayor Burnett wished to officially introduce the new Police Chief, which Mayor Pugh indicated would be done prior to Citizen Input.

Month of October - Fire Prevention Month

He reminded all that the month of October, although he felt every month should be, is Fire Prevention Month and encouraged everyone to have a fire evacuation plan.

Hernando High Homecoming Parade Judging

Vice Mayor Burnett had the opportunity, along with the City Manager and the Fire Chief, to be judges of the Hernando High School Homecoming Parade, which was enjoyable.

NAACP Freedom Fund Banquet

He indicated that he, along with several others, attended the NAACP Freedom Fund Banquet and thanked all who attended in support.

Brooksville Housing Authority Meeting

Vice Mayor Burnett requested a meeting with the Brooksville Housing Authority Board Members during November to get the feel of how things are going. Mayor Pugh indicated he would have the Attorney look into it.

Joe Bernardini, Council Member

Brooksville Housing Authority

Council Member Bernardini advised that, as a sitting Council Member, he is not going to have people that Council appoints to a board be subjected to threats and intimidation. He indicated that two members, one who resigned, have been subjected to that kind of treatment.

Mayor Pugh indicated the issue is being looked into and that there is a possibility of a Police Officer being there.

David Pugh, Mayor

2nd Annual Blazing Butts & Brisket BBQ

Mayor Pugh indicated that this Saturday is the 2nd Annual Blazin' Butts and Brisket BBQ at Tom Varn Park. Mike Walker, Director of Parks & Recreation advised that there are 24 professional and 4 backyard teams participating and encouraged all to attend.

Disability Mentoring Day

On a personal note, Mayor Pugh stated that in 2004 his daughter started going blind, therefore, seeing first hand that many of the public facilities cannot handle that kind of situation, he is passionate about mentoring day and grateful to all who come forward to volunteer and help out.

George Turner, Police Chief

Police Chief George Turner addressed Council and gave an update on the three weeks he has been in the position. He thanked Council for the opportunity to serve the City of Brooksville.

REGULAR COUNCIL MEETING - OCTOBER 15, 2007

CITIZENS INPUT

Mr. Drake, Director of the Mary Drake Summer Youth Program, reviewed the program as well as the Hernando County Coalition Group, indicating their Community Cleanup is Saturday, October 27th from 9:00-12:00 noon with lunch at the Brooksville Elks Lodge and invited all to attend the event. He asked the City to help in the retrieval of appliances in the City. For people interested in participating, the number is 352-442-1845.

He also invited everyone to the November 12 meeting at 6:30 at Advent Temple Church on Leonard Street.

Vice Mayor Burnett recommended dumpsters be placed out if the Boom Truck cannot be used. City Manager Norman-Vacha will consult with Public Works Director Pierce.

Cecil Davis

He indicated he thought that FDOT, for Florida cities of less than 10,000, has additional funds available to them for road development and encouraged Council to look into it.

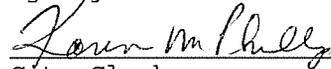
He also stated he would welcome placement of a dumpster at his business for the clean-up event and that the field across from his business belongs to the Sheriff's Dept., if Chief Turner wants to contact them about placing one there as well.

Pierre DesJardins

He echoed Council Member Bernardini's concerns about the actions of the Brooksville Housing Authority Board Members and the community, stating that one of the members has resigned because of threats and he indicated he would donate his time for discussions of solutions.

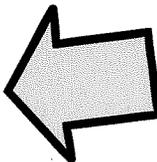
ADJOURNMENT

There being no further business, the meeting adjourned at 8:30 p.m.



City Clerk

Attest: _____
Mayor



CITY OF BROOKSVILLE
LOCAL PLANNING AGENCY
PUBLIC HEARING

AGENDA

NOVEMBER 5, 2007

7:00 P.M.

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

The meeting was called to order by Chairman Pugh.

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

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

Attorney McAteer reminded the Board that Comprehensive Plan Amendments are legislative in nature and are subject to the "reasonable man standard".

Community Development Director, Bill Geiger, reviewed the petition and requested the staff report be entered into the record in its entirety (Attachment A). He advised that at their October 10, 2007, meeting the Planning & Zoning Commission concurred with staff's recommendation, which found the proposed Future Land Use Map Amendment to be consistent with the City's Comprehensive Plan and recommended the City Council, sitting as the Local Planning Agency (LPA), hold a public hearing to receive and consider input from the general public related to the Comprehensive Plan Amendment. After holding the public hearing as the LPA, the City Council should then hold a public hearing to take action on an Ordinance to adopt the Plan amendment, and authorize the Mayor to sign the transmittal letter to send the Comprehensive Plan Amendment to the appropriate agencies as required by Statute.

Mike Gaylor, representative for the petitioner, was present and indicated the petition includes plans for a hotel and restaurant, as well as professional offices and a small commercial center.

Chairman Pugh asked for public input; there was none.

Board Member Bradburn expressed concern over the proximity of the project to the surrounding residential area, as well as setbacks.

Board Member Bernardini commented about the inherent rights concerning the plan, as advised by the City Attorney. Attorney McAteer stated that he did not want to blur the line between the Comprehensive Plan Amendment and the rezoning request. He advised that the Comp Plan is not authorization for a Planned Development and that there is a separate item on the agenda to discuss that aspect of the project.

LOCAL PLANNING AGENCY MEETING - NOVEMBER 5, 2007

Board Chairman Pugh asked for a legal opinion as to whether the commercial node fits the area for future land use. Attorney McAteer stated that the Board is under a legislative standard and has to make the determination based on the surrounding uses and the nearest existing commercial nodes, but felt that, from a legal standpoint, it is a policy question.

Board Member Bradburn requested Mr. Gaylor address the issue. He indicated that, as Director Geiger had reviewed, it does meet the standards as far as the commercial node standards of being within 1,320 feet of the road or intersection. He pointed out that Weichert Realty is on the corner, which already exists as a commercial land use and zoned property.

Motion:

Motion was made by Board Member Lewis and seconded by Vice-Chairman Burnett to recommend acceptance of Ordinance No. 755 requesting a change to the Future Land Use designation.

Board Member Bradburn again pointed out the current land use as indicated on the City and County's Future Land Use Maps is residential and indicated that she could not see a commercial use for the property except close to the truck route.

Mr. Gaylor advised that the property to the east of Hale, which is approximately 16-20 acres, is already designated commercial.

Vice Chairman Burnett asked if a survey of the residents that live within the area had been done. Attorney McAteer advised that the code does not require it.

Director Geiger indicated that all property owners within 150 feet were notified of the subject property which had been posted as well. He advised that three individual property owners attended the Planning & Zoning Commission meeting and expressed concerns of additional traffic on Hale Avenue, proximity and buffering of commercial property adjacent to the residential properties, lighting and a fear that the commercial area would connect to Mildred Avenue. They also inquired about tree removal on the property and how it might occur in proximity to their residentially developed properties. The petitioner, Director Geiger stated, was present and responded to those concerns to the extent he could with project development being only a conceptual plan at this point.

Director Geiger reminded the Board that it is required the petition be brought back before the Planning & Zoning Commission as well as Council for a more detailed review of the Project Development and site plan with the understanding that what is being approved at this time does not give any vested rights to the petitioner as it relates to the zoning of the property.

Vice Chairman Burnett expressed concern that residents in the neighborhood may not have been properly notified. Director Geiger felt the adjacent property owners had been properly notified and advised that there was participation at the Planning & Zoning Commission level.

Attorney McAteer reiterated that the Board is only considering changing the Comprehensive Plan to a certain category; the zoning comes later, at which time the site plan will be considered.

Mr. Gaylor again stated his understanding, in regards to the land use amendment, that they still have no development rights on the property without zoning and that they are more than willing to meet with the neighborhood to discuss the petition. Discussion continued.

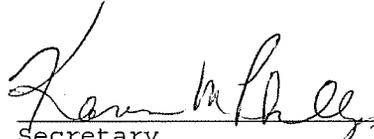
LOCAL PLANNING AGENCY MEETING - NOVEMBER 5, 2007

Motion carried 3-2, with Board Member Bradburn and Chairman Pugh voting in opposition.

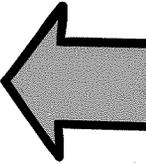
Board Member Bernardini explained that he voted in favor of the petition because there is already commercial to the east and south and will most likely be to the west as well and with the understanding that the developer stated that he understands he has no vested rights, therefore, all he is approving is the Comprehensive Plan Amendment, nothing else at this point.

ADJOURNMENT

There being no further business to bring before the Board, the meeting was adjourned at 7:48 p.m.


Secretary

ATTEST: _____
Chairperson



FIREFIGHTERS' PENSION TRUST FUND BOARD OF TRUSTEES

85 Veterans Ave, Brooksville, Fl. 34601
352-544-5445 Fax- 352-544-5462

MEMORANDUM

TO: KAREN PHILLIPS, CITY CLERK

FROM: SUSAN MAE McCRARY, ADM. ASST. *SM*

RE: SELECTION OF FIFTH MEMBER OF THE BOARD PER ORDINANCE NO.525-SECTION 3 (1)

DATE DECEMBER 14, 2007

The Firefighters' Pension Trust Fund Board of Trustees, at its meeting held on December 13, 2007, voted unanimously to select Frank R. Phillips as the fifth member which will extend his term until January 31, 2010. Please submit his name to council as per the Ordinance.

CHIEF TIMOTHY A. MOSSGROVE, CHAIRMAN

FRANK R. PHILLIPS, SECRETARY

REGINA ANN MARTIN, MEMBER,

LT. GERALD E. WARD, VICE CHAIRMAN

PAUL D BABCOCK, MEMBER

FIREFIGHTERS' PENSION TRUST FUND BOARD OF TRUSTEES

The Municipal Firefighters' Pension Trust Fund Board of Trustees was created by Florida Statutes, 175.061. The Board is composed of five members, two of whom are residents of the City; two full time firefighters who are elected by the majority of the members of the plan; and the fifth member, who is not required to be a City resident, is chosen by a majority of the four members. Each member shall serve as a trustee for a period of two years from appointment.

The following is a list of the members of the Firefighters' Pension Trust Fund Board of Trustees, their terms of office, addresses and phone numbers:

Chief Tim Mossgrove, CHAIRMAN, 85 Veterans Ave.; 544-5445 (work). Re-elected by the members of the Fire Department in the Retirement System in January 2007. Chief Mossgrove's 2-year term of office will expire January 31, 2009.

Firefighter/Lieutenant Gerald Ward, VICE-CHAIRMAN, 85 Veterans Ave.; 544-5445 (work). Re-elected by the members of the Fire Department in the Retirement System in January 2007. Lt. Ward's term of office will expire on January 31, 2009.

Frank Phillips, SECRETARY, 13271 Downey Woodpecker, Weeki Wachee, FL 34614; 544-0675 (home). Reappointed by the Board to fill two year term of office as fifth member to the board. Mr. Phillips' term of office expires January 31, 2010.

Regina Ann Martin, 1522 Sabra Drive; 799-3581 (work) or 796-3330 (home) email: akids@tampabay.rr.com. Reappointed by City Council on February 12, 2007. Ms. Martin's two year term of office will expire February 28, 2009.

Paul D. Babcock, 136 Mt. Fair Avenue; 797-7755 (home), email: pdbtrading@juno.com. Re-appointed by City Council on November 19, 2007 to a two year term of office. Mr. Babcock's term of office will expire October 31, 2009.

=====
Ex-officio & Support Staff

Scott Christiansen, Board Attorney; Christiansen and Dehner, 63 Sarasota Center Boulevard, Suite 107, Sarasota, FL 34240; 941-377-2200.

Susan Mae McCrary, Secretary to the Board (352) 544-5445.

pc: JLP
KP - Blue Binder
Bd. Sec.
Bd. Chair
Bd. Vice-Chair
Master Binder Manual

Memorandum



To: Honorable Mayor and City Council Members

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

From: *M.B.* Margaret Bosack, Recording Secretary, Police Pension Trust Fund Board of Trustees

Subject: Police Pension Board – Appointed Officer

Date: December 31, 2007

This is a request for Council to ratify the action taken on Friday, December 28, 2007, wherein a majority of the Brooksville Police Pension Trust Fund Members re-elected Officer Jason Matheson for a 2-year term of office through December 31, 2009.

KMP/jlp

POLICE OFFICER'S PENSION TRUST FUND BOARD OF TRUSTEES

The Municipal Police Officer's Pension Trust Fund Board of Trustees was created for all police officers hired after January 1, 1996, pursuant to Florida Statutes, 185. The Board is composed of five members, two of whom are residents of the City*; two full time police officers who are elected by the majority of the police officers who are members of the plan** and the fifth member is chosen by a majority of the four members on the Board. Each member shall serve as a trustee for a period of two years from appointment.

The following is a list of the members of the Police Officer's Pension Trust Fund Board of Trustees, their terms of office, addresses and phone numbers:

Police Officer Jason Brough, CHAIRMAN, 87 Veterans Ave.; 754-6800 (Work). Appointed by the Board of Trustees as the "fifth member" on December 15, 2005 and ratified by City Council on January, 9, 2006, to a two year term of office through January 31, 2008.

Joseph P. Quinn*, **VICE CHAIRMAN**, 1311 Candlelight Blvd.; 796-9423(Work) or 799-6764 (Home). Reappointed by City Council on November 19, 2007, to a two year term of office. Mr. Quinn's term will expire on October 31, 2009.

Police Officer Randal Orman**, **SECRETARY**, 87 Veterans Ave.; 754-6800 (Work). Re-Appointed in June 2006 by a majority of the police officers who are members of the plan and ratified by Council to serve a two-year term of office which will expire on May 31, 2008.

Police Officer Jason Matheson**, 87 Veterans Ave.; 754-6800 (Work). Officer Matheson was elected by a majority of the police officers who are members of the plan on December 31, 2007, and ratified by City Council to serve a 2-year term of office which will expire December 31, 2009.

Charles W. Price, Jr.*, 614 Erin Way; 796-0762 (Home), email: candpprice@earthlink.net. Appointed by City Council on August 21, 2006 to a two year term of office. Mr. Price's term will expire on August 31, 2008.

Ex-officio & Support Staff

Bonni S. Jensen, Esquire, Board Attorney; Hanson, Perry, and Jensen, P.A., 400 Executive Center Drive, Suite 207, West Palm Beach, FL 33401-2922; 561-686-6550 (Work).

Margaret Bosack, Acting Human Resource Manager, City Liaison (Non-Voting) to the Board, 544-5407 x131.

Margaret Bosack, Recording Secretary, City of Brooksville; 201 Howell Avenue, Brooksville, FL 34601; Phone: 544-5407 x132, Fax: 544-5417; Email: mbosack@ci.brooksville.fl.us

pc: KP - Blue Binder - Orig
Bd. Sec., Chair & Vice-Chair
Master Binder Manual

*Member positions advertised via Press Release & appointed by Council under the Regular Agenda.

**Members ratified by Council under the Consent Agenda.

CITY OF BROOKSVILLE MEMORANDUM

To: City Council

Via: T. Jennene Norman-Vacha, City Manager *T. Jennene Vacha*
Submitted for E.P.

From: Emory H. Pierce, Director of Public Works

Date: 12/10/07

Re: Water System Upgrade State Financial Assistance Agreements

Historically, the City has applied annually for funds for sewer and water rehabilitation and or upgrades through our Legislative delegation.

Bill Geiger, Community Development Director and Lara Bradburn, City Council, made the presentation that was instrumental in the City being awarded the fiscal year 2007-2008 appropriation of \$250,000 for a Water System Upgrade in the downtown Brooksville area (a color map of the area and a copy of the State Financial Assistance Agreement are attached).

This \$250,000 was approved in the FY07-08 budget in the Capital Needs Plan in Fund 401 Water & Sewer for this project.

We request that Council accept the funds offered and approve the City Manager to sign the agreements.



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

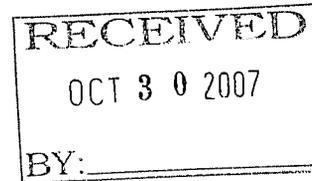
Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

October 24, 2007

Mr. Emory Pierce, P.E., Director
Department of Public Works
City of Brooksville
600 S. Brooksville Ave.
Brooksville, FL 34601



Re: LP6815 – City of Brooksville
Brooksville Water System Improvement Project

Dear Mr. Pierce:

Enclosed are two original copies of the proposed Legislative Project grant agreement for the City's drinking water improvement project.

Please have the City Manager sign on page 6 of the enclosed two copies. Return both copies to us at 2600 Blair Stone Road, Mail Station 3505, Tallahassee, Florida, 32399-2400. We will arrange for the Deputy Division Director to sign the agreements and mail a fully executed copy to the City.

If you have any questions about the agreement, please call Michael Isaacson at 850/245-8358.

Sincerely,

Robert E. Holmden, P.E., Chief
Bureau of Water Facilities Funding

RH/mi

Enclosures

cc: T. Jennene Norman-Vacha – City of Brooksville

STATE FINANCIAL ASSISTANCE AGREEMENT
CITY OF BROOKSVILLE
DEP AGREEMENT NO. LP6815

STATE OF FLORIDA
GRANT ASSISTANCE
PURSUANT TO LINE ITEM 1859 OF THE 2007 - 2008 GENERAL APPROPRIATIONS ACT

THIS AGREEMENT is entered into between the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, whose address is 2600 Blair Stone Road, MS 3505, Tallahassee, Florida 32399-2400 (hereinafter referred to as the "Department") and the CITY OF BROOKSVILLE, whose address is 201 Howell Avenue, Brooksville, Florida 34601 (hereinafter referred to as "Grantee" or "Recipient"), a local government under the laws of the State of Florida, to provide funds for the Brooksville Water System Improvement Project.

In consideration of the mutual benefits to be derived herefrom, the Department and the Grantee do hereby agree as follows:

1. The Grantee does hereby agree to perform in accordance with the terms and conditions set forth in this Agreement, **Attachment A** (Project Work Plan), and all attachments and exhibits named herein which are attached hereto and incorporated by reference. For purposes of this Agreement, the terms "Contract" and "Agreement" and the terms "Grantee", "Recipient" and "Contractor" are used interchangeably.
2. This Agreement shall begin upon execution by both parties and end no later than December 31, 2009, inclusive. This Agreement may be amended to provide for additional services if additional funding is made available by the Legislature.
3.
 - A. As consideration for the services rendered by the Grantee under the terms of this Agreement, the Department shall pay the Grantee on a cost reimbursement basis in an amount not to exceed \$250,000. Written approval from the Department's Grant Manager shall be required for changes between budget categories up to 10% of the total budget. The DEP Grant Manager will transmit a copy of the written approval and revised budget to the DEP Contracts Disbursements Office for inclusion in the Agreement file. Changes greater than 10% will require a formal amendment to the Agreement. If the Grantee finds, after receipt of competitive bids, that the work described in **Attachment A** cannot be accomplished for the current estimated project cost, the parties hereto agree to modify the Project Work Plan described in **Attachment A** to provide for the work that can be accomplished for the funding identified above.
 - B. The Grantee shall be reimbursed on a cost reimbursement basis for all eligible project costs upon receipt and acceptance of a properly completed Disbursement Request Package (provided as **Attachment B**). In addition to the Disbursement Request Package, the Grantee must provide from its accounting system, a listing of expenditures charged against this Agreement. The listing shall include, at a minimum, a description of the goods or services purchased, date of the transaction, voucher number, amount paid, and vendor name. All requests for reimbursement of travel expenses shall be in accordance with the travel limits established in Section 112.061, Florida Statutes. The Disbursement Request Package must include:
 - (1) A completed Disbursement Request Form signed by the Grantee's Grant Manager. Such requests must be accompanied by sufficiently itemized summaries of the materials, labor, or services to identify the nature of the work performed; the cost or charges for such work; and the person providing the service or performing the work. If payment is based on an authorized advance for incurred costs, invoices reflecting such costs must be included. After receipt of advance funds the Grantee shall provide proof of payment to the Department within 30 days receipt of advance funds. If payment is based on reimbursement, proof of payment of the invoices is required; and

- (2) A certification signed by the Grantee's Grant Manager as to the current estimated cost of the Project; that the materials, labor, or services represented by the invoice have been satisfactorily purchased, performed, or received and applied to the project; that all funds received to date have been applied toward completing the Project; and that under the terms and provisions of the contracts, the Grantee is required to make such payments; and
 - (3) A certification by the engineer responsible for overseeing construction stating that equipment, materials, labor and services represented by the construction invoices have been satisfactorily invoiced, purchased, or received, and applied to the Project in accordance with construction contract documents; stating that payment is in accordance with construction contract provisions; stating that construction, up to the point of the requisition, is in compliance with the contract documents; and identifying all additions or deletions to the Project which have altered the Project's performance standards, scope, or purpose since the issue of the Department construction permit; and
 - (4) Such other certificates or documents by engineers, attorneys, accountants, contractors, or suppliers as may reasonably be required by the Department.
 - C. In addition to the invoicing requirements contained in paragraph 3.B. above, the Department will periodically request proof of a transaction (invoice, payroll register, etc.) to evaluate the appropriateness of costs to the Agreement pursuant to State and Federal guidelines (including cost allocation guidelines), as appropriate. This information when requested must be provided within 30 calendar days of such request. The Grantee may also be required to submit a cost allocation plan to the Department in support of its multipliers (overhead, indirect, general administrative costs, and fringe benefits). All bills for amounts due under this Agreement shall be submitted in detail sufficient for a proper pre-audit and post-audit thereof.
 - D. State guidelines for allowable costs can be found in the Department of Financial Services' Reference Guide for State Expenditures at <http://www.fldfs.com/aadir/reference%5Fguide>.
 4. The State of Florida's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature. The parties hereto understand that this Agreement is not a commitment of future appropriations.
 5. Progress Reports (**Attachment C**) shall be submitted describing the work performed, problems encountered, problem resolution, schedule updates and proposed work for the next reporting period. Progress reports shall be submitted in conjunction with the Disbursement Request Package, described in paragraph 3.B. If advance payment is authorized, the Grantee shall report (and document as required under paragraph 3 above and on **Attachment E**) the amount of funds expended during the reporting period, the Agreement expenditures to date, interest earned during the quarter and clearly indicate the method for repayment of the interest to the Department (see paragraph 15). It is understood and agreed by the parties that the term "reporting period" reflects the period of time for which the invoices submitted in the Disbursement Request Package are covered. The Department's Grant Manager shall have ten (10) calendar days to review deliverables submitted by the Grantee.
 6. Each party hereto agrees that it shall be solely responsible for the negligent or wrongful acts of its employees and agents. However, nothing contained herein shall constitute a waiver by either party of its sovereign immunity or the provisions of Section 768.28, Florida Statutes.
 7. A. The Department may terminate this Agreement at any time in the event of the failure of the Grantee to fulfill any of its obligations under this Agreement. Prior to termination, the Department shall provide thirty (30) calendar days written notice of its intent to terminate and shall provide the Grantee an opportunity to consult with the Department regarding the reason(s) for termination.

- B. The Department may terminate this Agreement for convenience by providing the Grantee with thirty (30) calendar days written notice.
8. This Agreement may be unilaterally canceled by the Department for refusal by the Grantee to allow public access to all documents, papers, letters, or other material made or received by the Grantee in conjunction with this Agreement, unless the records are exempt from Section 24(a) of Article I of the State Constitution and Section 119.07(1), Florida Statutes.
9. A. The Grantee shall comply with the applicable provisions contained in **Attachment D** (Special Audit Requirements), attached hereto and made a part hereof. **Exhibit 1 to Attachment D** summarizes the funding sources supporting the Agreement for purposed of assisting the Grantee in complying with the requirements of **Attachment D**. A revised copy of **Exhibit 1** must be provided to the Grantee for each amendment, which authorizes a funding increase or decrease. If the Grantee fails to receive a revised copy of **Exhibit 1**, the Grantee shall notify the Department's Grant Manager identified in this Agreement to request a copy of the updated information.
- B. The Grantee is hereby advised that the Federal and/or Florida Single Audit Act Requirements may further apply to lower tier transactions that may be a result of this Agreement. The Grantee shall consider the type of financial assistance (federal and/or state) identified in Attachment D, Exhibit 1 when making its determination. For federal financial assistance, the Grantee shall use the guidance provided under OMB Circular A-133, Subpart B, Section __.210 for determining whether the relationship represents that of a subrecipient or vendor. For state financial assistance, the Grantee shall use the form entitled "Checklist for Nonstate Organizations Recipient/Subrecipient vs Vendor Determination" (form number DFS-A2-NS) that can be found under the "Links/Forms" section appearing at the following website:

<http://apps.fldfs.com/fsaa>

The Grantee should confer with its chief financial officer, audit director, or contact the Department for assistance with questions pertaining to the applicability of these requirements.

10. A. The Grantee may subcontract, assign, or transfer any work under this Agreement without the written consent of the Department's Grant Manager. The Grantee shall submit a copy of the subcontract upon the request of the Department's Grant Manager. The Grantee agrees to be responsible for the fulfillment of all work elements included in any subcontract consented to by the Department and agrees to be responsible for the payment of all monies due under any subcontract. It is understood and agreed by the Grantee that the Department shall not be liable to any subcontractor for any expenses or liabilities incurred under the subcontract and that the Grantee shall be solely liable to the subcontractor for all expenses and liabilities incurred under the subcontract.
- B. The Department of Environmental Protection supports diversity in its procurement program and requests that all subcontracting opportunities afforded by this Agreement embrace diversity enthusiastically. The award of subcontracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of minority owned businesses for consideration in subcontracting opportunities.
11. In accordance with Section 216.347, Florida Statutes, the Grantee is hereby prohibited from using funds provided by this Agreement for the purpose of lobbying the Legislature, the judicial branch or a state agency.
12. The Grantee shall comply with all applicable federal, state and local rules and regulations in providing services to the Department under this Agreement. The Grantee acknowledges that this requirement includes compliance with all applicable federal, state and local health and safety rules and regulations. The Grantee further agrees to include this provision in all subcontracts issued as a result of this Agreement.

13. The Department's Grant Manager for this Agreement is identified below.

Tommy Williams
Bureau of Water Facilities Funding
Florida Department of Environmental Protection
2600 Blair Stone Road, MS 3505
Tallahassee, Florida 32399-2400
Phone: 850-245-8358
Fax: 850-245-8411
Email: thomas.e.williams@dep.state.fl.us

14. The Grantee's Grant Manager for this Agreement is identified below.

Emory Pierce
City of Brooksville
600 S. Brooksville Ave.
Brooksville, Florida 34601
Phone: 352-544-5465
Fax: 352-544-5470
Email: epierce@ci.brooksville.fl.us

15. In accordance with Section 216.181(16)(b), Florida Statutes, the Department, upon written request from the Grantee and written approval from the State's Chief Financial Officer, if applicable, may provide an advance to the Grantee. The Grantee must temporarily invest the advanced funds, and return any interest income to the Department, within thirty (30) days of each calendar quarter, or apply said interest income against the Department's obligation to pay, if applicable, under this Agreement. Interest earned must be returned to the Department within the timeframe identified above or invoices must be received within the same timeframe that shows the offset of the interest earned.

Unused funds, and interest accrued on any unused portion of advanced funds that has not been remitted to the Department, shall be returned to the Department within sixty (60) days of Agreement completion.

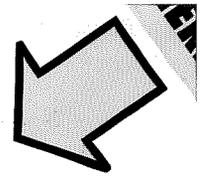
The parties hereto acknowledge that the State's Chief Financial Officer may identify additional requirements, which must be met in order for advance payment to be authorized. If the State's Chief Financial Officer imposes additional requirements, the Grantee shall be notified, in writing, by the Department's Grant Manager regarding the additional requirements. Prior to releasing any advanced funds, the Grantee shall be required to provide a written acknowledgement to the Department's Grant Manager of the Grantee's acceptance of the terms imposed by the State's Chief Financial Officer for release of the funds.

If advance payment is authorized, the Grantee shall be responsible for submitting the information requested in the Interest Earned Memorandum (**Attachment E**) and the Advance Payment Justification Form (**Attachment F**) to the Department's Grant Manager quarterly. This information shall be requested by the Grant Manager and submitted by the Grantee on a quarterly basis in conjunction with the invoice/reporting requirements established in paragraphs 3 and 5.

16. To the extent required by law, the Grantee will be self-insured against, or will secure and maintain during the life of this Agreement, ~~Workers' Compensation Insurance for all of his employees connected with the work of this project and~~, in case any work is subcontracted, the Grantee shall require the subcontractor similarly to provide Workers' Compensation Insurance for all of the latter's employees unless such employees are covered by the protection afforded by the Grantee. Such self-insurance program or insurance coverage shall comply fully with the Florida Workers' Compensation law. In case any class of employees engaged in hazardous work under this Agreement is not protected under Workers' Compensation statutes, the Grantee shall provide, and cause each subcontractor to provide, adequate insurance satisfactory to the Department, for the protection of those employees not otherwise protected.

17. The Grantee, as an independent contractor and not an agent, representative, or employee of the Department, agrees to carry adequate liability and other appropriate forms of insurance. The Department shall have no liability except as specifically provided in this Agreement.
18. The Grantee covenants that it presently has no interest and shall not acquire any interest that would conflict in any manner or degree with the performance of services required.
19. The purchase of non expendable personal property or equipment costing \$1,000 or more is not authorized under the terms of this Agreement.
20. The Department may at any time, by written order designated to be a change order, make any change in the Project Work Plan within the general scope of this Agreement (e.g., specifications, task timeline within current authorized agreement period, method or manner of performance, requirements, etc.). All change orders are subject to the mutual agreement of both parties as evidenced in writing. Any change order that causes an increase or decrease in the Grantee's cost or time shall require formal amendment to this Agreement.
21.
 - A. No person, on the grounds of race, creed, color, national origin, age, sex, or disability, shall be excluded from participation in; be denied the proceeds or benefits of; or be otherwise subjected to discrimination in performance of this Agreement.
 - B. An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not award or perform work as a contractor, supplier, subcontractor, or consultant under contract with any public entity, and may not transact business with any public entity. The Florida Department of Management Services is responsible for maintaining the discriminatory vendor list and intends to post the list on its website. Questions regarding the discriminatory vendor list may be directed to the Florida Department of Management Services, Office of Supplier Diversity, at 850/487-0915.
22. Land acquisition is not authorized under the terms of this Agreement.
23. This Agreement represents the entire agreement of the parties. Any alterations, variations, changes, modifications or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing, duly signed by each of the parties hereto, and attached to the original of this Agreement, unless otherwise provided herein.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK



IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed, the day and year last written below.

CITY OF BROOKSVILLE

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____
City Manager

By: _____
Deputy Director
Division of Water Resource Management

Date: _____

Date: _____

FEID No.: _____

Tommy Williams, DEP Grant Manager

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY _____
City Attorney

*For Agreements with governmental boards/commissions: If someone other than the Chairman signs this Agreement, a resolution, statement or other document authorizing that person to sign the Agreement on behalf of the governmental board/commission must accompany the Agreement.

List of attachments/exhibits included as part of this Agreement:

Specify Type	Letter/ Number	Description (include number of pages)
Attachment	A	Project Work Plan (3 Pages)
Attachment	B	Disbursement Request Package (3 Pages)
Attachment	C	Progress Report Form (2 Pages)
Attachment	D	Special Audit Requirements (5 Pages)
Attachment	E	Advance Payment – Interest Earned Memorandum (1 Page)
Attachment	F	Advance Payment Justification Form (3 Pages)

ATTACHMENT A PROJECT WORK PLAN

I. GRANTEE/PROJECT INFORMATION:

Grantee:	City of Brooksville
Project Title:	Brooksville Water System Improvement Project
DEP Grant #:	LP 6815

II. FUNDING PLAN:

Category of Expenditure	LP Grant Funds Provided	Match Required	Total Funding
Professional Services	-0-	N/A	
Construction & Demolition	250,000	-0-	250,000
Equipment	-0-	N/A	
Land	-0-	N/A	
Other (Specify)	-0-	N/a	
Total	250,000		250,000

III. SCOPE OF WORK: (e.g., specifications, task timeline within current authorized Agreement period, method or manner of performance, requirements, quarterly cash needs, etc.)

Scope Detail: Scope of Work and Project Milestones:

A. We intend to upgrade a section of our water system to address fire flow concerns. We are proposing to upgrade the waterlines along a small section of Ft. Dade Ave, Howell Ave., and Irene and Olive streets and connecting (looping the lines) with an existing 12" water line on Bell Ave. Lines on Ft. Dade Ave., Howell Ave. and Olive St. would be upgraded to 12" and the line on Irene St. will be upgraded to 8". Sketch is attached.

The City will be doing all the design, permitting, bidding, and construction phase management/inspection with in-house staff.

Time frame for completion: 30 calendar days from date of execution of Agreement.

Duration: 30 calendar days

B. Design and permit required waterline upgrades.

Time frame for completion: 120 calendar days from execution of Agreement.

Duration: 90 calendar days

C. Bidding and Award.

Time frame for completion: 180 calendar days from execution of Agreement.

Duration: 60 calendar days

D. Construction.

Time frame for completion: 330 calendar days from execution of Agreement.

Duration: 150 calendar days

E. Project closeout.

Time frame for completion: 365 calendar days from execution of Agreement.

Duration: 35 calendar days

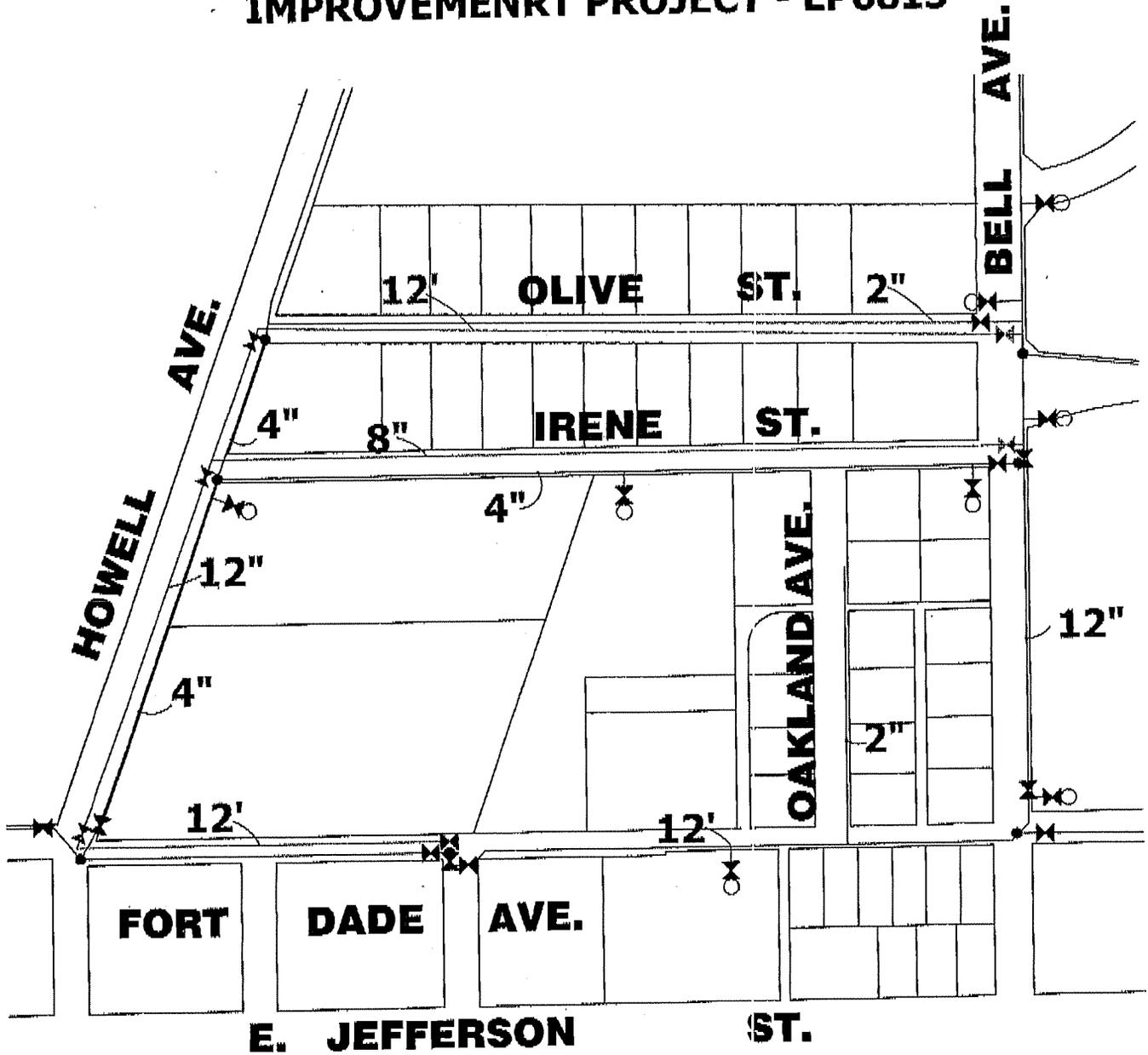
December 31, 2009

IV. PROJECT MILESTONES: see above**V. LOCAL MATCH & OTHER GRANT FUNDS:**

List the sources and amounts for all funds being used to fund this project.

SOURCE	AMOUNT(\$)
2007-2008 LP grant- LP 6815	250,000
2007-2008 Match	-0-
i.e. 2006-2007 LP0xx grant	-0-
i.e. CDBG grant	-0-
i.e. SRF loan WWxxxxx	-0-
i.e. prior year local match	-0-
i.e. federal funds - STAG grant	-0-
Total Project Cost	250,000

BROOKSVILLE WATER SYSTEM IMPROVEMENT PROJECT - LP6815



-  EXISTING WATER LINE
-  PROPOSED WATER LINE UPGRADE

C:\Cadd Dwgs\WATER IMPROVEMENT LP 6815.DWG

ATTACHMENT B
Disbursement Request Package
 Legislative Projects (LP) Grants

1. Grantee/Recipient CITY OF BROOKSVILLE
2. Project Number LP6815 Date of Request _____
3. Disbursement Request Number _____ Required Match % _____
4. Type of Request: Partial Final
5. Federal Employer Identification Number _____
6. Mail EFT Send Remittance to: _____

Disbursement Details

(cumulative amounts rounded to the nearest dollar)

- | | |
|--|-------------|
| 1. Professional Services (attach invoices) | \$ _____ |
| 2. Construction and Demolition (attach invoices) | _____ |
| 3. Equipment (attach invoices) | _____ |
| 4. Land (attach invoices) | _____ |
| 5. Other (list - must be specified in agreement) | _____ |
| _____ | _____ |
| _____ | _____ |
| 6. Total cumulative to date | \$ _____ |
| 7. Disbursements previously requested | \$(_____) |
| 8. Amount requested for disbursement (line 6 minus line 7) | \$ _____ |

Requests for Invoices already Paid:
 1) Copy of Invoice
 2) Proof of Payment

Requests for Invoices not yet Paid:
 1) Copy of Invoice
 2) Advance Payment Justification (one per quarter)
 3) Advance Payment – Interest Earned (after initial advance)

***If prior Disbursement Request was requested by invoices without proof of payment documentation, proof of the prior payment will be required before this request can be disbursed.**

**** SUBMIT ONE ORIGINAL COPY OF THIS FORM AND SUPPORTING DOCUMENTATION TO: ****

Florida Department of Environmental Protection
Bureau of Water Facilities Funding MS 3505
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Grant Manager's Certification
of Disbursement Request

I, _____,
(name of Grantee's Grant Manager designated in the Agreement)

on behalf of _____, do hereby certify that:
(name of Grantee/Recipient)

1. The disbursement amount requested on Page 1 of this form is for allowable costs for the project described in the Agreement.
2. Materials, labor, equipment, and/or services representing costs included in the amount requested have been satisfactorily purchased, performed or received, and applied toward completing the project; such costs are documented by invoices or other appropriate documentation which are filed in the Grantee's permanent records.
3. The Grantee is required to pay such costs under the terms and provisions of contracts relating directly to the project, and the Grantee is not in default of any terms or provisions of the contracts.
4. All funds received to date have been applied toward completing the project.
5. All permits and approvals required for the construction which is underway have been obtained.

(Signature of Grant Manager)

(Date)

Engineer's Certification
of Disbursement Request

I, _____, being the Professional Engineer retained by
(name of Professional Engineer)

_____, am responsible for overseeing construction of the
(name of Grantee/Recipient)
project described in the Agreement and do hereby certify that:

1. Equipment, materials, labor, and services represented by the construction invoices have been satisfactorily purchased or received and applied to the project in accordance with construction contract documents filed with and previously approved by the Department of Environmental Protection;
2. Payment is in accordance with construction contract provisions;
3. Adequate construction supervision is being provided to assure compliance with construction requirements and Florida Administrative Code Chapter 62-600 or Chapter 62-604, as appropriate;
4. Construction up to the point of this disbursement is in compliance with the contract documents;
5. All changes, additions, or deletions to the construction contract(s) have been documented by change order and all change orders have been submitted to the Department; and
6. All additions or deletions to the Project which have altered the Project's performance standards, scope, or purpose (since issue of the pertinent Department permit) have been identified in writing to the Department or are identified and attached hereto.

Signature of Professional Engineer

Firm or Affiliation

(Date)

(P.E. Number)

ATTACHMENT C
 PROGRESS REPORT FORM

DEP Agreement No.:	LP6815		
Grantee Name:	CITY OF BROOKSVILLE		
Grantee Address:			
Grantee's Grant Manager:		Telephone No.:	
Quarterly Reporting Period:			
Project Number and Title:			
<p>Provide a summary of project accomplishments to date. (Include a comparison of actual accomplishments to the objectives established for the period. If goals were not met, provide reasons why.)</p>			
<p>Provide an update on the estimated time for completion of the project and an explanation for any anticipated delays.</p>			
<p>Provide any additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.</p>			

ATTACHMENT D

SPECIAL AUDIT REQUIREMENTS

The administration of resources awarded by the Department of Environmental Protection (*which may be referred to as the "Department", "DEP", "FDEP" or "Grantor", or other name in the contract/agreement*) to the recipient (*which may be referred to as the "Contractor", Grantee" or other name in the contract/agreement*) may be subject to audits and/or monitoring by the Department of Environmental Protection, as described in this attachment.

MONITORING

In addition to reviews of audits conducted in accordance with OMB Circular A-133 and Section 215.97, F.S., as revised (see "AUDITS" below), monitoring procedures may include, but not be limited to, on-site visits by Department staff, limited scope audits as defined by OMB Circular A-133, as revised, and/or other procedures. By entering into this Agreement, the recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Department of Environmental Protection. In the event the Department of Environmental Protection determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by the Department to the recipient regarding such audit. The recipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Chief Financial Officer or Auditor General.

AUDITS

PART I: FEDERALLY FUNDED

This part is applicable if the recipient is a State or local government or a non-profit organization as defined in OMB Circular A-133, as revised.

1. In the event that the recipient expends \$500,000 or more in Federal awards in its fiscal year, the recipient must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. EXHIBIT 1 to this Agreement indicates Federal funds awarded through the Department of Environmental Protection by this Agreement. In determining the Federal awards expended in its fiscal year, the recipient shall consider all sources of Federal awards, including Federal resources received from the Department of Environmental Protection. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the recipient conducted by the Auditor General in accordance with the provisions of OMB Circular A-133, as revised, will meet the requirements of this part.
2. In connection with the audit requirements addressed in Part I, paragraph 1., the recipient shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised.
3. If the recipient expends less than \$500,000 in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, is not required. In the event that the recipient expends less than \$500,000 in Federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-Federal resources (i.e., the cost of such an audit must be paid from recipient resources obtained from other than Federal entities).
4. The recipient may access information regarding the Catalog of Federal Domestic Assistance (CFDA) via the internet at <http://12.46.245.173/cfda/cfda.html>.

PART II: STATE FUNDED

This part is applicable if the recipient is a nonstate entity as defined by Section 215.97(2)(m), Florida Statutes.

1. In the event that the recipient expends a total amount of State financial assistance equal to or in excess of \$500,000 in any fiscal year of such recipient, the recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes; applicable rules of the Department of Financial Services; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit

organizations), Rules of the Auditor General. EXHIBIT 1 to this Agreement indicates State financial assistance awarded through the Department of Environmental Protection by this Agreement. In determining the State financial assistance expended in its fiscal year, the recipient shall consider all sources of State financial assistance, including State financial assistance received from the Department of Environmental Protection, other state agencies, and other nonstate entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a nonstate entity for Federal program matching requirements.

2. In connection with the audit requirements addressed in Part II, paragraph 1; the recipient shall ensure that the audit complies with the requirements of Section 215.97(7), Florida Statutes. This includes submission of a financial reporting package as defined by Section 215.97(2), Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.
3. If the recipient expends less than \$500,000 in State financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. In the event that the recipient expends less than \$500,000 in State financial assistance in its fiscal year, and elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from the non-State entity's resources (i.e., the cost of such an audit must be paid from the recipient's resources obtained from other than State entities).
4. For information regarding the Florida Catalog of State Financial Assistance (CSFA), a recipient should access the Florida Single Audit Act website located at <https://apps.fldfs.com/fsaa> for assistance. In addition to the above websites, the following websites may be accessed for information: Legislature's Website at <http://www.leg.state.fl.us/Welcome/index.cfm>, State of Florida's website at <http://www.myflorida.com/>, Department of Financial Services' Website at <http://www.fldfs.com/> and the Auditor General's Website at <http://www.state.fl.us/audgen>.

PART III: OTHER AUDIT REQUIREMENTS

(NOTE: This part would be used to specify any additional audit requirements imposed by the State awarding entity that are solely a matter of that State awarding entity's policy (i.e., the audit is not required by Federal or State laws and is not in conflict with other Federal or State audit requirements). Pursuant to Section 215.97(8), Florida Statutes, State agencies may conduct or arrange for audits of State financial assistance that are in addition to audits conducted in accordance with Section 215.97, Florida Statutes. In such an event, the State awarding agency must arrange for funding the full cost of such additional audits.)

PART IV: REPORT SUBMISSION

1. Copies of reporting packages for audits conducted in accordance with OMB Circular A-133, as revised, and required by PART I of this Attachment shall be submitted, when required by Section .320 (d), OMB Circular A-133, as revised, by or on behalf of the recipient directly to each of the following:

- A. The Department of Environmental Protection at the following address:

Audit Director
Florida Department of Environmental Protection
Office of the Inspector General, MS 40
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

- B. The Federal Audit Clearinghouse designated in OMB Circular A-133, as revised (the number of copies required by Sections .320 (d)(1) and (2), OMB Circular A-133, as revised, should be submitted to the Federal Audit Clearinghouse), at the following address:

Federal Audit Clearinghouse
Bureau of the Census
1201 East 10th Street
Jeffersonville, IN 47132

- C. Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133, as revised.
- 2. Pursuant to Section .320(f), OMB Circular A-133, as revised, the recipient shall submit a copy of the reporting package described in Section .320(c), OMB Circular A-133, as revised, and any management letters issued by the auditor, to the Department of Environmental Protection the following address:

Audit Director
Florida Department of Environmental Protection
Office of the Inspector General, MS 40
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

- 3. Copies of financial reporting packages required by PART II of this Attachment shall be submitted by or on behalf of the recipient directly to each of the following:

- A. The Department of Environmental Protection at the following address:

Audit Director
Florida Department of Environmental Protection
Office of the Inspector General, MS 40
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

- B. The Auditor General's Office at the following address:

State of Florida Auditor General
Room 401, Claude Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1450

- 4. Copies of reports or management letters required by PART III of this Attachment shall be submitted by or on behalf of the recipient directly to the Department of Environmental Protection at the following address:

Audit Director
Florida Department of Environmental Protection
Office of the Inspector General, MS 40
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

- 5. Any reports, management letters, or other information required to be submitted to the Department of Environmental Protection pursuant to this Agreement shall be submitted timely in accordance with OMB Circular A-133, Florida Statutes, or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.
- 6. Recipients, when submitting financial reporting packages to the Department of Environmental Protection for audits done in accordance with OMB Circular A-133, or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the recipient in correspondence accompanying the reporting package.

PART V: RECORD RETENTION

The recipient shall retain sufficient records demonstrating its compliance with the terms of this Agreement for a period of 5 years from the date the audit report is issued, and shall allow the Department of Environmental Protection, or its designee, Chief Financial Officer, or Auditor General access to such records upon request. The recipient shall ensure that audit working papers are made available to the Department of Environmental Protection, or its designee, Chief Financial Officer, or Auditor General upon request for a period of 3 years from the date the audit report is issued, unless extended in writing by the Department of Environmental Protection.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

EXHIBIT - 1

FUNDS AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

Federal Funds Awarded to the Recipient Pursuant to this Agreement Consist of the Following:				
Federal Program Number	Federal Agency	CFDA Number	CFDA Title	State Appropriation Category

State Funds Awarded to the Recipient Pursuant to this Agreement Consist of the Following Matching Funds for Federal Programs:				
Federal Program Number	Federal Agency	CFDA	CFDA Title	State Appropriation Category

State Funds Awarded to the Recipient Pursuant to this Agreement Consist of the Following Funds Subject of Section 215.97, F.S.:					
State Program Number	Funding Source	State Fiscal Year	Catalog of State Financial Assistance Number	CSFA Title or Funding Source Description	State Appropriation Category
Original Agreement	LI 1859 - Ecosystem Management & Restoration TF	2007-2008	37.039	Statewide Surface Water Restoration and Wastewater Projects	140047-08

Total Award					\$250,000
--------------------	--	--	--	--	------------------

For each program identified above, the recipient shall comply with the program requirements described in the Catalog of Federal Domestic Assistance (CFDA) [<http://12.46.245.173/cfda/cfda.html>] and/or the Florida Catalog of State Financial Assistance (CSFA) [<https://apps.fldfs.com/fsaa/searchCatalog.aspx>]. The services/purposes for which the funds are to be used are included in the Contract scope of services/work. Any match required by the recipient is clearly indicated in the Contract.

ATTACHMENT E
ADVANCE PAYMENT – INTEREST EARNED MEMORANDUM
WHEN REPORTING OR REMITTING, PLEASE RETURN A COPY OF THIS REQUEST

TO:

FROM: Darinda McLaughlin, Finance and Accounting Director
 Bureau of Finance and Accounting, MS 78

DATE:

SUBJECT: Advance Payment - **Contract No.**
 Interest Due to DEP:

Pursuant to Section 216.181(16), Florida Statutes, advance payments may be required to be deposited into an interest bearing account until all funds have been depleted. In order to update the status on the **unused portion of the advanced funds and/or interest due**, advance approval of the Chief Financial Officer, and the terms of the above referenced contract, the following information is needed for our records **no later than** _____.

Initial advance funding disbursed _____	\$	_____
1. Advanced funds principle expended or returned by contractor covering period of _____ to _____	\$	_____
2. Balance advance funding principle available	\$	_____
3. Interest earned on advanced funds covering period of _____ to _____	\$	_____
4. Amount of interest paid to DEP as of _____	\$	_____
5. Interest balance due to DEP as of _____	\$	_____

 (Project Manager's Signature) (Date)

Special Instructions: If the grant/contract specifies that any accrued interest, which is based upon a grant/contract advance payment(s), will not be paid to DEP until after termination of the grant/contract, the advance fund recipient shall complete report items 1 and 2 only for the first three quarters of the state's fiscal year. The report for the state's fourth fiscal year quarter shall include items 1, 2, 3, 4, and 5. Items 3, 4, and 5 will be the life to date interest

If the contract states that no interest is due, quarterly reports of unexpended advances are required, lines 1 and 2.

In all cases the line 1 and 2 reported amounts are on a cash basis for the advance payment principle. Do not include receivables, payables, or interest previously paid to DEP.

If the grant/contract requires quarterly accrued interest payments to DEP, the fund recipient must complete items 1 through 5 for each quarterly report.

Payments of interest due to DEP shall be paid within the specifications of the contract/grant.

Thank you for your cooperation in providing the above information. If you have questions, please contact Lydia Louis (850) 245-2452 in the Contracts Disbursement Section.

ATTACHMENT F ADVANCE PAYMENT JUSTIFICATON FORM

Use of this form is not required unless the advance requested requires the prior approval of the Comptroller. For advance requests that are equal to or less than the purchasing threshold of category two as defined in Section 287.017, Florida Statutes, and meet one of the advance payment requirements identified in Section 215.422(14), Florida Statutes, use of this form is waived. However, the purchase requisition or contract review form must clearly identify the criteria being met under 215.422(14), Florida Statutes that allows the advance to be made without prior Comptroller approval.

Name/Address of the Vendor/Recipient:			
Contact Person/Phone No.:			
Agreement No./Purchase Order No. (if known):	LP6815		
Commodities/Services/Project Description:			
Organizational Structure (i.e. local gov't, non-profit corporation, etc.)			
Value of Purchase or Grant:			
Advance Payment Amount Requested:			
Period Advance Payment to Cover:	<input type="checkbox"/> 90 days startup	<input type="checkbox"/> Full Contract Period	
	<input type="checkbox"/> Quarterly	<input type="checkbox"/> Other (specify):	
Indicate Statutory Authority:	<input type="checkbox"/> 215.422, F.S.	<input type="checkbox"/> 216.181, F.S.	
GAA Year and Line Item Info:	SFY:		Line Item:
1. Reason advance payment is required:			
2. The following information required for advances requested pursuant to 215.422, Florida Statutes (and the Comptroller's Voucher Processing Handbook) which exceed the purchasing threshold of category two as defined in 287.017, Florida Statutes.			
A. Document, if applicable, the cost savings to be incurred as a result of an advance payment that are equal or greater than the amount the State would earn by investing the funds and paying in arrears. Include the percent (%) savings to be realized. In calculating the percent savings as compared to the percent that can be earned by the State, information may be obtained from the Department of Insurance, Division of Treasury at 850/413-2776 or SunCom 293-2776 regarding the current Treasury earnings rate.			
B. Document, if applicable, how the goods or services are essential to the operation of the Department and why they are available only if advance payment is made:			

C. Identify the procurement method used to select the vendor.

3. The following information required for advances to Governmental Entities and Non-Profits pursuant to 216.181, Florida Statutes. (Limited to GAA Authorized, Statutorily Authorized, and Grant & Aid Appropriation Categories 05XXXX or 14XXXX)

A. The entity acknowledges the requirement to invest advance funds in an interest bearing account and to remit interest earned to the Department on a quarterly basis.

Provide a description of how the entity intends to invest the advanced funds and track the interest earned on the advanced funds:

Remittances must: 1) be identified as interest earnings on advances, 2) must identify the applicable DEP Agreement (or Contract) No., and 3) be forwarded to the following address:

Florida Department of Environmental Protection
Bureau of Finance and Accounting
Receipts Section
P.O. Box 3070
Tallahassee, Florida 32315-3070

B. A letter requesting advance payment from the recipient, on its letterhead, must be attached.

3. The recipient must provide an estimated budget for each quarter covered by the agreement. The summary information should include salaries, fringe benefits, overhead, contracts (specify services to be contracted out), equipment, if authorized (specify items to be purchased), supplies, travel, and other costs.

A sample summary format is provided below. The summary should include the breakdown for each quarter of the agreement period.

Description	First Quarter	Second Quarter	Third Quarter	Fourth Quarter
Salaries (identify personnel/titles)				
Fringe Benefits				
Contractual Services (list services and estimated costs)				
Equipment (identify each item and cost)				
Supplies				
Travel				
Other (specify)				
Overhead/Indirect				
Total:				

Certification Statement

The forgoing information is presented to the Florida Department of Environmental Protection in support of our request for advance payment. I certify that the information provided accurately reflects the financial issues facing the entity at this time.

By: _____ Date _____
 Type Name of Signatory: _____
 Title: Chief Financial Officer or designee

DEP Program Area Review/Approval

Recommendation: **Approve Request** **Deny Request**

By: _____ Date _____
 Type Name of Signatory: _____
 Title: _____ Bureau: _____ Division: _____

The DEP Program Area should forward this information to the Contracts Disbursements Section at MS78. The Contracts Disbursements Section will forward requests for advance payment to the State Comptroller for review and legislature consultation, as appropriate.

Bureau of Finance & Accounting Use Only

AGENDA ITEM NO. C-5
1-7-08

**BROOKSVILLE POLICE
DEPARTMENT**

MEMO

TO: The Honorable Mayor and Members of the Brooksville City Council

VIA: Jennene Norman-Vacha, City Manager

FROM: George Turner, Chief of Police

DATE: December 21, 2007

SUBJ: 2007 (JAG) Acceptance request

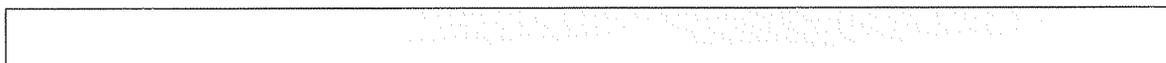
General Information: The City of Brooksville Police Department has been awarded the FFY 2007 Edward Byrne Memorial Justice Assistance (JAG) Grant in the amount of \$5,668.00.. This grant was previously based on local crime statistics reported to F.D.L.E.

Budget Impact: The grant has no match and will be utilized for a technological enhancement project. Budget amendment will be prepared providing approved funds within fund 118.

Further staff recommends amendment of the 2007/2008 budget to reflect increase in grant monies received/expended.

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - Direct



Subgrant Recipient

Organization Name: City of Brooksville

County: Hernando

Chief Official

Name: David Pugh

Title: Mayor

Address: 201 North Howell Avenue

City: Brooksville

State: FL **Zip:** 34601

Phone: 352-544-5400 **Ext:**

Fax: 352-544-5424

Suncom:

Email: rhankins@ci.brooksville.fl.us

Chief Financial Officer

Name: Stephen Baumgartner

Title: Finance Director

Address: 201 North Howell Avenue

City: Brooksville

State: FL **Zip:** 34601

Phone: 352-544-5400 **Ext:**

Fax: 352-544-5424

Suncom:

Email: sbaumgartner@ci.brooksville.fl.us

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - Direct

Implementing Agency

Organization Name: City of Brooksville Police Department

County: Hernando

Chief Official

Name: George Turner

Title: Police Chief

Address: 87 Veterans Avenue

City: Brooksville

State: FL **Zip:** 34601

Phone: 352-754-6800 **Ext:**

Fax: 352-754-6809

Suncom:

Email: rhankins@ci.brooksville.fl.us

Project Director

Name: Richard Hankins

Title: Lieutenant

Address: 87 Veterans Avenue

City: Brooksville

State: FL **Zip:** 34601

Phone: 352-754-6808 **Ext:**

Fax: 352-754-6809

Suncom:

Email: rhankins@ci.brooksville.fl.us

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - Direct

--

General Project Information

Project Title: DIGITALPATROLLER
Project Sequence No: 1
Subgrant Recipient: City of Brooksville
Implementing Agency: City of Brooksville Police Department
Project Start Date: 2/1/2008 **End Date:** 7/31/2008

Problem Identification

A digital camera takes and stores images on flash modules or recordable Cd's, which can be transferred to a computer for printing or uploaded to a secure evidence database. This technology offers the investigator more flexibility in regards to the picture quality of the image. Much of the photo enhancements are done after the picture has been taken. This feature is an advantage over a traditional film camera. With the traditional film camera, the investigator has to manually and properly adjust all the settings prior to taking the desired picture. A digital camera offers the ability to correct almost all aspects of a picture once it has been imported into the computer. Furthermore, all that is really needed to adequately use a digital camera is for the investigator to know how to point and shoot.

Digital cameras will additionally assist the agency in information sharing. Digital photography is helpful by offering the ability to quickly send electronic mail with attachments to other law enforcement agencies within seconds of taking the picture, as well as aid in the development of virtual databases of information utilized in lengthy criminal investigations. The Brooksville Police Department handles the majority of its forensic related investigations. For investigating officers who collect evidence at crime scenes, digital cameras provide preview screens that assist in preventing errors.

An added benefit for this type of usage is the amount of photographs an officer can take on a flash card storage device in comparison to a traditional camera or antiquated digital camera that utilizes a floppy disk. We have estimated that with the purchase of flash card driven digital cameras our photography time and the number of errors will tremendously decline.

Project Summary

The City of Brooksville is located in Hernando County, Florida and currently has a population of 8,000. The police department currently employs (16) full-time patrol officers, (2) Detectives and (2) Administrators. The agency responds to approximately 18,000 call for service annually and recently reported (489) Index Crimes from January-June 2007. One facet of a criminal investigation is the availability of conducting forensic imaging or crime scene photography.

The technological enhancement of digital photography has proven to be an asset in the law enforcement profession. The Brooksville Police Department will purchase (4) digital cameras with flash card capabilities, to enhance our ability to collect and preserve photographic evidence.

The completion of the goals of this grant will not only make the investigators jobs more efficient but moreover, the evidence submitted during judicial proceedings will lead to thorough, successful criminal prosecutions.

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - Direct

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - Direct

--

Federal Purpose Area: 01C - Law Enforcement Programs - Procuring Equipment

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - Direct

--

General Financial Info:

Note: All financial remittances will be sent to the Chief Financial Officer of the Subgrantee Organization.

Financial Reporting Frequency for this Subgrant: Annual

Is the subgrantee a state agency?: No

SAMAS / Vendor Number: 59 6000284

Budget:

Budget Category	Federal	Match	Total
Salaries and Benefits	\$0.00	\$0.00	\$0.00
Contractual Services	\$0.00	\$0.00	\$0.00
Expenses	\$5,668.00	\$0.00	\$5,668.00
Operating Capital Outlay	\$0.00	\$0.00	\$0.00
Indirect Costs	\$0.00	\$0.00	\$0.00
-- Totals --	\$5,668.00	\$0.00	\$5,668.00
Percentage	100.0	0.0	100.0

Project Generated Income:

Will the project earn project generated income (PGI) ? No

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - Direct

Budget Narrative:

Expenses:

All purchased items within the scope of the grant will be less than \$1,000.00.

(6) Autofocus, Zoom, Digital Cameras with lens, purchase not to exceed \$4,200.00.

(14) CompactFlash Cards. The approximate cost for the memory cards is \$1,468.00. Multiple memory cards once used, will be rotated in and out of evidence. Any funds saved in the purchase of the digital cameras or memory cards will be utilized to purchase camera cases.

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - Direct

--

Section Questions:

Question: Indicate the Operating Capital Outlay threshold established by the subgrantee. Enter N/A if not applicable.

Answer: \$1,000.00

Question: If Salaries and Benefits are included in the budget as actual costs for staff in the implementing agency, is there a net personnel increase? Enter N/A if not applicable.

Answer: N/A

Question: If benefits are to be paid, are they included in your budget narrative? Enter N/A if not applicable.

Answer: N/A

Question: If indirect costs is included in the budget, indicate the basis for the plan (e.g. percent of salaries and benefits), and provide documentation of the appropriate approval of this plan.

Answer: N/A

Standard Conditions

Conditions of agreement requiring compliance by units of local government (subgrant recipients), implementing agencies and state agencies upon signed acceptance of the subgrant award appear in this section. Upon approval of this subgrant, the approved application and the following terms of conditions will become binding. Failure to comply with provisions of this agreement will result in required corrective action up to and including project costs being disallowed and termination of the project, as specified in item 17 of this section.

1. All Subgrant Recipients must comply with the financial and administrative requirements set forth in the current edition of the U.S. Department of Justice, Office of Justice Programs (OJP) Financial Guide and Edward Byrne Memorial Justice Assistance Grant (JAG) Program Guidance as well as Florida laws and regulations including the Florida Administrative Code Chapter 11D-9, Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program. Further, the Subgrant Recipient agrees to comply with all Federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars A-21, A-110, A-102, A-122, A-133, A-87, as applicable; E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements 28 CFR, Part 66, Common Rule and Part 67, Drug-free Workplace, Equal Treatment Regulation 28 CFR, Part 38.

2. Allowable Costs

- a. Allowance for costs incurred under the subgrant shall be determined according to the general principles of allowability and standards for selected cost items set forth in the OJP Financial Guide, U.S. Department of Justice Common Rule for State And Local Governments and federal OMB Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments", or OMB Circular A-21, "Cost Principles for Educational Institutions".
- b. All procedures employed in the use of federal funds for any procurement shall be according to U.S. Department of Justice Common Rule for State and Local Governments, or OMB Circular A-110, or OMB Circular A-102, and Florida law to be eligible for reimbursement.

3. Reports

a. Project Performance Reports – **JAG Countywide Only**

- (1) Reporting Time Frames: The subgrant recipient shall submit Quarterly Project Performance Reports to the Florida Department of Law Enforcement, hereafter known as the Department, by February 1, May 1, August 1, and within forty-five (45) days after the subgrant termination date. In addition, if the subgrant award period is extended beyond the "original" project period, additional Quarterly Project Performance Reports shall be submitted.

Failure to submit Quarterly Performance Reports that are complete, accurate and timely may result in sanctions, as specified in item 17, Performance of Agreement Provisions.

- (2) Report Contents: Performance reports must include both required sections, the quantitative response (in response to specific objectives and measures) and the qualitative narrative. The narrative must reflect on accomplishments for the quarter, incorporate specific items specified for inclusion in performance measures, and also identify problems with project implementation and address actions being taken to resolve the problems.

b. Financial Reports

(1) Project Expenditure Reports

- (a) The **JAG Countywide** subgrant recipient shall have a choice of submitting either a Monthly or a Quarterly Project Expenditure Report to the Department. Monthly Project Expenditure Reports (1-11) are due thirty-one (31) days after the end of the reporting period. Quarterly Project Expenditure Reports (1-3) are due thirty-one (31) days after the end of the reporting period. In addition, if the subgrant award period is extended, additional Project Expenditure Reports shall be submitted.
 - (b) The **JAG Direct** subgrant recipient shall submit one Project Expenditure Report for the entire subgrant period.
 - (c) All project expenditures for reimbursement of subgrant recipient costs shall be submitted on the Project Expenditure Report Forms prescribed and provided by the Office of Criminal Justice Grants (OCGJ).
 - (d) All Project Expenditure Reports shall be submitted in sufficient detail for proper pre-audit and post-audit.
 - (e) Before the "final" Project Expenditure Report will be processed, the subgrant recipient must submit to the Department all outstanding project reports and must have satisfied all special conditions. Failure to comply with the above provisions shall result in forfeiture of reimbursement.
 - (f) Reports are to be submitted even when no reimbursement is being requested.
- (2) The Closeout Documentation shall be submitted to the Department within forty-five (45) days of the subgrant termination period.
- (3) If applicable, the subgrant recipient shall submit Quarterly Project Generated Income Reports to the Department by February 1, May 1, August 1, and within forty-five (45) days after the subgrant termination date covering subgrant project generated income and expenditures during the previous quarter. (See Item 10, Program Income.)

c. Other Reports

The recipient shall report to the Uniform Crime Report and other reports as may be reasonably required by the Department.

4. Fiscal Control and Fund Accounting Procedures

- a. The subgrant recipient shall establish fiscal control and fund accounting procedures that assure proper disbursement and accounting of subgrant funds and required non-federal expenditures. All funds spent on this project shall be disbursed according to provisions of the project budget as approved by the Department.
- b. All expenditures and cost accounting of funds shall conform to OJP Financial Guide (as amended), U.S. Department of Justice Common Rule for State and Local Governments, and federal Office of Management and Budget's (OMB) Circulars A-21, A-87, and A-110, or A-102 as applicable, in their entirety.
- c. All funds not spent according to this agreement shall be subject to repayment by the subgrant recipient.

5. Payment Contingent on Appropriation and Available Funds

The State of Florida's performance and obligation to pay under this agreement is contingent upon an annual appropriation by the Florida Legislature. Furthermore, the obligation of the State of Florida to reimburse subgrant recipients for incurred costs is subject to available federal funds.

6. Obligation of Subgrant Recipient Funds

Subgrant funds shall not under any circumstances be obligated prior to the effective date or subsequent to the termination date of the subgrant period. Only project costs incurred on or after the effective date and on or prior to the termination date of the subgrant recipient's project are eligible for reimbursement.

7. Advance Funding

- a. JAG Countywide - Advance funding may be authorized for up to twenty-five (25) percent of the federal award for each project according to Section 216.181(16)(b), Florida Statutes, the OJP Financial Guide, and the U.S. Department of Justice Common Rule for State and Local Governments. Advance funding shall be provided to a subgrant recipient upon a written request to the Department. This request, shall be either enclosed with the subgrant application or submitted to the Department prior to the first request for reimbursement. Justification should address a 30/60/90-day need for cash based on the budgeted activities for the period.
- b. JAG Direct – The Department shall award program funds to the recipient in a single, lump sum payment.

8. Trust Funds

- a. The unit of local government must establish a trust fund in which to deposit JAG funds. The trust fund may or may not be an interest bearing account.
- b. The account may earn interest, but any earned interest must be used for program purposes and expended before the subgrant end date.

9. Travel and Training

- a. All travel expenses relating to field trips with youth requires written approval of the Department prior to commencement of actual travel.
- c. The cost of all travel shall be reimbursed according to local regulations, but not in excess of provisions in Section 112.061, Florida Statutes.
- d. All bills for any travel expenses shall be submitted according to provisions in Section 112.061, Florida Statutes.

10. Program Income (also known as Project Generated Income)

Program income means the gross income earned by the subgrant recipient during the subgrant period, as a direct result of the subgrant award. Program income shall be handled according to the OJP Financial Guide and U.S. Department of Justice Common Rule for State and Local Governments (reference 31 CFR Part 206 - Management of Federal Agency Receipts, Disbursements, and Operation of The Cash Management Improvement Fund).

11. Approval of Consultant Contracts

The Department shall review and approve in writing all consultant contracts prior to employment of a consultant when their rate exceeds \$450 (excluding travel and subsistence costs) for an eight-hour day. Approval shall be based upon the contract's compliance with requirements found in the OJP Financial Guide, U.S. Department of Justice Common Rule for State and Local Governments, and in applicable state statutes. The Department's approval of the subgrant recipient agreement does not constitute approval of consultant contracts.

12. Property Accountability

- a. The subgrant recipient agrees to use all non-expendable property for criminal justice purposes during its useful life or request Department disposition.
- b. The subgrant recipient shall establish and administer a system to protect, preserve, use, maintain and dispose of any property furnished to it by the Department or purchased pursuant to this agreement according to federal property management standards set forth in the OJP Financial Guide, U.S. Department of Justice Common Rule for State and Local Governments or the federal OMB Circular A-110 or A-102, as applicable. This obligation continues as long as the subgrant recipient retains the property, notwithstanding expiration of this agreement.

13. Ownership of Data and Creative Material

Ownership of material, discoveries, inventions, and results developed, produced, or discovered subordinate to this agreement is governed by the terms of the OJP Financial Guide (as amended), and the U.S. Department of Justice Common Rule for State and Local Governments, or the federal OMB Circular A-110 or A-102, as applicable.

14. Copyright

The awarding agency reserves a royalty-free non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for Federal government purposes:

- a. The copyright in any work developed under an award or subaward, and
- b. Any rights of copyright to which a subgrant recipient or subrecipient purchases ownership with support funded under this grant agreement.

15. Publication or Printing of Reports

The subgrant recipient shall submit for review and approval one copy of any curricula, training materials, or any other written materials that will be published, including web-based materials and web site content, through funds from this grant at least thirty (30) days prior to the targeted dissemination date.

All materials publicizing or resulting from award activities shall contain the following statements: "This project was supported by Award No. [contact OCJG for award number] awarded by the Bureau of Justice Statistics, Office of Justice Programs. The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice."

16. Audit

- a. Subgrant recipients that expend \$500,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year. The audit shall be performed in

accordance with the federal OMB Circular A-133 and other applicable federal law. The contract for this agreement shall be identified in The Schedule of Federal Financial Assistance in the subject audit. The contract shall be identified as federal funds passed through the Florida Department of Law Enforcement and include the contract number, CFDA number, award amount, contract period, funds received and disbursed. When applicable, the subgrant recipient shall submit an annual financial audit that meets the requirements of Sections 11.45 and 215.97, Florida Statutes, and Chapters 10.550 and 10.600, Rules of the Florida Auditor General.

- b. A complete audit report that covers any portion of the effective dates of this agreement must be submitted within 30 days after its completion, but no later than nine (9) months after the audit period. In order to be complete, the submitted report shall include any management letters issued separately and management's written response to all findings, both audit report and management letter findings. Incomplete audit reports will not be accepted by the Department and will be returned to the subgrant recipient.
- c. The subgrant recipient shall have all audits completed by an Independent Public Accountant (IPA). The IPA shall be either a Certified Public Accountant or a Licensed Public Accountant.
- d. The subgrant recipient shall take appropriate corrective action within six (6) months of the issue date of the audit report in instances of noncompliance with federal laws and regulations.
- e. The subgrant recipient shall ensure that audit working papers are made available to the Department, or its designee, upon request for a period of three (3) years from the date the audit report is issued, unless extended in writing by the Department.
- f. Subgrant recipients that expend less than \$500,000 in Federal awards during a fiscal year are exempt from the audit requirements of OBM Circular A-133 for that fiscal year. In this case, written notification, which can be in the form of the "Certification of Audit Exemption" form, shall be provided to the Department by the Chief Financial Officer, or designee, that the subgrant recipient is exempt. This notice shall be provided to the Department no later than March 1 following the end of the fiscal year.
- g. If this agreement is closed out without an audit, the Department reserves the right to recover any disallowed costs identified in an audit completed after such closeout.
- h. The completed audit report or notification of non-applicability should be sent to the following address:

Florida Department of Law Enforcement
Office of Criminal Justice Grants
2331 Phillips Road
Tallahassee, Florida 32308

17. Performance of Agreement Provisions

In the event of default, non-compliance or violation of any provision of this agreement by the subgrant recipient, the subgrant recipient's consultants and suppliers, or both, the Department shall impose sanctions it deems appropriate including withholding payments and cancellation, termination, or suspension of the agreement in whole or in part. In such event, the Department shall notify the subgrant recipient of its decision thirty (30) days in advance of the effective date of such sanction. The subgrant recipient shall be paid only for those services satisfactorily performed prior to the effective date of such sanction.

18. Commencement of Project

- a. If a project has not begun within sixty (60) days after acceptance of the subgrant award, the subgrant recipient shall send a letter to the Department indicating steps to initiate the project, reason for delay and request a revised project starting date.
- b. If a project has not begun within ninety (90) days after acceptance of the subgrant award, the subgrant recipient shall send another letter to the Department, again explaining the reason for delay and request another revised project starting date.
- c. Upon receipt of the ninety (90) day letter, the Department shall determine if the reason for delay is justified or shall, at its discretion, unilaterally terminate this agreement and re-obligate subgrant funds to other Department approved projects. The Department, where warranted by extenuating circumstances, may extend the starting date of the project past the ninety (90) day period, but only by formal written amendment to this agreement.

19. Excusable Delays

- a. Except with respect to defaults of consultants, the subgrant recipient shall not be in default by reason of any failure in performance of this agreement according to its terms (including any failure by the subgrant recipient to make progress in the execution of work hereunder which endangers such performance) if such failure arises out of causes beyond the control and without the fault or negligence of the subgrant recipient. Such causes include, but are not limited to, acts of God or of the public enemy, acts of the government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, but in every case, the failure to perform shall be beyond the control and without the fault or negligence of the subgrant recipient.
- b. If failure to perform is caused by failure of a consultant to perform or make progress, and if such failure arises out of causes beyond the control of subgrant recipient and consultant, and without fault or negligence of either of them, the subgrant recipient shall not be deemed in default, unless:
 - (1) Supplies or services to be furnished by the consultant were obtainable from other sources,
 - (2) The Department ordered the subgrant recipient in writing to procure such supplies or services from other sources, and
 - (3) The subgrant recipient failed to reasonably comply with such order.
- c. Upon request of the subgrant recipient, the Department shall ascertain the facts and the extent of such failure, and if the Department determines that any failure to perform was occasioned by one or more said causes, the delivery schedule shall be revised accordingly.

20. Written Approval of Changes in this Approved Agreement

Subgrant recipients shall obtain approval from the Department for major substantive changes. These include, but are not limited to:

- a. Changes in project activities, target populations, service providers, implementation schedules, designs or research plans set forth in the approved agreement;

- b. Budget deviations that do not meet the following criterion. That is, a subgrant recipient may transfer funds between budget categories as long as the total amount of transfer does not exceed ten (10) percent of the total approved budget and the transfer is made to an approved budget item; or,
- c. Transfers of funds above the ten (10) percent cap shall be made only if a revised budget is approved by the Department. Transfers do not allow for increasing the quantitative number of items documented in any approved budget item, i.e., increasing the quantity of equipment items in Operating Capital Outlay or Expense categories, or staff positions in the Salaries and Benefits category.)
- d. Under no circumstances can transfers of funds increase the total budgeted award.

21. Disputes and Appeals

- a. The Department shall make its decision in writing when responding to any disputes, disagreements or questions of fact arising under this agreement and shall distribute its response to all concerned parties. The subgrant recipient shall proceed diligently with the performance of this agreement according to the Department's decision.
- b. If the subgrant recipient appeals the Department's decision, the appeal also shall be made in writing within twenty-one (21) calendar days to the Department's clerk (agency clerk). The subgrant recipient's right to appeal the Department's decision is contained in Chapter 120, Florida Statutes, and in procedures set forth in Rule 28-106.104, Florida Administrative Code. Failure to appeal within this time frame constitutes a waiver of proceedings under Chapter 120, Florida Statutes.

22. Conferences and Inspection of Work

Conferences may be held at the request of any party to this agreement. At any time, a representative of the Department, of the U.S. Department of Justice, or the Auditor General of the State of Florida, have the privilege of visiting the project site to monitor, inspect and assess work performed under this agreement.

23. Access To Records

- a. The Department of Law Enforcement, the Auditor General of the State of Florida, the U.S. Department of Justice, the U.S. Comptroller General or any of their duly authorized representatives, shall have access to books, documents, papers and records of the subgrant recipient, implementing agency and contractors for the purpose of audit and examination according to the OJP Financial Guide (as amended), and the U.S. Department of Justice Common Rule for State and Local Governments.
- b. The Department reserves the right to unilaterally terminate this agreement if the subgrant recipient, implementing agency, or contractor refuses to allow public access to all documents, papers, letters, or other materials subject to provisions of Chapter 119, Florida Statutes, and made or received by the subgrant recipient or its contractor in conjunction with this agreement.

24. Retention of Records

The subgrant recipient shall maintain all records and documents for a minimum of three (3) years from the date of the final financial statement and be available for audit and public disclosure upon request of duly authorized persons.

25. Signature Authority

The Subgrant Recipient Authorizing Official or Designated Representative and the Implementing Agency Official, Administrator or Designated Representative, who sign the Signature Page, have the authority to request changes to the approved agreement. The prior mentioned individuals have authority to sign or make amendments to the Sole Source, ADP Justification and the Privacy Certification forms. The Project Director has authority to submit requests for approval of specific travel, and Performance Reports, with the exception of the Financial and Closeout Package, which also requires the signature by the Chief Financial Officer of the Subgrant Recipient or authorized designee.

26. Delegation of Signature Authority

When the authorized official of a subgrant recipient or the implementing agency designates some other person signature authority for him/her, the chief officer or elected official must submit to the Department a letter or resolution indicating the person given signature authority. The letter indicating delegation of signature authority must be signed by the chief officer or elected official and the person receiving signature authority. The letter must also specify the authority being delegated.

27. Personnel Changes

Upon implementation of the project, in the event there is a change in Chief Executive Officers for the Subgrantee or Implementing Agency, Project Director, or Contact Person, the Department must be notified in writing with documentation to include appropriate signatures.

28. Background Check

Whenever a background screening for employment or a background security check is required by law for employment, unless otherwise provided by law, the provisions of Chapter 435, Florida Statutes shall apply.

- a. All positions in programs providing care to children, the developmentally disabled, or vulnerable adults for 15 hours or more per week; all permanent and temporary employee positions of the central abuse hotline; and all persons working under contract who have access to abuse records are deemed to be persons and positions of special trust or responsibility and require employment screening pursuant to Chapter 435, F.S., using the level 2 standards set forth in that chapter.
- b. All employees in positions designated by law as positions of trust or responsibility shall be required to undergo security background investigations as a condition of employment and continued employment. For the purposes of the subsection, security background investigations shall include, but not be limited to, employment history checks, fingerprinting for all purposes and checks in this subsection, statewide criminal and juvenile records checks through the Florida Department of Law Enforcement, and federal criminal records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.
 - (1) Any person who is required to undergo such a security background investigation and who refuses to cooperate in such investigation or refuses to submit fingerprints shall be disqualified for employment in such position or, if employed, shall be dismissed.
 - (2) Such background investigations shall be conducted at the expense of the employing agency. When fingerprinting is required, the fingerprints of the employee or applicant for employment shall be taken by the employing agency or by an authorized law

enforcement officer and submitted to the Department of Law Enforcement for processing and forwarding, when requested by the employing agency, to the United States Department of Justice for processing. The employing agency shall reimburse the Department of Law Enforcement for any costs incurred by it in the processing of the fingerprints.

29. Drug Court Projects

- a. A Drug Court Project funded by the JAG Grant Program must contain the 10 key elements outlined in the U.S. Department of Justice, Office of Justice Programs, Drug Courts Program Office, program guidelines "Defining Drug Courts: The Key Components", January 1997. This document can be obtained from FDLE, Office of Criminal Justice Grants, at (850) 410-8700.
- b. To ensure more effective management and evaluation of drug court programs, the subgrant recipient agrees that drug court programs funded with this award shall collect and maintain follow-up data on criminal recidivism and drug use relapse of program participation. The data collected must be available to U.S. DOJ and FDLE upon request.

30. Overtime for Law Enforcement Personnel

Prior to obligating funds from this award to support overtime by law enforcement officers, the U.S. Department of Justice encourages consultation with all allied components of the criminal justice system in the affected jurisdiction. The purpose of this consultation is to anticipate and plan for systemic impacts such as increased court dockets and the need for detention space.

31. Criminal Intelligence System

- a. The purpose of the federal regulation published in 28 CFR Part 23 - Criminal Intelligence Systems Operating Policies is to assure that subgrant recipients of federal funds for the principal purpose of operating a criminal intelligence system under the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, et seq., as amended, use those funds in conformance with the privacy and constitutional rights of individuals.
- b. The subgrant recipient and a criminal justice agency that is the implementing agency agree to certify that they operate a criminal intelligence system in accordance with Sections 802(a) and 818(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended and comply with criteria as set forth in 28 CFR Part 23 - Criminal Intelligence Systems Operating Policies and in the Bureau of Justice Assistance's Formula Grant Program Guidance. Submission of this certification is a prerequisite to entering into this agreement.
- c. This certification is a material representation of fact upon which reliance was placed when this agreement was made. If the subgrant recipient or criminal justice agency operates a criminal intelligence system and does not meet Act and federal regulation criteria, they must indicate when they plan to come into compliance. Federal law requires a subgrant-funded criminal intelligence system project to be in compliance with the Act and federal regulation prior to the award of federal funds. The subgrant recipient is responsible for the continued adherence to the regulation governing the operation of the system or faces the loss of federal funds. The Department's approval of the subgrant recipient agreement does not constitute approval of the subgrant-funded development or operation of a criminal intelligence system.

32. Confidential Funds

A signed certification that the project director or the head of the Implementing Agency has read, understands, and agrees to abide by all of the conditions for confidential funds as set forth in the effective edition of OJP's Financial Guide is required from all projects that are involved with confidential funds from either Federal or matching funds. The signed certification must be

submitted at the time of grant application.

33. Equal Employment Opportunity (EEO)

- a. No person, on the grounds of race, creed, color or national origin shall be excluded from participation in, be refused benefits of, or otherwise subjected to discrimination under grants awarded pursuant to Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973, as amended; Title IX of the Education Amendments of 1972; The Age Discrimination Act of 1975; and, Department of Justice Non-Discrimination Regulations 28 CFR Part 42, Subparts C, D, E, F, G and H.
- b. The subgrant recipient and the implementing agency agree to certify that they either do or do not meet EEO program criteria as set forth in Section 501 of The Federal Omnibus Crime Control and Safe Streets Act of 1968, as amended and that they have or have not formulated, implemented and maintained a current EEO Program. Submission of this certification is a prerequisite to entering into this agreement. This certification is a material representation of fact upon which reliance was placed when this agreement was made. If the subgrant recipient or implementing agency meet Act criteria but have not formulated, implemented and maintained such a current written EEO Program, they have 120 days after the date this agreement was made to comply with the Act or face loss of federal funds subject to the sanctions in the Justice System Improvement Act of 1979, Pub. L. 96-157, 42 U.S.C. 3701, et seq. (Reference Section 803 (a) of the Act, 42 U.S.C. 3783 (a) and 28 CFR Section 42.207 Compliance Information).
- c. Any subgrant recipient or implementing agency receiving a single grant award for \$500,000 or more OR an aggregate of grant awards for \$1,000,000 or more during any 18 month period in federal funds, must have approval of its EEO Plan by the U.S. DOJ, Office for Civil Rights (OCR). The subgrantee shall submit its EEO Plan to FDLE, for submittal to the U.S. DOJ, OCR for approval. The submission shall be in both paper copy and electronic format. If the U.S. DOJ, OCR has approved an agency's EEO Plan during the two previous years, it is not necessary to submit another EEO Plan. Instead, the subgrantee need only send a copy of its approval letter from the OCR. However, if the EEO Plan approval is more than two years old, an updated Plan must be submitted.
- d. In the event a Federal or State court of Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs.

34. Americans with Disabilities Act

Subgrantees must comply with the requirements of the Americans with Disabilities Act (ADA), Public Law 101-336, which prohibits discrimination by public and private entities on the basis of disability and requires certain accommodations be made with regard to employment (Title I), state and local government services and transportation (Title II), public accommodations (Title III), and telecommunications (Title IV).

35. Immigration and Nationality Act

No public funds will intentionally be awarded to any contractor who knowingly employs unauthorized alien workers, constituting a violation of the employment provisions contained in 8 U.S.C. Section 1324a(e), Section 274A(e) of the Immigration and Nationality Act ("INA"). The Department shall consider the employment by any contractor of unauthorized aliens a violation of Section 274A(e) of the INA. Such violation by the subgrant recipient of the employment provisions contained in Section 274A(e) of the INA shall be grounds for unilateral cancellation of this contract by the Department.

36. National Environmental Policy Act (NEPA)

- a. The subgrantee agrees to assist FDLE in complying with the NEPA and other related federal environmental impact analyses requirements in the use of subgrant funds by the subgrantee. This applies to the following new activities whether or not they are being specifically funded with these subgrant funds. That is, it applies as long as the activity is being conducted by the subgrantee or any third party and the activity needs to be undertaken in order to use these subgrant funds,
 - (1) New construction;
 - (2) Minor renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year flood plain;
 - (3) A renovation, lease, or any other proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; and
 - (4) Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or educational environments.
- b. For any of a subgrantee's existing programs or activities that will be funded by these subgrants, the subgrantee, upon specific request from the Department and the U.S. Department of Justice, agrees to cooperate with DOJ in any preparation by DOJ of a national or program environmental assessment of that funded program or activity.

37. Non-Procurement, Debarment and Suspension

The subgrant recipient agrees to comply with Executive Order 12549, Debarment and Suspension (34 CFR, Part 85, Section 85.510, Participant's Responsibilities). These procedures require the subgrant recipient to certify it shall not enter into any lower tiered covered transaction with a person who is debarred, suspended, declared ineligible or is voluntarily excluded from participating in this covered transaction, unless authorized by the Department.

38. Federal Restrictions on Lobbying

- a. Each subgrant recipient agrees to comply with 28 CFR Part 69, "New Restrictions on Lobbying" and shall file the most current edition of the Certification And Disclosure Form, if applicable, with each submission that initiates consideration of such subgrant recipient for award of federal contract, grant, or cooperative agreement of \$100,000 or more; or federal loan of \$150,000 or more.
- b. This certification is a material representation of fact upon which reliance was placed when this agreement was made. Submission of this certification is a prerequisite to entering into this agreement subject to conditions and penalties imposed by Section 1352, Title 31, United States Code. Any person who fails to file the required certification is subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure to file.
- c. The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No federally appropriated funds have been paid or shall be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of congress, an officer or employee of congress, or an employee of a member of congress in connection with the awarding of any federal loan, the entering into of any renewal, amendment, or modification of any federal contract, grant, loan or cooperative agreement.
- (2) If any non-federal funds have been paid or shall be paid to any person for influencing or attempting to influence an officer or employee of congress, or an employee of a member of congress in connection with this federal contract, grant loan, or cooperative agreement, the undersigned shall complete and submit the standard form, Disclosure of Lobbying Activities, according to its instructions.
- (3) The undersigned shall require that the language of this certification be included in award documents for all subgrant awards at all tiers and that all subgrant recipients shall certify and disclose accordingly.

39. State Restrictions on Lobbying

In addition to the provisions contained in Item 39, above, the expenditure of funds for the purpose of lobbying the legislature or a state agency is prohibited under this contract.

40. Additional Restrictions on Lobbying

Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.

41. "Pay – to – Stay"

Funds from this award may not be used to operate a "pay-to-stay" program in any local jail. Furthermore, no funds may be given to local jails that operate "pay-to-stay" programs. "Local jail", as referenced in this condition, means an adult facility or detention center owned and/or operated by city, county, or municipality. It does not include juvenile detention centers. "Pay-to-stay" programs as referenced in this condition, means a program by which extraordinary services, amenities and/or accommodations, not otherwise available to the general inmate population, may be provided, based upon an offender's apparent ability to pay, such that disparate conditions of confinement are created for the same or similar offenders within a jurisdiction.

42. Mitigation of Health, Safety and Environmental risks dealing with Clandestine Methamphetamine Laboratories

If an award is made to support methamphetamine laboratory operations the subgrant recipient must comply with this condition, which provides for individual site environmental assessment/impact statements as required under the National Environmental Policy Act.

- a. General Requirement: The subgrantee agrees to comply with Federal, State, and local environmental, health and safety laws and regulations applicable to the investigation and closure of clandestine methamphetamine laboratories and the removal and disposal of the chemicals, equipment, and wastes used in or resulting from the operation of these laboratories.
- b. Specific Requirements: The subgrantee understands and agrees that any program or initiative involving the identification, seizure, or closure of clandestine methamphetamine laboratories can result in adverse health, safety and environmental impacts to (1) the law enforcement and other governmental personnel involved; (2) any residents, occupants,

users, and neighbors of the site of a seized clandestine laboratory; (3) the seized laboratory site's immediate and surrounding environment of the site(s) where any remaining chemicals, equipment, and waste from a seized laboratory's operations are placed or come to rest.

Therefore, the subgrantee further agrees that in order to avoid or mitigate the possible adverse health, safety and environmental impacts from any of clandestine methamphetamine operations funded under this award, it will (1) include the nine, below listed protective measures or components; (2) provide for their adequate funding to include funding, as necessary, beyond that provided by this award; and (3) implement these protective measures directly throughout the life of the subgrant. In so doing, the subgrantee understands that it may implement these protective measures directly through the use of its own resources and staff or may secure the qualified services of other agencies, contractor or other qualified third party.

- (1) Provide medical screening of personnel assigned or to be assigned by the subgrantee to the seizure or closure of clandestine methamphetamine laboratories;
- (2) Provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and other personnel assigned by the subgrantee to either the seizure or closure of clandestine methamphetamine laboratories;
- (3) As determined by their specific duties, equip personnel assigned to the project with OSHA required protective wear and other required safety equipment;
- (4) Assign properly trained personnel to prepare a comprehensive contamination report on each closed laboratory;
- (5) Employ qualified disposal contractors to remove all chemicals and associated glassware, equipment, and contaminated materials and wastes from the site(s) of each seized clandestine laboratory;
- (6) Dispose of the chemicals, equipment, and contaminated materials and wastes removed from the sites of seized laboratories at properly licensed disposal facilities or, when allowable, properly licensed recycling facilities;
- (7) Monitor the transport, disposal, and recycling components of subparagraphs 5. and 6. immediately above in order to ensure proper compliance;
- (8) Have in place and implement an inter-agency agreement or other form of commitment with a responsible State environmental agency that provides for that agency's (i) timely evaluation of the environmental conditions at and around the site of a closed clandestine laboratory and (ii) coordination with the responsible party, property owner, or others to ensure that any residual contamination is remediated, if necessary, and in accordance with existing State and Federal requirements; and
- (9) Included among the personnel involved in seizing of clandestine methamphetamine laboratories, or have immediate access to, qualified personnel who can respond to the potential health needs of any offender(s)' children or other children present or living at the seized laboratory site. Response actions should include, at a minimum and as necessary, taking children into protective custody, immediately testing them for methamphetamine toxicity, and arranging for any necessary follow-up medical tests, examinations or health care.

43. Limited English Proficiency

National origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI and the Safe Streets Act, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation when necessary. The U.S. Department of Justice has issued guidance to assist agencies to comply with Title VI requirements. The guidance document can be accessed on the Internet at www.lep.gov, or by contacting OJP's Office for Civil Rights at (202) 307-0690, or by writing to the following address:

Office for Civil Rights
Office of Justice Programs
U.S. Department of Justice
810 Seventh Street NW, Eighth Floor
Washington, DC 20531

44. The Coastal Barrier Resources Act

The subgrantee will comply and assure the compliance of all contractors with the provisions of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.

45. Enhancement of Security

If funds are used for enhancing security, the subgrant recipient agrees to:

- a. Have an adequate process to assess the impact of any enhancement of a school security measure that is undertaken on the incidence of crime in the geographic area where the enhancement is undertaken.
- b. Conduct such an assessment with respect to each such enhancement; and, submit to the Department the aforementioned assessment in its Final Program Report.

46. Environmental Protection Agency's (EPA) list of Violating Facilities

The subgrantee assures that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the Program Purpose are not listed on the EPA's list of Violating Facilities and that it will notify the Department of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

47. Flood Disaster Protection Act

The subgrantee will comply with Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, requiring that the purchase of flood insurance in communities where such insurance is available as a condition of the receipt of any federal financial assistance for construction or acquisition purposes for use in any area that has been identified as an area having special flood hazards.

48. National Historic Preservation Act

The subgrantee will assist the Department in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the

Archeological and Historical Preservation Act of 1966 (16 USC 569a-1 et seq.) by (a) consulting with the State Historic Preservation Officer as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Department of the existence of any such properties and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

49. Omnibus Crime Control and Safe Streets Act

The subgrantee will comply and assure the compliance of all contractors, with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provisions of the current edition of the Office of Justice Program Financial and Administrative Guide for Grants; and all other applicable State and Federal laws, orders, circulars, or regulations.

50. Public Safety Officers' Health Benefits Provision

The recipient has certified it is in compliance with the Public Safety Officers' Health Benefits Provision of the Fiscal Year 2002, Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act (Pub. L. No. 107-77) and agrees to remain in compliance during the life of the grant. This provision requires that the unit of local government which employs a public safety officer (as defined by Section 1204 of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended) to afford such public safety officer who retires or is separated from service due to injury suffered as a direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as the officer received while employed by the jurisdiction. If the recipient demonstrates noncompliance during the life of the grant, 10 percent of the award amount must be returned to the grantor.

51. Human Research Subjects

Grantee agrees to comply with the requirements of 28 C.F.R. part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

52. National Information Exchange Model specifications

To support public safety and justice information sharing, OJP requires the grantee to use the National Information Exchange Model (NIEM) specifications and guidelines for this particular grant. Grantee shall publish and make available without restriction all schemas generated as a result of this grant to the component registry as specified in the guidelines. For more information on compliance with this condition, visit <http://www.niem.gov/implementationguide.php>.

53. Reporting, Data Collection and Evaluation

The subgrant recipient agrees to comply with all reporting, data collection and evaluation requirements, as prescribed by the BJA in the program guidance for the Justice Assistance Grant (JAG). Compliance with these requirements will be monitored by BJA.

54. Privacy Certification

The Subgrant recipient agrees to comply with the confidentiality requirements that are applicable to collection, use, and revelation of data or information and that are in accordance with requirements of Confidentiality of Identifiable Research and Statistical Information (28 C.F.R. Part 22 and, in particular, section 22.23, Privacy Certification).

If an award is made for a project which has a research or statistical component under which information identifiable to a private person will be collected, the subgrant recipient agrees to:

1. Project plans will be designed to preserve anonymity of private persons to whom information relates, including, where appropriate, name-stripping, coding of data, or other similar procedures.
2. Project findings and reports prepared for dissemination will not contain information which can reasonably be expected to be identifiable to a private person.
3. A log will be maintained indicating that identifiable data have been transmitted to persons other than BJA, OJJDP, BJS, NIJ, or OJP or grantee/contractor staff or subcontractors, that such data have been returned, or that alternative arrangements have been agreed upon for future maintenance of such data.
4. A description of the project containing assurance by the applicant that:
 - (1) Data identifiable to a private person will not be used or revealed.
 - (2) Access to data will be limited to those employees having a need and that such persons shall be advised of and agree in writing to comply with these regulations.
 - (3) All subcontracts which require access to identifiable data will contain conditions meeting the requirements.
5. Any private persons from whom identifiable data are collected or obtained, either orally or by means of written questionnaire, shall be advised that the data will only be used or revealed for research or statistical purposes and that compliance with requests for information is not mandatory. Where the notification requirement is to be waived, a justification must be included in the Privacy Certificate.
6. Describe the precautions that will be taken to insure administrative and physical security of identifiable data.

55. State Information Technology Point of Contact

The subgrant recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditures period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.ojp.usdoj.gov/ec/states.htm>.

56. Interstate Connectivity

To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the subgrant recipient can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

57. Supplanting

The recipient agrees that federal funds under this award will be used to supplement but not supplant state or local funds.

**CERTIFICATION OF COMPLIANCE WITH
EQUAL EMPLOYMENT OPPORTUNITY (EEO) PROGRAM REQUIREMENTS**

**Florida Department of Law Enforcement
Edward Byrne Memorial Justice Assistance Grant Program**

SUBGRANTEE CERTIFICATION

Federal regulations require recipients of financial assistance from the Office of Justice Programs (OJP) to prepare, maintain on file, submit to OJP for review and implement an EEO Plan in accordance with the Omnibus Crime Control and Safe Street Act of 1968, as amended, and 28 CFR Part 42.301-.308, Subparts C through H, if they meet the following criteria:

- (i) have 50 or more employees; and
- (ii) received a total of \$25,000 or more in grants or subgrants; and
- (iii) have 3 percent or more minorities in services population (however, if less than 3 percent minorities in service population, an EEOP must still be prepared, but must focus on employment practices affecting women only).

I, the undersigned authorized official, certify that according to Section 501 of the Omnibus Crime Control and Safe Streets Act of 1968 as amended, that the Subgrantee (Subgrant Recipient):

- Does meet Act Criteria and does have a current EEO Plan.
- Does meet Act Criteria and does not have a current EEO Plan.
- Does not meet Act Criteria, and therefore not required to have an EEO Plan.

Recipients that meet criteria (i) and (iii) above, and receive over \$500,000 (or \$1 million during and 18 month period) are required to submit an EEO Plan to the Office for Civil Rights, Office of Justice Programs for review.

Has included a copy of the current approval letter from the US DOJ.

I further affirm that if the Subgrant Recipient *meets* the Act criteria and does not have a current written EEO Plan, federal law requires it to formulate, implement, and maintain such a Plan within 60 days after a subgrant application for federal assistance is approved or face loss of federal funds.

Signature of Subgrantee Authorized Official

Type Name: David Pugh Jr.

Title: Mayor

Subgrant Recipient: City of Brooksville

Date: 11/16/2007

**CERTIFICATION OF COMPLIANCE WITH
EQUAL EMPLOYMENT OPPORTUNITY (EEO) PROGRAM REQUIREMENTS**

Florida Department of Law Enforcement
Edward Byrne Memorial Justice Assistance Grant Program

IMPLEMENTING AGENCY CERTIFICATION

Federal regulations require recipients of financial assistance from the Office of Justice Programs (OJP) to prepare, maintain on file, submit to OJP for review and implement an EEO Plan in accordance with the Omnibus Crime Control and Safe Street Act of 1968, as amended, and 28 CFR Part 42.301-308, Subparts C through H, if they meet the following criteria:

- (i) have 50 or more employees, and
- (ii) received a total of \$25,000 or more in grants or subgrants; and
- (iii) have 3 percent or more minorities in services population (however, if less than 3 percent minorities in service population, an EEOP must still be prepared, but must focus on employment practices affecting women only).

I, the undersigned authorized official, certify that according to Section 501 of the Omnibus Crime Control and Safe Streets Act of 1968 as amended, that the Subgrantee (Subgrant Recipient):

Does meet Act Criteria and does have a current EEO Plan.

Does meet Act Criteria and does not have a current EEO Plan.

Does not meet Act Criteria, and therefore not required to have an EEO Plan.

Is Included in the EEO Plan of the Subgrant Recipient.

Recipients that meet criteria (i) and (iii) above, and receive over \$500,000 (or \$1 million during and 18 month period) are required to submit an EEO Plan to the Office for Civil Rights, Office of Justice Programs for review.

Has included a copy of the current approval letter from the US DOJ.

I further affirm that if the Subgrant Recipient *meets* the Act criteria and does not have a current written EEO Plan, federal law requires it to formulate, implement, and maintain such a Plan within 60 days after a subgrant application for federal assistance is approved or face loss of federal funds.


Signature of Implementing Agency Authorized Official

Type Name: George B. Turner

Title: Police Chief

Implementing Agency: Brooksville Police Chief

Date: 11/16/2007

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - Direct

In witness whereof, the parties affirm they each have read and agree to the conditions set forth in this agreement, have read and understand the agreement in its entirety and have executed this agreement by their duty authorized officers on the date, month and year set out below.

**Corrections on this page, including Strikeovers,
whiteout, etc. are not acceptable.**

**State of Florida
Department of Law Enforcement
Office of Criminal Justice Grants**

Signature: _____

Typed Name and Title: _____

Date: _____

**Subgrant Recipient
Authorizing Official of Governmental Unit
(Commission Chairman, Mayor, or Designated Representative)**

Typed Name of Subgrant City of Brooksville

Signature: _____

Typed Name and David Pugh Jr., Mayor

Date: 12/01/2007

**Implementing Agency
Official, Administrator or Designated Representative**

Typed Name of Implementing Brooksville Police Department

Signature: 

Typed Name and George B. Turner, Police Chief

Date: 12/01/2007

Memorandum

AGENDA ITEM NO. 0-6
1-7-08

To: Honorable Mayor and City Council Members
Via: T. Jennene Norman-Vacha, City Manager 
From: Karen M. Phillips, City Clerk/Director of Administration 
Subject: Advisory Board Positions
Date: December 31, 2007

The following advisory board positions are subject to appointment. The vacancies were advertised on September 15, October 5, November 15, and December 12, 2007.

Beautification Board

Three vacancies to fill two expiring 3-year terms of office through January 31, 2011 and one unexpired vacancy through May 31, 2009.

Current member Sarah L. "Sally" Sperling has requested reappointment and is the only applicant. She is a registered voter and City resident.

Staff will continue advertising for the remaining vacancies.

KMP/jlp

BEAUTIFICATION BOARD

The Beautification Board is appointed by City Council and consists of seven (7) voting members and a City Council Member. This Board is responsible for the beautification of the City of Brooksville through education of the citizens, utilizing contests, information, award programs, etc. The Board Members serve for three year staggered terms of office and are governed by Articles adopted by the Board and approved by City Council.

The following is a list of members of the Beautification Board, their terms of office, their home addresses and phone numbers:

Delores W. Jackson, 1361 Candlelight Boulevard, Brooksville, FL 34601; 799-6222 (home); Email: deloresj@bellsouth.net. Re-Appointed March 6, 2006 to a three year term of office. Mrs. Jackson's term of office expires March **31, 2009**.

~~**Alison Jones**, 236 Pryor Street, Brooksville, 34601; 727-812-7939 (work), 540-4799 (home); Email: aj4077@earthlink.net. Appointed to an unexpired three year term of office on November 7, 2005 (term was previously held by Brad Montgomery who was removed from the Board by Council on 10/03/05). Ms. Jones' term of office expires May 31, 2009. **(Resigned as of September 14, 2007)**~~

Lou Kavouras, 14373 Daly Road, Brooksville, 34601; 796-7211 x4606 (work), 796-5300 (home); Email: Lou.Kavouras@swfwmd.state.fl.us (work), DanKavouras@cs.com (home). Re-appointed January 8, 2007 to a three year term. Ms. Kavouras' term of office expires January 31, 2010.

Nicole Sensale, Vice Chairman, 27282 Hickory Hill Rd., Brooksville, 34602; 397-9500 (work), 540-4918 (home); Email: B34602@aol.com appointed January 8, 2007 to a three year term. Mrs. Sensale's term of office expires January 31, 2010. (Replaced Kristi Emerson)

Sarah L. "Sally" Sperling, Chairman, 520 Oakhill Court, 34601; 797-7070 ext. 456 (work), 848-0696 (home) or 848-4583 (cell); Email: sperling@tampabay.rr.com. Mrs. Sperling was appointed on 01/24/05 to a three year term of office. Mrs. Sperling's term of office expires January 31, 2008.

Louise O. Taylor, P.O. Box 372, Brooksville, 34605; 796-9895 (home). Reappointed January 8, 2007 to a three year term. Mrs. Taylor's term of office expires January 31, 2010.

Jay Arthur Thompson, 508 Oakhill Court, Brooksville, FL 34601; 754-8593 (home), Email: jthomp8@tampabay.rr.com - Appointed to an unexpired three year term of office on January 22, 2007 (term was previously held by O'Neill who resigned. Mr. Thompson's term of office expires January 31, 2008.

Ex-officio & Support Staff

Joe Bernardini, Council Member, City Council Liaison, 201 Howell Avenue, Brooksville, FL 34601; 544-5407 (work); Email: jbernardini@ci.brooksville.fl.us. Appointed December 4, 2006

Lindsay Morgan, Secretary to the Board, 201 Howell Avenue, Brooksville, FL 34601; 544-5407, ext. 130 (work); Email: lmorgan@ci.brooksville.fl.us

STUDENT REPRESENTATIVE - VACANT AT PRESENT

pc: JLP - Bd. Exp. Bk.
JS - File
KP - Blue Binder - Orig
LAM - Bd. Sec. (9)
Master Binder Manual

City of Brooksville Application for City Advisory Board/ Committee Appointment

PLEASE TYPE OR PRINT

FULL NAME:

Mr./Mrs./Miss/Ms. Mrs Sarah L. Sperling (Sally)

ADDRESS: 520 Oakhill Ct
Brooksville, FL 34601

PHONE NO: Home (352) 848-0696 Work (352) 797-7070, ext. 456

E-MAIL ADDRESS: sperling@tampabay.rr.com

RESIDENT OF THE CITY OF BROOKSVILLE: Yes No

REGISTERED VOTER: Yes No VOTER ID #: _____

PRESENT EMPLOYER: Hernando County School Board

EMPLOYER'S ADDRESS: 919 N. Broad St. Brooksville 34601

EDUCATION: BA St. Leo University

(Use back of form for additional information)

EXPERIENCE (DETAILED) RELEVANT TO BOARD/COMMITTEE POSITION: _____

(Please do not substitute "many boards" for experience.)

Seeking another term on Beautification Board (presently chairman)

(Use back of form for additional information)

REFERENCES (3 MINIMUM) (NAME AND PHONE NUMBER):

Judith C. Whitehead 796-8505

Sue Stoops 797-7024

Sue Wetherington 797-7070 ext 102

Applicants must be registered voters in the State and preferably residents of the City of Brooksville. However, applicants for the Personnel Board, Planning and Zoning Board, the Firefighter's Pension Trust Fund Board of Trustees and the Police Officer's Pension Trust Fund Board of Trustees must be residents of the City of Brooksville. Specific qualifications may apply to certain advisory board positions.

WHICH BOARD/COMMITTEE ARE YOU APPLYING FOR? (Please check the position you are interested in filling.)

- Beautification Board: 3-year terms; 7 members
- Brooksville Cemetery Advisory Committee: 4 year terms; 7 members with one member being a Council Member.
- Brooksville Housing Authority: 4-year terms; 7 members
[Requires Filing of Financial Disclosure and Gift Disclosure Forms with the Supervisor of Elections within 30 days following appointment and Every Year Thereafter (See Attached)]
- CDBG Citizen's Advisory Task Force: No terms; 5 members;
[Requires Filing of Financial Disclosure and Gift Disclosure Forms with the Supervisor of Elections within 30 days following appointment and Every Year Thereafter (See Attached)]
- Firefighters Pension Trust Fund Board of Trustees: 2-year terms; 5 members (2 city residents, 2 City firefighters, and 1 person chosen by balance of members)
[Requires Filing of Financial Disclosure and Gift Disclosure Forms with the Supervisor of Elections within 30 days following appointment and Every Year Thereafter (See Attached)]
- Parks & Recreation Advisory Board: 4 year terms; 7 members.
- Personnel Board: 3-year terms; 7 members (3 laypersons who must be City residents and 4 City employees)
- Planning & Zoning Commission : 4-year terms; 5 members.
[Requires Filing of Financial Disclosure and Gift Disclosure Forms with the Supervisor of Elections within 30 days following appointment and Every Year Thereafter (See Attached)] (Must be City Residents)
- Police Officer's Pension Trust Fund Board of Trustees: 2-year terms; 5 members (2 City police officers, 2 city residents and 1 person chosen by balance of members)
[Requires Filing of Financial Disclosure and Gift Disclosure Forms with the Supervisor of Elections within 30 days following appointment and Every Year Thereafter (See Attached)]
- Other Committees or Boards

Sarah J. Sperling
Signature of Applicant

NOTE: Return completed form to:

City Clerk
City of Brooksville
201 Howell Avenue
Brooksville, FL 34601-2041
(352) 544-5407

(Revised March 15, 2006)



FLORIDA DEPARTMENT OF LAW ENFORCEMENT CRIMINAL HISTORY INFORMATION

Search Florida's Criminal Histories



Step 5 of 5

Your Search Results

Your Search Criteria

	First	Middle	Last	Date of Birth	Age	Race	Sex	SSN
Name	SARAH	LYNN	SPERLING	07281952		W	F	
Maiden/ Alias	-	-	-	-	-	-	-	-

FDLE found NO Florida criminal history based on the information provided. No criminal record check was conducted for other states or for the FBI. This record (or statement that there is not a record) is based on a request from a member of the public. This customer used the FDLE internet system to search for the Florida record. FDLE is providing this to respond to the customer's request.

[Help understanding these results](#)

* Name Aliases/Also Known As DOB SSN Sex Race Height Weight Eye Hair

Print

Home

Email Results to:

Search Criteria

CITY OF BROOKSVILLE
MEMORANDUM

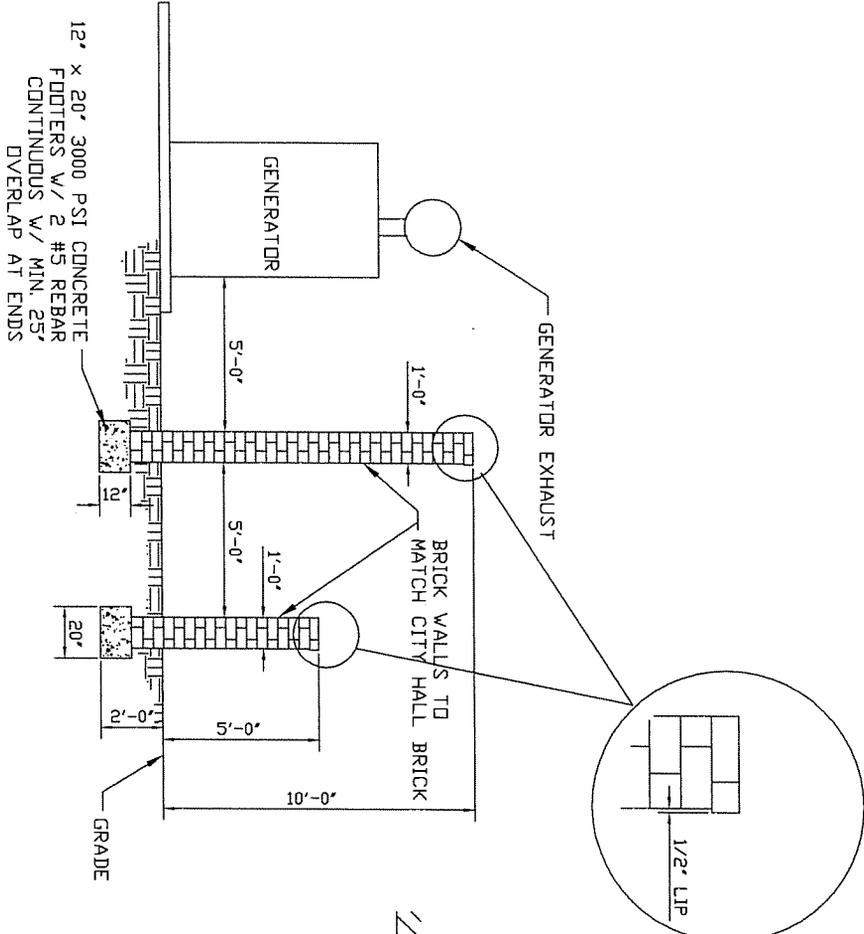
To: City Council
Via T. Jennene Norman-Vacha, City Manager 
From: Emory H. Pierce, Director of Public Works 
Re: City Hall Generator Brick Wall
Date: 12/18/2007

Enclosed for your review are the plans for this work that will be included in the bid package. Please note that this is for two walls.
Previously Council had viewed an architectural rendering that showed three walls. Since then we have lowered the profile of the generator and we believe a two wall system will provide the same function and are requesting Council authorization to bid out the same.
We expect the low bid price to be about \$15,000 and if we follow USDA bidding procedures we should be able to get reimbursed for this work from the remaining USDA Generator/Hurricane Screen Loan/Grant funds.

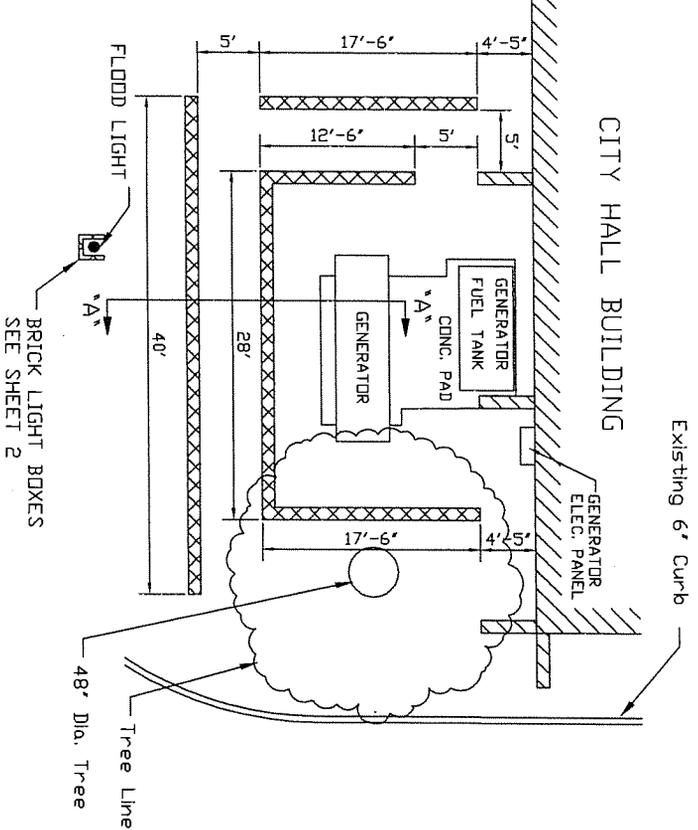
EPH/mh

Rec'd
12-19-07
10:17 AM

SECTION "A-A"
SCALE: 1" = 4'-0"



PLAN VIEW
SCALE: 1" = 10'-0"



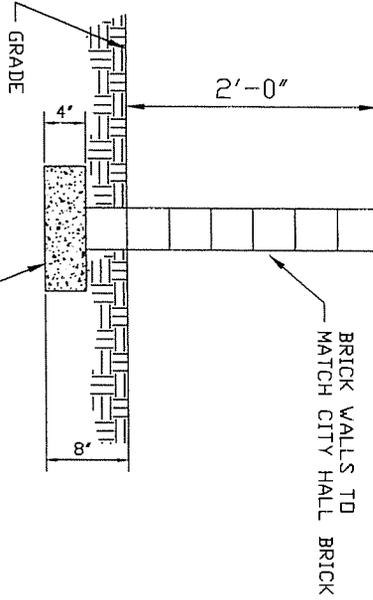
City of Brooksville
 Dep't of Public Works
 600 South Brooksville Avenue

CITY HALL
 GENERATOR
 BRICK WALLS

SCALE: AS NOTED
 DRAWN BY: TJD
 DATE: 11/28/07

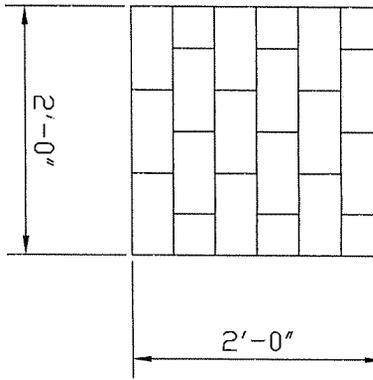
SHEET
 1 of 2

4' x 12' 3000 PSI CONCRETE FOOTERS



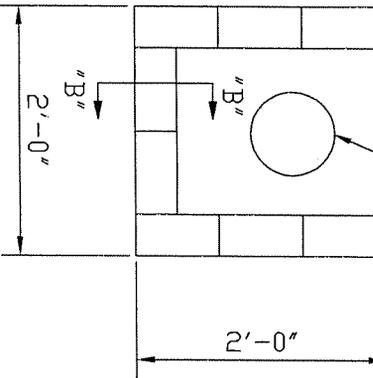
SECTION "B-B"

SCALE: 1" = 4'-0" / 0.1" = 4"



FRONT VIEW

SCALE: 1" = 10'-0"



PLAN VIEW

SCALE: 1" = 10'-0"

C:\Cadd Dwg\Generator Wall.dwg

City of Brooksville
 Dep't of Public Works
 600 South Brooksville Avenue

CITY HALL
 BRICK LIGHT BOXES

SCALE: AS NOTED
 DRAWN BY: TJD
 DATE: 11/28/07

SHEET
 2 of 2

CITY OF BROOKSVILLE
MEMORANDUM

To: City Council
Via: T. Jennene Norman-Vacha, City Manager
From: Emory Pierce, Department of Public Works
Re: Broad Street Sidewalk Extension Project
Date: December 21, 2007

T. Jennene Norman-Vacha
Emory Pierce

During the course of work FDOT required us to add some handrails and to not cut across some driveways, which greatly increased the number of handicap ramps required. The net result is a \$4,664.80 cost increase. Since at one time we had a grant deadline of Dec. 31, 2007 to complete all work; I authorized the extra work. At present all work is completed except for the handrails which are on order. The projects total cost is now (\$4,664.80 + \$42,689.00) \$47,353.80. This amount will be reimbursable from FDOT TOPS Grant Funds.

A change order form is attached showing all changes and we are requesting Council approval of same and authorization to pay the contractor the final amount of \$47,353.80 after the handrails are installed.

EPH/mh

**City of Brooksville
Contract Change Order**

Change order
No.: 1
Date: 12/20/07

Contract For (project name/bid no.):
Broad Street Sidewalk Extension Bid No. 2007-04

Owner:
City of Brooksville

To (Contractor/Vendor name):
Atlantis Construction of Tampa Bay, Inc.

You are hereby requested to comply with the following changes from the original contract plans and specifications:

Description of Changes (Supplemental Plans and Specifications Attached)	DECREASE In Contract Price	INCREASE In Contract Price
See attached	\$21,601.00	\$26,265.80
TOTALS	<u>\$21,601.00</u>	<u>\$26,265.80</u>
NET CHANGE IN CONTRACT PRICE		<u>\$4,664.80</u>

JUSTIFICATION:

FDOT made changes after permit issuance and Notice to Proceed was issued.

The amount the Contract will be ~~(Decreased)~~ (Increased) by the Sum of: Four thousand six hundred sixty four dollars and eighty cents (\$4,664.80)

The Contract Total Including this and any previous Change Orders will be: Forty seven thousand three hundred fifty three dollars and eighty cents (47,353.80)

The Contract Period for Completion will be ~~(Increased)~~ ~~(Decreased)~~ (Unchanged): 45 Calendar Days.
This document will become a supplement to the contract and all provisions will apply hereto.

Requested _____

(owner)

(Date)

Accepted _____

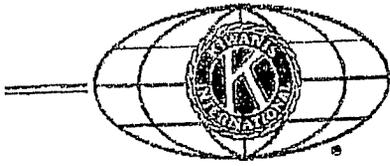
(Contractor)

(Date)

BROAD STREET SIDEWALK EXTENSION

	Bid QTY	Final QTY	Unit Price	Decrease	Addition
8a. Sidewalk 5' wide	260SY	196SY	\$43.00	(\$2,752.00)	
(1) North side 4" thick fiber reinforced					
(2) North side 6" thick fiber reinforced (across driveway entrances)	120SY	0	\$52.00	(\$6,240.00)	
(3) South side 4" thick fiber reinforced	120SY	0	\$43.00	(\$5,160.00)	
(4) South side 6" thick fiber reinforced (across driveway entrances)	20SY	83SY	\$52.00		\$3,276.00
8B. Handicap Ramp 4" thick fiber reinforced	8EA	18EA	\$1,500.00		\$15,000.00
8C. Parking Spaces 6" thick fiber reinforced	110SY	0	\$50.00	(\$5,500.00)	
8D. Repainting Parking Spaces (Including Handicap Spaces)	6EA	0	\$29.00	(\$174.00)	
8E. Repainting Stop Bars	5EA	0	\$29.00	(\$145.00)	
8F. Painting Pedestrian Crosswalks	5EA	0	\$250.00	(\$1,250.00)	
9. Type D Curb		114 LF	\$35.00		\$3,990.00
10. Handrail Conc Ftgs		27 LF	\$40.00		\$1,080.00
11. FDOT Aluminum Handrail		39 LF	\$35.00		\$1,365.00
12. Retaining Wall		23 LF	\$67.60		\$1,554.80
13. ADA Stamp		1EA		(\$380.00)	
Total				(\$21,601.00)	\$26,265.80

EPH/mh



MEETS TUESDAY
NIGHT 6:00 P.M.

AGENDA ITEM NO. 11-5-07
KIWANIS CLUB
OF BROOKSVILLE, INC.

POST OFFICE BOX 665
BROOKSVILLE, FL 34405-0665

AGENDA ITEM NO. D-1
1-7-08

October 26, 2007

The City of Brooksville
201 Howell Avenue
Brooksville, FL 34601

RE: Christmas Parade

Dear Karen Phillips:

In view of the current conditions of fiscal conservation, the Brooksville Kiwanis Club in their endeavor to keep the tradition of providing the community the joy of the annual Christmas parade, we understand that the cost of providing police protection for the parade route needs to be addressed. We wish to have this issue placed on the next City agenda.

The Kiwanis Club wishes to request a partial waiver of any fees that might be incurred. The Club is willing to pay a cap amount of \$1,000.00 in the assistance of paying for any expenses that might be needed. As we are working together with other not-for-profit groups, we do not wish to place the full burden upon the City or the other groups. The parade route has been expanded this year to help the City Alliance to provide additional expansion of bringing the people to the downtown area. We hope that the City will take this into consideration while discussing this matter.

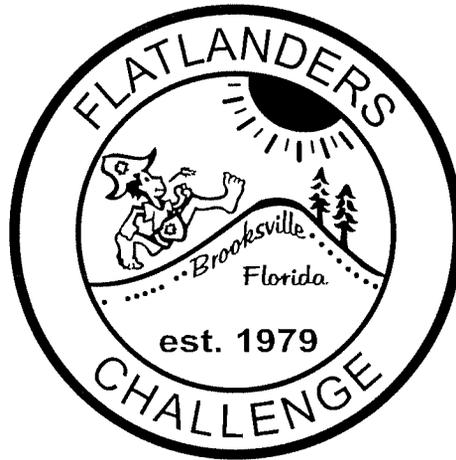
I look forward to having an answer so that we may proceed with the final plans of providing the parade to the community.

Sincerely,

M. Currier

SIGNED IN ABSTENTIA TO AVOID DELAY
Scott Smith, President

Serving Our Community Since 1923



To: Karen Phillips-City Clerk – City of Brooksville

From: Addison Sullivan – Race Director – Flatlanders Challenge

Date: December 28, 2007

Re: Fee Waiver – 2008 Flatlanders Challenge

Karen:

The Red Mule Runners Club would like to offer \$500 to help offset the cost of the Police assistance and is asking for the support of the City of Brooksville to waive the balance of the fees associated with the 2008 Flatlanders Challenge on February 2nd.

Please let me know if you have any questions, or need additional information.

Kindest regards,

Addison Sullivan

CITY OF BROOKSVILLE

APPLICATION FOR TEMPORARY STREET CLOSURE

201 Howell Avenue
(352) 544-5407



INSTRUCTIONS: Complete top portion of form and return to Clerk's Office, 201 Howell Avenue, Brooksville, FL 34601. A broad form type events coverage or other insurance policy acceptable to the City is required to protect the City from any and all claims for injuries, or damages occurring during or resulting from this event in an amount of not less than \$100,000 for each individual and \$300,000 for event. Applicant will be notified of estimated cost; receipt of the deposit and the Certificate of Insurance are required not later than three (3) business days before the event. Certificate Attached - Yes No

Name of Organization RED MULE RUNNERS		Event FLATLANDERS	
Person in Charge ADDISON SULLIVAN		Address 14 OLIVE ST	Telephone 398-5503
If unavailable (Alternate Name) JAY PINGLEY		Address	Telephone 585-6244
Date of Event FEB. 25 2008	Starting Time 7:00	Ending Time (approx) 11:00	Estimated Number of Participants 400 +/-
Proposed Route (include Street/Avenue, attach location map) SEE ATTACHED - MAPS			

I/We _____ assume responsibility for reimbursing the City's cost as estimated below, and all liability for injuries and damages and will hold the City harmless from any claims arising directly or indirectly from the event, including or as a result of City's closure of the street(s) to facilitate the event. If applicant is a corporation, association, or partnership, the undersigned warrants he/she is authorized to execute binding contracts on behalf of the applicant.

Add Sullivan
Signature

State of Florida
County of HERNANDO

The foregoing instrument was acknowledged before me this 26 day of NOVEMBER, 2007, by ADDISON SULLIVAN, who is personally known to me or who presented _____ as identification, and who (did) (did not) take an oath.

Jody Black
[Signature of Notary Public]

[Printed Name of Notary Public] **JODY BLACK**
[Commission Number of Notary Public] **MY COMMISSION # 09504894**
EXPIRES: January 8, 2010
Bonded Thru Notary Public Underwriters

NOTICE: PERMIT NOT VALID UNLESS APPROVED BY DESIGNATED CITY REPRESENTATIVE.			
Total Deposit \$ _____	Received By: _____	Date _____	
Police Chief	Date	City Manager	Date

Distribution: Original to Applicant; Copies to Chief of Police, Director of Public Works, City Manager and City Clerk

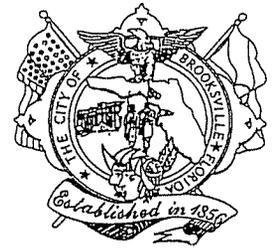
NOTE: A LIST OF STREETS BEING CLOSED WITH DATES AND TIMES WILL BE RELEASED TO THE PRESS NO LESS THAN 5 DAYS PRIOR TO THIS EVENT.

CITY OF BROOKSVILLE

STREET CLOSURE

COST PROJECTION

201 Howell Avenue
(352) 544-5407



Event: FLATlanders

Starting: 0700 End: 1100

Police Department

Personnel	<u>16</u>	@	\$ <u>overtime</u>	=	\$ <u>1659.00</u>
Equipment		@	\$	=	\$
		@	\$	=	\$
		@	\$	=	\$
		@	\$	=	\$

POLICE DEPARTMENT TOTAL \$ 1659.00

Fire Department

Personnel		@	\$	=	\$
Equipment		@	\$	=	\$
		@	\$	=	\$
		@	\$	=	\$
		@	\$	=	\$

*FLATlanders
providing medical
STAFF & Equip.*

FIRE DEPARTMENT TOTAL \$ 0

Public Works

Personnel		@	\$	=	\$
Equipment		@	\$	=	\$
		@	\$	=	\$
		@	\$	=	\$
		@	\$	=	\$

*FLATlanders
providing their own
crew & BARRICADES.*

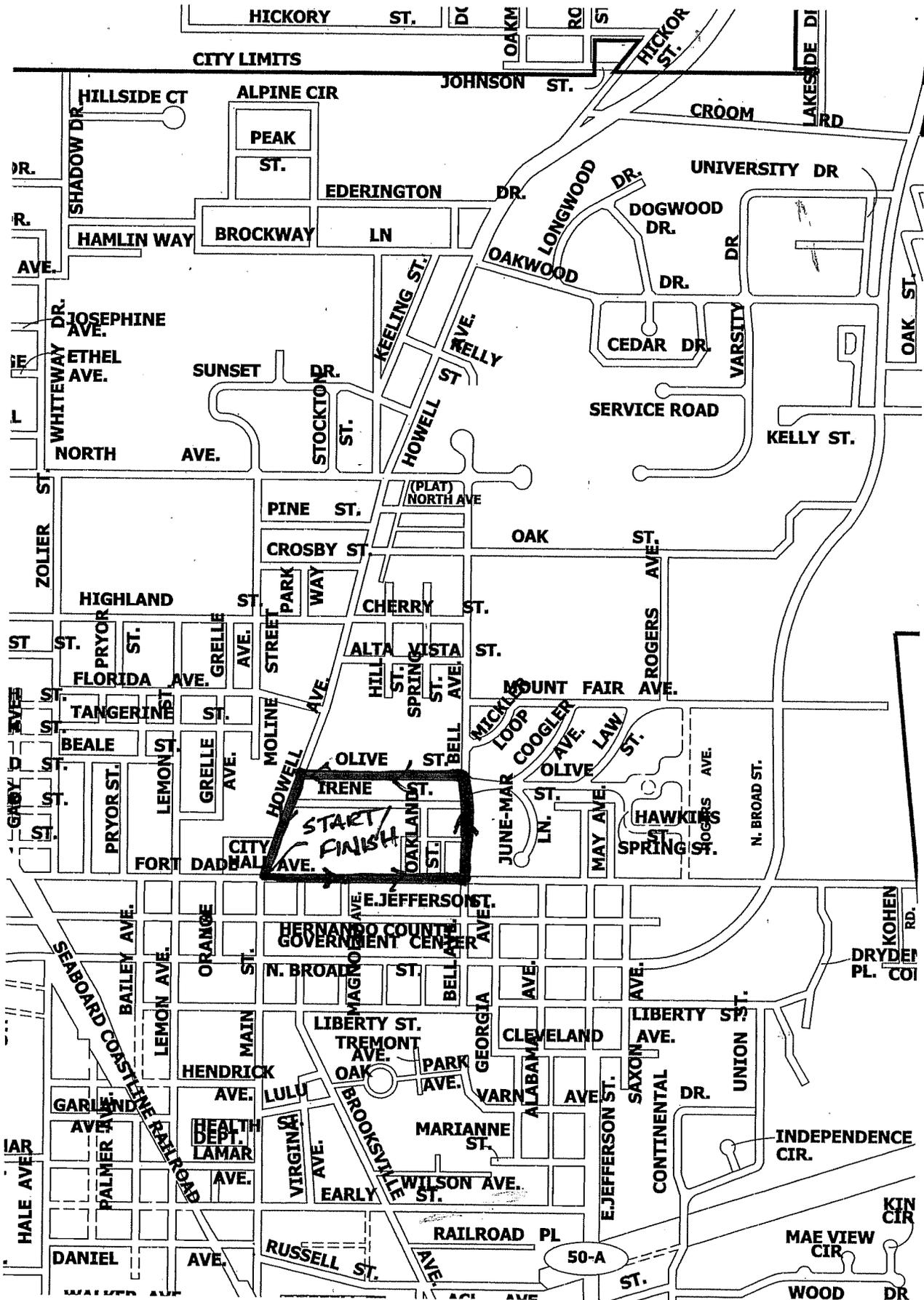
PUBLIC WORKS TOTAL \$ 0

ESTIMATED TOTAL DUE CITY \$ 1659.00

TOTAL Actual Costs \$ _____	Billed \$ _____
Payment Received By: _____	

FUN RUN - KIDS RACE

START TIME - 10:00 AM



ACORD™ CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY) 1/19/2007
PRODUCER (260)482-5455 FAX: (260)483-6297 EGL Insurance - Diller-Smith Office 2526 Scottswoide P.O. Box 9517 Fort Wayne IN 46898		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
INSURED ROAD RUNNERS CLUB OF AMERICA AND ITS MEMBER CLUBS 8965 GUILFORD ROAD, SUITE 150 COLUMBIA MD 21046		INSURERS AFFORDING COVERAGE INSURER A: GREAT AMERICAN ASSURANCE 26344 INSURER B: NATIONWIDE LIFE INSURANCE 70750 INSURER C: INSURER D: INSURER E:

COVERAGES
 THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR INSURED	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> LEGAL LIAB. TO PART. \$1,000,000 GENL. AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJ <input type="checkbox"/> LOC	MAC0000568960002	12/31/2006 12:01 AM	12/31/2007 12:01 AM	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Per occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ NONE PRODUCTS - COMP/OP AGG \$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	MAC0000568960002	12/31/2006 12:01 AM	12/31/2007 12:01 AM	COMBINED SINGLE LIMIT (Per accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA AGG \$ AGG \$ EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA AGG \$ AGG \$ EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
	EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				<input type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	OTHER EXCESS ACCIDENT & MEDICAL	SPX0000002408400	12/31/2006 12:01 AM	12/31/2007 12:01 AM	EXCESS MEDICAL: \$10,000 \$250 DEDUCTIBLE: PER CLAIM AD & SPECIFIC LOSS \$2,500

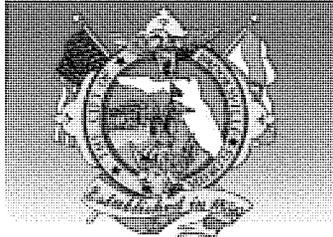
DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
 CERTIFICATE HOLDER IS NAMED AS AN ADDITIONAL INSURED AS RESPECTS THEIR INTEREST IN THE OPERATIONS OF THE NAMED INSURED.
 DATE & EVENT: 03/10/07 BABY LOVE 5K
 INSURED CLUB: RED MULE RUNNERS; ATTN: CRUCK BOLDT; PO BOX 1724; BROOKSVILLE, FL 34605

CERTIFICATE HOLDER (352) 544-5424 03/10/07 CITY OF BROOKSVILLE ATTN: KAREN PHILLIPS 201 N. HOWELL AVE. BROOKSVILLE, FL 34601	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE John Lavefer/JRM <i>John Lavefer</i>
--	---

S/B 4/7 - 2 and to be filed

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: December 18, 2007
Re: Kids Central, Inc waiver of fees at JBCC

Handwritten signatures: T. Jennene Norman and Mike Walker

Brief Overview:

Kids Central Inc., is a not for profit agency which is committed to promoting the welfare of children through abuse/neglect prevention services, in-home care, foster care and adoption. The agency coordinates protection services, in Citrus, Hernando, Lake, Marion and Sumter Counties.

On February 18, 2008, from 3:00 – 7:00 P.M., Kids Central, Inc. would like to host a FREE resource fair, open to the public, which is for children who are preparing to transfer out of foster care to living independently. The fair will also provide other resources such as health education, financial, housing, government, transportation, public assistance and career counselling.

Budget Statement:

The agency is requesting the fee be waived for the base rent of \$185.00; the \$200.00 security deposit and certificate of insurance will still be required.

Staff Recommendations:

After a presentation from the agency, staff will move forward with the direction that City Council deems appropriate.

Attachments:(3) Agency Letter
 Lease Agreement
 Agency's Tax-Exempt Certification

/aw

Kids central inc fees waive 08.doc



KIDS CENTRAL, INC.

A COMMUNITY APPROACH TO THE WELFARE OF CHILDREN

Building Better Lives

November 13, 2007

City of Brooksville
Parks & Recreation Department
306 Darby Lane
Brooksville, FL 34601

Dear Mayor Pugh & Council Members,

Please accept this letter as a request for donation of the Jerome Brown center's gymnasium for our upcoming resource fair. Kids Central, Incorporated is the not-for-profit lead agency selected by the State of Florida to coordinate child protection services in Citrus, Hernando, Lake, Marion and Sumter Counties (Circuit 5). Our agency develops and manages a comprehensive, community-based system of care for abused, neglected and abandoned children and their families. Kids Central, Inc. is committed to promoting the welfare of children through abuse/neglect prevention services, in-home care, foster care, and adoption.

Together with involvement from the communities we serve, Kids Central, Inc. is truly fostering a better way of life for children and families in our part of the Sunshine State. We are doing so by implementing a new program this year, called Independent Living. Often Certainly, the hope is that the youth in this program will develop skills they can use throughout their adult life; however, the community could be a real beneficiary of the youth's learning experience as well.

On February 18th, from 3:00 – 7:00p.m., Kids Central, Inc. would like to hold a resource fair for the youth that are preparing to transition out of foster care to living independently. This resource fair will present such resources as health, education, financial, housing, government, transportation, public assistance, career counseling, and more. This event is free and open to the public. Each resource will be represented by vendors from various community resources. The vendors will present the youth with vital information they will need to be a successful member of our community. Ensuring that these youth are knowledgeable about how to access resources they will eventually need is pivotal and the main goal of the Independent Living Program.



KIDS CENTRAL, INC.

A COMMUNITY APPROACH TO THE WELFARE OF CHILDREN

Building Better Lives

We, again, request that the Jerome Brown Center be donated for our event and also invite you to attend and see the difference we are making in the lives of many youth have otherwise been forgotten.

With kindest personal regards,

Kara M. Votta
Independent Living Navigator/Hernando County
(352) 502-6565

CITY OF BROOKSVILLE PARKS & RECREATION DEPARTMENT FACILITY USE AGREEMENT



Jerome Brown Community Center
 Hall
 () Conference Room
 () Kitchen
 () Other Facility _____

Name of applicant (User): Kids Central, Inc.

If an organization, name of representative: Kara Votta

Not-for-Profit (attach copy of certificate)
 Government Agency
 City Co-Sponsored

Address: 2117 SW Hwy 484 City: Ocala State: FL Zip: 34874

Contact person: Kara Votta Day Telephone (352) 502-6565 Evening (352) 502-6565

Alternate contact person: Maureen Hogan Day Telephone (352) 502-3278 Evening (352) 502-3278

Description of event: Youth Resource Fair

Anticipated attendance: 100-150 Approx.

Attendees will be: Adult Teen Elem. Preschool If youth event, number of supervising adults: 15-20

Day(s) of event: M - T - W - Th - F - Sa - Su Start date of event: 02/18/08 Ending date: 02/18/08

Time event begins: 3:00 p.m. AM / PM Time event ends: 7:00 AM / PM

Set-up: Date 2/18/08 From 1:00 AM / PM To 3:00 AM / PM

Will event be open to the general public? Yes No Admission/donation/fee**: No Yes \$ _____

Food/merchandise sales*: No Yes Describe: _____

Refreshments served: No Yes Describe: Light refreshments / sandwiches & drinks

Number of paid security officers (if applicable): N/A Scheduled from _____ AM / PM To _____ AM / PM

RATES & FEES

User Fees: The base user fee for the requested facility is \$ 185.⁰⁰ (plus Florida sales tax, if applicable) for the period set forth in this application. If applicable, each additional hour or part thereof, and the cost of additional equipment, supplies and services, will require an additional fee.

Deposit: An initial deposit equal to the Security Deposit is due when the Facility Use Agreement is signed. If the projected rental and fees exceed the basic Security Deposit, such additional amounts are to be paid not less than ten (10) days prior to the event. The User is responsible for leaving the facility in a clean and satisfactory condition upon the conclusion of the activity. The deposit will be refunded less any amount due for additional rental charges, damages or other additional services. If actual costs exceed the amount of the Deposit, such additional amounts will be due from User upon notice.

Refunds: (A) 75% of the deposit will be refunded if cancellation by applicant is received thirty (30) or more calendar days before the event date, or (B) 50% if canceled less than thirty (30) calendar days and the facility is subsequently leased for the same day/time period to another user, 25% if not re-leased.

USE AGREEMENT TERMS

1. Use rates include utilities and waste removal. Damages are the responsibility of User, reasonable wear and tear accepted, as well as the cost of any additional rental periods or services.
2. Alcoholic beverages are prohibited in City Parks except within the Jerome Brown Community Center if/when an Alcoholic Beverage Distribution/Consumption Permit has been issued by the Parks and Recreation Director or authorized agent. Smoking is prohibited inside facilities. No illegal drugs, gambling or games of chance are allowed anywhere in City Parks. Any violation of the terms of this Agreement could at the City's option result in forfeiture of the deposit, and/or arrest and prosecution.
3. No activities are permitted to extend beyond 12:00 a.m. (midnight), unless approved in advance of the activity by the City's Parks and Recreation Director or authorized agent.
4. If required by the City, the User shall hire at his/her own expense, law enforcement officers for crowd control at events. Brooksville Police Officers will be utilized when available.
5. No admission charges or sale of items will be allowed without prior written permission from the Director of Recreation. If approved, User will be responsible for collection and payment of applicable sales and any other taxes.
6. User will be responsible for obtaining all necessary licenses and permits, including Alcoholic Beverage License, and any required Health Department permits, for provision of food.
7. Applications are to be submitted a minimum of ten (10) days prior to the requested lease dates, unless this requirement is modified by the Parks and Recreation Director or authorized agent. Fees are tentative and this application is subject to review and approval by the Parks and Recreation Department Director. The City reserves the right to cancel, postpone, or reschedule this event due to facility maintenance, inclement weather, public safety requirements or if facility is needed for emergency or other use by the City. The City's liability in such instances will be limited to the amount paid by applicant to use the facility, and upon refund to applicant, will serve as a general release of liability. The City's only obligation to the User will be refunding User's full deposit.
8. User assumes responsibility for any damages to the facility and injury to participants which are the result of the conduct or negligence of User and/or User's agents and guests. Liability and Property Damage Insurance is required for the use of the Jerome Brown Community Center and other designated facilities. A Certificate of Insurance with minimum limits of \$100,000/300,000/100,000; or \$300,000 Combined Single Limit, with the City as an Additional Named Insured and Certificate Holder, is to be provided to the City not less than seven (7) calendar days before the event. The City reserves the right to request higher limits to a maximum of \$100,000/300,000/500,000 or \$500,000 CSL depending on the proposed usage.
9. The City shall not be responsible for any damage or injury that may happen to the User, its agents, assistants, employees, patrons, guests, invitees, servants, or property from any cause whatever (unless occasioned by the sole negligence of the City) during the period covered by the Agreement. The User for itself, its agents, assistants, and employees expressly releases the City and agrees to hold the City harmless and to indemnify the City against any claim for loss, damage, injury or other liability arising out of the actions, fault, or negligence of the User, its agents, assistants, or employees, during the term of this Agreement.
10. The parties hereto understand that this Agreement will be interpreted pursuant to the laws of the State of Florida and the parties further agree that the venue of any legal action concerning the Agreement will be Hernando County.
11. This application, when executed by both parties, becomes a legally enforceable contract and User agrees to comply with all the terms and conditions set forth herein, and to all City Rules and Regulations. The undersigned warrants that if the applicant is not an individual, he/she has the authority to bind applicant.

To the best of my knowledge, all information on this application is correct. I have received, read, understand, and will comply with the provisions of this Facility Lease Agreement, and that this Agreement is not approved until execution by the City.

Name: *Yara M. Votta* Signature: *Yara M. Votta* Date: *11/26/07*
 Applicant/User

Insurance Required: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes; Certificate naming City as "Additional Insured" attached <input type="checkbox"/> No <input type="checkbox"/> Yes	
Alcoholic Beverage Distribution/Consumption Permit <input type="checkbox"/> No <input type="checkbox"/> Yes (Attach copy of signed permit)	
Base Rent \$ <u><i>185.00</i></u> Other \$ <u><i>200.00</i></u> Total Estimated Cost \$ <u><i>385.00</i></u> Total Estimated Deposit \$ <u><i>200.00</i></u>	
Initial Deposit (minimum 50% of estimated total) \$ _____ Received by _____ Date _____ Balance Due (10 days prior to event) \$ _____	
Application Approved By: <u><i>[Signature]</i></u> Date: _____	
Not valid unless signed by Director of Parks and Recreation or Authorized Agent.	

City of Brooksville

MEMORANDUM



To: Honorable Mayor and City Council Members

Via: T. Jennene Norman-Vacha, City Manager

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

Subject: R. L. Lewis Artwork

Date: December 26, 2007

In commemoration of the 150th Anniversary of the founding of the City of Brooksville, famed "Florida Highwayman" Painter R. L. Lewis was invited to participate in the festivities with seminars put on my him during the Founder's Week Celebration in 2006 to introduce the Highwayman painting style. While he was conducting the seminars, he was asked to produce original artwork depicting the ambiance and landscape of our community. As a result, then Mayor Joe Johnston undertook a fundraising project to purchase one of these pieces entitled "*Brooksville Avenue (Water Tower)*" to incorporate into the City Hall Art Gallery treasury of original pieces of artwork. We were successful in raising \$1,500 through the generosity of five businesses or individuals and would like to present each of them with a framed, signed, numbered and dated Giclee rendition of this painting as a token of appreciation (cost absorbed in the original fundraising project).

The generous donors are: Archer Painting, Browning Insurance, Cortez Community Bank, Johnston & Sasser, PA and J. E. Johnston, III.

PROCLAMATION

WHEREAS, HOWARD "TOM" HUDSON WAS EMPLOYED BY THE CITY OF BROOKSVILLE, FLORIDA ON SEPTEMBER 14, 2000, AND HE HAS, SINCE THAT TIME, FAITHFULLY AND SELFLESSLY RENDERED A HIGH LEVEL OF QUALITY SERVICE TO THE QUARRY DIVISION OF THE PARKS DEPARTMENT, THE CITY OF BROOKSVILLE AND THE CITIZENS OF THIS COMMUNITY WITH HIS PROFESSIONALISM, DEDICATION, ATTITUDE, HELPFULNESS, CONSIDERATION AND ENTHUSIASM; AND,

WHEREAS, HAVING BEEN HIRED AS A GREENSKEEPER, MR. HUDSON WAS PROMOTED TO PARK ATTENDANT II IN APRIL 2001, AND TRANSFERRED TO THE QUARRY AS THE GREENSKEEPER IN OCTOBER 2004, BASED ON HIS HARD WORK, PUNCTUALITY AND DESIRE TO GET THE JOB DONE; AND,

WHEREAS, MR. HUDSON HAS DECIDED TO RETIRE EFFECTIVE JANUARY 2, 2008.

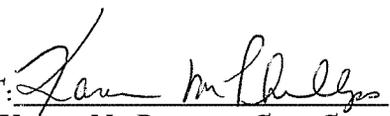
NOW, THEREFORE, I, DAVID PUGH, MAYOR OF THE CITY OF BROOKSVILLE, FLORIDA, DO HEREBY PROCLAIM AS FOLLOWS:

1. THAT THIS PROCLAMATION IS GIVEN IN HONOR OF OVER SEVEN (7) YEARS OF FAITHFUL PERFORMANCE OF DUTY BY **TOM HUDSON**.
2. THAT THIS PROCLAMATION IS SET FORTH TO MEMORIALIZE AND MAKE RECORD OF THE CITY OF BROOKSVILLE, ITS EMPLOYEES AND CITIZENS, APPRECIATION AND TESTAMENT TO THE SERVICES PERFORMED BY SAID **TOM HUDSON** AS A SERVANT OF THE PEOPLE.
3. THAT THIS PROCLAMATION WILL PAY TRIBUTE TO AND PERPETUATE THE TESTIMONY OF ALL THOSE WHO HAVE BEEN PRIVILEGED TO KNOW AND BE ASSOCIATED WITH SAID **TOM HUDSON**.

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

CITY OF BROOKSVILLE

DAVID PUGH
MAYOR

ATTEST: 
KAREN M. PHILLIPS, CITY CLERK



Brooksville Raid Festival

P. O. BOX 12233
BROOKSVILLE, FLORIDA 34603
www.raidplace.com

PHONE & FAX (352)796-6676

PRESENTED BY THE HERNANDO HISTORICAL MUSEUM ASSOCIATION INC. AND NORTH SCOUT SERTMA CLUB

Honorable Mayor & City Council
City of Brooksville
201 Howell Ave.
Brooksville, Fl 34601

Dec. 11, 2007

My name is Jan Knowles and I am Chairman of the Brooksville Raid Event, the next event takes place Jan. 19 & 20, 2008.

Last year was our 27th. Year and by far the largest one yet. In lies our dilemma. Because of the success of that event the 2008 festival will bring lots of changes.

In the past we have borrowed the three wagons from the S.E. Motorcoach organization for our shuttles from our parking area to the event for the spectators. They have since sold them to make way for buses.

Because of the over 25,000 spectators last year we have had to move our public parking area even further away from our event. So this is the reason for our request to the City of Brooksville.

The City has been a sponsor for many years for this event and we would like for you to continue your generous sponsorship.

We would like for you to let us use the Jerome Brown bus to help us get people to the event. This would only entail a few hours Saturday the 19th. and Sunday the 20th.

The Hernando Historical Assoc. carries a \$1,000,000 insurance policy for the event and the North Pinellas Sertoma carries a \$1,000,000 policy on Sand Hill Scout Reservation where the event is held. I will have those certificates available to you when needed.

I will attend the next City Council meeting to answer any questions that you may have.

Thank you for your time and consideration.


Jan Knowles - Brooksville Raid Chairman



ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/21/2007

PRODUCER (203)445-2100 FAX (203)268-0687
Shoff Barby Companies, Inc.
6527 Main Street, 2nd Floor
Trumbull, CT 06611

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED **Hernando Historical Museum Assoc. Inc.**
and the North Pinellas County Scout
Sertoma Club Inc.
601 Museum Court
Brooksville, FL 34601

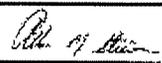
INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: Western Heritage Ins Co	
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED, MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

FORM ADD'L LTR. INDEXT	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	SCP0572603 CERTIFICATE #NAEP06812	01/16/2008	01/21/2008	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (EA occurrence) \$ 50,000 MED EXP (Any one person) \$ 500 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
	HOST LIQUOR LIABILITY				
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
	EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				WC STATUTORY LIMITS <input type="checkbox"/> OTHER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	OTHER				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
Proof of insurance for Brooksville Raid Festival Jan 16-21, 2008 including set up & breakdown.

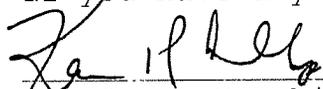
CERTIFICATE HOLDER	CANCELLATION
City of Brooksville 201 Howell Ave Brooksville, FL 34601	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL <u>10</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE Allison Steeves/ALLI 



Notice of Public Hearing

The City of Brooksville is issuing this Notice of a Public Hearing as part of the application process for a Water and Waste Loan/Grant from the United States Department of Agriculture, Rural Development, for the city wide purchase and installation of radio read water meters for \$1,485,000. The application process was approved by City Council on 10/1/07. A Public Hearing on this matter will be held at City Hall (201 Howell Ave) in Council Chambers on January 7, 2008, during the regular council meeting. The agenda will be available on line at (www.ci.brooksville.fl.us) no later than December 31, 2007. For any further information please contact Laureen Busacca, Construction Project Manager, at 352-544-5465.

If you have any questions please contact me accordingly.


By: Karen M. Phillips
City Clerk

PUBLISH: Thu., Fri. & Sat., December 13-15, 2007 FILE NO. 2007-36

NOTICE TO PAPER: Please run smallest legal ad possible in Hernando Section only and provide three (3) affidavits of publication upon completion.

HERNANDO TODAY

Published Daily

BROOKSVILLE, HERNANDO, FLORIDA

STATE OF FLORIDA

COUNTY OF HERNANDO:

Before the undersigned authority personally appeared **Andrew Lmbrecht**, who on oath says that he/she is Legal Ad Coordinator of the Hernando Today/Hernando Sunday, a daily newspaper published at **Brooksville** in **Hernando County, Florida**: that the attached copy of the Advertisement, being a Legal Notice in the matter of Notice of Public Hearing

.....
City of Brooksville for

.....
Water and Waste Loan/Grant

.....
File No. 2007-36

.....
in the

N/A

.....
Court, was published in said newspaper in the issues of December 13, 14, 15, 2007

.....
Affiant further says that the said Hernando Today/Hernando Sunday is a newspaper published at Brooksville, in said Hernando County, Florida, and that the said newspaper has here to fore been continuously published in said Hernando County, Florida, each week and has been entered as a second class mail matter at the Post Office in Brooksville, in said Hernando County, Florida for a period of **1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.**

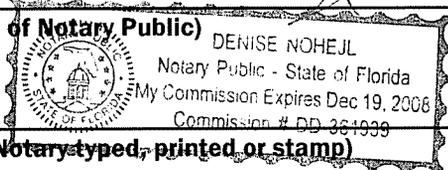
Andrew Lmbrecht

(Signature of Affiant)

Sworn to and subscribed before me this 17th day of December, 2007

Denise Nohejl

(Signature of Notary Public)



(Name of Notary typed, printed or stamped)

Personally Known or

Produced Identification _____

Type of Identification Produced _____

12-19-07 A11:37

File No. 2007-36/2331131

Legal Notice

Notice of Public Hearing

The City of Brooksville is issuing this Notice of a Public Hearing as part of the application process for a Water and Waste Loan/Grant from the United States Department of Agriculture, Rural Development, for the city wide purchase and installation of radio read water meters for \$1,485,000. The application process was approved by City Council on 10/1/07. A Public Hearing on this matter will be held at City Hall (201 Howell Ave) in Council Chambers on January 7, 2008, during the regular council meeting. The agenda will be available on line at (www.ci.brooksville.fl.us) no later than December 31, 2007. For any further information please contact Laureen Busacca, Construction Project Manager, at 352-544-5465.

If you have any questions please contact me accordingly.

By: Karen M. Phillips
City Clerk
PUBLISH: Thu., Fri. & Sat.,
December 13-15, 2007
FILE NO. 2007-36

CITY OF BROOKSVILLE FINANCE DEPARTMENT

Date: December 26, 2007
To: Honorable Mayor and City Council Members
VIA: T. Jennene Norman-Vacha, City Manager
From: Stephen J Baumgartner, Finance Director
RE: Amendment to City of Brooksville Investment Policy



SUMMARY:

Staff is requesting amendment to current Investment Policy that was last amended in April 2004.

GENERAL INFORMATION:

Changes requested from Official Policy 3-95A are underlined and italicized. These investments are authorized by Florida Statute Chapter 218. The recommended amended Investment Policy has been reviewed by legal counsel.

BUDGET IMPACT:

There is no direct impact on our Budget other than the interest earnings income we will generate from our investments.

STAFF RECOMMENDATION:

Recommend approval.

Sjb

g:\users\sbaum\my docs\open office\memo Investment Policy Jan 08.doc

CITY OF BROOKSVILLE
OFFICIAL POLICY
3-95B

INVESTMENT POLICY

I. Scope

This investment policy applies to all funds held by or for the benefit of the City of Brooksville. These policies were adopted using Florida Statutes Chapter 218.40 - 218.415. Bond proceeds may be further limited or expanded by their respective bond resolutions or covenants and shall not be considered to be in conflict with this Investment Policy.

II. Investment Objectives

The following investment objectives will be applied in the management of the City's funds:

- a) The primary objective of the City's investment activities is the protection of investment capital.
- b) The City's investment strategy will provide sufficient liquidity such that cash flow requirements are met through the utilization of marketable securities with structured maturities.
- c) In investing public funds, the City will strive to maximize the return on the portfolio but will minimize investment risk.

III. Investment Performance and Reporting

A portfolio report shall be provided on a timely basis to the City Manager and other appropriate management staff. This report shall include: a breakdown by investment type, percentage of portfolio composition, amount of each investment, financial institution, investment date, maturity date, yield and income received to date.

IV. Delegation of Authority

The City Council is responsible for establishing the City's investment policy. Responsibility for the administration of the investment program is assigned to the Finance Director through the City Manager. The Finance Director shall exercise this authority and regulate the administration of the investment program and is authorized to invest the City's funds as defined and will have such authority as is necessary to conduct the investment program. The Finance Director shall make monthly reports to the City Council detailing the investments. If at any time the Finance Director is unavailable, the City Manager or City Clerk shall be designated to execute the investments as necessary.

V. Authorized Instruments

As authorized by Florida Statute Chapter 218, the City of Brooksville may invest in the following instruments, and may divest itself of such investments, at prevailing market prices or rates, subject to the following statutory limitations:

- a) The Local Government Surplus Funds Trust Fund or any intergovernmental investment pool authorized pursuant to the Florida Interlocal Cooperative Act, as provided in Section 163.01, Florida Statutes;
- ~~b) Savings accounts in state-certified qualified public depositories, as defined in Section 280.02, Florida Statutes;~~
- b) Securities and Exchange Commission registered money market funds with the highest credit quality rating from a nationally recognized rating agency;
- ~~c) Certificates of deposit in state-certified qualified public depositories, as defined in Section 280.02, Florida Statutes;~~
- c) Interest-bearing time deposits or savings accounts in qualified public depositories as defined in Florida Statutes 280.02;
- d) Direct obligations of the U. S. Treasury;
- e) Federal Agencies and instrumentalities;
- f) Rated or unrated bonds, notes, or instruments backed by the full faith and credit of the government of Israel;
- g) Securities of, or other interests in, any open-end or closed-end management-type investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. ss 80a-1 et seq., as amended from time to time, provided that the portfolio of such investment company or investment trust is limited to obligations of the United States Government or any agency or instrumentality thereof and to repurchase agreements fully collateralized by such United States Government obligations, and provided that such investment company or investment trust takes delivery of such collateral either directly or through an authorized custodian;
- h) Other investments authorized by law or by ordinance for a county or a municipality;

VI. Investment Maturity and Liquidity

To the extent possible, an attempt will be made to match investment maturities with known cash needs and anticipated cash flow requirements. Investments of current operating funds shall have maturities of no longer than twelve (12) months. Investments of bond reserves, construction funds and other non-operating funds shall have a term appropriate to the need for funds, and in accordance with debt covenants, but shall not exceed five (5) years, unless specifically required by the terms of the bond documents.

VII. Collateral Requirements

The City is required by the provisions in Florida Statutes Chapter 280 to place its deposits only in a “qualified public depository,” as that term is defined in the Florida Statutes. Any deposit placed in a qualified public depository is deemed to be adequately collateralized by Florida Statutes . Subsequent failure by a qualified public depository to timely return public deposits to the City of Brooksville will be governed by Chapter 280, as amended.

VIII. Bid Policy

Although in most situations the competitive bid process shall be utilized, there is no obligation to secure competitive bids from all financial institutions and dealer/brokers on the approved list. Rather, a decision will be made by the Finance Director as to the institutions that have been the most competitive over the preceding weeks and these will be contacted for a bid.

In order to afford qualified public depositories within the City of Brooksville opportunities to enhance the economy of the local area, certificates of deposit may be purchased from an institution as described in Section V provided that the following additional conditions have been satisfied:

- a) The institution, or a branch office, is located within the boundaries of the City of Brooksville ;
- b) The financial institution included on the approved list must be Qualified Public Depositories, as determined by the State of Florida.

IX. Internal Controls

The Finance Director shall exercise and monitor a set of internal controls which are designed to protect the City’s funds and ensure proper accounting and reporting of the securities transactions. Such internal controls shall consist of the following:

- a) Written documentation and/or confirmation of telephone transactions and wire transfers
- b) Adequate separation of duties with clear delegation of authority among investment personnel
- c) Custodial safekeeping
- d) Operation review and performance evaluations and reporting, interim and annual
- e) Development of wire transfer agreement with the custodial bank outlining the various controls and security provisions for making and receiving wire transfers
- f) Monthly custodial account reconciliations

RECOMMENDED BY CITY MANAGER:

T. Jennene Norman-Vacha

APPROVED BY CITY COUNCIL 9/11/95; AMENDMENT APPROVED 04/05/04.
AMENDMENT APPROVED 1/7/2008.

[G:\Users\sbaum\My Documents\wordperfect docs\3-95B Investment Policy.wpd]

RESOLUTION NO. 2008-01

WHEREAS, Section 218.415, F.S. provides for investment of local government surplus funds, specifically incorporating provisions for adoption of an investment policy for any public funds in excess of the amounts needed to meet current expenses; and,

WHEREAS, the City of Brooksville officially adopted Investment Policy No. 3-95 on September 11, 1995, with subsequent amendments April 5, 2004 and January 7, 2008, in accordance with said provisions of Section 218.415(16), F.S.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF BROOKSVILLE, FLORIDA that the City of Brooksville shall follow the policies and procedures as outlined in Official Investment Policy No. 3-95, and as amended thereto, for investment of any public funds in excess of the amounts needed to meet current expenses in accordance with said provisions of the Section 218.415, F.S.

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

CITY OF BROOKSVILLE

BY: _____
David Pugh, Mayor

ATTEST: _____
Karen M. Phillips, City Clerk

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

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

Thomas S. Hogan, Jr., City Attorney

MEMORANDUM

To: Honorable Mayor & City Council Members
Via: T. Jennene Norman-Vacha, City Manager *T. Jennene Norman-Vacha*
From: Bill Geiger, Community Development Director *Bill Geiger*
Subject: FP2007-01: Southern Hills Plantation Phase 3-A-1 Final Plat
Petitioner: Hampton Ridge Developers, LLC (Presented by Coastal Engineering Associates)
Location: The property is located South of SR 50, East of US 41, West of Hope Hill Road and North of Powell Road
Date: December 19, 2007

SUMMARY OF REQUEST - BACKGROUND INFORMATION:

The subject property is part of the Southern Hills Plantation Planned Development Project, and is located south of SR 50, east of US 41, west of Hope Hill Road and north of Powell Road. The petitioner is requesting City approval of the Southern Hills Plantation, Phase 3-A-1 final plat for 13 single family residential lots on approximately 33.5 acres. The zoning designation granted by City Council for this property is Planned Development Project (PDP), with a special exception use for a Combined PDP, specifically providing for the mixture of uses found in residential, neighborhood commercial and general highway commercial PDP's.

The final plat for Southern Hills Plantation, Phase 1, consisting of 287 lots on approximately 224.011 acres, was approved by City Council on November 15, 2004. The final plat for Southern Hills Plantation, Phase 2/2A, consisting of 398 lots on approximately 354.66 acres, was approved by City Council on September 12, 2005. The final plat for Southern Hills Plantation, Phase 3, consisting of 115 lots on approximately 86 acres was approved by City Council on April 3, 2006. The total area for the Southern Hills Plantation project is 970 acres ±.

The City's Planning & Zoning Commission initially reviewed the subject property owner's petitions for annexation and zoning (Combined PDP/Mixed Use) on January 16, 2002. At that time the Commission recommended that the City Council approve the annexation of the property, adopt a comprehensive plan amendment with appropriate mixed land use policies and designations and approve a Combined Planned Development Project zoning category for the subject property giving consideration to various land use and design specifications.

The City Council approved the 1st reading of the annexation ordinance on January 28, 2002, and provided for the consideration of the final adoption of the annexation ordinance to occur at the same time as when a development agreement (being negotiated between the developer and the City at that time) for this property was ready for public hearing consideration. Additionally, the City Council determined to hold the zoning determination in abeyance until after a comprehensive plan amendment was officially adopted for the property. On May 28, 2003 the City Council approved the annexation of the property, the development agreement providing for specific considerations related to the property and the Evaluation & Appraisal Report (EAR)-based Comprehensive Plan Amendment that included the incorporation and land use policies and designations for the Hampton Ridge Developers LLC property. In June 2003, Hernando County filed a lawsuit against the City regarding the annexation, development agreement and comprehensive plan amendment. On July 23, 2003 the State Department of Community Affairs (DCA) found the City's EAR-based Comprehensive Plan Amendment in compliance, except for four large scale amendments and the text amendments (as it related to issues concerning the large scale amendments). The DCA cited concerns on items that included transportation, capital improvements, the environment and population projections. The City opted to negotiate a compliance agreement with the DCA to address their issues. Hernando County intervened as a party in this process (filed August 8, 2003). On November 12, 2003, the City and County entered into a Joint Planning Interlocal Agreement and a Supplemental Interlocal Agreement that specifically

addressed the Hampton Ridge Property. The County subsequently dropped its lawsuit against the City.

On February 24, 2004, the DCA, the City and the County (as an intervening party) entered into a Stipulated Settlement Agreement concerning the City's EAR-based Comprehensive Plan Amendment. On March 15, 2004, the City adopted a remedial Comprehensive Plan Amendment to implement the Stipulated Settlement Agreement. The DCA found the City's EAR-based Comprehensive Plan Amendment in compliance on April 22, 2004.

On June 7, 2004, City Council approved Ordinance No. 672 to provide the zoning classification of Planned Development Project (PDP) with a Special Exception Use for a Combined Planned Development Project (CPDP). Additionally on this date the City Council approved the master plan for the Southern Hills Plantation project and conditionally approved the phase one preliminary plat for this project. The total number of single family residential lots for Phases 1, 2/2A, 3 and 3-A-1, as configured and proposed, would be 813 single family lots on approximately 698.17 acres.

STAFF FINDINGS:

CURRENT LAND USE/ZONING

In the City's adopted Comprehensive Plan, the subject property is designated with a land use classification identified as the Southern Hills Plantation Mixed-Use District. As per Policy 1-5 of the City's Plan, the Southern Hills Plantation Mixed-Use District provides for permissible densities/intensities to be limited to a maximum of 999 residential units (1.2 dwelling units per gross acre), 160,000 square feet of retail, 45,000 square feet of office and a minimum of 350 acres of open space/recreational uses within the project boundary. The subject property is zoned as a Combined Planned Development Project (CPDP).

FACTUAL INFORMATION

1. The subject property is currently zoned Planned Development Project (PDP) with a special exception use for a Combined Planned Development Project (CPDP).
2. The subject property for the Phase 3-A-1 final plat is approximately 33.5 acres.
3. The subject site for phase 3-A-1 is undeveloped.
4. The subject property is owned by Hampton Ridge Developers, LLC.
5. The subject property has a Comprehensive Plan Future Land Use map designation of Southern Hills Plantation Mixed-Use District.
6. As per Policy 1-5 of the Future Land Use Element of the City's Comprehensive Plan, the Southern Hills Plantation Mixed Use District provides for permissible densities/intensities to be limited to a maximum of 999 residential units (1.2 dwelling units per gross acre), 160,000 square feet of retail, 45,000 square feet of office and a minimum of 350 acres of open space/recreational uses within the project boundary.
7. The subject property will have internal access from previously developed phases of the SHP project, which is connected to US 41 by Southern Hills Boulevard. Additional access will be provided to SR50 via Governor Boulevard, a road designed for four lanes with the first two lanes to be built by the developer by May 30, 2009, or prior to the issuance of a Certificate of Occupancy for the 400th dwelling unit for the project, whichever occurs first.
8. The requested phase 3-A-1 final plat proposal is consistent with the City of Brooksville's Comprehensive Plan as adopted on March 15, 2004.
9. The subject property is subject to terms and conditions of a Development Agreement entered into between the City and the property owner on May 28, 2003, with subsequent amendments. This Agreement was entered into pursuant to the Florida Local Government Development Agreement Act, Sections 163.3220 - 163.3243, Florida Statutes. Among other items, the

Agreement establishes the availability and means for public utilities to serve the project, provides for the construction of transportation improvements, provides for the reservation of sites for future potential public facilities and purposes, and provides for development uses that may be permitted within the project. Exhibit "D" of the Agreement provides for terms and conditions to be considered as part of the zoning approval of the property (The Development Agreement has previously been distributed and a copy is on file in the City Clerk's office and the Community Development Department).

10. In conjunction with this development, the developer is required to construct a 1.5 mgd upgrade to the City's existing 1.5 mgd Cobb Road wastewater reclamation facility. The resulting 3.0 mgd tertiary waste water treatment facility will provide reclaimed water to be used for irrigation purposes by residential/commercial properties and the planned Southern Hills Plantation golf course facility.
11. Section III of the Phase 3-A-1 Preliminary and Final Plat Narrative provides a Preliminary Engineering Report that addresses topography, flood plain, soils, drainage, vegetation, wetlands, wildlife and historical/archaeological summary information pertaining to the property. Based on site visits and review of supporting documentation, the summary documentation appears to accurately portray existing conditions.
12. To date, the Developer has completed (consistent with the Development Agreement and applicable land use and zoning regulations) the construction of the golf course, Southern Hills Boulevard, internal street networks within the subdivision, the amenity center, maintenance facilities and the clubhouse, which are serving multiple single-family residential dwellings that have been constructed within the community.
13. Existing and planned public facilities will adequately serve the development consistent with adopted City level-of-service standards.
14. The Phase 3-A-1 final plat includes 13 single-family residential lots.
15. The subject property is not located within any well head protection area.

STAFF DISCUSSION:

The property owner is developing a mixed use development that includes a private residential community featuring a golf course, rental villas, a recreation center and commercial (retail & office) area near the US 41 property frontage. The master plan for the site provides an overview of the area including the distribution of planned uses.

As previously noted, the approved Development Agreement (recorded in OR Book 1673, Pages 803-850, Hernando County Records), as amended, addresses many aspects of this project as it relates to infrastructure exactions (to address concurrency requirements in serving the development) and other developmental criteria. Exhibit "D" of the Agreement specifies CPDP Zoning Conditions as follows:

1. The following list of land uses will be allowable within the CPDP zoning approval for this Project: multifamily housing up to 16 units per acre (condominiums, apartments, etc.); single family attached housing (townhomes, duplex, quadplex, etc.) up to 12 units per acre; single family detached housing up to 7 units per acre (standard lot, Z-lot, zero-lot line, cluster homes, patio homes, etc.); resort residential housing up to 16 units per acre; general highway commercial (including C2 uses); neighborhood commercial; outside storage, recreational vehicle and boat storage, golf course (including associated facilities such as maintenance facilities, comfort stations, alcohol consumption and sales, food consumption, and rain shelters), golf clubhouse complex (including dining, alcohol consumption and sales, retail, etc.); office, schools, churches, community centers; recreation; and uses of similar nature to the above.
2. Up to 999 dwelling units, 160,000 square feet of retail, and 45,000 square feet of office space may be constructed.

3. The project will require an approved master plan layout addressing proposed land uses, densities, access and roadway infrastructure prior to development.
4. Deviations or variances from adopted setbacks, parking standards, right-of-way widths, signage, and other standards will be reasonably considered where innovative planning and architectural concepts are provided by the Developer.
5. Individual gated communities may be developed within the Project with appropriate signage and gating provided by the Developer. Community roadways that provide for adequate access and traffic circulation for both emergency vehicles as well as traffic volumes generated by the development may be private, at the discretion of the Developer and with the approval of the City. Roadways proposed for dedication to the public must be built to meet public standards and acceptance is at the discretion of the City. Roads located within a gated community would remain privately owned and maintained.
6. Points of access may be gated provided that the design of the project ensures access for maintenance and emergency services and appropriately accommodates for anticipated project traffic impacts.
7. If green space/pedestrian corridors have been established on an adjacent parcel, the master plan shall consider the extension of such corridors.
8. If a City corridor roadway has been established on an adjacent parcel, the master plan shall facilitate the extension of such roadway.
9. Perimeter buffers around the property will consist of a 25-foot building setback, including a 15-foot vegetated (natural or planted) buffer (no specific opacity required).
10. In areas where green space corridors or golf course fairways are factors in design criteria, street lengths ending in a cul-de-sac may exceed 600 feet in length provided that the cul-de-sac has a right-of-way diameter of 110 feet and a paved area of 80 feet.
11. The City and the Developer agree that the following standards may be utilized within the Project, however, the application of these standards must be reviewed and approved by the City for location and applicability during the conditional platting process: Single family detached lot widths shall be a minimum of 35 feet in width at front building setback line, with side lot building setbacks being 5 feet, front yard setbacks being 20 feet, rear yard setbacks being 10 feet, and a maximum lot coverage of 40 percent. Single family attached and townhouse lots shall be a minimum of 16 feet in width at front building setback line, with side lot building setbacks being 10 feet, front yard setbacks being 20 feet, rear yard setbacks being 10 feet, a minimum lot size of 1,800 square feet, and a maximum lot coverage of 50 percent. Multi-family lots may have a front yard setback of 25 feet, side yard setback of 10 feet, rear yard setback of 20 feet, and a maximum lot coverage of 50 percent. Commercial lots may have no minimum setbacks with a 70 percent maximum lot coverage. The Project drainage systems shall be designed in accordance with federal, state and local requirements in conjunction with the lot coverage ratios for impervious surfaces.
12. All roads within the Project shall be considered residential roadways and may be fronted by residential lots. Fifty foot wide right-of-way with two 10 foot lanes will be provided on all residential roadways.
13. The maximum height for residential buildings shall be 45 feet, measured from the highest point on the property at which the building meets the ground. The maximum height for commercial buildings shall be 70 feet, measured from the highest point on the property at which the building meets the ground.
14. Where golf courses or common irrigation are proposed, private irrigation wells will be allowed, subject to permitting through the Southwest Florida Water Management District, however, reuse water should be utilized to the extent it is available.
15. Ancillary uses which at the time of construction are not adjacent to public utilities may be served by private wells, septic tanks and other temporary utilities, subject to the approval of the

Hernando County Health Department, where applicable. These temporary utilities will be discontinued when centralized services are available.

The following conditions/statements were attached to the zoning approval of this property:

1. Development of the described property will be subject to all applicable terms and conditions as outlined in the Development Agreement between the City of Brooksville and Hampton Ridge Developers LLC, as executed May 28, 2003 and recorded in OR Book 1673, Pages 803 to 850.
2. Unless specifically addressed to the contrary within the executed Development Agreement or within conditions referenced herein, City ordinance regulations which apply with regard to zoning district classification will apply to residential areas within this P.P. as if they are zoned R3 and commercial areas as if they are zoned C2.
3. Uses or infrastructure for this project that may not be specifically addressed within the Development Agreement or by existing code standards will be brought to the City Council for consideration. Council action on such items may be considered either independently or as a part of the final plat approval process for each phase of this development.
4. A frontage or reverse frontage road will be required in conjunction with the development of the commercial frontage of this PDP along US 41, consistent with the requirements of City Ordinance Number 619.
5. The property owner is required to continue working with the school district to establish a school site somewhere within the vicinity of the subject property until such time as said site is established and approved, unless the school district determines not to locate a school in this area.
6. 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.
7. Development of this property will be subject to meeting all applicable federal, state and local agency permitting requirements.
8. The developer is required to provide the City with three original copies of the approved master plan signed, dated and sealed by a Florida registered professional engineer.

Additionally, the City Council approved the preliminary plat plan labeled Phase I Preliminary Plat/Southern Hills Plantation, as submitted by Coastal Engineering Associates, Inc. and King Engineering Associates, Inc., signed and sealed by Clifford Eugene Manuel, P.E. and dated 4/27/04, subject to the following conditions and statements:

1. Construction plans will be reviewed to ensure that performance standards as outlined in the valid Development Agreement between the City and the property owner as well as applicable City code standards are being met; and
2. Supporting documents to the phase I preliminary plat include the preliminary construction drawings submitted by King Engineering Associates, Inc., Job Number 9632-002-001, dated April 1, 2004 and signed and sealed by John Powell, Florida P.E. on March 26, 2004; and Southern Hills Plantation Boulevard Roadway and Drainage plans prepared by Coastal Engineering Associates, Inc. (Signed and sealed by Joseph Payne, a Florida registered P.E., Sheets C1-C3, C12-C15 & C17-C34 sealed on 4/8/04, Sheets C4 & C35 sealed on 4/14/04 and Sheets C5-C11 sealed on 4/9/04); and
3. Streets within the project area of the subdivision (behind the gates) will be privately owned and maintained. Said streets must be built consistent with the provisions of the valid development agreement and meet City construction standards. Provisions must be

made as part of the platting process to provide for easements to allow ingress and egress for emergency services access and maintenance of the water and sewer facilities that the City will own and operate. For water and sewer easements that are outside of road rights-of-ways, a minimum 15' wide easement must be provided for all single lines and 30' for parallel pipe runs along with the right of ingress and egress across the properties the easements are located within; and

4. In areas where side lot setbacks are a minimum of 5', the developer will be required to design the potable water system to support 1,500 gpm; and
5. The developer is required to provide the City with three original copies of the approved Southern Hills Plantation Phase I Preliminary Plat that is signed, dated and sealed by a Florida registered Land Surveyor, along with a legal description and survey sketch for the 246.9 acre \pm preliminary plat area.

Comparable conditions/statements were attached to the phase 2/2A and phase 3 conditional plat.

Street names for the subdivision have been coordinated with the City and Property Appraiser offices and are ascribed on the final plat.

FINDINGS OF FACT:

The parent parcel to this phase 3-A-1 tract is accessible to the US 41 emerging growth corridor. Hernando Oaks, a developing mixed use subdivision (predominantly a single-family residential golf course community similar in size to the Southern Hills Plantation project) is located on the west side of US 41. A mix of commercial, public (Hernando County Fairgrounds, Cooperative Extension & Animal Control Services) and single family residential (standard house and mobile home construction) uses are located to the north and west of the subject site. The parent property is bordered on the east by a mixture of single family home types that access the local highway system via Hope Hill Road. The CSX rail line borders the parent tract property along its southeastern section. A single family residential retirement community is being constructed south/southwest of the subject property's parent tract. The phase 3-A-1 subject site is bordered on its west and southwest side by its sister phase 3 of the Southern Hills Plantation development.

In the City's adopted Comprehensive Plan, the subject property is designated with a land use classification identified as the Southern Hills Plantation Mixed-Use District. As per Policy 1-5 of the City's Plan, the Southern Hills Plantation Mixed-Use District provides for permissible densities/intensities to be limited to a maximum of 999 residential units (1.2 dwelling units per gross acre), 160,000 square feet of retail, 45,000 square feet of office and a minimum of 350 acres of open space/recreational uses within the project boundary. A 10-acre \pm parcel that is part of the 1,600 acre parent tract providing the property's northern most frontage along US 41 was provided with a commercial designation within the City's adopted comprehensive plan. The balance of the 1,600 acre parent tract of land that was annexed into the City was ascribed with a land use designation of suburban residential (gross density not to exceed 2.5 units per acre, but allows for residential clustering). On 06/07/04 the subject property was rezoned from the County's Agriculture/Residential zoning classification to the City's zoning classification of Planned Development Project (PDP) with a special exception use for a Combined Planned Development Project (CPDP).

To address 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 incorporated into the final design so as to minimize stormwater discharge to the aquifer.

Streets within the project area of the subdivision (behind the gates) will be privately owned and maintained. Said streets must be built consistent with the provisions of the valid development agreement and meet City construction standards. Provisions must be made as part of the platting process to provide for easements for ingress and egress to allow for emergency services access and maintenance of the water and sewer facilities that the City will own and operate. For water and sewer easements that are outside of road rights-of-ways, a minimum 15' wide easement must be provided for all single lines and 30' for parallel pipe runs along with the right of ingress and egress across the properties the easements are located within.

In areas where side lot setbacks are a minimum of 5', the developer will be required to provide a potable water design to support 1,500 gpm.

Phased development and construction plans for this property will be analyzed for impact to roads, utilities, drainage, public services, the environment and all other applicable land use criteria, and will be subject to meeting all federal, state and local agency permitting requirements. The City and Developer have addressed utility (water & sewer) services via a development agreement. Police, Fire and Sanitation services will be provided by the City of Brooksville.

The Performance Bond Cost Estimate for Phase 3-A-1 has been submitted and approved by the Director of Public Works in the amount of \$996,192.13.

The developer is currently in negotiations with the School District to transfer property to the District that is planned to be used for the collocation and construction of an elementary school and YMCA facility.

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

Legal Note: The processing of this amendment is subject to the review and approval by the City's legal counsel.

Public Input: 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. At the November 14, 2007, Planning & Zoning Commission meeting, no one from the general public spoke for or against this petition. No general correspondence has been received concerning this petition.

NOTE: The Final plat review/approval process is a land use determination which does not constitute a permit for either construction on or use of the property. Nor are these actions considered a Certificate of Concurrence. Prior to use of or construction on the property, the petitioner must receive approval from the appropriate City, County 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 City land use ordinances. Homeowner's 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.

PLANNING & ZONING COMMISSION/CITY COUNCIL ACTION:
PHASE 3-A-1 FINAL PLAT

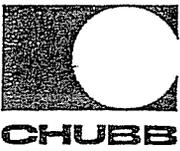
At their meeting on November 14, 2007, the Planning and Zoning Commission concurred with the staff recommendation to approve the final plat labeled Southern Hills Plantation Phase 3-A-1, as submitted by Coastal Engineering Associates, Inc., date stamped November 14, 2007, authorized the Chairman to sign the plat documents, and recommend that the City Council approve the same.

At the December 3, 2007 meeting, the City Council affirmed the action taken by the Planning & Zoning Commission on November 14, 2007, concerning the Phase 3-A-1 preliminary plat plan for Southern Hills Plantation, and continued the item for consideration of the final plat to the December 17, 2007 meeting, at the petitioner's request. The City Council subsequently approved an additional continuance request from the petitioner's representative for the final plat to be heard on January 7, 2008, at 7:00 P.M. in the Council Chambers.

RECOMMENDATION:

City Council approval of the final plat labeled Southern Hills Plantation Phase 3-A-1, as submitted by Coastal Engineering Associates, Inc., date stamped December 18, 2007, and authorize the Mayor to sign the plat documents.

- Enclosures:**
- 1) Southern Hills Plantation Phase 3-A-1 Preliminary and Final Plat Narrative
 - 2) Performance Bond Certificate of Cost Estimate - \$996,192.13
 - 3) Southern Hills Plantation Phase 3-A-1 Final Plat
 - 4) Quinn-to-Geiger letters (dated 12/3& 7/07) - Continuation Request



CHUBB GROUP OF INSURANCE COMPANIES

Surety Department, 15 Mountain View Road, P.O. Box 1615, Warren, NJ 07061-1615
Phone: 908-903-3497 Facsimile: 908-903-3656

Bond No. 82133490

FEDERAL INSURANCE COMPANY

SUBDIVISION IMPROVEMENT BOND

Know All Men By These Presents,

That we, HAMPTON RIDGE DEVELOPERS, LLC

as Principal, and FEDERAL INSURANCE COMPANY, a(n) Indiana corporation, as Surety,
are held and firmly bound unto CITY OF BROOKSVILLE, FLORIDA

Obligee, in the amount of Nine Hundred Ninety Six Thousand One Hundred Ninety Two and 13/100
(\$ 996,192.13), for the payment of which sum, well and
truly to be made, the Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns,
jointly and severally, firmly by these presents.

WHEREAS the Principal and Obligee have entered into a written agreement dated relative to installation of
improvements and other conditions as indicated on map entitled
Southern Hills Plantation - Phase 3A - CEA Job No 05416

and which agreement is hereby made a part hereof.

NOW, THEREFORE, if the Principal shall well and truly perform all of the terms, covenants and conditions of said agreement
on its part to be performed, then this obligation shall be null and void; otherwise to remain in full force and effect.

No right of action or benefit under the Bond shall accrue to anyone other than the named Obligee. The aggregate liability of the
Surety shall not exceed the amount of the Bond for any cause or reason whatsoever.

Signed, sealed and dated November 5, 2007

HAMPTON RIDGE DEVELOPERS, LLC

By: R. [Signature]



FEDERAL INSURANCE COMPANY

By: Maureen McNeill
Attorney In Fact Maureen McNeill

FEDERAL INSURANCE COMPANY

STATEMENT OF ASSETS, LIABILITIES AND SURPLUS TO POLICYHOLDERS

Statutory Basis

DECEMBER 31, 2006

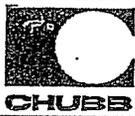
(in thousands of dollars)

ASSETS		LIABILITIES AND SURPLUS TO POLICYHOLDERS	
Cash and Short Term Investments	\$ 580,553	Outstanding Losses and Loss Expenses ...	\$ 11,565,150
United States Government, State and Municipal Bonds	12,508,719	Unearned Premiums	3,616,396
Other Bonds	2,569,870	Reinsurance Premiums Payable	449,499
Stocks	1,067,735	Provision for Reinsurance	201,207
Other Invested Assets	1,353,500	Other Liabilities	1,224,072
TOTAL INVESTMENTS	19,325,377	TOTAL LIABILITIES	17,086,324
Investments in Affiliates:		Capital Stock	20,500
Chubb Investment Holdings, Inc.	2,235,559	Paid - In Surplus	3,168,799
Pacific Indemnity Company	1,505,052	Unassigned Funds	8,148,977
Chute Insurance Company of Europe ..	573,058	SURPLUS TO POLICYHOLDERS	19,278,747
Executive Risk Indemnity Inc.	310,145		
CC Canaan Holdings Ltd.	161,799		
Great Northern Insurance Company ..	351,273		
Chubb Insurance Company of Australia ..	159,837		
Vigilant Insurance Company	125,358		
Other Affiliates	220,451		
Premiums Receivable	1,628,183		
Other Assets	1,493,029		
TOTAL ADMITTED ASSETS	\$ 28,363,071	TOTAL LIABILITIES AND SURPLUS TO POLICYHOLDERS	\$ 28,363,071

Investments are valued in accordance with requirements of the National Association of Insurance Commissioners.
Investments valued at \$454,144,695 are deposited with government authorities as required by law.

A CORRECT STATEMENT:

Maureen McNeill
Assistant Secretary or Actuary - in - Fact



Chubb
Surety

POWER
OF
ATTORNEY

Federal Insurance Company
Vigilant Insurance Company
Pacific Indemnity Company

Attn: Surety Department
15 Mountain View Road
Warren, NJ 07059

Know All by These Presents, That FEDERAL INSURANCE COMPANY, an Indiana corporation, VIGILANT INSURANCE COMPANY, a New York corporation, and PACIFIC INDEMNITY COMPANY, a Wisconsin corporation, do each hereby constitute and appoint Sandra E. Bronson, Richard A. Jacobus, Annette Leuschner, Maureen McNeill, Mary C. O'Leary and Darella White of Philadelphia, Pennsylvania

each as their true and lawful Attorney- in- Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY have each executed and attested these presents and affixed their corporate seals on this 15th day of June, 2005

Kenneth C. Wendel, Assistant Secretary

John P. Smith, Vice President

STATE OF NEW JERSEY
County of Somerset ss.

On this 15th day of June, 2005 before me, a Notary Public of New Jersey, personally came Kenneth C. Wendel, to me known to be Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY, the companies which executed the foregoing Power of Attorney, and the said Kenneth C. Wendel, being by me duly sworn, did depose and say that he is Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of the By- Laws of said Companies; and that he signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that he is acquainted with John P. Smith, and knows him to be Vice President of said Companies; and that the signature of John P. Smith, subscribed to said Power of Attorney is in the genuine handwriting of John P. Smith, and was thereto subscribed by authority of said By- Laws and in deponent's presence.

Notarial Seal



KATHERINE KALBACHER
NOTARY PUBLIC OF NEW JERSEY
No. 2316685
Commission Expires July 8, 2009

Notary Public

CERTIFICATION

Extract from the By- Laws of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY:

"All powers of attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman or the President or a Vice President or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the following officers: Chairman, President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Assistant Secretaries or Attorneys- in- Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached."

I, Kenneth C. Wendel, Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY (the "Companies") do hereby certify that

- (i) the foregoing extract of the By- Laws of the Companies is true and correct,
- (ii) the Companies are duly licensed and authorized to transact surety business in all 50 of the United States of America and the District of Columbia and are authorized by the U.S. Treasury Department; further, Federal and Vigilant are licensed in Puerto Rico and the U.S. Virgin Islands, and Federal is licensed in American Samoa, Guam, and each of the Provinces of Canada except Prince Edward Island; and
- (iii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Warren, NJ this 5th day of November, 2007.



Kenneth C. Wendel, Assistant Secretary

IN THE EVENT YOU WISH TO NOTIFY US OF A CLAIM, VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT ADDRESS LISTED ABOVE, OR BY Telephone (908) 903- 3493 Fax (908) 903- 3656 e-mail: surety@chubb.com

RIDER

To be attached to and form a part of Bond No. 82133490
executed by HAMPTON RIDGE DEVELOPERS, LLC as Principal
and by FEDERAL INSURANCE COMPANY as Surety,
in favor of CITY OF BROOKSVILLE, FLORIDA,
and effective as of November 5, 2007.

In consideration of the mutual agreements herein contained the Principal and the Surety hereby consent to changing BOND DESCRIPTION

FROM: Southern Hills Plantation - Phase 3A - CEA Job No 05416

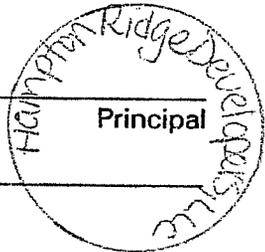
TO: Southern Hills Plantation - Phase 3A-1 - CEA Job No 05416

Nothing herein contained shall vary, alter or extend any provision or condition of this bond except as herein expressly stated. This rider is effective on the 5th day of November, 2007.

Signed and sealed this 5th day of December, 2007.

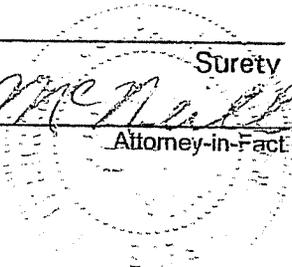
HAMPTON RIDGE DEVELOPERS, LLC

BY: [Signature]



FEDERAL INSURANCE COMPANY

BY: [Signature]
Maureen McNeill
Attorney-in-Fact



CITY OF BROOKSVILLE, FLORIDA

Obligee

BY: [Signature] 12/14/07



Chubb
Surety

POWER
OF
ATTORNEY

Federal Insurance Company
Vigilant Insurance Company
Pacific Indemnity Company

Attn: Surety Department
15-Mountain View Road
Warren, NJ 07059

Know All by These Presents, That FEDERAL INSURANCE COMPANY, an Indiana corporation, VIGILANT INSURANCE COMPANY, a Wisconsin corporation, and PACIFIC INDEMNITY COMPANY, a New York corporation, do each hereby constitute and appoint Sandra E. Bronson, Richard A. Jacobus, Annette Leuschner, Maureen McNeill, Mary C. O'Leary and Darella White of Philadelphia, Pennsylvania

each as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY have each executed and attested these presents and affixed their corporate seals on this 15th day of June, 2005

Kenneth C. Wendel
Kenneth C. Wendel, Assistant Secretary

John P. Smith
John P. Smith, Vice President

STATE OF NEW JERSEY
County of Somerset ss.

On this 15th day of June, 2005 before me, a Notary Public of New Jersey, personally came Kenneth C. Wendel, to me known to be Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY, the companies which executed the foregoing Power of Attorney, and the said Kenneth C. Wendel, being by me duly sworn, did depose and say that he is Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of the By-Laws of said Companies; and that he signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that he is acquainted with John P. Smith, and knows him to be Vice President of said Companies; and that the signature of John P. Smith, subscribed to said Power of Attorney is in the genuine handwriting of John P. Smith, and was thereto subscribed by authority of said By-Laws and in deponent's presence.

Notarial Seal



KATHERINE KALBACHER
NOTARY PUBLIC OF NEW JERSEY
No. 2316685
Commission Expires July 8, 2009

Katherine Kalbacher
Notary Public

CERTIFICATION

Extract from the By-Laws of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY:

"All powers of attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman or the President or a Vice President or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the following officers: Chairman, President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached."

I, Kenneth C. Wendel, Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY (the "Companies") do hereby certify that

- (i) the foregoing extract of the By-Laws of the Companies is true and correct,
- (ii) the Companies are duly licensed and authorized to transact surety business in all 50 of the United States of America and the District of Columbia and are authorized by the U.S. Treasury Department; further, Federal and Vigilant are licensed in Puerto Rico and the U.S. Virgin Islands, and Federal is licensed in American Samoa, Guam, and each of the Provinces of Canada except Prince Edward Island; and
- (iii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Warren, NJ this 15th day of December, 2007.



Kenneth C. Wendel
Kenneth C. Wendel, Assistant Secretary

IN THE EVENT YOU WISH TO NOTIFY US OF A CLAIM, VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT ADDRESS LISTED ABOVE, OR BY Telephone (908) 903- 3493 Fax (908) 903- 3656 e-mail: surety@chubb.com

**SOUTHERN HILLS PLANTATION
PHASE 3A PRELIMINARY AND FINAL PLAT
NARRATIVE**

GENERAL DESCRIPTION

Hampton Ridge Developers, LLC, is seeking Preliminary and Final Plat approval for approximately 33.5 acres of property located in Section 3, Township 23 South, Range 19 East, Hernando County, Florida. This proposed plat represents the second stage of development for Phase 3 of the Southern Hills Plantation project.

Phase 3A of the Southern Hills Plantation development will include 13 single-family lots (one-plus acre in size) located in one residential pod. The proposed development is to be served by the City of Brooksville's water and sewer utilities and local private roads. Following are the minimum setbacks for single-family detached, as established in the project's zoning and master plan approval:

Front = 20'
Side = 5'
Rear = 10'

I. PRELIMINARY LAYOUT

Enclosed are three (3) large-scale copies and one (1) small-scale (11" x 17") copy each of both the preliminary and final plat layouts.

II. DRAFT OF PROTECTIVE COVENANTS

Protective covenants and restrictions for Phase 3A are similar to those of previous phases of Southern Hills Plantation and are being incorporated within the overall homeowners association documents for project.

III. PRELIMINARY ENGINEERING REPORT

A. Topography. Elevations on the subject site range from approximately 150 feet to over 240 feet above sea level. Topographic information is included on the preliminary plat.

B. Flood Plain. The entire property falls in Zone C as indicated on Flood Insurance Rate Maps, Community Panel Number 120110 0175 B of the Federal Emergency Management Agency. Zone C denotes areas where no flooding would be expected during a 100-year storm event.

- C. **Soils.** Soils found on the property include a mix of Blichton, Flemington, Nobleton and Wauchula loamy fine sands, with a significant subsoil layer of clay and slopes in the 5 percent or greater range.
- D. **Drainage.** All drainage improvements for the subject property will be completed in accordance with the Environmental Resources Permit (ERP) rules of the Southwest Florida Water Management District (SWFWMD). These rules require onsite retention in order to provide reasonable assurances that both volume and water quality standards are met. District ERP rules also address protection of wetlands and groundwater resources to ensure they are not negatively affected by proposed development.
- D. **Vegetation.** The property is dominated by native forest that is comprised of slash and longleaf pine, hickory, sweetgum, southern magnolia, laurel oaks and water oaks. Shrub and groundcover is dominated by American hornbeam, American holly, American beautyberry, Huckleberry and Deertongue.
- E. **Wetlands.** The subject property contains limited flat terrain for water to collect on and for wetland development. This lack of storage ability severely limits the staging of water in floodplain wetlands and causes normal runoff from rainfall events to discharge via gulleys. As a result, the subject property contains limited wetlands and these are generally within the gulleys. Wetlands are depicted on the preliminary plat.
- F. **Wildlife.** Wildlife assessments for the proposed Phase 3A property were conducted as part of the overall preliminary Southern Hills Plantation project evaluation. Based on these assessments, the subject parcels did not hold any greater likelihood of listed species than other similar properties in the area and field observations did not yield any sitings of known listed species. Should listed species be discovered during development, proper mitigative measures would be required by FFWCC to insure their continued viability.
- G. **Historical/Archaeological.** Review of available information did not indicate the potential presence of historical or archeological resources on the property.

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

Residential infrastructure improvements will be constructed or bonded prior to final platting. External infrastructure is being constructed consistent with an approved Development Agreement with the City of Brooksville. This external infrastructure is further described under items VI and VIII, below.

V. DEVELOPMENT SCHEDULE

Infrastructure development in Southern Hills Plantation Phase 3A will take place in early 2008, with home construction to occur over the next few years.

VI. ADEQUATE ACCESS ANALYSIS

The primary access to the subject property will be internal from within the Southern Hills Plantation project.

VII. DEVELOPMENT OF REGIONAL IMPACT STATEMENT IF REQUIRED

Southern Hills Plantation is below applicable thresholds established for Developments of Regional Impact.

VIII. WATER AND SEWER

Major improvements are being made to the City's wastewater treatment system, which include expansion of the current Cobb Road treatment plant to a 3.0 MGD facility. With this expansion, there is significant capacity available for this portion of the Southern Hills Plantation project, as well as other growth in the area.

Scheduled improvements to the City's potable water treatment system include the addition of two 12" wells and a 0.25 MGD storage tank at the Hope Hill wellfield and expansion of the regional distribution system. These improvements are designed to provide capacity that is 50% over the projected average daily demand for the City in the year 2015.

Report prepared by:
COASTAL ENGINEERING ASSOCIATES, INC.

December 3, 2007

Mr. Bill Geiger
City of Brooksville Planning Department
201 Howell Avenue
Brooksville, FL 34601

Re: Hampton Ridge Developers, LLC – Southern Hills Plantation
Phase 3A-1 Final Plat (CEA 05416)

Dear Bill,

Per our discussion, please accept this as a formal request to continue the Brooksville City Council's consideration of the Phase 3A-1 final plat petition for the Southern Hills Plantation project. It has very recently come to our attention that several non-substantive scrivener errors were made on the cover page of the plat and need to be corrected prior to Council approval. Given this, we respectfully request that consideration of the referenced petition be continued to Council's December 17, 2007, meeting. Should you have any questions, do not hesitate to contact this office.

Sincerely,



Joseph P. Quinn, AICP
Principal Planner

cc: Taylor Casey
Donna Feldman

December 7, 2007

Mr. Bill Geiger
City of Brooksville Planning Department
201 Howell Avenue
Brooksville, FL 34601

Re: Hampton Ridge Developers, LLC – Southern Hills Plantation
Phase 3A-1 Final Plat (CEA 05416)

Dear Bill,

Per our discussion, please accept this as a formal request to further continue the Brooksville City Council's consideration of the Phase 3A-1 final plat petition for the Southern Hills Plantation project. It has very recently come to our attention that several non-substantive scrivener errors were made on the cover page of the plat and need to be corrected prior to Council approval. Given this, we respectfully request that consideration of the referenced petition be continued to Council's January 7, 2008, meeting. Should you have any questions, do not hesitate to contact this office.

Sincerely,



for Joseph P. Quinn, AICP
Principal Planner

cc: Taylor Casey
Donna Feldman

SOUTHERN HILLS PLANTATION PHASE 3-A-1

PLAT BOOK PAGE

A SUBDIVISION OF A PORTION OF SECTION 3, TOWNSHIP 23 SOUTH, RANGE 19 EAST AND ALSO A PORTION OF SECTION 33, TOWNSHIP 22 SOUTH, RANGE 19 EAST CITY OF BROOKSVILLE, HERNANDO COUNTY, FLORIDA

LEGAL DESCRIPTION:

STATE OF FLORIDA
COUNTY OF HERNANDO

THE UNDERSIGNED OWNER OF THE LANDS SHOWN ON THIS PLAT TO BE KNOWN AS "SOUTHERN HILLS PLANTATION PHASE 3-A-1," A SUBDIVISION OF A PORTION OF SECTION 3, TOWNSHIP 23 SOUTH, RANGE 19 EAST AND ALSO A PORTION OF SECTION 33, TOWNSHIP 22 SOUTH, RANGE 19 EAST, CITY OF BROOKSVILLE, HERNANDO COUNTY, FLORIDA, HAVE CAUSED SAID LANDS TO BE DIVIDED AND SUBDIVIDED AS SHOWN HEREON, SAID LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING IN AND BEING A PART OF SECTION 3, TOWNSHIP 23 SOUTH, RANGE 19 EAST AND ALSO BEING A PART OF SECTION 33, TOWNSHIP 22 SOUTH, RANGE 19 EAST, CITY OF BROOKSVILLE, HERNANDO COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 33; THENCE ALONG THE NORTH BOUNDARY OF THE NORTHWEST 1/4 OF SAID SECTION 3 S 88°53'55" E A DISTANCE OF 854.68 FEET; THENCE S 0°00'51" W A DISTANCE OF 1687.07 FEET; THENCE S 77°38'11" W A DISTANCE OF 183.25 FEET; THENCE N 89°57'46" W A DISTANCE OF 148.98 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 527.08 FEET, A DELTA OF 27°26'46", A CHORD DISTANCE OF 250.08 FEET AND A CHORD BEARING OF N 76°14'23" W; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 252.49 FEET; THENCE N 44°51'57" W A DISTANCE OF 115.65 FEET; THENCE N 46°03'21" W A DISTANCE OF 96.03 FEET; THENCE N 42°25'50" W A DISTANCE OF 15.14 FEET; THENCE N 37°37'52" W A DISTANCE OF 188.32 FEET; THENCE N 30°06'32" W A DISTANCE OF 112.88 FEET; TO A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 325.00 FEET, A DELTA OF 74°33'02", A CHORD DISTANCE OF 633.93 FEET AND A CHORD BEARING OF N 22°38'57" E; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 683.10 FEET; THENCE S 86°17'54" W A DISTANCE OF 51.03 FEET TO A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 475.00 FEET, A DELTA OF 24°59'55", A CHORD DISTANCE OF 205.51 FEET AND A CHORD BEARING OF N 28°19'44" W; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 207.25 FEET TO A POINT OF TANGENCY; THENCE N 40°48'42" W A DISTANCE OF 337.32 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 325.00 FEET, A DELTA OF 28°02'34", A CHORD DISTANCE OF 157.49 FEET AND A CHORD BEARING OF N 26°48'24" W; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 159.07 FEET; THENCE N 77°12'53" E A DISTANCE OF 50.00 FEET; THENCE N 80°07'06" E A DISTANCE OF 267.04 FEET TO A POINT ON THE EAST BOUNDARY OF THE SOUTHEAST 1/4 OF SAID SECTION 33; THENCE ALONG SAID EAST BOUNDARY S 00°33'15" E A DISTANCE OF 29.44 FEET TO THE POINT OF BEGINNING.

CONTAINING 33.22 ACRES, MORE OR LESS.

DEDICATION AND EASEMENT REFERENCE:

HAMPTON RIDGE DEVELOPERS, LLC ("DEVELOPER"), HEREBY STATES AND DECLARES THAT IT IS THE "OWNER" OF ALL THE LANDS REFERRED TO AS SOUTHERN HILLS PLANTATION PHASE 3-A-1, AS DESCRIBED IN THE LEGAL DESCRIPTION WHICH IS A PART OF THIS PLAT, AND FURTHER MAKES THE FOLLOWING DEDICATIONS FOR THE PURPOSES DESCRIBED BELOW:

THE OWNER WILL CONVEY BY SEPARATE INSTRUMENT TO THE SOUTHERN HILLS PLANTATION HOMEOWNERS ASSOCIATION, INC. ("ASSOCIATION") ALL ROADS, STREETS AND RIGHTS-OF-WAY PROVIDING ACCESS. THE OWNER HEREBY DEDICATES TO THE CITY OF BROOKSVILLE, FLORIDA, AN INGRESS/EGRESS EASEMENT OVER ALL AREAS DESIGNATED ON THE PLAT AS ROADWAYS, STREETS, AND RIGHTS-OF-WAY PROVIDING ACCESS, FOR THE USE OF EMERGENCY, CITY OF BROOKSVILLE UTILITY PROVIDERS AND GOVERNMENTAL BUSINESS VEHICLES ONLY. IT IS EXPRESSLY NOT INTENDED THAT ANY RIGHT, TITLE OR INTEREST IN ANY TRACTS OR EASEMENTS WHICH ARE IDENTIFIED AS SUCH AND SHOWN HEREON BE DEDICATED, GRANTED, CONVEYED OR ASSIGNED, EXCEPT AS SPECIFICALLY SET FORTH HEREON OR IN ANY SUBSEQUENT INSTRUMENT THAT MIGHT BE PROPERLY EXECUTED, DELIVERED, AND RECORDED BY THE OWNER. FURTHER, THE OWNER DOES HEREBY RESERVE UNTO ITSELF, AND ITS HEIRS, SUCCESSORS, ASSIGNS OR LEGAL REPRESENTATIVES, THE TITLE TO ANY IMPROVEMENTS DEDICATED TO THE PUBLIC OR TO THE CITY OF BROOKSVILLE, IF FOR ANY REASON SUCH DEDICATION SHALL BE EITHER VOLUNTARILY OR INVOLUNTARILY VACATED, VOIDED OR INVALIDATED.

ALL AREAS SHOWN ON THE PLAT AS "DRAINAGE, AND INGRESS/EGRESS EASEMENTS," TOGETHER WITH ANY AND ALL DRAINAGE FACILITIES LOCATED THEREON OR THEREUNDER, ARE HEREBY DEDICATED TO THE SOUTHERN HILLS PLANTATION 1 COMMUNITY DEVELOPMENT DISTRICT (CDD1) NON-EXCLUSIVE EASEMENTS FOR THE INSTALLATION, MAINTENANCE AND REPAIR OF DRAINAGE FACILITIES, TOGETHER WITH THE RIGHT OF PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS TO THE EXTENT REASONABLY NECESSARY TO EXERCISE THE INSTALLATION, MAINTENANCE AND REPAIR RIGHTS AND OBLIGATIONS. THE CDD1 SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF ALL SUCH "DRAINAGE EASEMENT" AREAS AND ALL DRAINAGE FACILITIES LOCATED THEREON AND THEREUNDER.

ALL AREAS SHOWN ON THE PLAT AS SANITARY OR WATER OR UTILITY EASEMENTS, TOGETHER WITH ANY AND ALL FACILITIES LOCATED THEREON OR THEREUNDER ARE HEREBY DEDICATED TO THE CITY OF BROOKSVILLE FOR OPERATION AND MAINTENANCE OF SUCH FACILITIES. THE CITY IS ALSO GRANTED UNRESTRICTED RIGHT OF INGRESS AND EGRESS WITHIN THE PROJECT FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF ALL CITY UTILITIES. IN ADDITION THE CITY IS GRANTED AN EASEMENT, 20 FEET WIDE, LYING CENTERED AND PARALLEL ALONG THE ENTIRE LENGTH OF ALL CITY UTILITIES LINES THAT ARE NOT WITHIN OR ADJACENT TO PLATTED STREETS. ALL IRRIGATION FACILITIES ARE TO BE RETAINED BY THE DEVELOPER, AND ARE SPECIFICALLY EXCLUDED FROM THIS DEDICATION.

ALL AREAS SHOWN ON THE PLAT AS "12-FOOT UTILITY EASEMENTS," ARE HEREBY DEDICATED TO THE ASSOCIATION AS PRIVATE, PERPETUAL NON-EXCLUSIVE EASEMENTS FOR THE MUTUAL BENEFIT OF THE ASSOCIATION AND LOT OWNERS, TOGETHER WITH THE RIGHT OF THE ASSOCIATION TO PERMIT THE USE OF SUCH EASEMENTS BY SUCH STREET LIGHT, TELEPHONE, ELECTRIC, NATURAL GAS, CABLE TELEVISION, AND OTHER PUBLIC AND QUASI-PUBLIC UTILITIES, SERVICES AND PROVIDERS AS SELECTED AND APPROVED BY THE DEVELOPER OR THE ASSOCIATION, AND, UPON SUCH SELECTION AND APPROVAL, THE "12-FOOT UTILITY EASEMENTS" SHOWN HEREON SHALL EXTEND TO AND BE FOR THE USE AND BENEFIT OF SUCH PUBLIC AND QUASI-PUBLIC UTILITIES, SERVICES AND PROVIDERS FOR THEIR USE IN PERFORMING AND DISCHARGING THEIR DUTIES AND OBLIGATIONS TO PROMOTE SERVICES TO THE ASSOCIATION AND THE LOT OWNERS. THE FOREGOING DEDICATION SHALL NOT, IN AND OF ITSELF, CONSTITUTE PERMISSION FOR THE PROVIDING OF SERVICES BY ANY UTILITY PROVIDER TO THE LANDS DESCRIBED IN THIS PLAT, NOR CONSTITUTE A PUBLIC DEDICATION OF THE SAME. SUCH "12-FOOT UTILITY EASEMENT" AREAS SHALL BE MAINTAINED BY EACH LOT OWNER AS PART OF ITS LOT.

AS SHOWN ON THIS PLAT IS A CONSERVATION AREA IDENTIFIED AS TRACT "A" THAT IS BEING RETAINED BY THE DEVELOPER.

AS SHOWN ON THIS PLAT IS A DRAINAGE RETENTION AREA IDENTIFIED AS TRACT "D" THAT IS BEING RETAINED BY THE DEVELOPER.

HAMPTON RIDGE DEVELOPERS, LLC, A DELAWARE LIMITED LIABILITY COMPANY
BY: LANDMAR GROUP, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS SOLE MEMBER
BY: LANDMAR MANAGEMENT, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS MANAGER

BY: GRAYDON MARS, WEST COAST REGIONAL MANAGER

ACKNOWLEDGMENT:

STATE OF FLORIDA
COUNTY OF

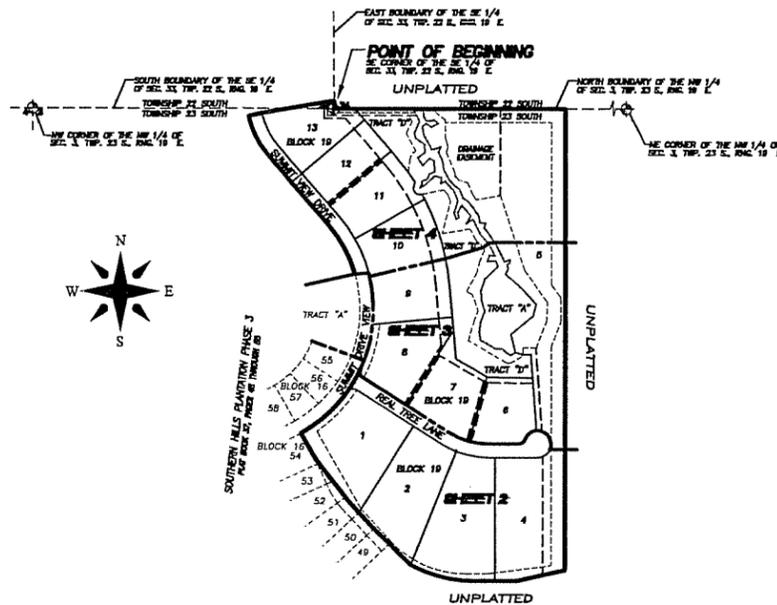
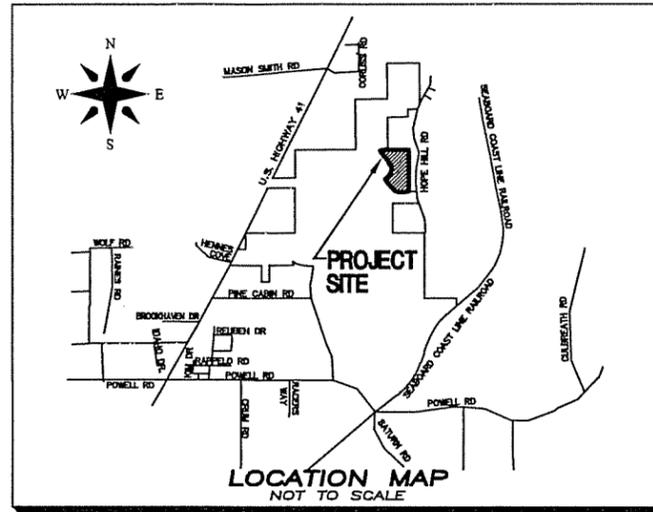
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2007,
BY GRAYDON MARS, WEST COAST REGIONAL MANAGER FOR LANDMAR MANAGEMENT, LLC, A DELAWARE LIMITED LIABILITY COMPANY, THE MANAGER OF LANDMAR GROUP, LLC, A DELAWARE LIMITED LIABILITY COMPANY, THE SOLE MEMBER OF HAMPTON RIDGE DEVELOPERS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ON BEHALF OF THE LIMITED LIABILITY COMPANIES.

PRINT NAME: _____ NOTARY PUBLIC, STATE OF FLORIDA
NOTARY PUBLIC, STATE OF FLORIDA

COMMISSION # _____
COMMISSION EXPIRES: _____

PERSONALLY KNOWN
PRODUCED I.D.
TYPE OF IDENTIFICATION PRODUCED
[CHECK ONE OF THE ABOVE]

PREPARED BY:
COASTAL ENGINEERING ASSOCIATES, INC.
888 CANDLELIGHT BLVD.
BROOKSVILLE, FLORIDA 34601
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER 7200



NOTICE
THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

RESOLUTION:

WHEREAS, THIS PLAT WAS ON THE _____ DAY OF _____, 2007 SUBMITTED TO THE CITY COUNCIL, BROOKSVILLE, HERNANDO COUNTY, FLORIDA, FOR APPROVAL FOR RECORD AND HAS BEEN APPROVED BY SAID COUNCIL; NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, BROOKSVILLE, HERNANDO COUNTY, FLORIDA THAT SAID PLAT IS HEREBY APPROVED AND SAID PLAT SHALL BE RECORDED IN THE PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA AND THAT THE DEDICATION OF ALL PUBLIC PLACES AND EASEMENTS SHOWN THEREON AND REFERENCED IN THE "DEDICATION AND EASEMENT REFERENCE" SECTION OF THIS PLAT IS HEREBY ACCEPTED BY SAID COUNCIL FOR THE CITY OF BROOKSVILLE, AND THE PUBLIC GENERALLY, AND SHALL BE BINDING ON ALL PERSONS THEREAFTER.

ATTEST: CLERK _____ MAYOR _____

ABSTRACTORS CERTIFICATE:

I HEREBY CERTIFY THAT HAMPTON RIDGE DEVELOPERS, LLC ARE THE APPARENT RECORD OWNERS OF THE LANDS HEREBY PLATTED, THAT THERE ARE NO DELINQUENT TAXES ON SUCH LANDS AND THAT RECORD TITLE TO ALL PUBLIC ACCESS ROADS, OUTSIDE THE PLATTED LANDS, ARE HELD BY THE CITY OF BROOKSVILLE, HERNANDO COUNTY OR THE STATE OF FLORIDA.

PARAMOUNT TITLE CORPORATION _____ DATE _____
JAMES G. FARR, PRESIDENT

CERTIFICATE OF APPROVAL BY BROOKSVILLE PLANNING AND ZONING COMMISSION

THIS IS TO CERTIFY THAT ON _____, 2007, THE BROOKSVILLE PLANNING AND ZONING COMMISSION APPROVED THE ABOVE PLAT OR PLAN.

CHAIRMAN _____ DATE _____

CERTIFICATE OF APPROVAL BY CITY ATTORNEY:

THIS PLAT HAS BEEN REVIEWED AND APPROVED AS TO LEGAL FORM AND CONTENT.

CITY ATTORNEY _____ DATE _____

CERTIFICATE OF APPROVAL BY CITY ENGINEER:

THIS PLAT HAS BEEN REVIEWED AND APPROVED.

CITY ENGINEER _____ DATE _____

CLERK'S CERTIFICATE:

I, KAREN NICOLAI, CLERK OF THE CIRCUIT COURT OF HERNANDO COUNTY, FLORIDA, HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD ON THE _____ DAY OF _____, 2007 AD, FILE NO. _____ AND RECORDED IN PLAT BOOK _____, PAGES _____.

CLERK OF CIRCUIT COURT
HERNANDO COUNTY, FLORIDA

CERTIFICATE OF REVIEW BY CITY EMPLOYED/ CONTRACTED PROFESSIONAL SURVEYOR AND MAPPER:

"I, J. ERIC CORRINGTON, HEREBY CERTIFY THAT I HAVE REVIEWED THIS PLAT FOR CONFORMITY AS TO CHAPTER 177, F.S. AND THAT I AM EMPLOYED BY, OR UNDER CONTRACT TO, THE APPROPRIATE LOCAL GOVERNING BODY AND AM ACTING HERETO AS AN AGENT OF THE CITY. THIS LIMITED CERTIFICATION AS TO FACIAL CONFORMITY WITH THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, IS NOT INTENDED TO BE, AND SHOULD NOT BE CONSTRUED AS, A CERTIFICATION OF THE ACCURACY OR QUALITY OF THE SURVEYING/ MAPPING REFLECTED ON THIS PLAT."

J. ERIC CORRINGTON
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NUMBER 5168

SURVEYOR'S CERTIFICATE:

I, MARCUS N. HALL JR., HEREBY CERTIFY THAT I PREPARED THIS PLAT AND THAT IT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS PLATTED AND THAT THIS PLAT COMPLIES WITH ALL THE SURVEY REQUIREMENTS OF PART 1, CHAPTER 177, FLORIDA STATUTES. I FURTHER CERTIFY THAT ALL PERMANENT REFERENCE MONUMENTS (P.R.M.'S) WERE PLACED AS SHOWN HEREON AND THAT PERMANENT CONTROL POINTS (P.C.P.'S) AND INTERIOR LOT CORNER MONUMENTATION WILL BE PLACED WITHIN ONE YEAR, OR AS REQUIRED BY LAW.

MARCUS N. HALL JR.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NUMBER 6276

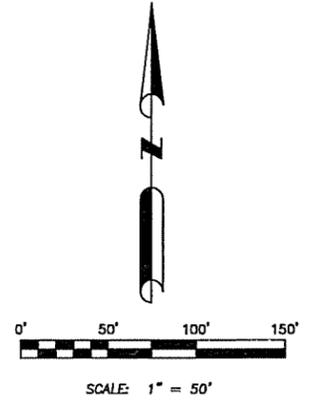
N:\PROJECTS\05416-SHP 3ISHP PH 3-A-1-PLAT-SHEET 1-COVER.DWG, 12/18/2007 2:21:27 PM, WTC

SOUTHERN HILLS PLANTATION PHASE 3-A-1

PLAT BOOK PAGE

A SUBDIVISION OF A PORTION OF SECTION 3, TOWNSHIP 23 SOUTH, RANGE 19 EAST
AND ALSO A PORTION OF SECTION 33, TOWNSHIP 22 SOUTH, RANGE 19 EAST
CITY OF BROOKSVILLE, HERNANDO COUNTY, FLORIDA

TRACT "A"
DRAINAGE RETENTION
AND PARK AREA



- LEGEND**
- = FOUND 4" X 4" CONCRETE MONUMENT (PRM LB 7200)
 - = SET 4" X 4" CONCRETE MONUMENT (PRM LB 7200)
 - = SET NAIL AND DISK (PCP LB 7200)
 - = DENOTES CHANGE OF DIRECTION, POINT OF CURVATURE OR POINT OF TANGENCY
 - CL = CENTERLINE
 - C1 = SEE CURVE TABLE
 - L1 = SEE LINE TABLE
 - D.E. = DRAINAGE EASEMENT
 - U.E. = UTILITY EASEMENT
 - PCP = PERMANENT CONTROL POINT
 - PRM = PERMANENT REFERENCE MONUMENT
 - S.W.F.W.M.D. = SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
 - (R) = RADIAL
 - (NR) = NON RADIAL

- NOTES**
- THE BEARINGS SHOWN ARE BASED ON THE NORTH BOUNDARY OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 23 SOUTH, RANGE 19 EAST HAVING A BEARING OF S 88° 53' 55" E.
- ALL LANDSCAPE BUFFER EASEMENTS SHOWN ARE TO BE LEFT IN THEIR NATURAL CONDITION.

CURVE TABLE

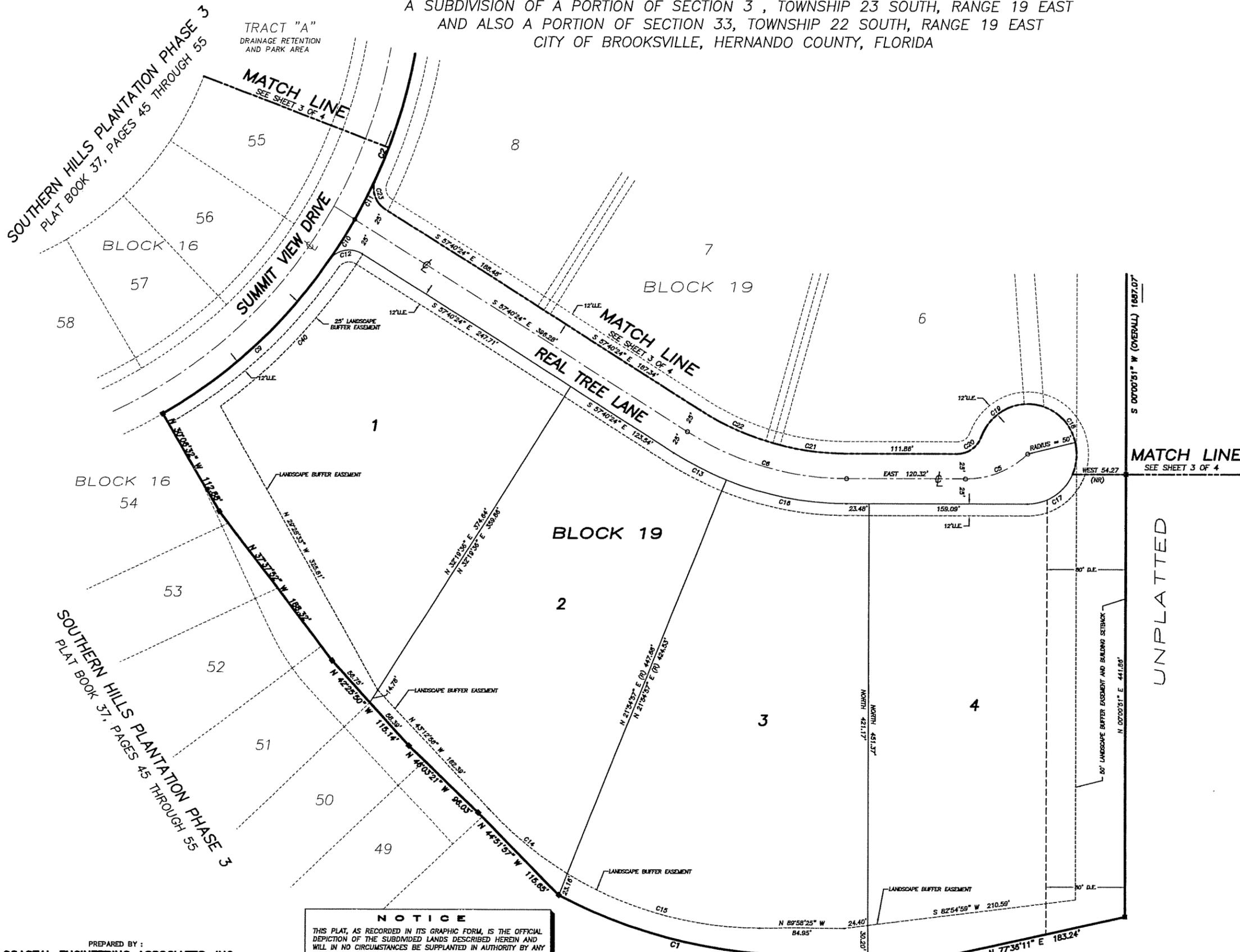
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	527.08'	27°26'46"	252.48'	250.08'	N 76°14'23" W
C2	525.00'	74°33'02"	683.10'	635.83'	S 22°38'57" W
C3	60.00'	43°45'02"	68.74'	67.08'	S 68°07'09" W
C4	300.00'	32°19'36"	169.26'	167.03'	N 73°50'12" W
C5	525.00'	24°57'33"	228.70'	226.90'	S 47°24'41" W
C6	525.00'	05°20'05"	48.86'	48.86'	S 32°15'52" W
C7	525.00'	05°06'28"	45.81'	46.79'	S 27°02'35" W
C8	25.00'	87°23'41"	38.13'	34.54'	N 78°37'45" E
C9	325.00'	102°4'38"	58.05'	58.97'	N 82°32'43" W
C10	375.00'	15°41'48"	102.73'	102.41'	N 51°03'50" W
C11	375.00'	31°03'40"	203.29'	200.81'	N 74°28'54" W
C12	325.00'	21°54'57"	124.31'	123.56'	N 79°02'31" W
C13	50.00'	68°09'08"	57.73'	54.57'	S 58°55'31" W
C14	50.00'	118°13'15"	103.17'	85.82'	S 35°15'39" E
C15	50.00'	68°08'27"	57.73'	54.58'	N 52°33'00" E
C16	25.00'	70°31'44"	30.77'	28.87'	S 54°44'08" W
C17	275.00'	15°45'57"	75.67'	75.43'	N 82°07'01" W
C18	275.00'	16°33'38"	78.48'	78.21'	N 65°57'13" W
C19	25.00'	82°08'45"	35.85'	32.86'	N 16°35'32" W

NOTICE

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

PREPARED BY:
COASTAL ENGINEERING ASSOCIATES, INC.
866 CANDELIGHT BLVD.
BROOKSVILLE, FLORIDA 34801
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER 7200

N:\PROJECTS\05416-SHP PH 3-A-1-PLAT-SHEET 2.DWG, 12/18/2007 2:20:50 PM, WTG



SOUTHERN HILLS PLANTATION PHASE 3-A-1

PLAT BOOK
PAGE

A SUBDIVISION OF A PORTION OF SECTION 3, TOWNSHIP 23 SOUTH, RANGE 19 EAST
AND ALSO A PORTION OF SECTION 33, TOWNSHIP 22 SOUTH, RANGE 19 EAST
CITY OF BROOKSVILLE, HERNANDO COUNTY, FLORIDA

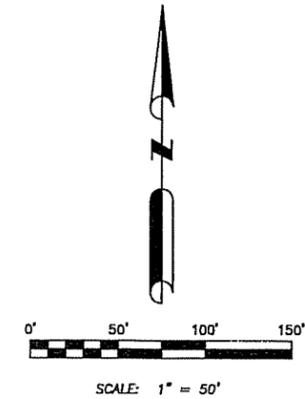
LEGEND

- = FOUND 4" X 4" CONCRETE MONUMENT (PRM LB 7200)
- = SET 4" X 4" CONCRETE MONUMENT (PRM LB 7200)
- = SET NAIL AND DISK (PCP LB 7200)
- = DENOTES CHANGE OF DIRECTION, POINT OF CURVATURE OR POINT OF TANGENCY
- CL = CENTERLINE
- C1 = SEE CURVE TABLE
- L1 = SEE LINE TABLE
- D.E. = DRAINAGE EASEMENT
- U.E. = UTILITY EASEMENT
- PCP = PERMANENT CONTROL POINT
- PRM = PERMANENT REFERENCE MONUMENT
- S.W.F.W.M.D. = SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
- (R) = RADIAL
- (NR) = NON RADIAL

NOTES

THE BEARINGS SHOWN ARE BASED ON THE NORTH BOUNDARY OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 23 SOUTH, RANGE 19 EAST HAVING A BEARING OF S 88° 53' 55" E.

ALL LANDSCAPE BUFFER EASEMENTS SHOWN ARE TO BE LEFT IN THEIR NATURAL CONDITION.



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 88°17'54" W	51.03'
L5	N 88°48'18" W	47.46'
L6	S 07°27'38" W	25.04'
L7	S 61°36'57" W	36.86'
L8	N 74°44'21" W	27.22'
L9	S 61°36'57" W	22.01'
L10	N 53°44'55" W	41.00'
L11	N 88°15'13" W	21.79'
L12	N 13°33'58" W	31.64'
L13	N 08°06'53" E	35.11'
L14	N 21°38'47" E	44.06'
L15	N 21°38'47" E	37.74'
L16	N 18°10'52" W	31.22'
L17	N 18°10'52" W	37.31'
L18	N 04°39'57" W	39.95'
L19	N 21°31'42" W	31.19'
L20	N 58°52'32" W	23.61'
L21	N 13°17'22" E	38.00'
L22	N 23°45'28" E	48.96'
L23	N 28°28'33" W	10.63'
L26	N 18°56'47" W	21.35'
L27	S 88°42'11" W	33.28'
L28	N 23°45'28" E	23.69'
L29	S 87°25'45" E	21.53'
L30	N 28°28'33" W	51.70'
L91	S 27°31'07" E	39.05'
L92	S 26°34'40" E	39.98'
L93	N 88°47'20" E	22.18'
L94	S 04°09'20" W	72.13'
L95	S 88°46'04" W	12.08'
L98	S 18°00'07" E	15.11'
L97	S 27°30'42" W	21.73'
L98	S 48°11'30" E	35.78'

CURVE TABLE

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C2	525.00'	74°33'02"	683.10'	636.83'	S 22°36'57" W
C5	90.00'	43°45'40"	68.74'	67.08'	S 88°07'09" W
C6	300.00'	32°18'36"	168.28'	167.03'	N 73°50'12" W
C18	50.00'	118°13'15"	103.17'	65.62'	S 35°15'59" E
C19	50.00'	66°08'27"	57.73'	54.58'	S 52°33'00" E
C20	25.00'	70°31'44"	30.77'	28.67'	S 54°44'08" W
C21	275.00'	15°45'57"	75.67'	75.43'	N 82°07'01" W
C22	275.00'	163°33'56"	79.49'	76.21'	N 85°57'13" W
C23	25.00'	62°06'45"	35.65'	32.85'	N 18°33'32" W
C24	525.00'	162°17'15"	168.10'	168.37'	S 15°18'43" W
C25	525.00'	18°17'35"	178.78'	175.85'	S 03°38'42" E
C26	825.00'	23°52'34"	343.79'	341.31'	S 17°11'13" E
C27	775.00'	06°18'28"	85.31'	85.27'	S 08°24'09" E
C28	825.00'	06°24'37"	92.30'	92.25'	S 08°27'15" E
C41	15.00'	44°57'33"	11.77'	11.47'	S 38°08'10" W
C42	25.00'	58°25'52"	25.50'	24.40'	N 88°10'07" W

UNPLATTED

NOTICE

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

PREPARED BY:
COASTAL ENGINEERING ASSOCIATES, INC.
966 CANDLELIGHT BLVD.
BROOKSVILLE, FLORIDA 34801
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER 7200

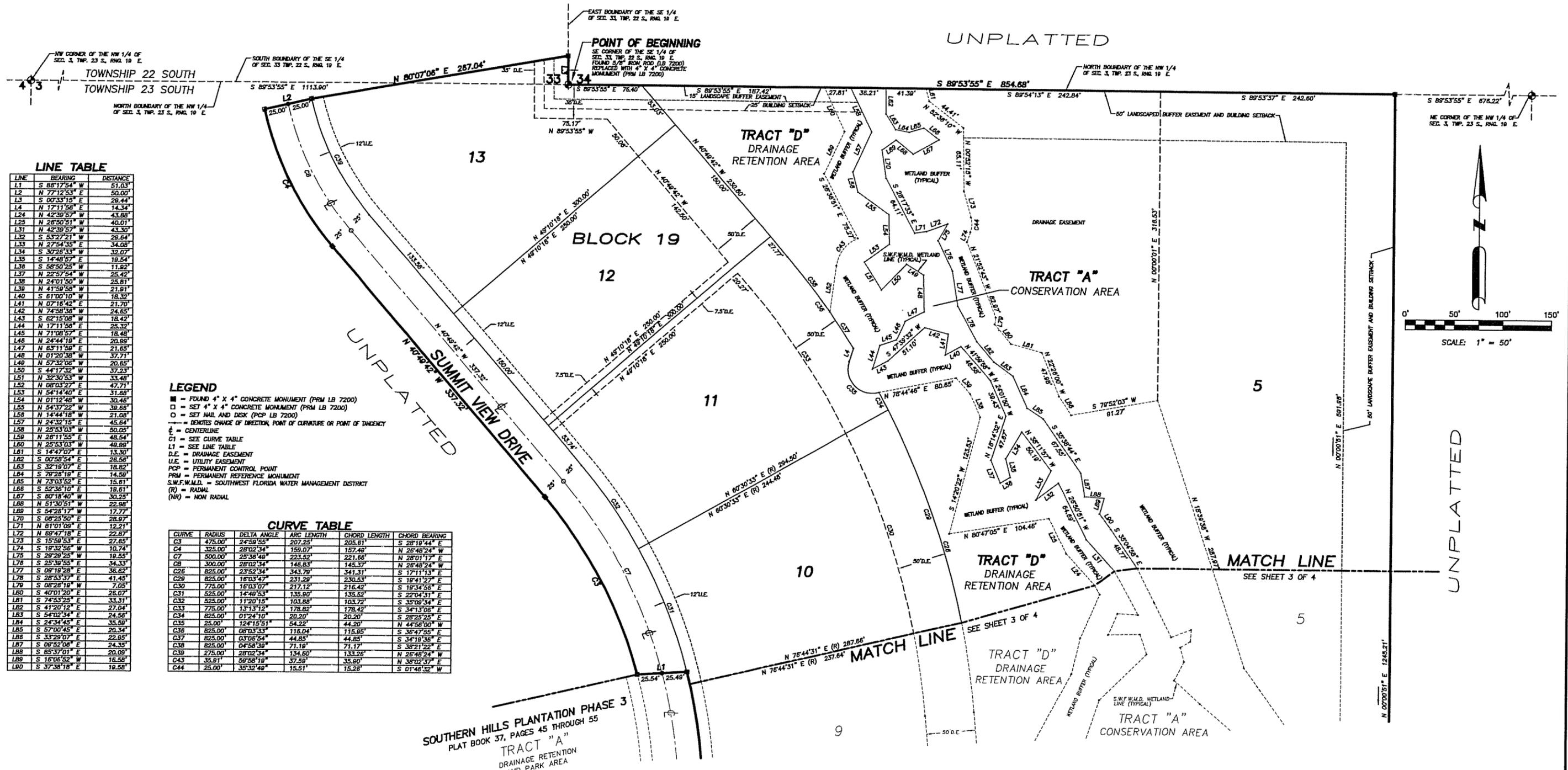
SOUTHERN HILLS PLANTATION
PHASE 3-A-1
SHEET 3 OF 4

N:\PROJECTS\05416-SHP PH 3-A-1-PLAT-SHEET 3.DWG, 12/18/2007 2:19:39 PM, WTG

SOUTHERN HILLS PLANTATION PHASE 3-A-1

A SUBDIVISION OF A PORTION OF SECTION 3, TOWNSHIP 23 SOUTH, RANGE 19 EAST
AND ALSO A PORTION OF SECTION 33, TOWNSHIP 22 SOUTH, RANGE 19 EAST
CITY OF BROOKSVILLE, HERNANDO COUNTY, FLORIDA

PLAT BOOK
PAGE



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 88°17'54" W	51.03
L2	N 77°12'53" E	50.00
L3	S 00°33'15" E	28.44
L4	N 17°11'56" E	14.34
L24	N 42°39'57" W	43.88
L25	N 26°30'51" W	40.01
L31	N 42°39'57" W	43.30
L32	S 53°27'21" W	29.64
L33	N 27°54'35" E	34.08
L34	S 30°26'33" W	32.07
L35	S 14°48'57" E	19.54
L36	S 58°50'25" W	11.92
L37	N 22°57'54" W	25.42
L38	N 24°01'50" W	25.81
L39	N 41°59'58" W	21.91
L40	S 61°00'10" W	18.32
L41	N 07°16'42" E	21.70
L42	N 74°58'36" W	24.65
L43	S 62°15'08" W	18.42
L44	N 17°11'56" E	25.32
L45	N 71°08'57" E	18.48
L46	N 24°44'19" E	20.89
L47	N 63°11'50" E	21.63
L48	N 01°20'38" W	37.71
L49	N 57°32'08" W	20.65
L50	S 44°17'52" W	37.23
L51	N 32°30'53" W	33.48
L52	N 08°03'27" E	47.71
L53	N 54°14'40" E	31.68
L54	N 01°12'48" W	30.46
L55	N 54°37'22" W	39.68
L56	N 14°44'18" W	21.00
L57	N 24°32'15" E	45.64
L58	N 25°53'03" W	50.05
L59	N 26°11'55" E	48.54
L60	N 25°53'03" W	49.89
L61	S 14°47'07" E	13.30
L62	S 00°58'54" E	28.56
L63	S 32°19'07" E	18.82
L64	S 76°28'19" E	14.56
L65	N 73°03'52" E	15.61
L66	S 52°36'10" E	19.61
L67	S 80°18'40" W	30.28
L68	N 51°30'51" W	22.98
L69	S 54°26'17" W	17.72
L70	S 08°23'50" E	28.97
L71	N 81°01'09" E	12.21
L72	N 89°47'18" E	22.87
L73	S 15°59'53" E	27.65
L74	S 18°32'56" W	10.74
L75	S 29°29'25" W	19.53
L76	S 25°39'55" E	34.33
L77	S 09°19'28" E	36.82
L78	S 28°53'37" E	41.45
L79	S 08°28'19" W	7.05
L80	S 40°01'20" E	26.07
L81	S 74°53'03" E	33.31
L82	N 41°20'12" E	27.04
L83	S 54°02'34" E	24.56
L84	S 24°34'45" E	35.59
L85	S 57°00'45" E	20.34
L86	S 33°29'07" E	22.65
L87	S 09°52'08" E	24.35
L88	S 85°37'01" E	20.09
L89	S 16°06'52" W	16.58
L90	S 37°38'18" E	19.58

LEGEND

- = FOUND 4" X 4" CONCRETE MONUMENT (PRM LB 7200)
- = SET 4" X 4" CONCRETE MONUMENT (PRM LB 7200)
- = SET NAIL AND DISK (PCP LB 7200)
- = DENOTES CHANGE OF DIRECTION, POINT OF CURVATURE OR POINT OF TANGENCY
- ⊕ = CENTERLINE
- C1 = SEE CURVE TABLE
- L1 = SEE LINE TABLE
- D.E. = DRAINAGE EASEMENT
- U.E. = UTILITY EASEMENT
- PCP = PERMANENT CONTROL POINT
- PRM = PERMANENT REFERENCE MONUMENT
- S.W.F.W.M.D. = SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
- (R) = RADIAL
- (NR) = NON RADIAL

CURVE TABLE

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C3	475.00	24°59'55"	207.25	205.81	S 28°19'44" E
C4	325.00	28°02'34"	159.07	157.48	N 26°48'24" W
C7	500.00	25°38'48"	223.52	221.66	N 28°01'17" E
C8	300.00	28°02'34"	146.83	145.37	N 26°48'24" W
C26	825.00	23°52'34"	343.79	341.31	S 17°11'13" E
C29	825.00	18°03'47"	231.29	230.53	S 18°41'27" E
C30	775.00	16°03'07"	217.12	216.42	S 19°34'56" E
C31	525.00	14°49'53"	135.80	135.52	S 22°04'31" E
C32	325.00	11°20'15"	103.88	103.72	S 35°09'34" E
C33	775.00	13°13'12"	178.82	178.42	S 34°13'06" E
C34	825.00	01°24'10"	20.20	20.20	S 28°25'25" E
C35	25.00	124°15'51"	54.32	44.20	N 44°58'00" W
C36	825.00	08°03'33"	116.04	115.85	S 36°47'55" E
C37	825.00	03°06'54"	44.85	44.85	S 34°19'36" E
C38	825.00	04°58'39"	71.19	71.17	S 38°21'22" E
C39	275.00	28°02'34"	134.80	133.26	N 26°48'24" W
C43	35.91	58°59'19"	37.59	35.90	N 38°02'57" E
C44	25.00	35°32'48"	15.51	15.28	S 01°46'32" W

NOTICE

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

NOTES

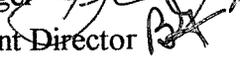
THE BEARINGS SHOWN ARE BASED ON THE NORTH BOUNDARY OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 23 SOUTH, RANGE 19 EAST HAVING A BEARING OF S 89°53'55" E.
ALL LANDSCAPE BUFFER EASEMENTS SHOWN ARE TO BE LEFT IN THEIR NATURAL CONDITION.

PREPARED BY:
COASTAL ENGINEERING ASSOCIATES, INC.
866 CANDELIGHT BLVD.
BROOKSVILLE, FLORIDA 34601
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER 7200

SOUTHERN HILLS PLANTATION
PHASE 3-A-1
SHEET 4 OF 4

N:\PROJ\ECTS\0541U-SHP PH 3A-1-PLAT-SHEET 4.DWG, 12/18/2007 2:19:01 PM, WTG

MEMORANDUM

To: Honorable Mayor & City Council Members
Via: Jennene Norman-Vacha, City Manager 
From: Bill Geiger, Community Development Director 
Subject: Brookstone Estates Plat - Project Engineering and Design Issues
Petitioner: Vallery Custom Homes (Presented by Coastal Engineering Associates, Inc.)
Location: The property boundaries are Howell Avenue, Highland Street, Moline Street and Florida Avenue (metes and bounds description of the property is on file)
Date: December 19, 2007

SUMMARY OF REQUEST - GENERAL INFORMATION:

The Petitioner's representative is requesting City Council consideration on two design issues that were encountered while preparing construction plans for the Brookstone Estates project. The design issues are related to (1) changes to site design to accommodate the construction of sidewalks along Highland Street; and (2) liability concerns associated with the paving of Moline Street.

The following is a summary of the history and the details associated with this project (performance conditions related to the design issues associated with the current request are underlined and noted in bold/italic print). The platted property is 4.13 acres ±, and is bounded to the north by Highland Street, to the south by Florida Avenue and to the east by Howell Avenue. Moline Street is the western border of proposed residential lots. Two parcels at the southwest corner of Moline and Highland Streets are being designed to accommodate drainage requirements for the development. On December 5, 2005, City Council approved Ordinance No. 709, establishing the property as a Planned Development Project (PDP) with a Special Exception Use for a Residential Planned Development Project (RPDP), subject to the following performance conditions:

- a. Within one year of the Council's approval of the RPDP zoning, the petitioner/developer will need to provide 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).
- 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 single family residential (detached) lots associated with this rezoning approval is eleven (11).
- d. The minimum perimeter building setbacks are approved as follows:

From Highland Street	40'
From Florida Avenue	25'
From Moline Street	25'
From Howell Avenue	25'
- e. Development of this property will be required to adhere to the standards of the R1B zoning district, with the exception of the minimum lot width standard which is reduced from 75-feet to 60-feet.
- f. The petitioner shall provide adequate landscape buffers around the perimeter of the property, where applicable, that are consistent with or exceed City adopted standards.

January 7, 2008

- g. **Moline Street to be re-paved (twenty (20) feet wide); provided, however, that this requirement may be waived, in whole or in part, by the City Council, during the platting process. Five (5) foot wide sidewalks need to be installed along all street frontages associated with this subdivision.**
- h. In the development of the subject parcel, 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.

On February 12, 2007, City Council approved Ordinance No. 709-A, modifying Ordinance No. 709 with the following changes:

- 1. Section 1, Subsection 1.c, was amended to increase the maximum number of single family residential (detached) lots from 11 to 12 lots.
- 2. Section 1, Subsection h., was amended to change the wording from on-site to off-site.

On February 14, 2007, the Planning and Zoning Commission approved the Preliminary Plat with the following statements and conditions:

- a. Construction plans will be reviewed to ensure that performance standards as outlined in zoning Ordinance Nos. 709 and 709-A, as amended, as well as applicable City code standards are being met.
- b. Construction plans and final plat plans (including all supporting documentation) must be submitted within six months of the preliminary plat approval date. Otherwise, the preliminary plat approval shall be considered null and void.
- c. The petitioner/developer must obtain all permits and meet all applicable land development regulations for future construction or use of the property.
- d. The maximum number of single family residential (detached) lots associated with this approval are twelve (12).
- e. The minimum perimeter building setbacks are approved as follows:

From Highland Street	40'
From Florida Avenue	25'
From Moline Street	25'
From Howell Avenue	25'
- f. Development of this property will be required to adhere to the standards of the R1B zoning district, with the exception of the minimum lot width standard which is reduced from 75-feet to 60-feet.
- g. The petitioner shall provide adequate landscape buffers around the perimeter of the property, where applicable, that are consistent with or exceed City adopted standards.
- h. **Moline Street is to be re-paved twenty (20) feet wide; provided, however, that this requirement may be waived, in whole or in part, by the City Council, during the platting process. Based on discussion by the City Council and developer at the January 22, 2007 meeting, Moline Street may be designed as a one-way directional going south from**

Highland Street

- I. **The preliminary plat needs to be revised to include 5-foot wide sidewalks along all street frontages associated with this subdivision.**
- j. In the development of the subject parcel, the developer will be required to construct an off-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.
- k. The developer is required to provide the City with three original signed and dated copies of the approved "Brookstone (Vallery Homes Howell Avenue) Preliminary Plat," as amended by the applicable conditions stated hereto.

The City Council approved the final plat for the Brookstone Estates (Vallery Custom Homes Howell Avenue) site on July 2, 2007, subject to the developer posting the required performance bond in the amount of \$262,140.00 (confirmed by the City Public Works Director for sufficiency), and providing documentation that the Hernando County School Board has determined that either adequate school capacity exists or provide evidence that a mitigation settlement has been negotiated to address any deficiency.

PROPERTY INFORMATION:

CURRENT LAND USE/ZONING

The subject property is zoned as a Residential Planned Development Project (RPDP), with a City Comprehensive Plan Future Land Use (FLU) designation of Single Family Residential. Surrounding property to the north and west are zoned R-1B (Single-Family Residential) with a FLU designation of single-family residential. Properties located to the southeast and east side of Howell Avenue are zoned P-1 (Professional District) and R-1B Single Family Residential with FLU designations of commercial and single-family residential respectively.

FACTUAL INFORMATION

1. The property is zoned as a Residential Planned Development Project (RPDP).
2. The subject property is approximately 4.13± acres.
3. The site is undeveloped.
4. The subject property has potential access from Howell Avenue, Highland Street, Florida Avenue and Moline Street.
5. The subject property has a City Comprehensive Plan Future Land Use Map designation of Single Family Residential.
6. The on-site soil types include Sparr fine sand and Micanopy loamy fine sand.
7. The property is located in flood zone C (as per the FIRM).
8. This property is not located within a wellhead protection area (WPA) or special protection area (SPA).
9. The area surrounding the subject property is characterized predominantly by residential uses, some professional uses and undeveloped land.

STAFF DISCUSSION/RECOMMENDATIONS:

The developer is requesting City Council consideration on design issues related to (1) changes to site design to accommodate the construction of sidewalks along Highland Street; and (2) liability concerns associated with the paving of Moline Street. The issues, the developer's requests and staff comments and recommendations are as follows:

Highland Street Sidewalk

One of the performance requirements associated with the approval of the plat for this subdivision requires the developer to install 5-foot wide sidewalks along all street frontages associated with this subdivision. As the developer points out in their "Design Issues Narrative," there is significant topographic change from the edge of the property to the street that is required to accommodate the sidewalk. The project frontage will need to be graded to provide for an acceptable profile to meet the required standards for the sidewalk. Highland Street is a designated canopy tree protection zone, and removal of any trees within 50-feet from the centerline of the street requires City Council approval. The Highland Street right-of-way within the subject area is 30-feet wide, which extends the tree protection zone to 35-feet within the subject property. The developer has provided a tree mitigation plan (Sheet TM-2) as part of their construction plans. The detail for Section C-C noted on the grading plan (Sheet GR-1) depicts the modification to the existing slope required to install the sidewalk. A significant amount of dirt that comprises the existing embankment will be removed. Essentially, the mitigation plan provides for designated tree preservation areas within the central portion of the property, with lot specific preservation of existing trees in areas near approved lot lines. In addition to designated trees to be preserved, the developer is proposing to plant two hardwood trees within the front yards of (each of) the lots along Highland Street. In reviewing the trees that would be impacted by the sidewalk construction along Highland Street, it is noted that many of the existing trees are diseased and in a declining state within the tree protection zone.

The developer is specifically requesting that the City Council accept/approve the identified site plan changes and proposed tree mitigation in order to accommodate the required sidewalks along Highland Street. The developer's proposed mitigation plan meets the City's tree/landscape standards for residential development. As it relates to the topic of tree preservation/mitigation and the sidewalk on Highland Street, it is recommended that the City Council conditionally approve the plans provided by the developer, with the caveat that the developer be required to continue to work with city staff to attempt to preserve additional trees on the site, and stipulate that the two hardwood trees to be planted in the front yard area of each lot along Highland Street be a minimum of at least 3-inches at their Diameter Breast Height (DBH) and 10-feet in height at the time of planting.

City Council may accept this recommendation, modify it or provide different direction in this matter.

Moline Street Improvements

In approving the zoning and the subdivision plans, one of the performance conditions specified by the Planning & Zoning Commission and the City Council calls for Moline Street to be re-paved twenty (20) feet wide; provided, however, that this requirement may be waived, in whole or in part, by the

City Council, during the platting process. Based on discussion by the City Council and developer at the January 22, 2007 meeting, it was acknowledged that Moline Street may be designed as a one-way

directional going south from Highland Street. This would reduce the paved surface area required to a 10 or 11-foot cross section.

At this time the developer is specifically requesting that the City Council waive the requirement for paving Moline Street. The developer cites that paving/resurfacing the existing substandard road with the existing clear zone safety concerns (specifically, the existing 66"+/- oak tree within the r/w, and acknowledging the proximity of the house along the western side of the r/w) "could expose the developer, the engineer of record and the City to significantly higher liability as a result of injury or property damage that would be increased in the improved condition." The developer further states "that making the street "one-way" will not resolve the inadequate clear zone safety concern(s). In fact, it would only increase liability for use of the road by increasing traffic and speeds on a road which does not meet FDOT and/or City of Brooksville safety standards." The developer is recommending "that this section of Moline Street be closed to through traffic and limited to a single-family access until such time as the City is able to remove the clear zone encroachments."

The developer is building 12 single-family detached residences within an approximate one square block area. On an average weekday, each residence is anticipated to add approximately 9 to 10 daily vehicle trips to the local road network. This means that approximately 115 times per day, vehicles will be traveling to and from the new homes in this area. A percentage of these trips are anticipated to use Moline Street as a cut-through. Obviously, if Moline Street is converted to a one-way directional heading south, its usage would be reduced. To address concerns noted by the developer with regard to clear zone issues and increased speed of vehicles that could occur in conjunction with improving the pavement, curb and gutter design along with speed tables/humps could be incorporated into the design. These design improvements would force the speed to be reduced to not exceed 15 MPH in areas where the traffic calming devices would be located. In any regard, the new, higher density development will bring more use to the streets in this area, including this existing, substandard section of Moline Street.

Short of taking the developer's recommendation to close this section of Moline Street to through traffic, it is recommended that the developer be required to either construct, or at a minimum, pay for the improved, one-way paved condition of Moline Street. The cost could be estimated/predetermined and paid to the City by the developer, and the construction of the improvement could be facilitated through the City's Public Works Department.

City Council may accept this recommendation, modify it or provide different direction in this matter.

Budget Statement: Impacts to the City's budget are dependent on the decisions made in response to the developer's requests.

Legal Note: The City's legal counsel will be available at the January 7, 2008 meeting to provide legal advice as may be required in conjunction with the developer's requests in this matter.

Other comments from the City's Public Works Department in review of the proposed construction plans are:

- 1) Typical detail D-D on Sheet GR-1 shows a sidewalk along Moline Street, but it is not shown on the plans. Please show the sidewalk on the plans.
- 2) Add a note that specifies the number of inches of rainfall runoff that will be retained within the DRA.

Enclosures: 1) Brookstone Project Engineering and Design Issues Narrative
 2) Brookstone Development Supplemental Tree Mitigation Plan
 *3) Simultaneous Preliminary Plans and Construction Plans for Brookstone
 (11"x17" version of the plans signed and sealed by the project engineer of
 record on 11/7/2007)

*24"x36" versions of the plans are available for review in the City Council office on the second floor of City Hall, and in the Community Development Department.

Brookstone
Project Engineering and Design Issues
NARRATIVE

Background

The Brookstone project consists of approximately 4.13 acres located just north of downtown Brooksville. The subject property is bounded by Highland Street on the north, Florida Avenue on the south, Howell Avenue to the east and Moline Street to the west. The developer previously received Planned Development Project (PDP) approval for construction of a 12-lot single-family subdivision on the property. The individual lots associated with the project front on Howell Avenue, Florida Avenue and Highland Street. During engineering design, two issues related to conditions of the PDP approval became apparent: 1) requirements for installation of a sidewalk along the Highland Street project frontage required changes to the proposed site design to accommodate this feature; and 2) required improvements to Moline Street would result in a design that could not be constructed without significant liability concerns.

Highland Street Sidewalk

One of the PDP approval conditions for the Brookstone subdivision required the development of sidewalks along project frontages, including Highland Street. That portion of the Brookstone project fronting on Highland Street contains a significant topographic change from the edge of the property to the street. In order to accommodate the required sidewalk, the project frontage along Highland Street will have to be graded to provide for an acceptable profile to meet required standards for installation of the proposed sidewalk. This revised grading will require modifications within the tree protection zone designated along Highland Street. These proposed changes were reviewed with the City's Planning Director and Public Works Director and are detailed within the revised construction plans provided as an exhibit to this request. Assessment of the potential impacts of the proposed modifications were further reviewed on-site with the City's Planning Director and found that several trees identified for protection within this zone were either in a declining state or currently posed a hazard. Mitigation for the regulated trees to accommodate this sidewalk installation will be provided via the existing excess mitigation currently provided on the Brookstone project site. In addition, the developer is planting two

hardwood trees within the front yards of the lots along Highland Street. The developer requests City Council approval of the identified site plan changes and proposed tree mitigation in order to accommodate the requested sidewalks.

Moline Street Improvements

Moline Street improvements as anticipated in the approved PDP conditions for the Brookstone subdivision are impractical, unsafe and improperly envisioned. This was made clear by Vallery throughout the previous PDP process. Specifically, improvements to Moline Street were requested by the City of Brooksville despite concerns raised with the preservation of a majestic oak tree within the roadway's eastern right-of-way and the house along the western right-of-way. Demonstration of these safety issues were presented by the developer's representative as they related to the clear zone encroachment and the inability for northbound drivers to adequately see the existing stop sign. These concerns lead the City Engineer to propose the road be changed to a one-way southbound condition. During subsequent survey and engineering review it has been determined that making the street "one-way" will not resolve the inadequate clear zone safety concern(s). In fact, it would only increase the liability for use of the road by increasing traffic and speeds on a road which does not meet FDOT and/or City of Brooksville safety standards. In addition, Vallery Custom Homes proposes no direct access to Moline Street and therefore should have no obligation to pave Moline Street or bring it to current FDOT and/or City Roadway Design Standards.

It is recommended that this section of Moline Street be closed to through traffic and limited to a single-family access until such time as the City is able to remove the clear zone encroachments. Any improvements to the road until such improvements are completed could expose the developer, the engineer of record and the City to significantly higher liability as a result of injury or property damage that would be increased in the improved condition. The developer specifically requests the City Council to waive this requirement, such that the developer, his professional representatives and the City are not subjected to increased liability for adding traffic at higher speeds to an existing substandard City road.

Brookstone Development Supplemental Tree Mitigation Plan

Due to lot grading constraints, the trees present within the 50-foot wide Tree Protection Zone on the Brookstone development, which is situated south of Highland Street and east of Moline Avenue, will need to be removed to bring lots to appropriate grade level. The results of the field inventory conducted for the project site revealed a total of 8 specimen trees, totaling 193 inches DBH that will be removed within the Tree Protection Zone. According to the City’s Code, a total of 290 inches of mitigation would be required for the proposed impacts. Original mitigation for the project site was to consist of 1,434 inches, which included impacts to 44 specimen trees, totaling 956 inches DBH. The new gross mitigation provided will consist of 1,724 inches, which will include impacts to 52 specimen trees, totaling 1,149 inches DBH. This yields an approximate average of 280 inches DBH of specimen trees per wooded acre on the project site. Revised preservation for the site will consist of the following: Tree Preservation Area “A” will provide 37 trees totaling 616 inches, Tree Preservation Area “B” will provide 15 trees totaling 210 inches, Tree Preservation Area “C” will provide 37 trees totaling 515 inches, the Tree Protection Zone (0.116 acres) will provide 2 trees totaling 44 inches, and an additional 102 trees totaling 1,646 inches will be preserved throughout the residential lots and common areas present on site. In total, the new total for proposed preservation on site will include 193 trees for a total of 3,031 inches. All required mitigation for proposed impacts to specimen trees will be provided through on site preservation of existing trees, and no trees will need to be installed in order to fulfill the City’s mitigation requirements. However, this tree mitigation plan will be supplemented by the planting of 3 (1.5-inch DBH) hardwood trees on each of the residential lots as part of the project’s overall landscaping plan.

Tree Inventory and Mitigation Requirements	
Total Trees Removed – Specimen (18” DBH or larger)	52
Total Trees Preserved – Specimen (18” DBH or larger)	69
Total Smaller Sized Trees Preserved (less than 18” DBH)	124
Total proposed impacts	1149”
Gross mitigation required (1149 inches x 1.5)	1724”
Tree Preservation and Mitigation Proposed	
Allowable building site clearance	134
Total proposed preservation	3031”
Net mitigation proposed	0
Excess preservation (3031 inches – 1724 inches)	1307”

November 2007

SIMULTANEOUS PRELIMINARY PLANS & CONSTRUCTION PLANS FOR:

OWNER / DEVELOPER

VALLERY CUSTOM HOMES
MR. MARK VALLERY
300 EAST HIGHWAY 50
CLERMONT, FL 34711

SURVEYOR:

COASTAL ENGINEERING
966 CANDLELIGHT BLVD.
BROOKSVILLE, FLORIDA 34601
PHONE: (352) 796-9423

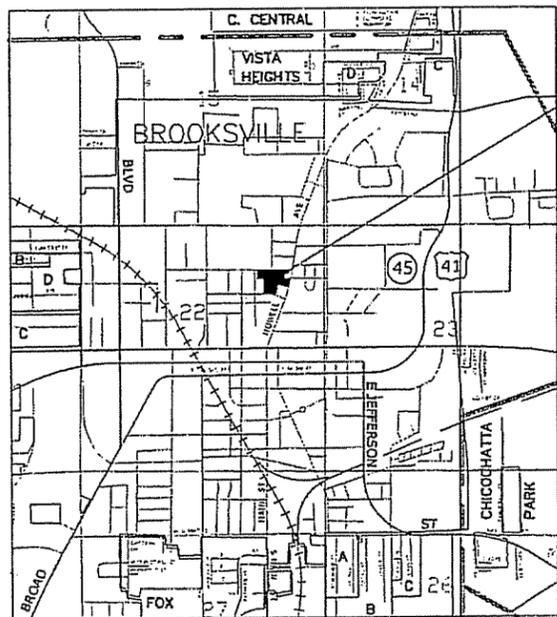
BROOKSTONE

12 Units

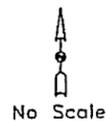
Project Number 05126 - MAY, 2006

Coastal Engineering
Planning
Surveying
Environmental
Construction Management
engineering associates, inc.

966 Candlelight Boulevard · Brooksville, Florida 34601
352-796-9423 · Fax 352-799-8359
CERTIFICATE OF AUTHORIZATION-0000142



BROOKSTONE



VICINITY MAP

SECTION 22, TWP 22 SOUTH, RGE. 19 EAST

SHEET INDEX

- CV1 COVER SHEET
- PA1 PROJECT AERIAL
- SV1 PROJECT LEGAL AND BOUNDARY INFORMATION
- HC1 LOT GEOMETRY AND CENTERLINE CONTROL
- GR1 MASTER GRADING PLAN
- DR1 MASTER DRAINAGE PLAN
- UT1 WATER/SEWER PLAN
- PR1 MOLINE AVENUE PLAN AND PROFILE
- DT1 DETAILS
- PS1 POND DETAILS
- EC1-EC3 SWPP / CSWM PLAN
- TM1 TOPOGRAPHIC SURVEY
- TM2 TREE MITIGATION PLAN
- MOT1 TRANSPORTATION PLAN

AGENCY APPROVALS

AGENCY	PERMIT TYPE	DATE APP.	PERMIT NO.	EXP. DATE
F.D.E.P./HERN.	POTABLE WATER			
F.D.E.P./HERN.	SANITARY SEWER			
HERNANDO CO.	D.R.C.			
S.W.F.W.M.D.	E.R.P.			
CORP. OF ENG.	HW 26			
F.G. & F.W.F.C.	TORTOISE			
HERNANDO CO.	M.P.U.D.			

I HEREBY CERTIFY THAT THE ROADWAY SYSTEM FOR THIS PROJECT IS IN SUBSTANTIAL CONFORMANCE WITH THE MANUAL OF UNIFORM MINIMUM STANDARDS FOR DESIGN, CONSTRUCTION AND MAINTENANCE OF STREETS AND HIGHWAYS, STATE OF FLORIDA, IN EFFECT AT THE TIME THESE PLANS WERE PREPARED.

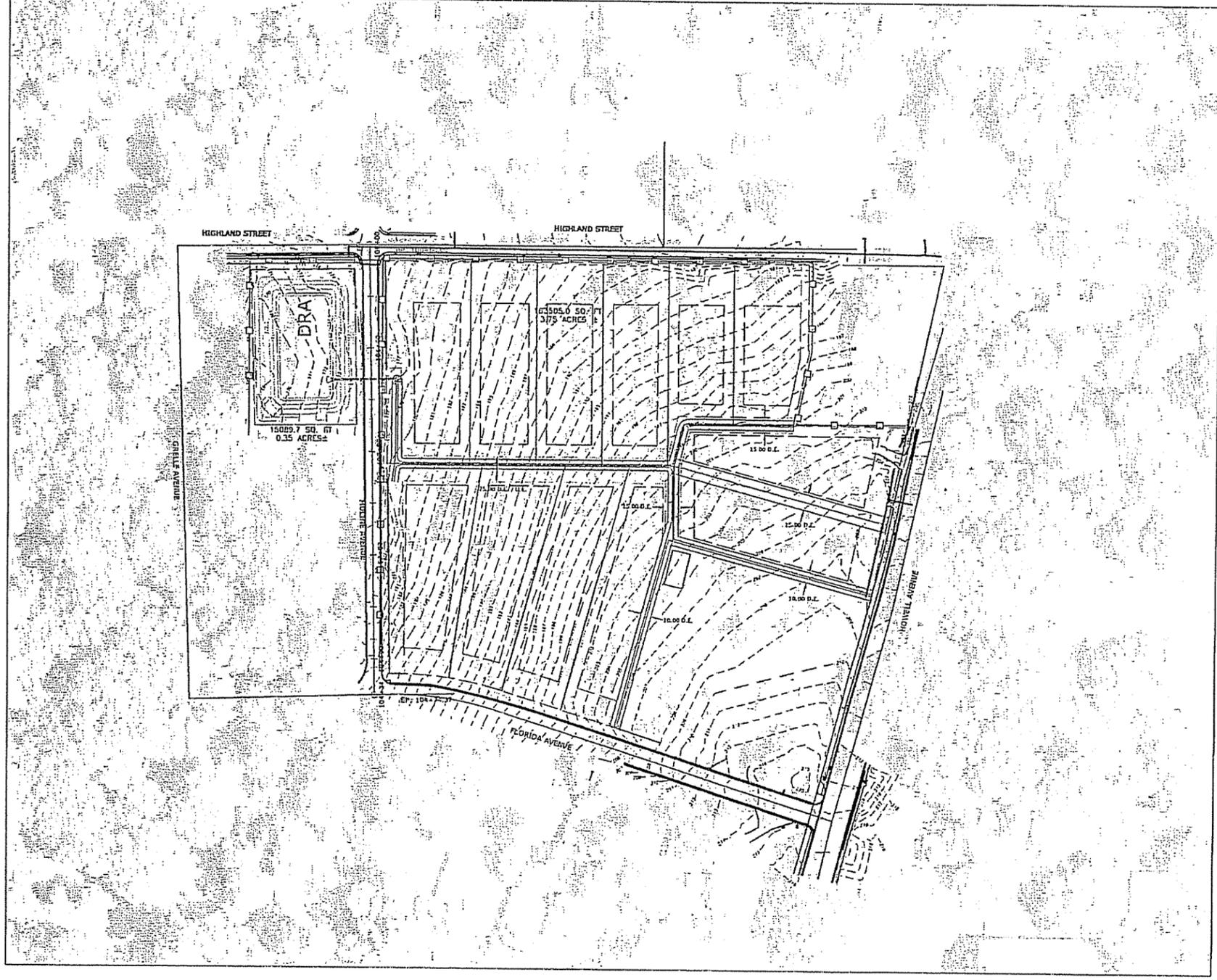
DESIGN ENGINEER: Clifford E. Mackey, Jr.
11/7/06

PROFESSIONAL ENGINEER, FLORIDA REGISTRATION NO. 36834

L:\05126\Vallery Custom Homes - Howell Avenue Single Family Detached Homes\dwg\engineering\05126-01-C.dwg, 11/5/2007 9:36:48 AM, pbrown,

L:\05126\Valley Custom Homes - Howell Avenue Single-Family Detached Homes\dwg\engineering\05126-PA-01.dwg, 11/15/2007 9:38:31 AM, pbrown

1:2,000



SHEET
PA-1
OF XX SHEETS
05126

DATE	REV. BY	REV. TO	REVISION

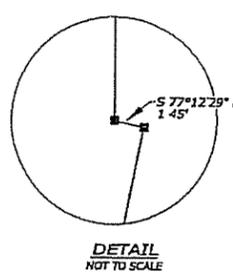
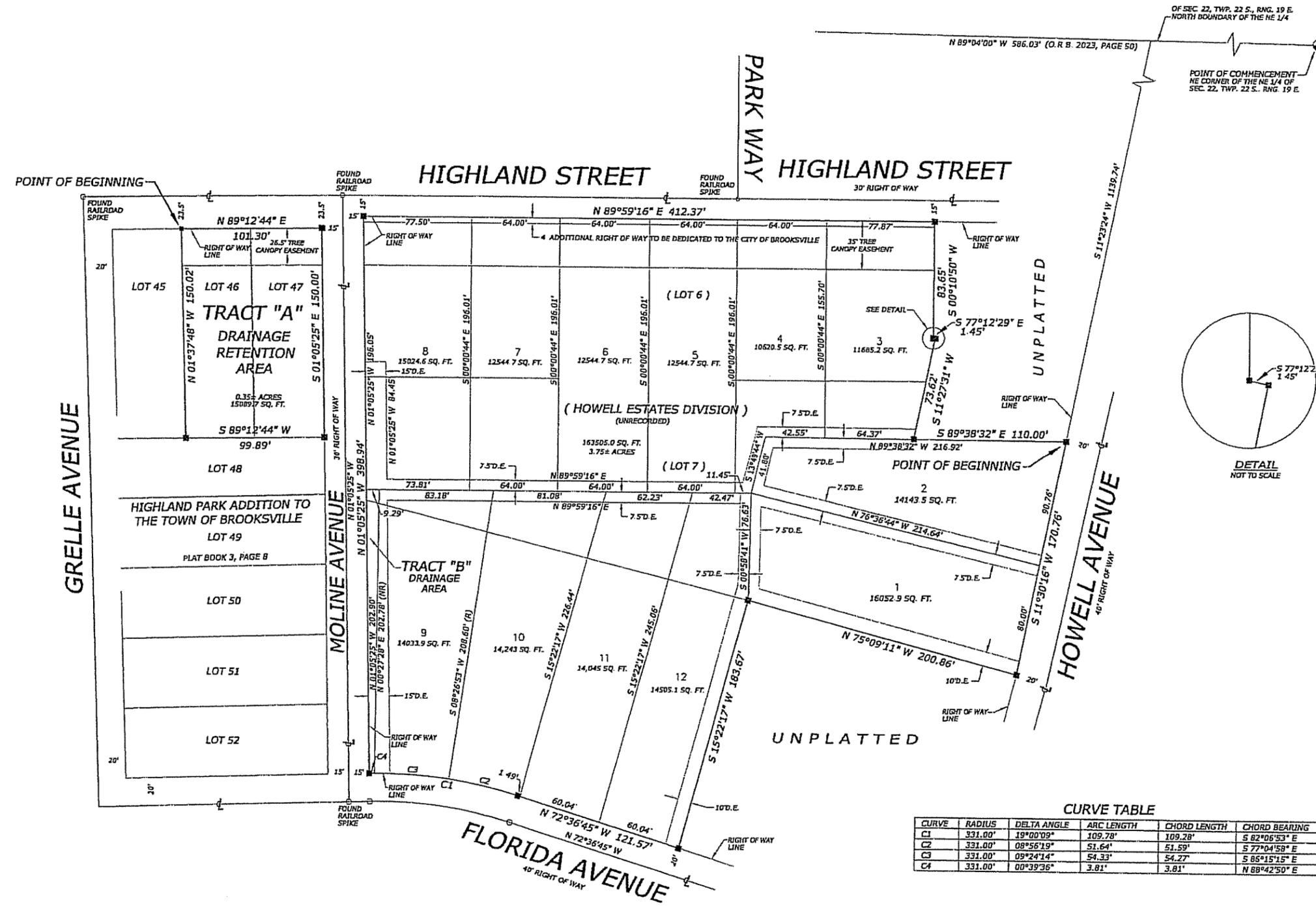
REUSE OF DOCUMENT
THIS DOCUMENT, COMPRISED OF THE
INCORPORATED IDEAS AND DESIGNS,
AS AN INSTRUMENT OF PROFESSIONAL
SERVICE, IS THE PROPERTY OF COASTAL
ENGINEERING ASSOCIATES, INC. AND IS
NOT TO BE USED, IN WHOLE OR IN PART,
FOR ANY OTHER PURPOSE WITHOUT THE
WRITTEN PERMISSION OF COASTAL
ENGINEERING ASSOCIATES, INC.

Coastal
Engineering Associates, Inc.
600 Commercial Boulevard, Ft. Pierce, Florida 34901
888-740-6420 • 888-740-7420
ED-0000142

[Signature]
CLARENCE E. HINDLE, P.E. #78824
DRAWING INVALID UNLESS SIGNED, DATED
& SEALED BY REGISTERED PROFESSIONAL

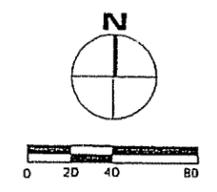
PROJECT AERIAL
BROOKSTONE
Hernando County, FL.

\\105126\Valley-Custom-Homes-Howell-Avenue-Single-Family-Detached-Homes\dwg\engineer\05126-HC-01.dwg, 11/15/2007 9:38:01 AM, pbrown, 1:2, 0807



CURVE TABLE

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	331.00'	19°00'09"	109.78'	109.28'	S 82°06'53" E
C2	331.00'	08°56'19"	51.64'	51.59'	S 77°04'58" E
C3	331.00'	09°24'14"	54.33'	54.27'	S 85°15'15" E
C4	331.00'	00°39'36"	3.81'	3.81'	N 88°42'50" E



LEGEND

- DE INDICATES PROPOSED DRAINAGE EASEMENT
- SF INDICATES SQUARE FEET
- INDICATES LINE/CURVE END POINT
- - - - - INDICATES EASEMENT

LOT GEOMETRY
BROOKSTONE
 Brooksville, Florida

Professional Engineer
 License No. 12345
 Date: 11/15/2007

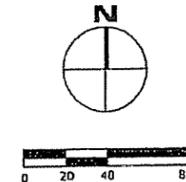
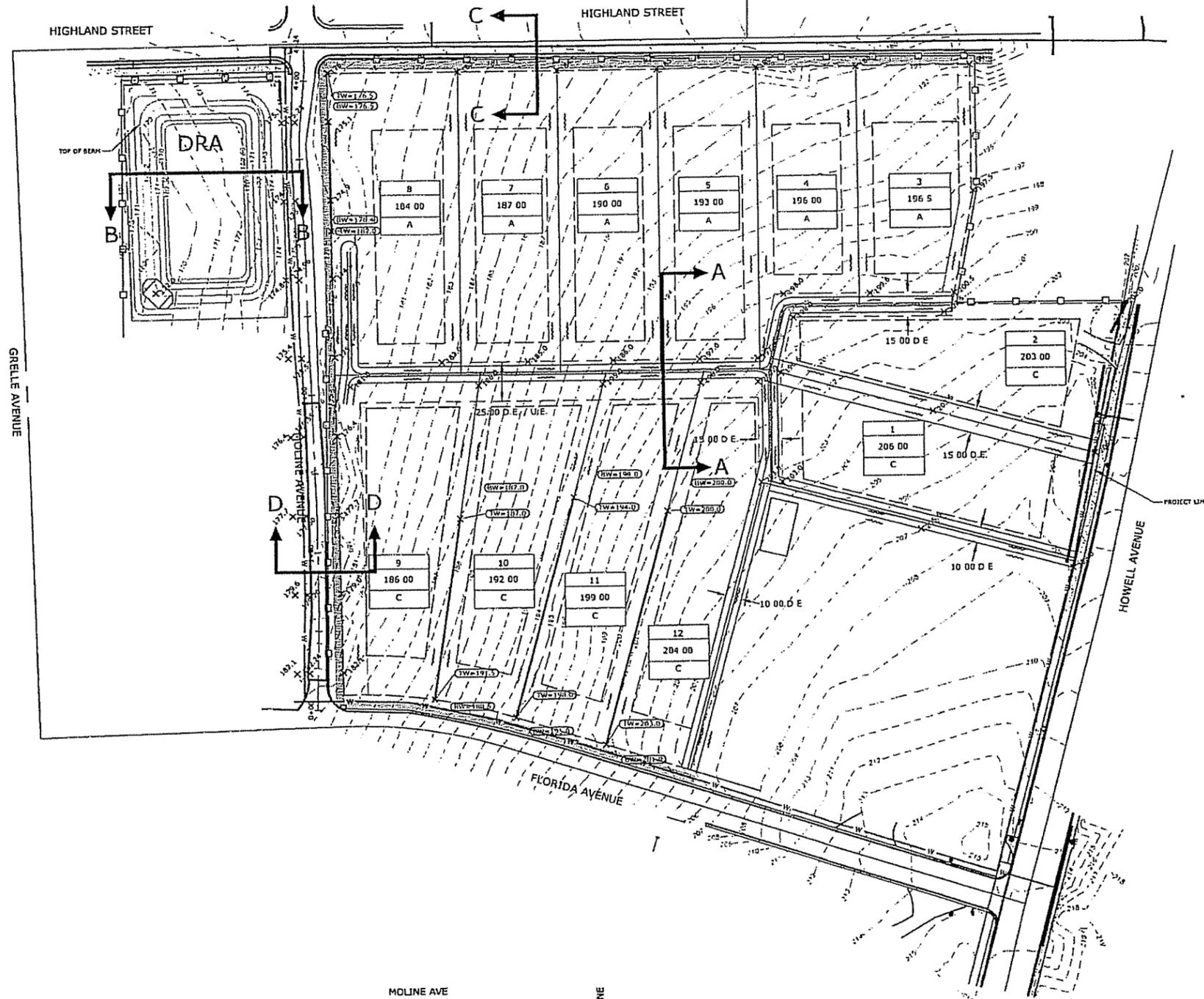
Coastal
 Engineering Associates, Inc.
 332-790-8433
 332-790-4329
 CO-000142

REUSE OF DOCUMENT
 THIS DOCUMENT, CONTAINING THE INCORPORATED IDEAS AND DESIGNS, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF COASTAL ENGINEERING ASSOCIATES, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN AUTHORIZATION OF COASTAL ENGINEERING ASSOCIATES, INC.

DATE	REV. NO.	REV. BY	REVISION

SHEET
HC-1
 OF XX SHEETS
 05126

L:\05126\Valley Custom Homes - Howell Avenue Single Family Detached Homes\dwg\engineering\05126-GR-01.DWG, qmccandiel, 05/22/06 2:53 pm



- LEGEND**
- 400 LOT NUMBER
 - 70.00 FINISHED FLOOR ELEVATION (BLUE TOP)
 - A LOT GRADING TYPE
 - INDICATES GRADING FOR LOTS
 - - - - DIRECTION OF FLOW
 - INDICATES TYPE III SILT FENCE
 - 15' 0" E. INDICATES 15' DRAINAGE EASEMENT
 - - - - INDICATES EXISTING CONTOURS
 - TOP OF BERM INDICATES TOP OF BERM
 - - - - INDICATES EXISTING CONTOURS

NOTE: PAD GRADE IS LOWER THAN FIN FLOOR

NOTE: EXISTING CONTOURS AND ELEVATIONS ARE BASED UPON THE NATIONAL GEODETIC DATUM OF 1929 0 00 MEAN SEA LEVEL

FUGITIVE DUST

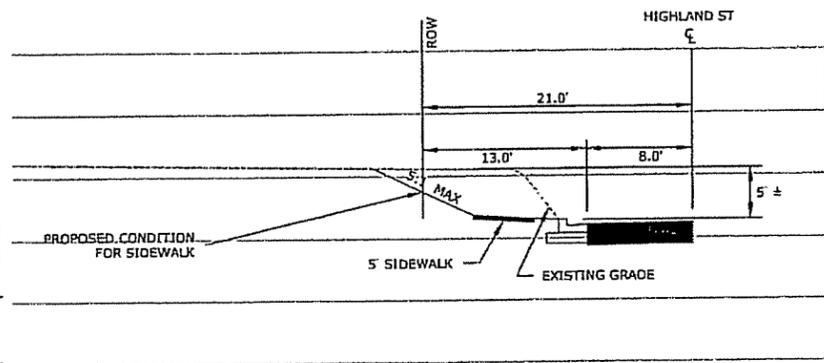
ALL FUGITIVE DUST SHALL BE CONTROLLED ON SITE. ONLY AREAS SCHEDULED FOR IMMEDIATE CONSTRUCTION SHALL BE CLEARED OR STRIPPED OF VEGETATION WATERING APPLICATION OF APS 605 SILT STOP OR OTHER PRIOR APPROVED MEANS OF DUST CONTROL SHALL BE EMPLOYED TO PREVENT THE EMANATION OF DUST FROM THE SITE. PERMANENT GRASSING, LANDSCAPING AND OTHER SITE WORK SHALL BE INITIATED AS SOON AS POSSIBLE

NOTE:

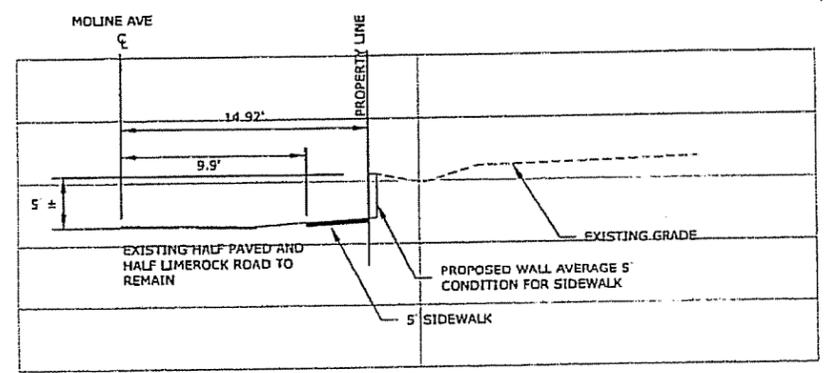
ANY BUILDING PAD AREA REQUIRING MORE THAN TWO FEET (2') OF FILL SHALL BE COMPACTED IN 6" LIFTS TO A MINIMUM DENSITY OF 95 (MAXIMUM MODIFIED PROCTOR DRY DENSITY ASTM-1557) THE CONTRACTOR SHALL PROVIDE TO THE ENGINEER TESTING RESULTS BEFORE CONSTRUCTION IS COMPLETE

NOTE: RETAINING WALL DESIGN BY OTHERS

NOTE: TURF REINFORCEMENT MAT (TRM) OR EQUIVALENT TO BE ADDED AT ALL TURNS AND INTERSECTIONS TO AID EROSION CONTROL



TYPICAL SECTION C-C
SCALE: N T S



TYPICAL SECTION D-D
SCALE: N T S

GRADING PLAN
BROOKSTONE
Brooksville, Florida

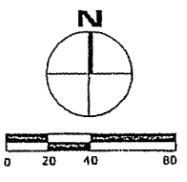
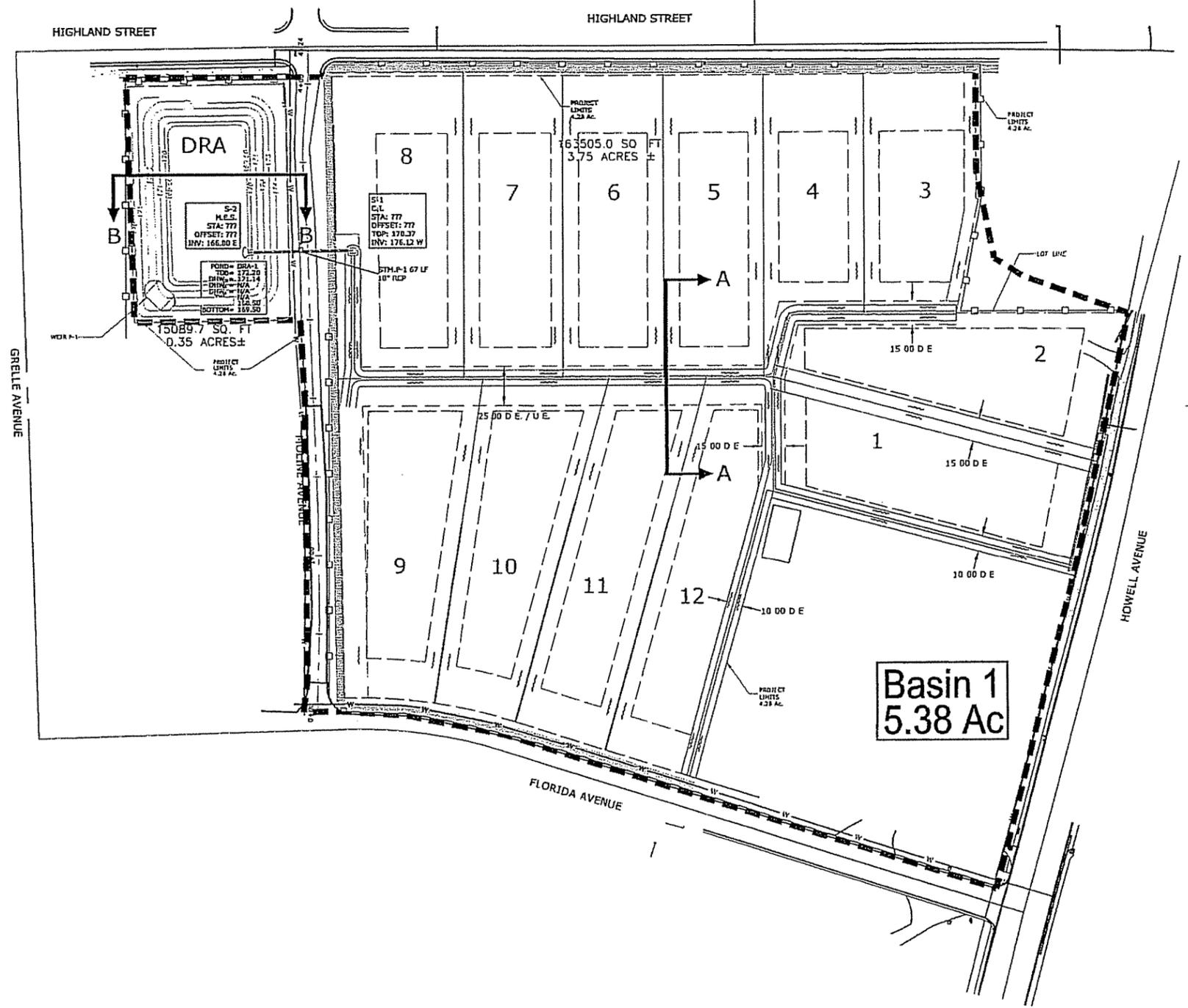
12/11/07
CLYDENE MAUREL, JR., P.E. # 3614
REGISTERED PROFESSIONAL ENGINEER
& SEAL BY REGISTERED PROFESSIONAL

Coastal
Engineering
Professional
Surveying
Environmental
Construction Management
Engineering Associates, Inc.
3337-788-4423 Fax 352-788-5358
CD-0000142

REUSE OF DOCUMENT
THIS DOCUMENT, COMPRISED OF THE HEREIN, IS THE PROPERTY OF COASTAL ENGINEERING ASSOCIATES, INC. AND IS NOT TO BE USED, IN WHOLE OR IN PART FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN AUTHORIZATION OF COASTAL ENGINEERING ASSOCIATES, INC.

DATE	REV.	BY	CHK.	DESCRIPTION

SHEET
GR-1
OF XX SHEETS
05126



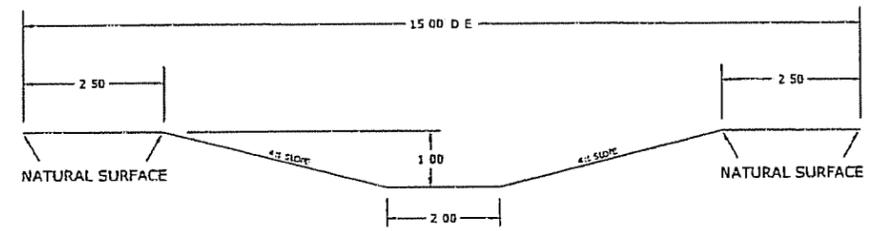
- LEGEND**
- DIRECTION OF FLOW
 - DROP STRUCTURE
 - MITERED END SECTION
 - STRUCTURE NUMBER
 - TOP ELEVATION
 - INVERT IN
 - INVERT OUT
 - MES STRUCTURE NUMBER
 - INVERT OUT
 - EXIT VELOCITY
 - SILT FENCE TYPE III
 - INDICATES TOP OF BERM
 - BASIN LINE

NOTE: EXISTING CONTOURS AND ELEVATIONS ARE BASED UPON THE NATIONAL GEODETIC DATUM OF 1929 0.00 MEAN SEA LEVEL.

PROJECT BENCH MARK

FUGITIVE DUST

ALL FUGITIVE DUST SHALL BE CONTROLLED ON SITE. ONLY AREAS SCHEDULED FOR IMMEDIATE CONSTRUCTION SHALL BE CLEARED OR STRIPPED OF VEGETATION WATERING APPLICATION OF APS 605 SILT STOP OR OTHER PRIOR APPROVED MEANS OF DUST CONTROL SHALL BE EMPLOYED TO PREVENT THE EMANATION OF DUST FROM THE SITE. PERMANENT GRASSING, LANDSCAPING AND OTHER SITE WORK SHALL BE INITIATED AS SOON AS POSSIBLE.



NOTE: ALL SLOPES AND BERMS TO BE SODDED

DRAINAGE PLAN
BROOKSTONE
Brooksville, Florida

[Handwritten signature]
C. J. ...
REGISTERED PROFESSIONAL ENGINEER
FLORIDA LICENSE NO. ...

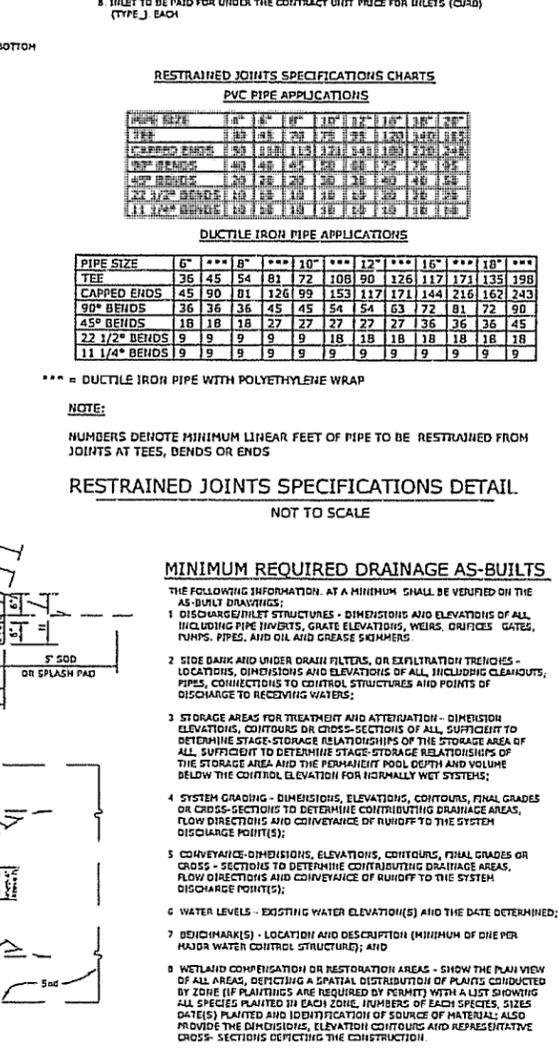
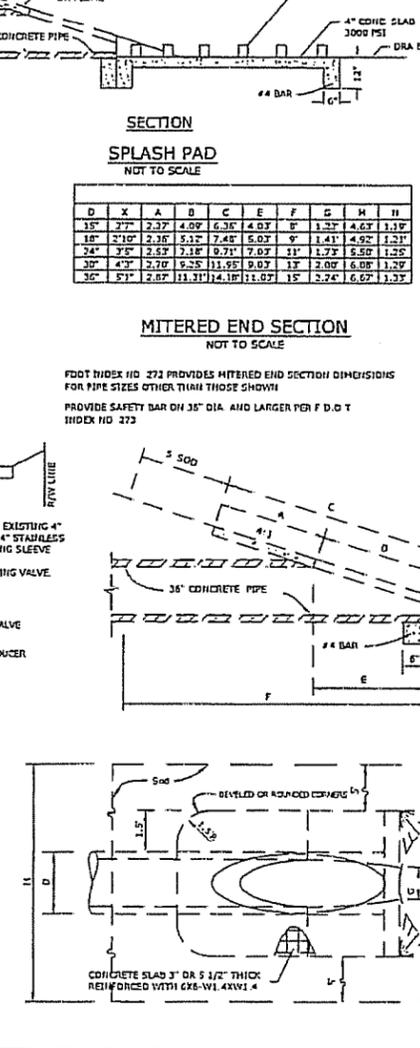
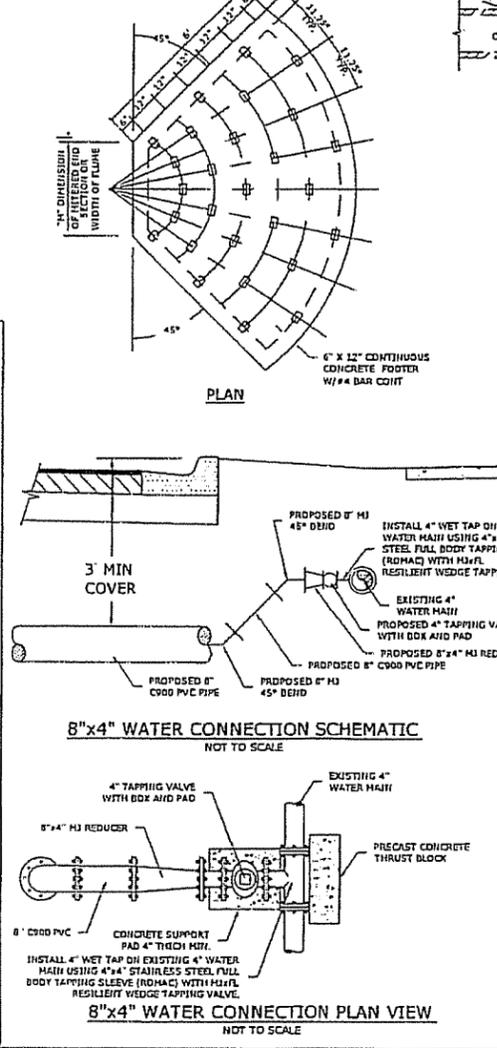
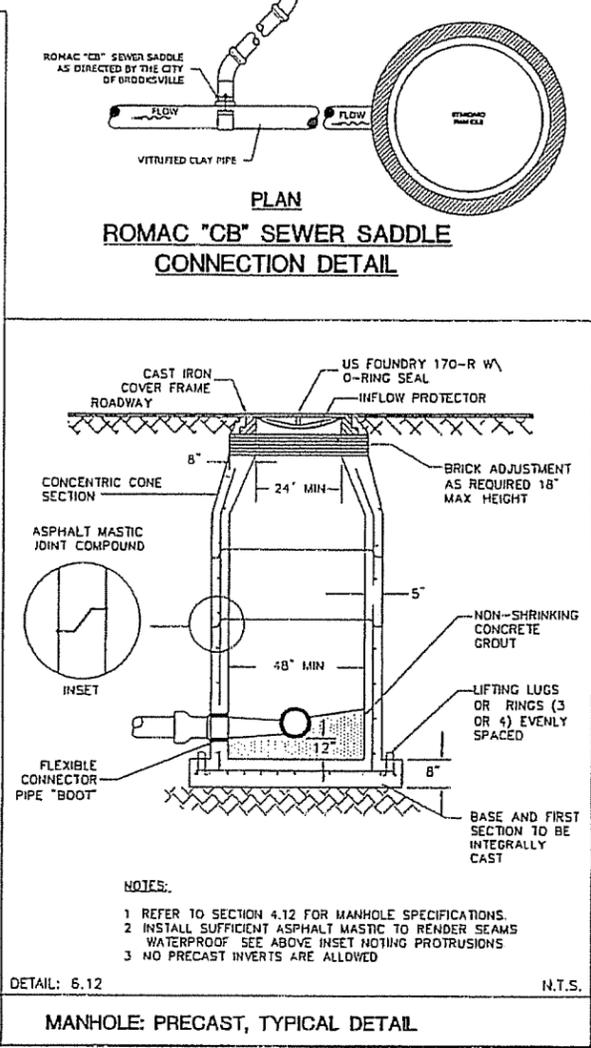
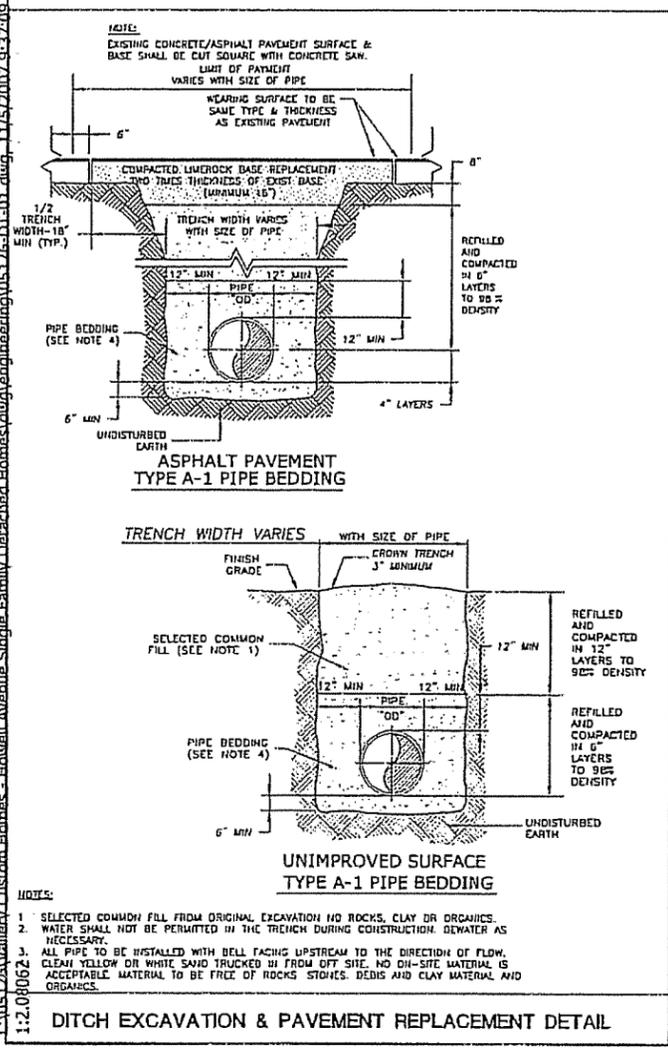
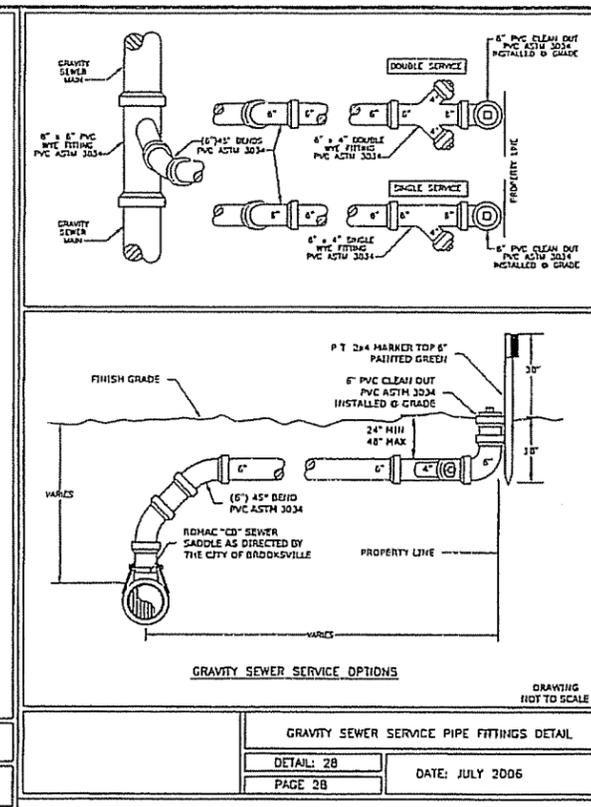
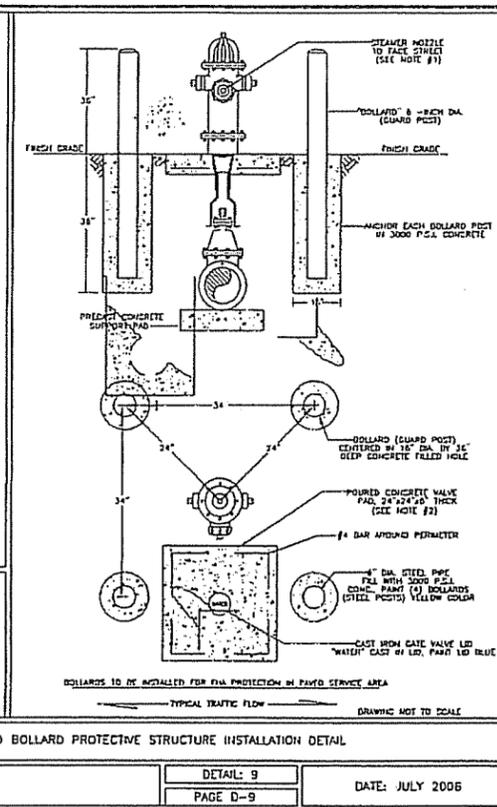
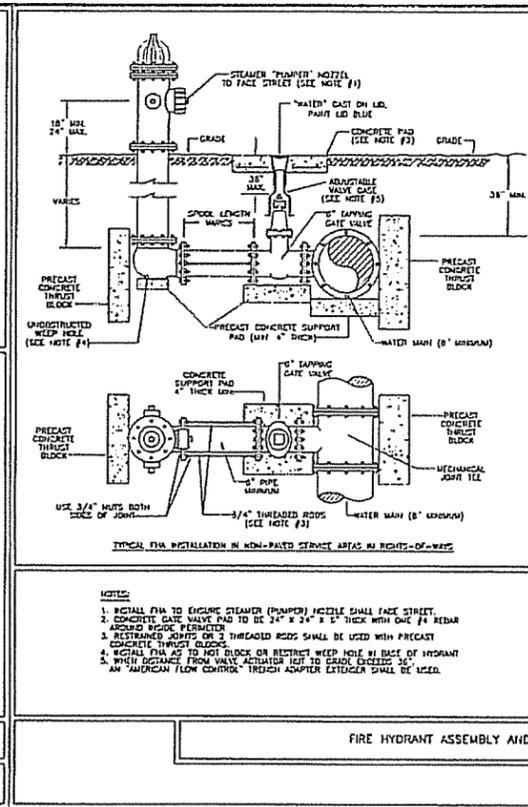
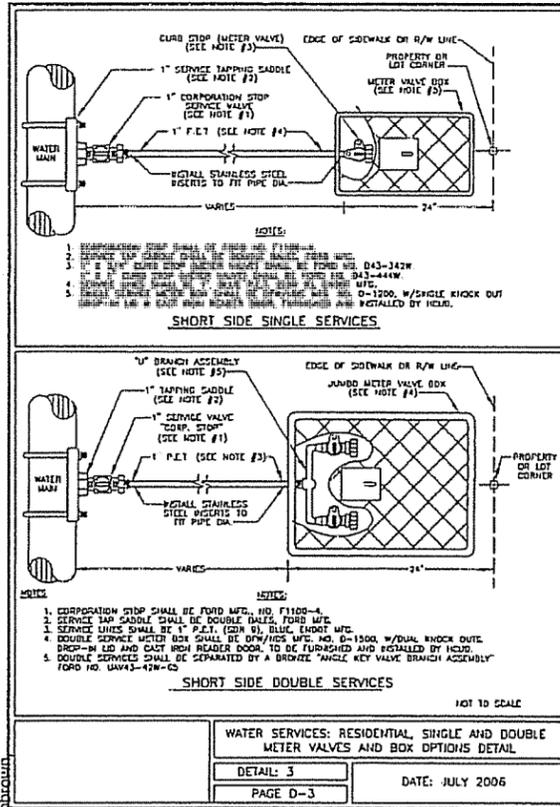
Coastal
Engineering & Construction Management
3500 ...
888 ...
352 ...
ED-00001.42

REUSE OF DOCUMENT
THIS DOCUMENT IS THE PROPERTY OF COASTAL ENGINEERING & CONSTRUCTION MANAGEMENT, INC. AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN AUTHORIZATION OF COASTAL ENGINEERING & CONSTRUCTION MANAGEMENT, INC.

DATE	REV.	BY	CHK.	REVISION

SHEET
DR-1
OF XX SHEETS
05126

L:\05126\Valley-Custom.Homes-Howell.Avenue.Single-Family-Detached.Homes\dwg\engineering\05126-DR-01.dwg, 11/15/2007, 9:36:59 AM, pbrcau



DETAILS

BROOKSTONE

Hernando County, FL

Engineering
Planning
Construction Management

Coastal

9880 Sandhill Road, Suite 300
352-768-0000
FL 34688

REUSE OF DOCUMENT

THIS DOCUMENT, COMPRISED OF THE DRAWINGS AND SPECIFICATIONS, IS THE PROPERTY OF COASTAL ENGINEERING ASSOCIATES, INC. AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN AUTHORIZATION OF COASTAL ENGINEERING ASSOCIATES, INC.

REVISION

NO.	DATE	DESCRIPTION

DATE

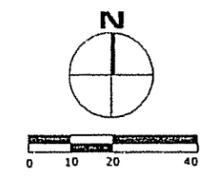
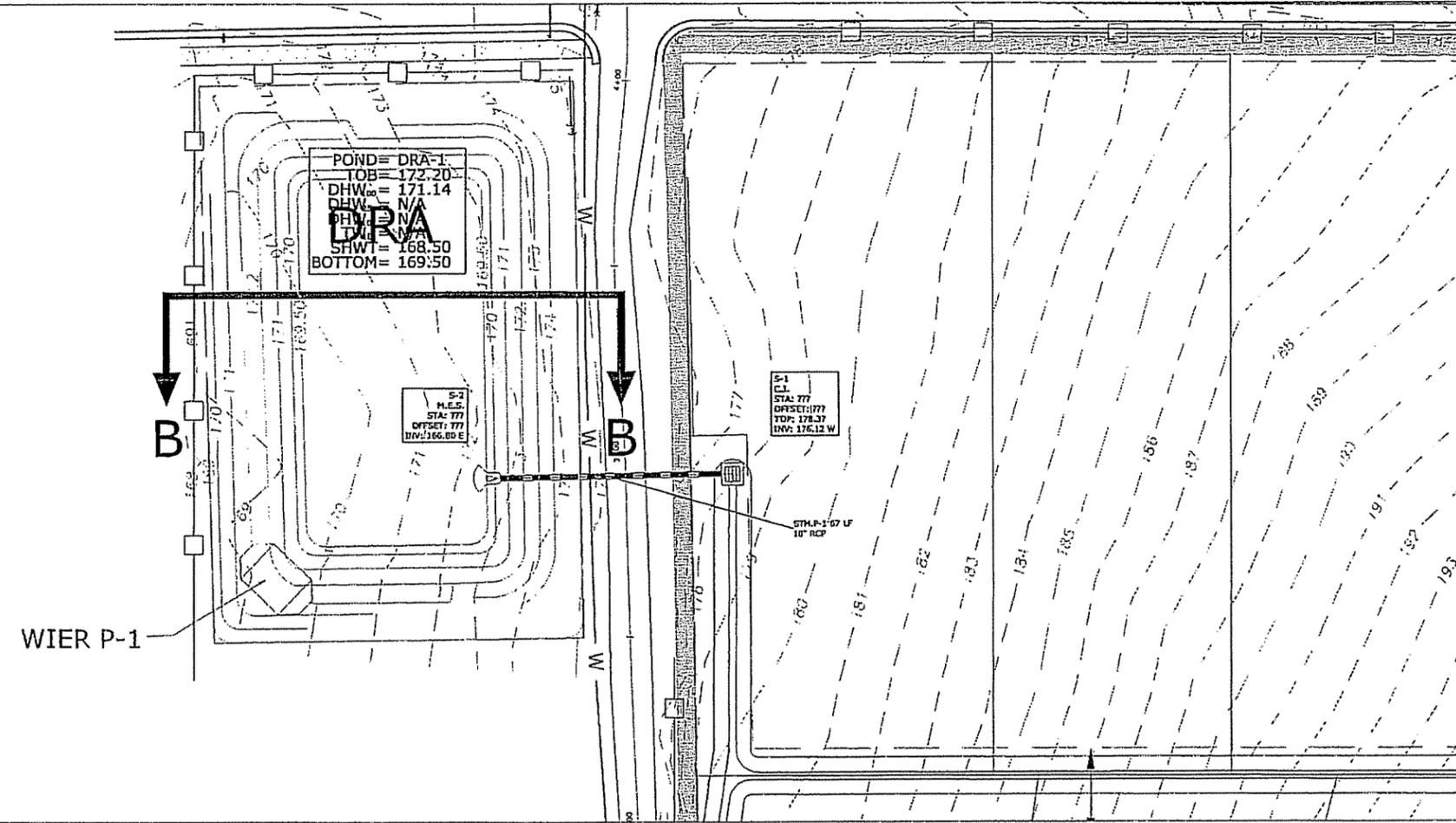
SHEET

DT-1

OF XX SHEETS

05126

L:\051212\Valley_Custom_Homes - Howell Avenue_Single Family - Detached_Homes\dwg\engineering\051212_05-01.dwg - 11/15/2007 9:38:52 AM - pbcrown
1:2.08062



LEGEND

- 05.3 INDICATES GRADING FOR LOTS
- 07.43 INDICATES GRADING FOR ROADWAY
- STORM CURB INLET
- MITERED END SECTION
- BERM

NOTES :

EXISTING CONTOURS AND ELEVATIONS ARE BASED UPON THE NATIONAL GEODETIC DATUM OF 1919 0.00 MEAN SEA LEVEL.
 BASE FLOOD ELEVATION = 76 D
 PHASE 2 IS IN ZONE "X" AND A PORTION SHOWN IS WITHIN THE LIMITS OF THE 100 YR FLOOD PLAIN
 PROJECT BENCH MARK

ALL DISTURBED AREAS OUTSIDE OF RIGHT-OF-WAYS AND DRA'S SHALL BE SEEDED AND MULCHED

FUGITIVE DUST

ALL FUGITIVE DUST SHALL BE CONTROLLED ON SITE ONLY AREAS SCHEDULED FOR IMMEDIATE CONSTRUCTION SHALL BE CLEARED OR STRIPPED OF VEGETATION WATERING APPLICATION OF APS 605 SILT STOP OR OTHER PRIOR APPROVED MEANS OF DUST CONTROL SHALL BE EMPLOYED TO PREVENT THE EMANATION OF DUST FROM THE SITE. PERMANENT GRASSING, LANDSCAPING AND OTHER SITE WORK SHALL BE INITIATED AS SOON AS POSSIBLE

POND SECTIONS
BROOKSTONE
 Brooksville, Florida

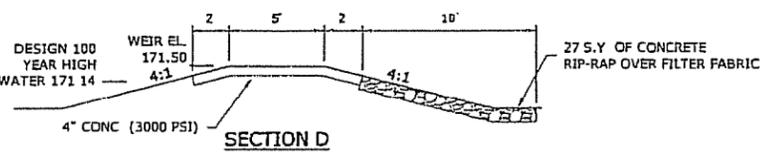
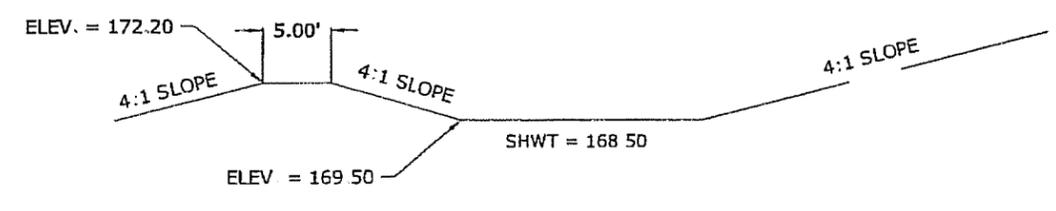
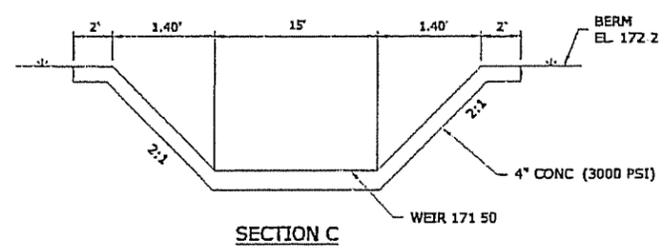
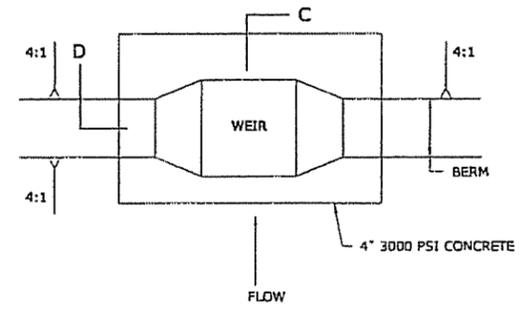
CLIFFORD E. HOWELL, P.E., F.F.S.
 DRAWING IN CHARGE
 A PROFESSIONAL ENGINEER

Coastal
 Engineering
 Planning
 Surveying
 Construction Management
 and Consulting
 303-766-8423
 303-766-8388
 10-0000142

REUSE OF DOCUMENT
 THIS DOCUMENT, CONSISTING OF THE INCORPORATED IDEAS AND DESIGN, AS AN INSTRUMENT OF PROFESSIONAL ENGINEERING ASSOCIATES, INC. AND IS NOT TO BE USED, IN WHOLE OR IN PART FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN AUTHORIZATION OF COASTAL ENGINEERING ASSOCIATES, INC.

DATE	REV. BY	REV. NO.	REVISION

SHEET
PS-1
 OF XX SHEETS
 05126



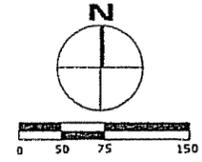
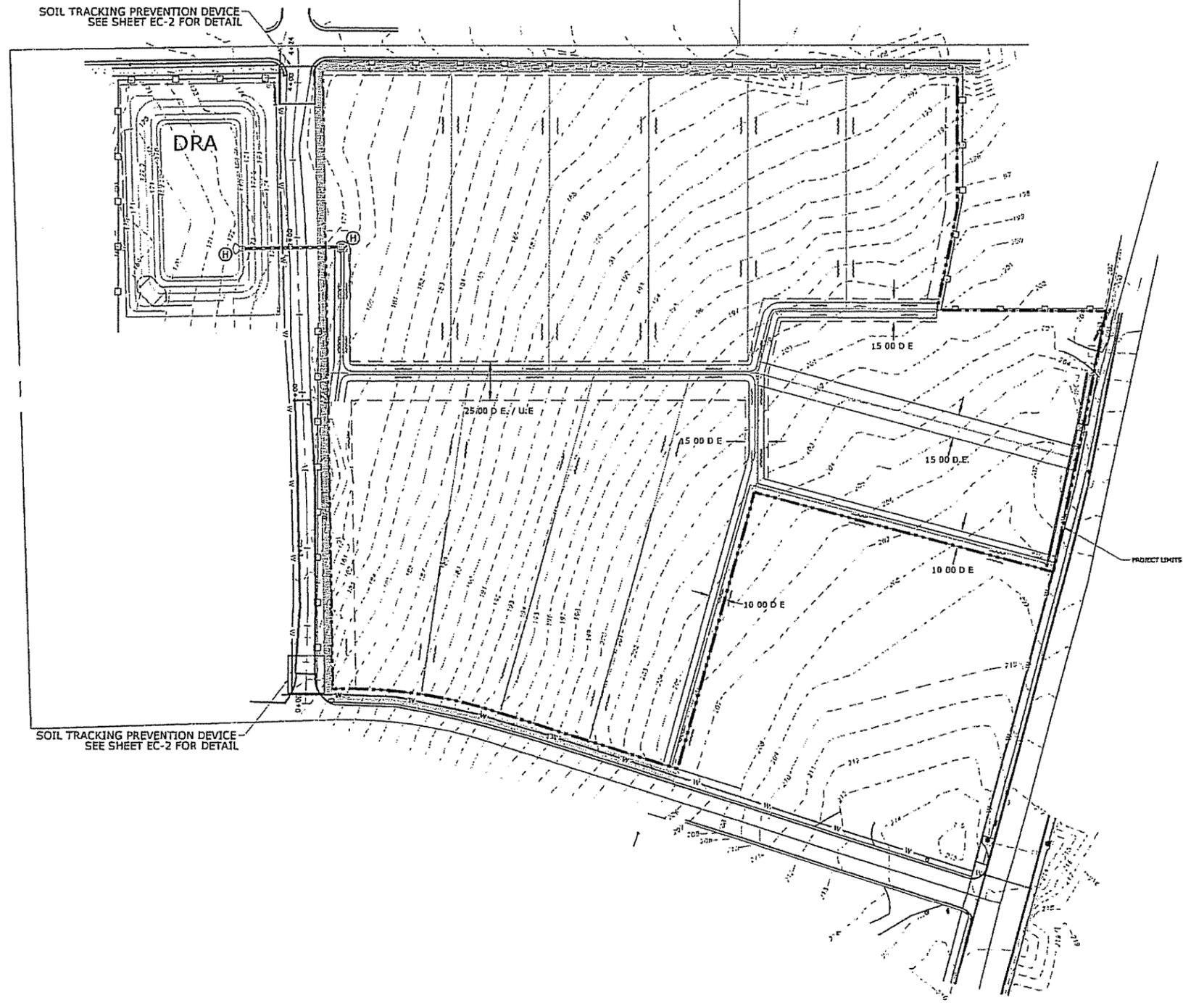
WEIR P-1 DETAIL
N T S

POND SECTION B-B
N T S

NOTE: ALL SLOPES AND BERMS TO BE SODDED

POND 1 HAS BEEN DESIGNED TO RETAIN THE 100 YR 12" / 24 HOUR RAIN EVENT

L:\05126\Valley-Custom-Homes-Howell-Avenue-Single-Family-Detached-Homes\dwg\engineering\05126-EC-01-03.dwg, 11/5/2007 9:37:24 AM, pbrown, 1:2,000



LEGEND:

- X-X = STORM WATER DISCHARGE
- = INDICATES PHASE BOUNDARY LINE
- ~~~~~ = INDICATES FLOW ARROW
- = INDICATES SILT FENCE TYPE III
- ⊙ = HAY BALES

NOTE:
CONTRACTOR MAY NEED TO INSTALL TEMPORARY HAY BALES OR SILT FENCE IN SWALE UNTIL FULLY STABILIZED WITH SOD.

CONSTRUCTION SURFACE WATER
MANAGEMENT PLAN

BROOKSTONE
Brooksville, Florida


 ENGINEER
 PROFESSIONAL ENGINEER
 FLORIDA LICENSE NO. 13837
 DRAWING UNLESS OTHERWISE SIGNED, DATED
 & SEALED BY REGISTERED PROFESSIONAL

Coastal
 Engineering
 Environmental
 Construction Management
 engineering associates, inc.
 988 Commercial Highway, Brooksville, Florida 34601
 352-788-9423 Fax 352-788-0370
 ED-0000122

REUSE OF DOCUMENT
 THIS DOCUMENT, COMPRISED OF THE
 INCORPORATED IDEAS AND DESIGN,
 AS AN INSTRUMENT OF PROFESSIONAL
 SERVICE, IS THE PROPERTY OF COASTAL
 ENGINEERING ASSOCIATES, INC. AND IS
 NOT TO BE USED, IN WHOLE OR IN PART,
 WITHOUT THE WRITTEN CONSENT OF COASTAL
 ENGINEERING ASSOCIATES, INC.

DATE	REV. NO.	REV. BY	REV. DATE	REVISION

L:\05126\Valley-Custom-Homes-Howell-Avenue-Single-Family-Detached-Homes\dwg\eng\05126-EC-03.dwg, 11/5/2007 9:37:34 AM, pbrown, 1:2,00062

STORM WATER POLLUTION PREVENTION PLAN

THE SWPPP SHALL BE COMPLETED PRIOR TO THE SUBMITTAL OF THE NOTICE OF INTENT (NOI) TO BE COVERED UNDER THE FDEP GENERIC PERMIT FOR STORM WATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES.

THE SWPPP SHALL BE AMENDED WHENEVER THERE IS A CHANGE IN DESIGN, CONSTRUCTION, OPERATION, OR MAINTENANCE, WHICH HAS A SIGNIFICANT EFFECT ON THE POTENTIAL FOR DISCHARGE OF POLLUTANTS TO SURFACE WATERS OF THE STATE OR MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4). THE SWPPP ALSO SHALL BE AMENDED IF IT PROVES TO BE INEFFECTIVE IN SIGNIFICANTLY REDUCING POLLUTANTS FROM SOURCES IDENTIFIED IN PART V.D.1 OF THE PERMIT OR TO INDICATE ANY NEW CONTRACTOR AND/OR SUBCONTRACTOR THAT WILL IMPLEMENT ANY MEASURE OF THE SWPPP. ALL AMENDMENTS SHALL BE SIGNED, DATED AND KEPT AS ATTACHMENTS TO THE ORIGINAL SWPPP.

1 PROJECT NAME AND LOCATION
XX XX

2 SITE DESCRIPTION

A DESCRIBE THE NATURE OF THE CONSTRUCTION ACTIVITY: CONSTRUCT A RESIDENTIAL GOLF COURSE COMMUNITY

B DESCRIBE THE INTENDED SEQUENCE OF MAJOR SOIL DISTURBING ACTIVITIES: THE CONTRACTOR SHALL FOLLOW THE SEQUENCE OF MAJOR ACTIVITIES DESCRIBED BELOW, UNLESS THE CONTRACTOR PROPOSED A DIFFERENT SEQUENCE THAT IS EQUAL OR BETTER AT CONTROLLING EROSION AND TRAPPING SEDIMENT AND IS APPROVED BY THE ENGINEER FOR EACH CONSTRUCTION PHASE. INSTALL PERIMETER CONTROLS AFTER CLEARING AND GRUBBING NECESSARY FOR INSTALLATION OF CONTROLS BUT BEFORE BEGINNING OTHER WORK FOR THE CONSTRUCTION PHASE REMOVE PERIMETER CONTROLS ONLY AFTER ALL UPSTREAM AREAS ARE STABILIZED

- 1 CONSTRUCT PONDS FOR SEDIMENT COLLECTION.
2 CLEARING AND GRUBBING FOR UTILITY LOCATIONS.
3 CLEARING AND GRUBBING, EARTHWORK AND STORM SEWER CONSTRUCTION FOR THE OUTFALL FROM THE PONDS.
4 CLEARING AND GRUBBING, EARTHWORK FOR POND CONSTRUCTION.
5 STORM SEWER CONSTRUCTION CONSTRUCT THE STORM DRAIN PIPE IN THE UPSTREAM DIRECTION.
6 EARTHWORK ASSOCIATED WITH ROADWAYS, AND CONSTRUCTION OF CURB AND GUTTER, SUB GRADE, BASE, PAVEMENT AND SIDEWALK.
7 COMPLETE SITE WORK.
8 REMOVE EROSION CONTROL MEASURES PRIOR TO DEMOBILIZATION

C TOTAL AREA OF THE SITE (ACRES):
XX XX AC

D TOTAL AREA OF THE SITE TO BE DISTURBED (ACRES):
XX XX AC

E EXISTING DATA DESCRIBING THE SOIL OR QUALITY OF ANY STORM WATER DISCHARGE FROM THE SITE: THE SOILS SURVEY IS INCLUDED IN THE DRAINAGE ANALYSIS REPORTS FOR EACH PHASE. THE RESULTS OF THE SOIL BORINGS DONE IN THE PONDS ARE LOCATED IN THE SAME REPORTS. IN GENERAL, THE SOILS ARE FINE SANDS. THE SMALL PARTICLE SIZE WILL MAKE THE POTENTIAL FOR EROSION HIGH. THE PARTICLE SIZE CONTENT WILL STAY IN SUSPENSION FOR WEEKS THIS WILL REQUIRE EFFORT TO FILTER RUNOFF PRIOR TO DISCHARGE

PROVIDE EXISTING SURFACE CONDITIONS (TYPE A, B, C, D), IMPERVIOUS AND WATER USE OF ADJACENT WATER BODY (I E CLASS AND USE) RUNOFF COEFFICIENTS:
BEFORE: C=0.2
DURING: C=0.3
AFTER: C=0.4

F ESTIMATED DRAINAGE AREA SIZE FOR EACH DISCHARGE POINT (ACRES):

Empty box for drainage area size.

G SITE MAP:
THE CONSTRUCTION PLANS ARE BEING USED AS THE SITE MAPS. THE LOCATION OF THE REQUIRED INFORMATION IS DESCRIBED BELOW. THE SHEET NUMBERS FOR THE PLAN SHEETS REFERENCED ARE IDENTIFIED ON THE KEY SHEET OF THE CONSTRUCTION PLANS

DRAINAGE PATTERNS:
THE DRAINAGE BASIN DIVIDES AND FLOW DIRECTIONS ARE SHOWN ON THE DRAINAGE MAPS. THE SITE DRAINS GENERALLY IN ALL DIRECTIONS. PORTIONS OF THE PROJECT DRAIN FROM THE SOUTH TO THE NORTH, OTHER PORTIONS FROM THE EAST TO THE WEST, AND THE REMAINING PORTIONS FROM THE WEST TO THE EAST. THE SITE'S BASINS ARE DIVIDED BY RIDGES. THIS SITE'S BASIN IS CONSIDERED AN OPEN BASIN, ACCORDING TO LOCAL REGULATORY REQUIREMENTS. ULTIMATELY, THIS SITE DRAINS INTO THE WITHLACOOCHIE RIVER

THE PLANS AND REPORT REFLECT THAT THE DRAINAGE BASIN DIVIDES AND FLOW DIRECTIONS ARE SHOWN ON THE DRAINAGE MAP. THE PROPOSED STREET PROFILES SHOW OVERLAND FLOW DIRECTION AT THE RIGHT OF WAY LINE. THE ARROWS ABOVE AND BELOW THE PROFILE REPRESENT THE FLOW DIRECTION AT THE LEFT AND RIGHT PROPERTY LINE, RESPECTIVELY. ARROWS POINTING TO THE PROFILE INDICATE RUNOFF COMING TO THE SITE. POINTING AWAY FROM THE SITE INDICATE RUNOFF LEAVING THE SITE

APPROXIMATE SLOPES:
THE SLOPES OF THE SITE CAN BE SEEN IN THE PLAN / PROFILE SHEETS OF THE CONSTRUCTION PLANS. THERE ARE POND CROSS SECTIONS LOCATED WITH THE POND DETAILS SHEETS. THE SLOPE RATIOS WERE BASED ON REGULATORY GUIDELINES

AREAS OF SOIL DISTURBANCE:
THE AREAS TO BE DISTURBED ARE INDICATED ON THE SWPPP AND CONSTRUCTION PLANS FOR EACH PHASE. ALSO, SEE THE POND DETAIL SHEETS. ANY AREAS WHERE PERMANENT FEATURES ARE SHOWN TO BE CONSTRUCTED ABOVE OR BELOW GROUND WILL BE DISTURBED

LOCATIONS OF TEMPORARY CONTROLS:
THESE ARE SHOWN ON THE CONSTRUCTION PLAN SHEETS, TABLES PROVIDING SUMMARIES OF TEMPORARY EROSION AND SEDIMENT CONTROL ITEMS ARE PROVIDED. THESE CONTROLS MAY REQUIRE REPLACEMENT THROUGHOUT THE PROJECT

LOCATIONS OF PERMANENT CONTROLS:
THE STORM WATER PONDS ARE THE PRIMARY PERMANENT STORM WATER MANAGEMENT CONTROLS. THESE ARE SHOWN ON THE POND PLAN SHEETS. THESE CONTROLS MAY REQUIRE REPLACEMENT THROUGHOUT THE PROJECT

AREAS TO BE STABILIZED:
TEMPORARY STABILIZATION PRACTICES ARE SHOWN IN THE SAME LOCATION AS THE TEMPORARY CONTROLS MENTIONED ABOVE. PERMANENT STABILIZATION IS SHOWN ON THE TYPICAL SECTION SHEETS. THE PLAN / PROFILE SHEETS, AND THE POND DETAIL SHEETS

SURFACE WATERS AND WETLAND IMPACTS:
JURISDICTIONAL AREAS CLAIMED BY THE ARMY CORPS OF ENGINEERS AND/OR SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD) ARE SHOWN ON WETLAND JURISDICTIONAL SHEETS. ALL WETLAND IMPACTS ARE LIMITED TO THE AREAS DESCRIBED IN THE SWFWMD ENVIRONMENTAL PERMIT FOR EACH PHASE OF THE PROJECT

AREAS NOT TO BE DISTURBED:
TEMPORARY STABILIZATION PRACTICES ARE SHOWN IN THE SAME LOCATION AS THE TEMPORARY CONTROLS MENTIONED ABOVE. PERMANENT STABILIZATION IS SHOWN ON THE TYPICAL SECTION SHEETS, THE PLAN / PROFILE SHEETS, AND THE POND DETAIL SHEETS

LAT/LONG OF EACH DISCHARGE POINT AND NAME OF RECEIVING WATER OR MS4 OF EACH DISCHARGE POINT:
NUMBER NORTHING EASTING

Empty table for discharge point data.

3 CONTROLS

DESCRIPTION OF APPROPRIATE CONTROLS, BHPS, AND MEASURES FOR EACH ACTIVITY LISTED IN ITEM 2B AS WELL AS TIME FRAMES IN WHICH CONTROLS WILL BE IMPLEMENTED:

THE FOLLOWING DISCUSSION DEFINES GENERAL GUIDELINES FOR THE SEQUENCE OF CONSTRUCTION AND THE USE OF STABILIZATION AND STRUCTURAL PRACTICES. THE CONTRACTOR IS ALSO RESPONSIBLE FOR MAINTAINING FIELD RECORDS OF THEIR SWPPP ACTIVITIES

A TEMPORARY AND PERMANENT STABILIZATION PRACTICES:
DURING CONSTRUCTION, THE CONTRACTOR WILL PROVIDE TEMPORARY STABILIZATION AS SOON AS PRACTICAL BUT IN NO CASE SHALL THE TIME BE GREATER THAN SEVEN CALENDAR DAYS AFTER THE CONSTRUCTION ACTIVITY HAS TEMPORARILY OR PERMANENTLY CEASED. FOR AREAS WHICH HAVE BEEN CLEARED AND NOT REWORKED THE ENTIRE DISTURBED PORTION OF THE PROJECT WILL BE STABILIZED UPON COMPLETION

STABILIZATION PRACTICES TO BE IMPLEMENTED ARE INCLUDED IN THE CONSTRUCTION PLANS AND INCLUDE:

- TEMPORARY SODDING: INSTALL AT THE LIMITS OF PHASING IN ALL LOCATIONS WHERE CONSTRUCTION ACTIVITIES HAVE CEASED AND THE LIKELIHOOD OF EROSION IS HIGH
- TEMPORARY GRASSING: INSTALL IN ALL LOCATIONS WHERE CONSTRUCTION ACTIVITIES HAS TEMPORARILY STOPPED FOR A PERIOD OF 14 DAYS.
- PERMANENT PLANTING, SODDING AND SEEDING: ALL DISTURBED AREAS WILL ULTIMATELY RECEIVE PERMANENT SODDING

B STRUCTURAL CONTROLS INTENDED TO DIVERT, STORE, RETAIN OR OTHERWISE LIMIT STORM WATER FLOW: STRUCTURAL CONTROLS SHALL BE INSTALLED PRIOR TO ANY EARTHWORK OR CONSTRUCTION ACTIVITY CONTROLS TO BE IMPLEMENTED ARE NOTED IN THE CONSTRUCTION PLANS AND INCLUDE:

- SILT FENCE: SILT FENCE SHALL BE USED ALONG THE LENGTH OF THE PROJECT AS WELL AS AROUND WETLANDS OR OTHER SURFACE WATERS WHERE THE EXISTING GROUND SLOPES AWAY FROM THE PROJECT OR WHERE THERE IS POTENTIAL FOR SEDIMENT TO BE DIRECTED OFFSITE. STOCKPILE AREAS SHALL INCLUDE SILT FENCE AROUND THE PERIMETER. SILT FENCE LOCATIONS ARE SHOWN IN THE CONSTRUCTION PLANS

- STAKED TURBIDITY BARRIERS: SEE SWPPP

- FLOATING TRIBUTARY BARRIERS: SEE SWPPP

C TEMPORARY OR PERMANENT SEDIMENT BASINS FOR AREAS DISTURBING 10 ACRES OR MORE AT ONE TIME: FACILITY NAME PHASE.

D PERMANENT STORM WATER MANAGEMENT CONTROLS TO BE INSTALLED DURING CONSTRUCTION PROCESS: AS INDIVIDUAL PHASES OF CONSTRUCTION ARE PERFORMED, PERMANENT CONTROL STRUCTURES WILL BE INSTALLED. THESE DEVICES WILL CONSIST OF CONCRETE WEIRS OR WEIR STRUCTURES WITH PIPE

E POTENTIAL POLLUTANT CONTROLS:

1) WASTE DISPOSAL:
THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING FIELD RECORDS OF THEIR SWPPP ACTIVITIES

THE CONTRACTOR WILL PROVIDE LITTER CONTROL AND COLLECTION WITHIN THE PROJECT BOUNDARIES DURING CONSTRUCTION ACTIVITIES. ALL FERTILIZER, HYDROCARBON, OR OTHER CHEMICAL CONTAINERS SHALL BE DISPOSED OF BY THE CONTRACTOR ACCORDING TO EPA'S STANDARD PRACTICES AS DETAILED BY THE MANUFACTURER. NO SOLID MATERIALS INCLUDING BUILDING AND CONSTRUCTION MATERIALS SHALL BE DISCHARGED TO WETLANDS OR BURIED ON SITE

2) OFFSITE VEHICLE TRACKING:
THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING FIELD RECORDS OF THEIR SWPPP ACTIVITIES

THE CONTRACTOR MAY, AT THEIR SOLE DISCRETION, SELECT A CONTROL BY THE FOLLOWING METHODS:

- LOADED HAUL TRUCKS TO BE COVERED BY A TARP/AUCTION
- EXCESS DIRT ON ROAD SHALL BE REMOVED DAILY. THE CONTRACTOR WILL PROVIDE POLLUTION CONTROL BY IMPLEMENTING DUST CONTROL WITH WATER APPLICATION DURING THE DUST GENERATING ACTIVITIES SUCH AS EXCAVATION AND MILLING OPERATIONS.
- SOIL TRACKING PREVENTION DEVICE (SEE SWPPP PLAN SHEETS)

3) APPLICATION RATES OF HERBICIDES/PESTICIDES USED AT CONSTRUCTION SITE: THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING FIELD RECORDS OF THEIR SWPPP ACTIVITIES

4) STORAGE, APPLICATION, GENERATION, MIGRATION OF ALL TOXIC SUBSTANCES: THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING FIELD RECORDS OF THEIR SWPPP ACTIVITIES

5) OTHER: THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING FIELD RECORDS OF THEIR SWPPP ACTIVITIES

F SOURCES OF NON-STORMWATER DISCHARGES: THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING FIELD RECORDS OF THEIR SWPPP ACTIVITIES

4 DEWATERING NOTES

- A. PROJECT DRA S AT THE HIGHER ELEVATIONS SHALL BE CONSTRUCTED FIRST AS APPLICABLE;
B. LOWER ELEVATION DRA S NEAR WETLANDS AND FLOOD PLAINS SHALL BE CONSTRUCTED NEXT WITH ANY SURFACE WATER BEING MOVED INTO THE HIGHER CONSTRUCTED DRA S FOR STORAGE AS NEEDED;
C. HAY BALES AND SILT SCREEN SHALL BE UTILIZED AS NECESSARY TO CONTROL EROSION;
D. PUMPED WATER SHALL BE RETAINED ON THE PROJECT SITE;
E. TEMPORARY DEWATERING SHALL NOT IMPACT WATER QUALITY, WATER QUANTITY, FISH OR WILDLIFE;
F. THE SWFWMD'S WATER USE SECTION SHALL BE CONTACTED IN THE EVENT A WATER USE PERMIT IS LIKELY

5 MAINTENANCE PLAN FOR ALL CONTROLS:

THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING FIELD RECORDS OF THEIR SWPPP ACTIVITIES

THE CONTRACTOR WILL BE RESPONSIBLE FOR DAILY INSPECTION AND MAINTENANCE OF ALL EROSION CONTROL DEVICES THROUGHOUT THE CONSTRUCTION PHASE OF THE PROJECT AS WELL AS REMOVAL OF EROSION AND SEDIMENT CONTROL DEVICES WHEN NO LONGER NECESSARY

THE FOLLOWING PRACTICES WILL BE USED TO MAINTAIN EROSION AND SEDIMENT CONTROLS:
THE CONTRACTOR SHALL MAINTAIN RAIN GAUGES ON THE PROJECT SITE AND RECORD DAILY RAINFALL. ALL CONTROL MEASURES WILL BE MAINTAINED DAILY BY THE CONTRACTOR. ALL DEVICES WILL BE MAINTAINED IN GOOD WORKING ORDER. IF A REPAIR IS NECESSARY, IT WILL BE INITIATED WITHIN A 24 HOURS OF THE INSPECTION

STRUCTURAL PRACTICES CONTROLS:
BUILT-UP SEDIMENT WILL BE REMOVED FROM SILT FENCE AND STAKED TURBIDITY BARRIERS WHEN IT HAS REACHED 1/3 THE HEIGHT OF THE FENCE. A PROPOSED REPLACEMENT INTERVAL IS 1 YEAR

TEMPORARY AND PERMANENT SEEDING WILL BE INSPECTED FOR BARE SPOTS, WASHOUTS, AND HEALTHY GROWTH. SOIL TRACKING PREVENTION DEVICES SHALL BE MAINTAINED TO PREVENT CLOGGING OF ROCK BEDDING WHICH MAY IMPEDE THE USEFULNESS OF THE STRUCTURE

HAY BALES SHALL BE REPLACED WHEN THEY HAVE SERVED THEIR USEFULNESS SO AS NOT TO BLOCK OR IMPEDE STORM FLOW OR DRAINAGE. A PROPOSED REPLACEMENT INTERVAL IS 3 MONTHS

5 INSPECTION AND DOCUMENTATION PROCEDURES:

THE CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLETING THE WEEKLY INSPECTION REPORT FORM AND MAINTAINING DOCUMENTATION FOR THREE YEARS FOLLOWING FINAL STABILIZATION. THE CONTRACTOR SHALL SUBMIT COPIES OF THESE REPORTS TO THE OWNER OR AUTHORIZED REPRESENTATIVES PRIOR TO FINAL PAYMENT FOR WORK SHOWN WITHIN THESE PLANS. ADDITIONAL INSPECTION AND DOCUMENTATION MUST BE COMPLETED WITHIN 24 HOURS AFTER ANY 0.50-INCH RAINFALL EVENT. IT IS THE CONTRACTOR'S RESPONSIBILITY TO MAINTAIN RAIN GAUGES ON THE PROJECT SITE AND RECORD DAILY RAINFALL. WHERE SITES HAVE BEEN PERMANENTLY STABILIZED, INSPECTIONS SHALL BE CONDUCTED AT LEAST ONCE EACH MONTH

THE FOLLOWING ITEMS NEED TO BE INSPECTED:

- POINTS OF DISCHARGE TO WATERS OF THE UNITED STATES.
- POINTS OF DISCHARGE TO MUNICIPAL SEPARATE STORM SEWER SYSTEMS
- DISTURBED AREAS OF THE SITE THAT HAVE NOT BEEN STABILIZED.
- AREAS USED FOR STORAGE OF MATERIALS THAT ARE EXPOSED TO PRECIPITATION
- STRUCTURAL CONTROLS
- STORM WATER MANAGEMENT CONTROLS
- LOCATIONS WHERE VEHICLES ENTER AND EXIT THE SITE

THE CONTRACTOR SHALL INITIATE REPAIRS WITHIN 24 HOURS OF INSPECTIONS THAT INDICATE ITEMS ARE NOT IN GOOD WORKING ORDER. IF INSPECTIONS INDICATE THAT THE INSTALLED STABILIZATION AND STRUCTURAL PRACTICES ARE NOT SUFFICIENT TO MINIMIZE EROSION, RETAIN SEDIMENT, AND PREVENT DISCHARGING POLLUTANTS, THE CONTRACTOR SHALL PROVIDE ADDITIONAL MEASURES AS APPROVED BY THE ENGINEER

ALL CONTRACTORS OR SUBCONTRACTORS THAT WILL IMPLEMENT EACH MEASURE MUST ACCEPT THE FOLLOWING CERTIFICATION:

I CERTIFY UNDER PENALTY OF LAW THAT I UNDERSTAND AND SHALL COMPLY WITH, THE TERMS AND CONDITIONS OF THE STATE OF FLORIDA GENERIC PERMIT FOR STORM WATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES AND THIS STORM WATER POLLUTION PREVENTION PLAN PREPARED THEREUNDER.

Table with columns for SIGN NAME (SUBCONTRACTOR) and PRINT NAME (SUBCONTRACTOR) for multiple entries.

SIGN NAME (CONTRACTOR)
PRINT NAME (CONTRACTOR)

CONSTRUCTION SURFACE WATER MANAGEMENT NOTES
BROOKSTONE
Hernando County, FL.

Handwritten signature and stamp area.

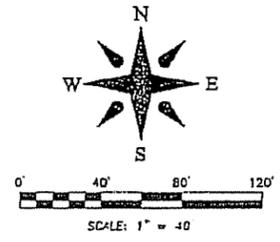
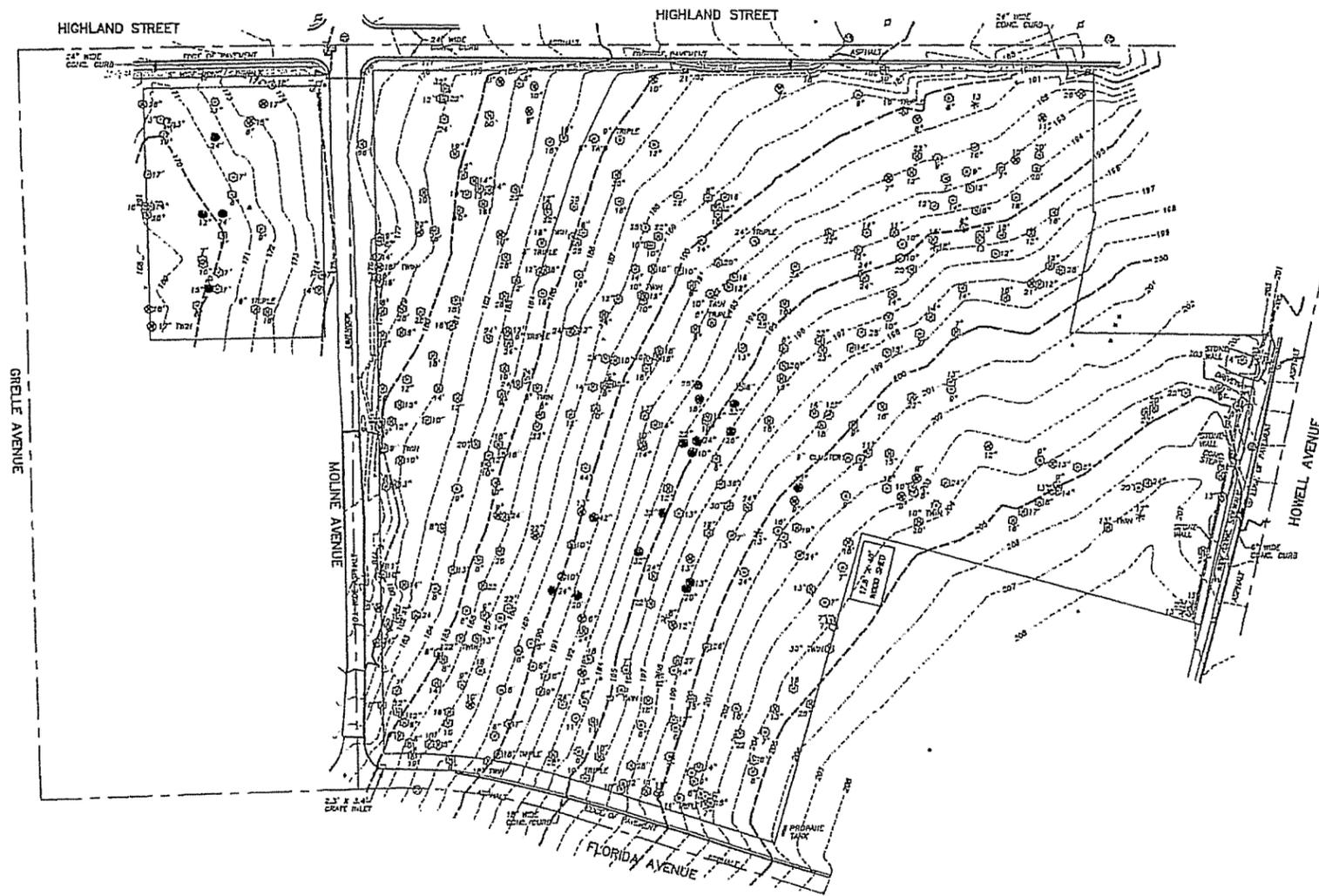
Coastal Engineering Planning Surveying Engineering Construction Management
Professional Engineer No. 34001
Professional Engineer No. 18339
Professional Engineer No. 18339
Professional Engineer No. 18339

REUSE OF DOCUMENT: THIS DOCUMENT IS THE PROPERTY OF COASTAL ENGINEERING ASSOCIATES, INC. AND IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY MANNER WITHOUT THE WRITTEN AUTHORIZATION OF COASTAL ENGINEERING ASSOCIATES, INC.

Table with columns for REVISION, REV. NO., REV. BY, DATE.

SHEET
EC-3
OF XX SHEETS
05126

SECTION 22, TOWNSHIP 22 SOUTH, RANGE 19 EAST
HERNANDO COUNTY, FLORIDA



- LEGEND**
- CONC. - CONCRETE
 - TM - TEMPORARY BENCH MARK
 - - OAK TREE (SIZE AS INDICATED)
 - - PINE TREE (SIZE AS INDICATED)
 - - CEDAR TREE (SIZE AS INDICATED)
 - - SWEETGUM TREE (SIZE AS INDICATED)
 - - PIEDMONT TREE (SIZE AS INDICATED)
 - - CAMPHOR TREE (SIZE AS INDICATED)
 - - PALM TREE (SIZE AS INDICATED)
 - - PECKERY TREE (SIZE AS INDICATED)
 - - POWER POLE
 - - POWER POLE GUY AND ANCHOR
 - - WATER METER
 - - TELEPHONE BOX
 - - WATER VALVE
 - - FIRE HYDRANT
 - - SANITARY SINKER MANHOLE
 - - MANHOLE
 - - SANITARY SINKER MANHOLE

- NOTES**
1. THIS MAP REPRESENTS A TOPOGRAPHIC SURVEY.
 2. THIS MAP IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER.
 3. ADDITIONS OR DELETIONS TO SURVEY MAPS BY OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY.
 4. NO UNDERGROUND ENCUMBRANCES OR UTILITIES (IF ANY) WERE LOCATED IN CONJUNCTION WITH THIS SURVEY.
 5. SEE SHEET 1 OF 2 FOR BOUNDARY INFORMATION.
 6. VERTICAL DATUM SHOWN IS BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988. ELEVATIONS SHOWN HEREON WERE ESTABLISHED VIA CLOSED LEVEL LOOP FROM NGS BENCHMARK DESIGNATION Y 40 PD A61311, WITH A PUBLISHED ELEVATION OF 208.12'.
 7. ANY REPRODUCTION OR DISTRIBUTION OF THIS SURVEY MAP WITHOUT THE EXPRESS WRITTEN CONSENT OF COASTAL ENGINEERING ASSOCIATES, INC. IS STRICTLY PROHIBITED. THIS MAP IS VALID ONLY TO THOSE PERSONS OR ENTITIES NAMED HEREON. COASTAL ENGINEERING ASSOCIATES, INC. NOR THE SIGNING PARTY WILL ASSUME ANY RESPONSIBILITY FOR ITS UNAUTHORIZED USE.

TOPOGRAPHIC SURVEY
BROOKSTONE
Brooksville, Florida

PREPARED BY
9-27-07
Maureen Kelly
MAUREN K. HALL, P.E.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NUMBER 0276

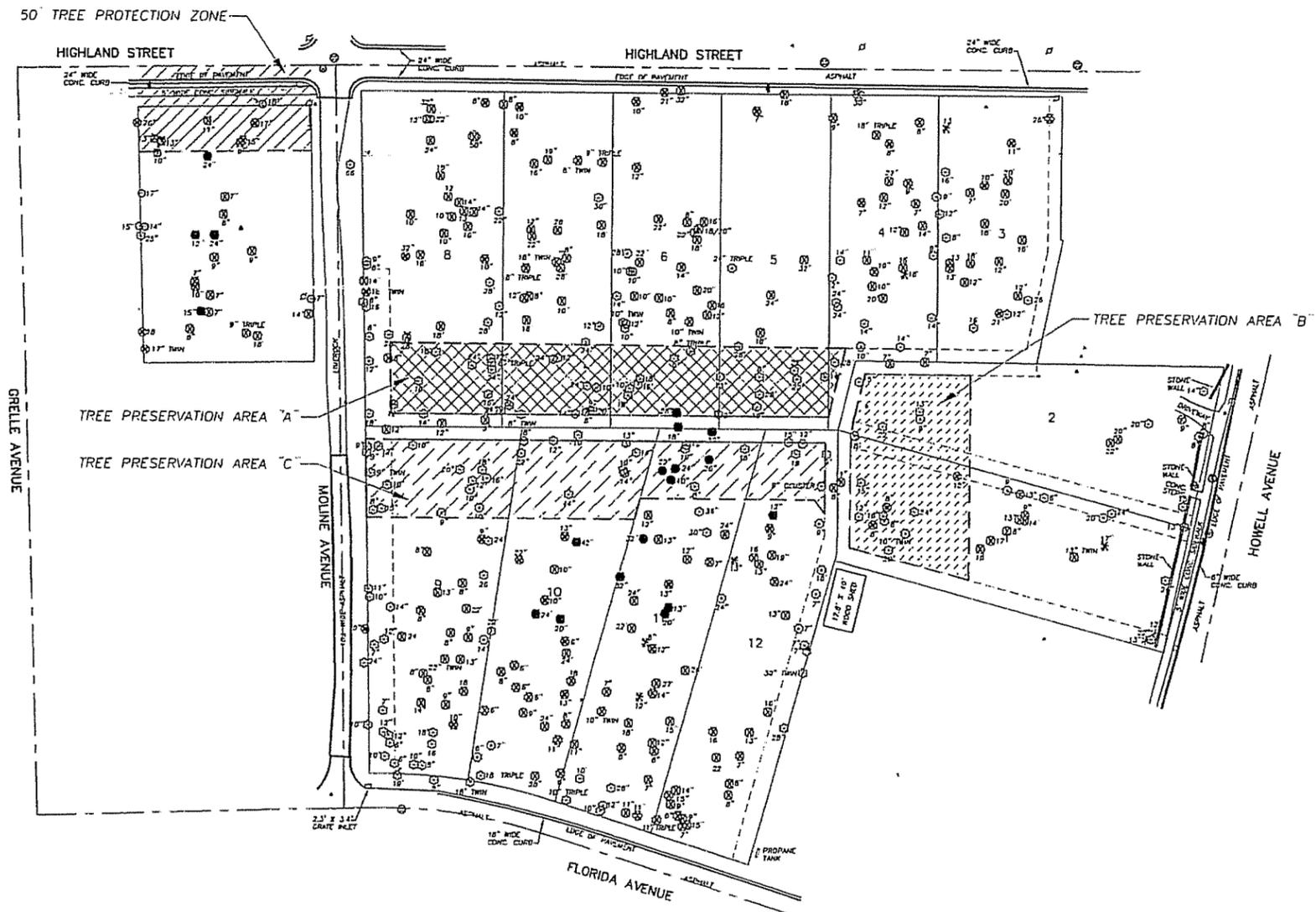
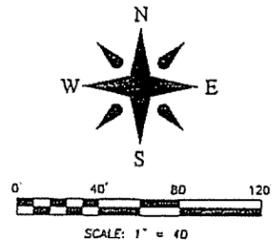
Coastal
Engineering
Surveying
Mapping
Construction Management
Engineering Associates, Inc.
880 Commerce Boulevard - Brooksville - Florida 34601
(352) 799-6222 FAX (352) 799-6254
FLORIDA CERTIFICATE OF REGISTRATION NO. 7260

REUSE OF DOCUMENT
THIS DOCUMENT, EITHER WHOLLY OR IN PART, IS THE PROPERTY OF COASTAL ENGINEERING ASSOCIATES, INC. AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN AUTHORIZATION OF COASTAL ENGINEERING ASSOCIATES, INC.

DATE	FILE BY	REV. NO.	REVISION

SHEET
TM-1
14 OF 16 SHEETS
05126

SECTION 22, TOWNSHIP 22 SOUTH, RANGE 19 EAST
HERNANDO COUNTY, FLORIDA



- LEGEND**
- CONC. = CONCRETE
 - TBM = TEMPORARY DESIGN MARK
 - = OAK TREE (SIZE AS INDICATED)
 - = PINE TREE (SIZE AS INDICATED)
 - = CEDAR TREE (SIZE AS INDICATED)
 - = SWEETGUM TREE (SIZE AS INDICATED)
 - = PECAN TREE (SIZE AS INDICATED)
 - = CAMPHOR TREE (SIZE AS INDICATED)
 - = PALM TREE (SIZE AS INDICATED)
 - = HICKORY TREE (SIZE AS INDICATED)
 - x = TREES TO BE REMOVED
 - = VERIFIED DEAD SPECIMEN TREES
 - = ALL OTHER TREES NOT INDICATED FOR REMOVAL WILL BE PRESERVED
 - = 50' TREE PROTECTION ZONE
 - = TREE PRESERVATION AREA "A"
 - = TREE PRESERVATION AREA "B"
 - = TREE PRESERVATION AREA "C"
 - = POWER POLE
 - = POWER POLE GUY AND ANCHOR
 - = SOCI
 - = WATER METER
 - = TELEPHONE BOX
 - = WATER VALVE
 - = FIRE HYDRANT
 - = SANITARY SEWER MAIN/PILE
 - = MANHOLE
 - = SANITARY SEWER MANHOLE

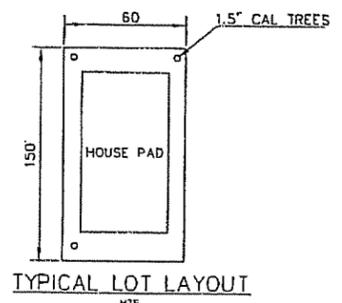
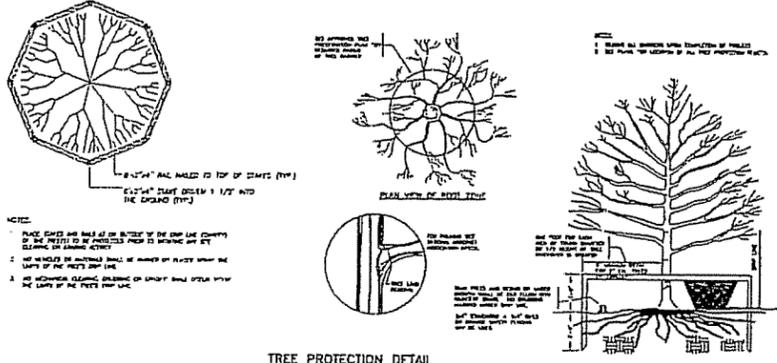
	50' TREE PROTECTION ZONE = 116 ACRES (5,064,52 S F)
	TREE PRESERVATION AREA "A" = 248 ACRES (10,794 S F)
	TREE PRESERVATION AREA "B" = 176 ACRES (7,680 S F)
	TREE PRESERVATION AREA "C" = 253 ACRES (11,016 S F)

TREE REMOVAL/RETENTION TABLE

TREE ID	DATE	HEIGHT	DBH	SPECIES	STATUS
1	11/15/07	12	4.5	OAK	RETAIN
2	11/15/07	10	3.8	PINE	RETAIN
3	11/15/07	15	5.2	CEDAR	RETAIN
4	11/15/07	8	3.1	SWEETGUM	RETAIN
5	11/15/07	18	6.1	PECAN	RETAIN
6	11/15/07	14	4.8	CAMPHOR	RETAIN
7	11/15/07	9	3.5	PALM	RETAIN
8	11/15/07	11	4.2	HICKORY	RETAIN
9	11/15/07	13	4.6	OAK	REMOVE
10	11/15/07	16	5.5	PINE	REMOVE
11	11/15/07	19	6.3	CEDAR	REMOVE
12	11/15/07	7	2.9	SWEETGUM	REMOVE
13	11/15/07	17	5.8	PECAN	REMOVE
14	11/15/07	10	3.9	CAMPHOR	REMOVE
15	11/15/07	12	4.4	PALM	REMOVE
16	11/15/07	14	4.7	HICKORY	REMOVE
17	11/15/07	11	4.1	OAK	REMOVE
18	11/15/07	13	4.5	PINE	REMOVE
19	11/15/07	15	5.1	CEDAR	REMOVE
20	11/15/07	8	3.2	SWEETGUM	REMOVE
21	11/15/07	16	5.6	PECAN	REMOVE
22	11/15/07	9	3.4	CAMPHOR	REMOVE
23	11/15/07	11	4.3	PALM	REMOVE
24	11/15/07	13	4.6	HICKORY	REMOVE
25	11/15/07	10	3.8	OAK	REMOVE
26	11/15/07	12	4.4	PINE	REMOVE
27	11/15/07	14	4.7	CEDAR	REMOVE
28	11/15/07	7	2.8	SWEETGUM	REMOVE
29	11/15/07	15	5.0	PECAN	REMOVE
30	11/15/07	8	3.1	CAMPHOR	REMOVE
31	11/15/07	10	3.7	PALM	REMOVE
32	11/15/07	12	4.3	HICKORY	REMOVE
33	11/15/07	9	3.3	OAK	REMOVE
34	11/15/07	11	4.2	PINE	REMOVE
35	11/15/07	13	4.5	CEDAR	REMOVE
36	11/15/07	6	2.7	SWEETGUM	REMOVE
37	11/15/07	14	4.6	PECAN	REMOVE
38	11/15/07	7	2.9	CAMPHOR	REMOVE
39	11/15/07	9	3.2	PALM	REMOVE
40	11/15/07	11	4.1	HICKORY	REMOVE
41	11/15/07	8	3.0	OAK	REMOVE
42	11/15/07	10	3.6	PINE	REMOVE
43	11/15/07	12	4.2	CEDAR	REMOVE
44	11/15/07	6	2.6	SWEETGUM	REMOVE
45	11/15/07	13	4.4	PECAN	REMOVE
46	11/15/07	7	2.8	CAMPHOR	REMOVE
47	11/15/07	9	3.1	PALM	REMOVE
48	11/15/07	11	4.0	HICKORY	REMOVE
49	11/15/07	8	2.9	OAK	REMOVE
50	11/15/07	10	3.5	PINE	REMOVE
51	11/15/07	12	4.1	CEDAR	REMOVE
52	11/15/07	6	2.5	SWEETGUM	REMOVE
53	11/15/07	13	4.3	PECAN	REMOVE
54	11/15/07	7	2.7	CAMPHOR	REMOVE
55	11/15/07	9	3.0	PALM	REMOVE
56	11/15/07	11	3.9	HICKORY	REMOVE
57	11/15/07	8	2.8	OAK	REMOVE
58	11/15/07	10	3.4	PINE	REMOVE
59	11/15/07	12	4.0	CEDAR	REMOVE
60	11/15/07	6	2.4	SWEETGUM	REMOVE
61	11/15/07	13	4.2	PECAN	REMOVE
62	11/15/07	7	2.6	CAMPHOR	REMOVE
63	11/15/07	9	2.9	PALM	REMOVE
64	11/15/07	11	3.8	HICKORY	REMOVE
65	11/15/07	8	2.7	OAK	REMOVE
66	11/15/07	10	3.3	PINE	REMOVE
67	11/15/07	12	3.9	CEDAR	REMOVE
68	11/15/07	6	2.3	SWEETGUM	REMOVE
69	11/15/07	13	4.1	PECAN	REMOVE
70	11/15/07	7	2.5	CAMPHOR	REMOVE
71	11/15/07	9	2.8	PALM	REMOVE
72	11/15/07	11	3.7	HICKORY	REMOVE
73	11/15/07	8	2.6	OAK	REMOVE
74	11/15/07	10	3.2	PINE	REMOVE
75	11/15/07	12	3.8	CEDAR	REMOVE
76	11/15/07	6	2.2	SWEETGUM	REMOVE
77	11/15/07	13	4.0	PECAN	REMOVE
78	11/15/07	7	2.4	CAMPHOR	REMOVE
79	11/15/07	9	2.7	PALM	REMOVE
80	11/15/07	11	3.6	HICKORY	REMOVE
81	11/15/07	8	2.5	OAK	REMOVE
82	11/15/07	10	3.1	PINE	REMOVE
83	11/15/07	12	3.7	CEDAR	REMOVE
84	11/15/07	6	2.1	SWEETGUM	REMOVE
85	11/15/07	13	3.9	PECAN	REMOVE
86	11/15/07	7	2.3	CAMPHOR	REMOVE
87	11/15/07	9	2.6	PALM	REMOVE
88	11/15/07	11	3.5	HICKORY	REMOVE
89	11/15/07	8	2.4	OAK	REMOVE
90	11/15/07	10	3.0	PINE	REMOVE
91	11/15/07	12	3.6	CEDAR	REMOVE
92	11/15/07	6	2.0	SWEETGUM	REMOVE
93	11/15/07	13	3.8	PECAN	REMOVE
94	11/15/07	7	2.2	CAMPHOR	REMOVE
95	11/15/07	9	2.5	PALM	REMOVE
96	11/15/07	11	3.4	HICKORY	REMOVE
97	11/15/07	8	2.3	OAK	REMOVE
98	11/15/07	10	2.9	PINE	REMOVE
99	11/15/07	12	3.5	CEDAR	REMOVE
100	11/15/07	6	1.9	SWEETGUM	REMOVE

TREE ID	DATE	HEIGHT	DBH	SPECIES	STATUS
101	11/15/07	14	5.0	OAK	RETAIN
102	11/15/07	11	4.0	PINE	RETAIN
103	11/15/07	16	5.5	CEDAR	RETAIN
104	11/15/07	9	3.5	SWEETGUM	RETAIN
105	11/15/07	19	6.5	PECAN	RETAIN
106	11/15/07	15	5.0	CAMPHOR	RETAIN
107	11/15/07	10	4.0	PALM	RETAIN
108	11/15/07	12	4.5	HICKORY	RETAIN
109	11/15/07	17	6.0	OAK	REMOVE
110	11/15/07	14	5.0	PINE	REMOVE
111	11/15/07	18	6.0	CEDAR	REMOVE
112	11/15/07	10	4.0	SWEETGUM	REMOVE
113	11/15/07	16	5.5	PECAN	REMOVE
114	11/15/07	11	4.5	CAMPHOR	REMOVE
115	11/15/07	13	4.8	PALM	REMOVE
116	11/15/07	15	5.2	HICKORY	REMOVE
117	11/15/07	12	4.5	OAK	REMOVE
118	11/15/07	14	4.8	PINE	REMOVE
119	11/15/07	16	5.2	CEDAR	REMOVE
120	11/15/07	9	3.5	SWEETGUM	REMOVE
121	11/15/07	17	5.8	PECAN	REMOVE
122	11/15/07	10	4.0	CAMPHOR	REMOVE
123	11/15/07	12	4.5	PALM	REMOVE
124	11/15/07	14	4.8	HICKORY	REMOVE
125	11/15/07	11	4.2	OAK	REMOVE
126	11/15/07	13	4.5	PINE	REMOVE
127	11/15/07	15	5.0	CEDAR	REMOVE
128	11/15/07	8	3.2	SWEETGUM	REMOVE
129	11/15/07	16	5.5	PECAN	REMOVE
130	11/15/07	9	3.4	CAMPHOR	REMOVE
131	11/15/07	11	4.2	PALM	REMOVE
132	11/15/07	13	4.5	HICKORY	REMOVE
133	11/15/07	10	3.8	OAK	REMOVE
134	11/15/07	12	4.4	PINE	REMOVE
135	11/15/07	14	4.7	CEDAR	REMOVE
136	11/15/07	7	2.9	SWEETGUM	REMOVE
137	11/15/07	15	5.0	PECAN	REMOVE
138	11/15/07	8	3.1	CAMPHOR	REMOVE
139	11/15/07	10	3.7	PALM	REMOVE
140	11/15/07	12	4.3	HICKORY	REMOVE
141	11/15/07	9	3.3	OAK	REMOVE
142	11/15/07	11	4.1	PINE	REMOVE
143	11/15/07	13	4.4	CEDAR	REMOVE
144	11/15/07	6	2.7	SWEETGUM	REMOVE
145	11/15/07	14	4.6	PECAN	REMOVE
146	11/15/07	7	2.8	CAMPHOR	REMOVE
147	11/15/07	9	3.0	PALM	REMOVE
148	11/15/07	11	3.9	HICKORY	REMOVE
149	11/15/07	8	2.8	OAK	REMOVE
150	11/15/07	10	3.4	PINE	REMOVE
151	11/15/07	12	4.0	CEDAR	REMOVE
152	11/15/07	6	2.3	SWEETGUM	REMOVE
153	11/15/07	13	4.2	PECAN	REMOVE
154	11/15/07	7	2.5	CAMPHOR	REMOVE
155	11/15/07	9	2.8	PALM	REMOVE
156	11/15/07	11	3.7	HICKORY	REMOVE
157	11/15/07	8	2.6	OAK	REMOVE
158	11/15/07	10	3.2	PINE	REMOVE
159	11/15/07	12	3.8	CEDAR	REMOVE
160	11/15/07	6	1.9	SWEETGUM	REMOVE

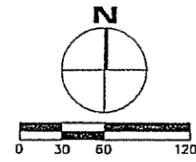
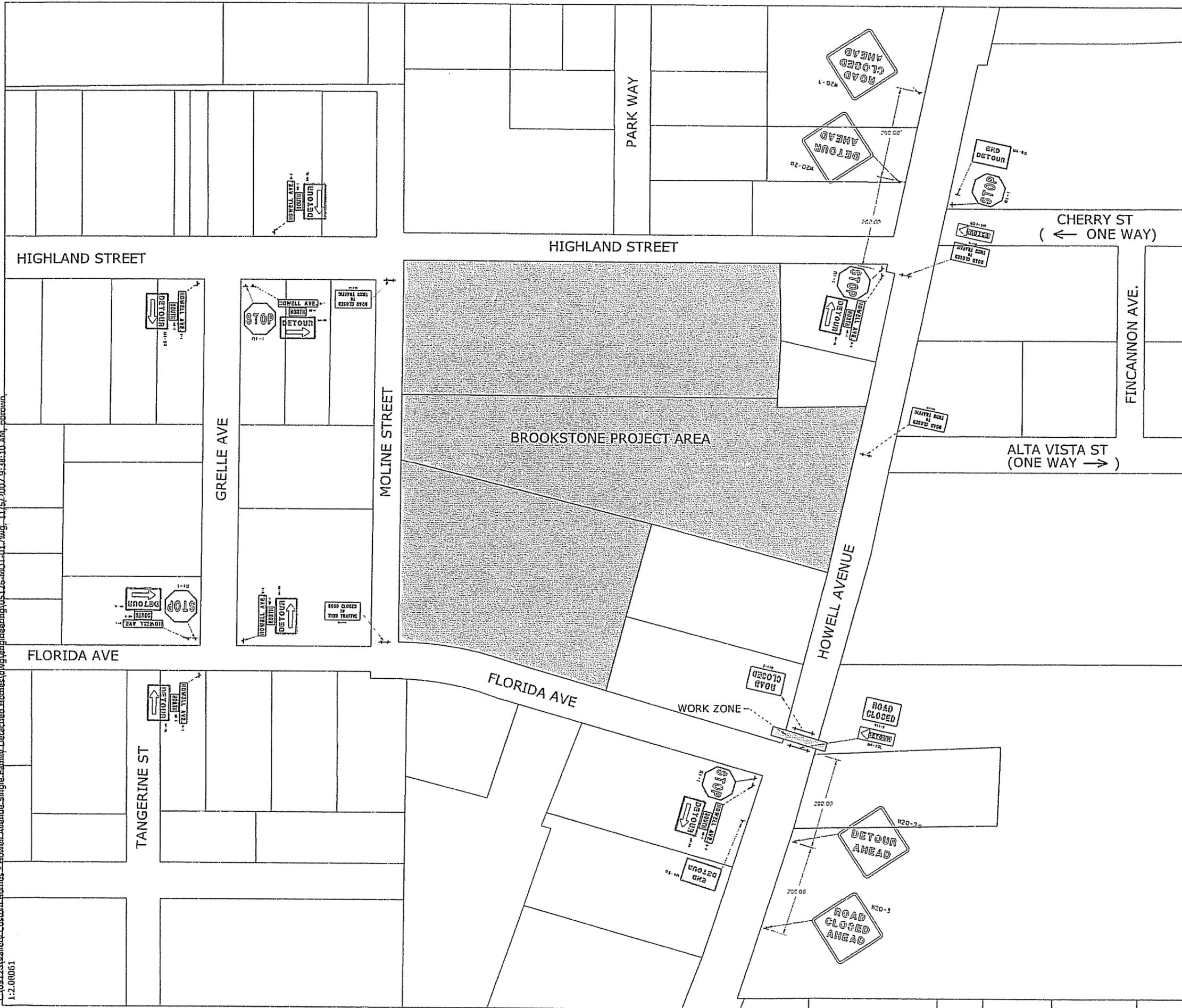
TREE ID	DATE	HEIGHT	DBH	SPECIES	STATUS
161	11/15/07	15	5.2	OAK	RETAIN
162	11/15/07	12	4.2	PINE	RETAIN
163	11/15/07	17	5.8	CEDAR	RETAIN
164	11/15/07	10	4.0	SWEETGUM	RETAIN
165	11/15/07	19	6.5	PECAN	RETAIN
166	11/15/07	16	5.5	CAMPHOR	RETAIN
167	11/15/07	11	4.5	PALM	RETAIN
168	11/15/07	13	4.8	HICKORY	RETAIN
169	11/15/07	18	6.0	OAK	REMOVE
170	11/15/07	15	5.0	PINE	REMOVE
171	11/15/07	17	5.8	CEDAR	REMOVE
172	11/15/07	11	4.5	SWEETGUM	REMOVE
173	11/15/07	19	6.5	PECAN	REMOVE
174	11/15/07	16	5.5	CAMPHOR	REMOVE
175	11/15/07	12	4.8	PALM	REMOVE
176	11/15/07	14	5.1	HICKORY	REMOVE
177	11/15/07	13	4.6	OAK	REMOVE
178	11/15/07	15	5.1	PINE	REMOVE
179	11/15/07	17	5.6	CEDAR	REMOVE
180	11/15/07	10	4.0	SWEETGUM	REMOVE
181	11/15/07	18	6.0	PECAN	REMOVE
182	11/15/07	11	4.5	CAMPHOR	REMOVE
183	11/15/07	13	4.8	PALM	REMOVE
184	11/15/07	15	5.2	HICKORY	REMOVE
185	11/15/07	12	4.5	OAK	REMOVE
186	11/15/07	14	4.8	PINE	REMOVE
187	11/15/07	16	5.2	CEDAR	REMOVE
188	11/15/07	9	3.5	SWEETGUM	REMOVE
189	11/15/07	17	5.8	PECAN	REMOVE
190	11/15/07	10	4.0	CAMPHOR	REMOVE
191	11/15/07	12	4.5	PALM	REMOVE
192	11/15/07	14	4.8	HICKORY	REMOVE
193	11/15/07	11	4.2	OAK	REMOVE
194	11/15/07	13	4.5	PINE	REMOVE
195	11/15/07	15	5.0	CEDAR	REMOVE
196	11/15/07	8	3.2	SWEETGUM	REMOVE
197	11/15/07	16	5.5	PECAN	REMOVE
198	11/15/07	9	3.4	CAMPHOR	REMOVE
199	11/15/07	11	4.2	PALM	REMOVE
200	11/15/07	13	4.5	HICKORY	REMOVE



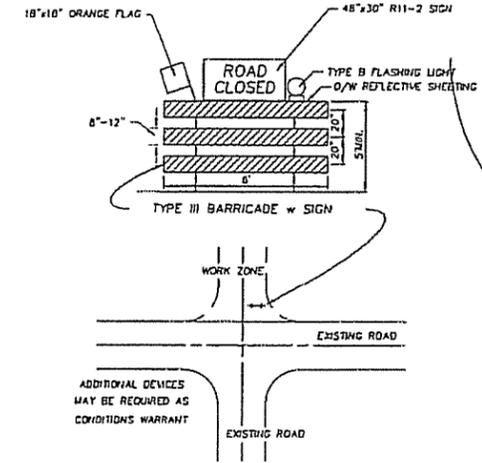
TREE MITIGATION PLAN
BROOKSTONE
Brooksville, Florida

PREPARED BY
C. MAULEY, JR., P.E., P.L.C.
DRAWING NUMBER: 05126-T

L:\051263\Valley-Custom-Homes - Howell-Avenue-Single-Family-Developed-Homes\Engineering\05126-MOT-01.dwg, 11/15/2007 9:38:10 AM, pbrown

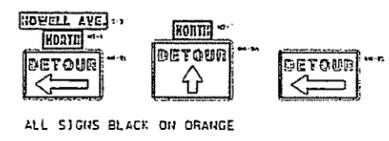


- CONDITION:** UTILITY CONNECTION OPEN ROAD CUT HOWELL AVENUE
- DURATION:** ONE EVENING
- STIPULATIONS:**
1. WORK TIME LIMITED TO 7pm TO 8pm.
 2. PROVIDE WRITTEN NOTICE TO BUCKSVILLE POLICE AND FIRE, AND HERNANDO COUNTY FIRE AND EMS, AND HERNANDO TROUPE AND HERNANDO TIMES 48 HOURS PRIOR TO ROAD CLOSURE.
 3. ALL TRAFFIC CONTROL DEVICES TO BE IN PLACE PRIOR TO ROAD CLOSURE.
 4. CONTRACTOR IS RESPONSIBLE FOR THE RESTORATION OF ALL PUBLIC AREAS TO THE SATISFACTION OF THE CITY OF BUCKSVILLE AND HERNANDO COUNTY.



- NOTES**
- All streets entering the construction zone to receive Road Closure signage
 - All Road Closed signs to be accompanied by an 18"x18" orange flag and a type B hi-intensity flashing light
 - Other work zone traffic control devices may be required for construction Refer to part V of the MUTCD and the 600 series of the F.D.O.I. Standards for additional details.
 - Roadway(s) are not to be opened to public travel until:
 - A. All permanent traffic control devices are in place;
 - B. Project is inspected and accepted.
 - Type III barricades and road closed sign SHALL not block intersection/diveaway sight distance.

All signs shall be Type III-A, high performance sheeting, which consists of encapsulated spherical lens elements.



ALL SIGNS BLACK ON ORANGE

TRANSPORTATION PLAN
BROOKSTONE
Brooksville, Florida.

50
CLIFFORD E. MANUEL, JR., P.E., P.E. 3834
DRAWING REVISED UNLESS NOTED, DATED
12/15/07 BY THE REGISTERED PROFESSIONAL

Coastal
Engineering
Planning
Surveying
Construction Management
Engineering Associates, Inc.
and Consulting Engineer - Brooksville, Florida 34607
352-768-0500 FAX 352-768-0508
EIT 00000142

REUSE OF DOCUMENT
THIS DOCUMENT, CONSISTING OF THE
AS ALL INSTRUMENT OF RESOLUTION,
ENGINEERING ASSOCIATES, INC. AND IS
NOT TO BE USED, IN WHOLE OR IN PART,
FOR ANY OTHER PURPOSE WITHOUT THE
WRITTEN AUTHORIZATION OF COASTAL
ENGINEERING ASSOCIATES, INC.

NO.	DATE	REVISION

MEMORANDUM

To: Honorable Mayor & City Council Members
Via: T. Jennene Norman-Vacha, City Manager *T. Jennene Norman-Vacha*
From: Bill Geiger, Community Development Director *Bill Geiger*
Subject: Good Neighbor Trail Project - Florida Recreation Development Assistance Program (FRDAP) Grant Project No. F06253
Date: December 19, 2007

BACKGROUND INFORMATION:

The City of Brooksville's FRDAP grant for Project No. F06253, calls for construction of a 6,900 LF multi-use trail from Russell Street Park to Jasmine Drive. This grant has a project element completion date of April 30, 2008. The Florida Department of Environmental Protection (FDEP), the agency that oversees FRDAP projects, has consistently indicated that absolutely no extensions to the project completion date would be granted. The City obtained this grant with the intent of leveraging the funds with Metropolitan Planning Organization (MPO) Enhancement Funds, to try and accelerate the time frame for building the first phase of the trail. Unfortunately, Enhancement projects evolve within their own time frame.

The County is recognized by the Florida Department of Transportation (FDOT) as the Local Agency Program (LAP) certified authority, and plays the lead role in the production of programmed enhancement projects. Based on recent projections, it has been determined that this project will not meet the completion deadline required for the FRDAP grant. Given the increased time frame for gaining FDOT approvals through their LAP program, it is anticipated that actual construction of the trail's first leg will not occur until some time in 2009.

City staff have been in communication with the Florida Department of Environmental Protection (FDEP) on this topic. The FDEP recommends that the City withdraw the acceptance of the grant award for FRDAP Project No. F06253 in the amount of \$200,000, and suggests that the City prepare a new application which may be submitted during the projected grant application window of September 2008. In speaking with FDEP's representative, Leanne Zimmerman, the likelihood of receiving a similar grant with the same monetary award is favorable.

Budget Statement: In approving the recommendation, the grant project (and associated funding) would be shifted from fiscal year 2007-2008 to fiscal year 2008-2009.

RECOMMENDATION:

Withdraw the acceptance of the grant award for FRDAP Project No. F06253, in the amount of \$200,000, and authorize staff to prepare a new application, which may be submitted during the next FRDAP grant application cycle.

- Enclosures:**
- 1) Zimmerman-to-Brijbag letter (12/07/2007)
 - 2) Brijbag-to-Pianta letter (11/02/2007)
 - 3) Estimated Trail Timeline (As submitted to the City from the County (December 2007))



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

DEC 10 2007

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

December 7, 2007

Mr. Brian Brijbag
Director of Community Redevelopment
City of Brooksville
201 Howell Avenue
Brooksville, FL 34601-2041

Re: Good Neighbor Trail, Ph. II
FRDAP Project No. F06253

Dear Mr. Brijbag:

We are taking this opportunity to remind you of the April 30, 2008, completion date for this project. All grant related construction must be completed and all expenses paid by the scheduled completion date. This completion date is only five (5) months away and the project should be nearing completion.

It is imperative that all completion documents and eligible expenditures be submitted to our office on or before the expiration date of this project. Under Rule 62D-5.58 (7)(a), staff has no alternative means to extend the grant. If you will not be able to meet this deadline, you may want to consider withdrawing and reapplying for another grant at a later date, especially if you have not requested any reimbursements from the grant.

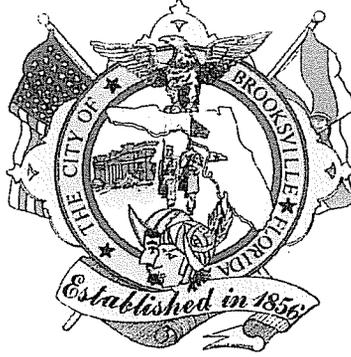
Your attention to this matter is appreciated. If you think you may encounter any problems meeting this deadline please contact our office immediately at 850/245-2501.

Sincerely,

Leanne Zimmerman
Community Assistance Consultant
Office of Information and Recreation Services
Division of Recreation and Parks
Mail Station #585

LDZ/

City of Brooksville



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

November 2, 2007

TO: Ronald F. Pianta, AICP, Planning Director
20 N. Main Street, Room 262
Brooksville, Florida 34601

RE: Good Neighbor Trail, Phase Two

As previously communicated by our office, the City of Brooksville's FRDAP grant for paving of the first phase of the Good Neighbor Trail Project calls for the construction of the Trail from S. Brooksville Ave to Jasmine St to be completed by April 30, 2008.

The City is not able to extend the deadline on this particular grant. As the grant recipient we need to be advised on your expected timeline for completion on this portion of the project. If we can not adhere to the grant deadline, the city will be required to withdraw the grant application and then consider resubmitting a new application.

Thank you for your attention and quick response.

A handwritten signature in black ink, appearing to read 'Brijbag', is written over a horizontal line.

Brian S. Brijbag
Redevelopment Coordinator

CC: Dennis Dix, AICP, MPO Coordinator
Steve Diez, Transportation Planner II
Bill Geiger, Community Development Director

Trail Timeline

Description	2007					2008				
	Nov	Dec	Jan	Feb	Mar	Apr	May			
FDOT LAP Approval										
Construction Plans										
SWFTD Permit										
Plans Review										
Specs										
Bid-Out										
Construction										
Substantial Completion										
Final Completion										

-  = In progress
-  = Complete
-  = Proposed

STAFF REPORT

To: Honorable Mayor and City Council
Via: T. Jennene Norman-Vacha, City Manager 
From: Bill Geiger, Community Development Director 
Subject: Community Budget Issue Requests for Consideration by the Legislative Delegation for Fiscal Year 2007-2008
Date: December 27, 2007

BACKGROUND INFORMATION

Over the last several years (Since 2000), the City of Brooksville has requested support from our legislative delegation for the following two Community Budget Issue Requests (CBIR's):

- 1.) Brooksville Sewer Rehabilitation Project - This project is to repair/replace aging transmission lines in the City. To date, the legislature has appropriated \$4,250,000 to the City for this project. The City originally applied for these water project funds via HB 851 in December of 1999. This year it is recommended that the City request \$2,731,000 to fund the ongoing construction of this project.
- 2.) Brooksville Water System Improvement Project - This project is to repair/replace and upgrade aging, undersized potable water lines in the historic sections of the City, and extend the water system to property located within the Enterprise Zone. This request was funded for the first time during the 2007 legislative session in the amount of \$250,000. It is recommended that the City request \$1,600,000 to continue funding for the construction of this project.

The legislative delegation meeting is scheduled for January 18, 2008, from 1:00 p.m. to 4:00 p.m. in the Hernando County Commission meeting room. The CBIR forms for the two items referenced above (see attached) were forwarded to Representative Schenck and Senator Dockery on December 17, 2007. Also attached to this report is a copy of a memo from Senator Carlton and Representative Sansom that was addressed to all legislators (dated November 28, 2007). Essentially, the memo states that no general revenue funding for CBIR's are expected to be appropriated for this year, due to the State's general fund revenue shortfall, estimated to be a total of \$2.4 billion in November 2007. Although there is not much hope for CBIR requests to be funded this year, it is still considered important to maintain an ongoing request for assistance to try and keep the two projects moving forward.

Also, this is an opportunity for other issues to be brought forward to the legislative delegation. Direction from City Council members is requested in this regard.

Staff Recommendation: It is recommended that City Council ratify these CBIR's, and authorize them to be submitted to the Hernando County Legislative Delegation with a request for their sponsorship and support of the same. Also, direction is requested regarding any additional items that the City Council may wish to submit to the delegation.

- Attachments:**
- 1) Carlton/Sansom-to-All Legislators Memorandum (November 28, 2007)
 - 2) Brooksville Sewer Rehabilitation Project CBIR
 - 3) Brooksville Water System Improvement Project CBIR

pc: file

THE FLORIDA LEGISLATURE



KEN PRUITT
President of the Senate



MARCO RUBIO
Speaker of the House of Representatives

MEMORANDUM

TO: All Legislators *MC*
FROM: Senator Lisa Carlton, Chair, Senate Fiscal Policy and Calendar Committee and Representative Ray Sansom, Chair, House Policy and Budget Council *RS*
SUBJECT: Community Budget Issue Requests (CBIRS)
DATE: November 28, 2007

In accordance with the usual legislative budget process, President Pruitt and Speaker Rubio have authorized the opening of the Community Budget Issue Request System (CBIRS) for you to request funding for community projects during the 2008 regular legislative session

The system will be available on Friday, December 14, 2007. As in the past, there will be no paper forms, only electronic submissions in this process. The deadline for submittal of requests will be Friday, January 4, 2008. The system will be closed at 5:00 p.m. on that day

A copy of the CBIRS Reference Manual will be distributed to the district offices. It is also available on the Legislative Intranet ("Training/Computer How To's/CBIRS"). For further assistance, please contact the Office of Legislative Information Technology Services (OLITS) at (850) 488-8326 or SunCom 278-8326.

While this is being done as a courtesy to provide an opportunity for you to respond to valid constituent needs in your community, we wanted to make sure that you maintain realistic funding expectations given the current revenue situation. As you know, estimated General Revenue funds available for FY 2008-09 were reduced by a total of **\$2.4 billion** at the November 14 revenue estimating conference. This reduction in revenue will require consideration of further current year budget reductions as well as significantly restrict the amount of funds available for the 2008 budget deliberations. Unlike previous budget years which benefited from significant non-recurring balances for individual member priorities, these revenues will also be severely limited and will need to be directed toward essential statewide programs.

Given this reality, we advise that you not expect to receive any General Revenue funding, either recurring or non-recurring, for community budget issue requests this coming session. Please feel free to share this memorandum during individual meetings or delegation hearings so that your constituents receive this fiscal information first-hand.

1. Project Title: Brooksville Sewer Rehabilitation Project

Date: Dec. 17, 2007

2. Member Sponsor(s) Name: Senator Paula Dockery & Representative Robert Schenck District No.(s): Senate 15, House 44

3. What statewide interest does this project address as it relates to Chapter 216.052(1)? An adequate wastewater collection system throughout the City will ensure that raw sewage is properly collected and treated before discharge to the environment. This project will protect the environment and public health by reducing raw untreated wastewater discharges to the surface and to subsurface waters.

4. Requester:

Name: City of Brooksville Organization: City of Brooksville

5. Recipient:

Name: City of Brooksville Street: 201 Howell Avenue
City: Brooksville Zip Code: 34601

Counties: Hernando Gov't Entity or Private Organization (Profit/Not for Profit)

6. Contact:

Name: Bill Geiger (Community Dev. Dir.) Phone #: (352) 544-5430 email: bgeiger@ci.brooksville.fl.us

7. Project Description: (Include services to be provided) The project includes the administration, engineering and construction of improvements to the wastewater system for the City of Brooksville. (See attached for further description)

8. Is this project related to a federal or state declared disaster? Yes No

8a. If yes, which declared disaster? n/a

8b. If yes, what year? n/a

9. Measurable Outcome Anticipated: Backup and discharge of raw untreated sewage, coupled with a leaking collection system has the potential to have intermittent pollutant loadings on all nearby surface and groundwater sources. The rehabilitation of the sewer system will eliminate backup and discharge of raw untreated sewage.

10. Amount you are requesting from the State for this project this year? Amount Requested:

11. Total cost of project this year:

12. Is this request being made to fund (check all that apply): Operations Construction

13. What type of match exists for this request? Local Private Federal None

13a. Enter all amounts that apply: Total Cash Amount Total In Kind Amount

14. Was this project previously funded by the State? Yes No

14a. If yes, most recent Fiscal Year 2006-2007 (eg. 2002-2003) Amount:

15. Is future-year funding likely to be requested? Yes No Unknown

15a. If yes, how much?

15b. Purpose for future year funding: Recurring Operations Non-Recurring Construction Other

16. Will this be an annual request? Yes No

17. Was this project included in an Agency Budget Request? Yes No Unknown

17a. If yes, name the Agency: n/a

18. Was this project included in the Governor's Recommended Budget? Yes No Unknown

19. Is there documented need for this project? Yes No

19a. If yes, what is the documentation? (eg: LRPP, Agency Needs Assessment, etc.) City of Brooksville Facilities Plan, November 2002, pages 5-10, and 21-22.

20. Was this project request heard before a publicly-noticed meeting of a body of elected officials (municipal, county, or state)? Yes No

20a. If yes, name the Body: The City Council of the City of Brooksville and Hernando County Legislative Delegation

21. Is this a water project under s. 403.885,F.S.? Yes No

(See http://www.dep.state.fl.us/water/waterprojectfunding/2008/wpf_2008_main.htm for more information including historical funding)

21a. Is the project eligible under section 403.885(2), F.S., to protect public health or the environment; and implement plans developed pursuant to the Surface Water Improvement and Management Act created in part IV of Chapter 373, F.S., other water restoration plans required by law, management plans prepared pursuant to s. 403.067, F.S., or other plans adopted by local government for water quality improvement and water restoration? Yes No

22. Is your project addressed in a state, regional or local plan (such as a SWIM Plan, Comprehensive Plan, Local Master Plan, etc.)? Yes No

22a. If yes, name the plan and cite the pages on which the project is described City of Brooksville Facilities Plan, November 2002, pages 5-10, and 21-22.

23. Are you requesting funding for a stormwater, surface water restoration, or other water management project? Yes No
If yes, answer the following:

23a. In which Water Management Districts area is your project located? n/a

23b. Have you provided at least a 50% match (that is, one-half the total project cost identified in this request)? Yes No

23c. If yes, identify the amount and source of any match being provided: Amount \$ _____ Source: _____

23d. Will this project reduce pollutant loadings to a water management district designated "priority" surface water body? Yes No

(See www.dep.state.fl.us/water/waterprojectfunding/WMDprioritywaters.htm for list of priority water bodies)

23e. If yes, name the water body: _____

23f. If yes, describe, specifically how it will reduce loadings, identify anticipated load reductions for total suspended solids, total nitrogen, total phosphorus, and other contaminants, and specify the practices that will be used to reduce loadings: _____

23g. Is the project under construction? Yes No

24. Are you requesting funding for a wastewater project? Yes No
If yes, answer the following:

24a. Does your project qualify for funding from DEP's "Small Community Wastewater Treatment Grant Program" under section 403.1838, F.S.? Yes No (See www.dep.state.fl.us/water/wff/cwsrf/smalcwgp.htm for information)

24b. If yes, have you received or applied for funding? Yes No

24c. If yes, provide the DEP Disadvantaged Small Community Grant project number # n/a

24d. Have you received or applied for funding for this project from DEP's State Revolving Fund (SRF) program under section 403.1835, F.S.? Yes No (See www.dep.state.fl.us/water/wff/cwsrf/index.htm for information)

24e. If yes, provide the DEP SRF project number _____

24f. Is the project under construction? Yes No

24g. Have you provided at least a 25% match (that is, one-quarter the total project cost identified in this request)? Yes No

24h. If yes, identify the amount and source of the match: Amount \$ N/A Source: _____

25. Are you requesting funding for a drinking water project? Yes No - on a separate application
If yes, answer the following:

25a. Have you received or applied for funding for this project from DEP's State Revolving Fund (SRF) program under section 403.8532, F.S.? Yes No (See www.dep.state.fl.us/water/wff/dwsrf/index.htm for information)

25b. If yes, provide the DEP SRF project number _____

25c. Is the project under construction? Yes No

25d. Have you provided a match? Yes No

25e. If yes, identify the amount and source of the match: Amount \$ _____ Source: _____

BROOKSVILLE SEWER REHABILITATION PROJECT CBIR ATTACHMENT

CBIR Question 7 Project Description Attachment

Project Description:

Aged (50 to 80 years old) portions of the existing citywide sewer system have deteriorated to the point that seasonal inflow into the system causes sewage backup into homes and businesses, as well as making it difficult to manage flow fluctuations at the wastewater treatment facility. Discharges of raw untreated sewage also occur to the surface and to subsurface waters. Failure to correct this inflow may result in the City having to prematurely expand the wastewater treatment facility to handle seasonal peaks caused by the inflow. The replacement and repair of the aged collection system will protect both the environment and public health by reducing backup and spillage of raw untreated sewage, as well as ensuring that the wastewater treatment facility can adequately treat the wastewater prior to discharge.

The overall planning and long-range budgeting for the rehabilitation of the City's some 80500 feet of sanitary sewers was completed in 2002. The entire system has been smoke tested and select areas have been video inspected so that the most critical areas needing repair could be identified and prioritized.

The first construction phase (Basins G & H) was completed in April 2006. Flow records since the completion of the first construction phase indicate an approximate fifteen percent (15%) reduction in peak rates reaching the treatment plant following significant rainfall events.

The second construction phase has been completed, except for the resolution of some warranty items. Phase Three Construction will continue the rehabilitation of select reaches of known high maintenance and leakage plus the continuation of the lining of laterals along reaches of main line that were rehabilitated with the Phase Two Construction. The Phase Three construction will be performed by City forces and/or subcontracted directly by the City.

All available grant funds are anticipated to be spent by the end of the second quarter of 2008.

The continuation of the funding through this request is critical to proceeding with the necessary improvements to protect the public health and environment.

- 1. Project Title: Brooksville Water System Improvement Project Date: Dec 17, 2007
- 2. Member Sponsor(s) Name: Senator Paula Dockery & Representative Robert Schenck District No.(s): Senate 15, House 44
- 3. What statewide interest does this project address as it relates to Chapter 216.052(1)? Repairing/replacing aging portions of the City's water system will improve the integrity of the potable water system and ensure adequate fire flow pressures to protect the health, safety and welfare of those that reside, work and visit the City. Targeted locations for the water system rehabilitation are key portions of the City's historic district and Enterprise Zone #2701.
- 4. Requester:
Name: City of Brooksville Organization : City of Brooksville
- 5. Recipient:
Name: City of Brooksville Street: 201 Howell Avenue
City: Brooksville Zip Code: 34601
Counties: Hernando Gov't Entity or Private Organization (Profit/Not for Profit)
- 6. Contact:
Name: Bill Geiger (Community Dev. Dir.) Phone #: (352) 544-5430 email: bgeiger@ci.brooksville.fl.us
- 7. Project Description: (Include services to be provided) The project includes the administration, engineering and construction of improvements to the potable water system for the City of Brooksville. (See attached for further description)
- 8. Is this project related to a federal or state declared disaster? Yes No
- 8a. If yes, which declared disaster? _____
- 8b. If yes, what year?: _____
- 9. Measurable Outcome Anticipated: By repairing/replacing portions of the City's aging water system that dates back to 1925, the City will be able to improve potable water quality and increase the City's ability to suppress/control fires that could threaten lives and damage its historic resources.
- 10. Amount you are requesting from the State for this project this year? Amount Requested:
- 11. Total cost of project this year:
- 12. Is this request being made to fund (check all that apply): Operations Construction
- 13. What type of match exists for this request? Local Private Federal None
- 13a. Enter all amounts that apply: Total Cash Amount Total In Kind Amount
- 14. Was this project previously funded by the State? Yes No
- 14a. If yes, most recent Fiscal Year 2007-2008 (eg. 2002-2003) Amount:
- 15. Is future-year funding likely to be requested? Yes No
- 15a. If yes, how much?
- 15b. Purpose for future year funding: Recurring Operations Non-Recurring Construction Other
- 16. Will this be an annual request? Yes No
- 17. Was this project included in an Agency Budget Request? Yes No
- 17a. If yes, name the Agency: N/A
- 18. Was this project included in the Governor's Recommended Budget? Yes No Unknown
- 19. Is there documented need for this project? Yes No
- 19a. If yes, what is the documentation? (eg: LRPP, Agency Needs Assessment, etc.) City of Brooksville Facility Plan, November 2002, pages 5-10 and 25-28. Also see "Water System Upgrade Cost Estimate; Project Narrative" 12/28/06 by City Staff.
- 20. Was this project request heard before a publicly-noticed meeting of a body of elected officials (municipal, county, or state)? Yes No
- 20a. If yes, name the Body: The City Council of the City of Brooksville and Hernando County Legislative Delegation
- 21. Is this a water project under s.403.885, F.S.? Yes No N/A

(See http://www.dep.state.fl.us/water/waterprojectfunding/2008/wpf_2008_main.htm for more information including historical funding)

21a. Is the project eligible under section 403.885(2), F.S., to protect public health or the environment; and implement plans developed pursuant to the Surface Water Improvement and Management Act created in part IV of Chapter 373, F.S., other water restoration plans required by law, management plans prepared pursuant to s. 403.067, F.S., or other plans adopted by local government for water quality improvement and water restoration? Yes No

22. Is your project addressed in a state, regional or local plan (such as a SWIM Plan, Comprehensive Plan, Local Master Plan, etc.)? Yes No

22a. If yes, name the plan and cite the pages on which the project is described City of Brooksville Facilities Plan, November 2002, pages 5-10, and 21-22.

23. Are you requesting funding for a stormwater, surface water restoration, or other water management project? Yes No
If yes, answer the following:

23a. In which Water Management Districts area is your project located? n/a

23b. Have you provided at least a 50% match (that is, one-half the total project cost identified in this request)? Yes No

23c. If yes, identify the amount and source of any match being provided: Amount \$ _____ Source: _____

23d. Will this project reduce pollutant loadings to a water management district designated "priority" surface water body? Yes No

(See www.dep.state.fl.us/water/waterprojectfunding/WMDprioritywaters.htm for list of priority water bodies)

23e. If yes, name the water body: _____

23f. If yes, describe, specifically how it will reduce loadings, identify anticipated load reductions for total suspended solids, total nitrogen, total phosphorus, and other contaminants, and specify the practices that will be used to reduce loadings: _____

23g. Is the project under construction? Yes No

24. Are you requesting funding for a wastewater project? Yes No - See separate application

If yes, answer the following:

24a. Does your project qualify for funding from DEP's "Small Community Wastewater Treatment Grant Program" under section 403.1838, F.S.? Yes No (See www.dep.state.fl.us/water/wfi/cwsrf/smalcwgp.htm for information)

24b. If yes, have you received or applied for funding? Yes No

24c. If yes, provide the DEP Disadvantaged Small Community Grant project number _____

24d. Have you received or applied for funding for this project from DEP's State Revolving Fund (SRF) program under section 403.1835, F.S.? Yes No (See www.dep.state.fl.us/water/wfi/cwsrf/index.htm for information)

24e. If yes, provide the DEP SRF project number _____

24f. Is the project under construction? Yes No

24g. Have you provided at least a 25% match (that is, one-quarter the total project cost identified in this request)? Yes No

24h. If yes, identify the amount and source of the match: Amount \$ N/A Source: _____

25. Are you requesting funding for a drinking water project? Yes No

If yes, answer the following:

25a. Have you received or applied for funding for this project from DEP's State Revolving Fund (SRF) program under section 403.8532, F.S.? Yes No (See www.dep.state.fl.us/water/wfi/dwsrf/index.htm for information)

25b. If yes, provide the DEP SRF project number _____

25c. Is the project under construction? Yes No

25d. Have you provided a match? Yes No N/A

25e. If yes, identify the amount and source of the match: Amount \$ 100,000 Source: Local O & M Budget

BROOKSVILLE WATER SYSTEM IMPROVEMENT PROJECT CBIR ATTACHMENT

CBIR Question 7- Project Description

Portions of the Brooksville's aged (50-80 years old) existing potable water transmission system are undersized and in need of replacement. Time and use of the system have resulted in breakage, sedimentation and decreased efficiency. Many of the older lines along streets and subdivisions in the historic sections of Brooksville are substandard in size and need to be upgraded to a larger size in order to provide adequate pressure for fire suppression purposes. Additionally, potable water transmission lines are needed in portions of the Enterprise Zone where existing, low-income housing is presently relying on individual wells to service their needs. The City's multiyear potable water system upgrade plan is to define the most critical problem areas in the system, repair or replace identified deficiencies and expand the water system, where feasible, to provide potable water services to existing, low-income families and businesses located within the area of Enterprise Zone #2701.

The City of Brooksville is a small community with a population of less than 7,500 people. The median household income is less than \$20,000. For major utility infrastructure improvements, this equates to a large financial impact per connection. Rate increases, although unavoidable at times, are stifling to a population this small.

CBIR Question 13 – Matching Funds / Services

\$55,000 - Water line valve and fire hydrant replacements.

\$45,000 In Kind: Water System Supervision, management and maintenance.



MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCILMEN

FROM: T. JENNENE NORMAN-VACHA, CITY MANAGER

SUBJECT: ASSIGNED VEHICLE POLICY

DATE: DECEMBER 31, 2007

On June 25, 2007, during Special Workshop of the Brooksville City Council, the City Council directed staff to prepare a policy on assigned vehicles or "Take Home Vehicles" for consideration.

As you will recall, in preparation of the workshop, staff conducted a survey from surrounding municipalities to determine whether they currently have a "take home vehicle" policy in place. We have since updated our survey review and the results of the survey are as follows:

City	County	Number of Police Officers Reported by FDLE 2006	Approx. Population*	Status of Policy
Inverness	Citrus	Not reported	7,215	Limited Policy
Crystal River	Citrus	19	3,581	Limited Policy
Eustis	Lake	47	18,305	YES – but only for Police Dept
Fruitland Park	Lake	11	3,871	YES – but only for Police Dept
Groveland	Lake	20	5,812	YES – but only for Police Dept
Lady Lake	Lake	24	13,584	YES – but only for Police Dept
Leesburg	Lake	69	19,835	NO -- working on currently
Mount Dora	Lake	32	11,564	YES
Dade City	Pasco	22	6,987	Limited Policy

New Port Richey	Pasco	38	17,200	Limited Policy
Port Richey	Pasco	13	3,370	YES
Zephyrhills	Pasco	31	12,763	YES
Auburndale	Polk	31	13,038	Limited Policy – in process of updating
Bartow	Polk	45	16,455	Limited Policy – police department only
Bushnell	Sumter	9	2,181	Limited Policy
Wildwood	Sumter	15	3,287	YES – but only for Police Dept

* Source: Population Division, U.S. Census Bureau

The proposed City Vehicle and Take-Home Vehicle Policy, provided as Attachment 1, would provide take-home vehicles to sworn personnel of the Police Department and other key City staff, as designated within the policy in order to improve the level of police service, emergency response and rapid response to emergency situations for the citizens of Brooksville. Improved service levels will be achievable through the increased visibility of the Police Department vehicles, increased staff/personnel available to rapidly respond to emergency incidents/situations, an increased police presence on the streets for an extended period of time and an improved cost-effectiveness of vehicle maintenance, repair and replacement resulting from extended vehicle life through improved care and accountability.

Although the policy is inclusive of all City departments, it will be utilized more within the Police Department than any other department so most of our research for cost/benefit has centered around the functions of the Police Department.

POLICE DEPARTMENT

Providing take-home vehicles to patrol officers has the potential of creating a number of operational advantages/benefits to the City of Brooksville. Most of the benefits that we have outlined have been shown time-and-time again in study after study across the United States. Some of the most significant operational benefits include:

- Increased utilization of patrol staff
- Decreased operational costs per unit
- Improved officer response to emergencies
- Increased department visibility
- Increased public and officer safety, morale, and arrests

Increased utilization of patrol staff. The productivity of patrol staff (as measured in the time they are on duty and available for calls and other activity) is increased substantially when patrol officers are allowed to take vehicles home. The increase in productivity results from two factors: (1) The time that officers spend in reporting/sign-in time each day can be reduced by 15 minutes per shift. Currently, when patrol staff is reporting to work at the beginning of the shift, productive time is lost from employees “mobilizing” their patrol vehicles. Employees spend time placing equipment and personal gear into the vehicle and readying the vehicle for use upon arrival to the police station. Secondly, when patrol officers take vehicles home, they can remain in their patrol beats until the end of the shift, completing all required reports from mobile terminals/laptops in their assigned vehicles rather than returning to the station. Consequently, an estimated 30 minutes of productive time is saved at the end of a shift (for a total savings of 45 minutes per officer per shift).

Decreased operation costs per mile. When officers take vehicles home, they tend to take better care of them than when they share a vehicle with two or three other officers during the course of a day. Officers care for take-home vehicles as they do their own personal vehicle and have increased pride in the condition and cleanliness of their assigned vehicles. Most departments that have implemented such a program report the useful lifetime of each vehicle has been extended by several thousand miles and three to five years. (Indeed, some of these departments report that the additional mileage put on a vehicle driving it to and from work is offset by the fact that the life of the assigned vehicle is extended.)

In addition, holding officers accountable for damage and possible abuse becomes easier, as does the ability to reward those individuals who take exceptional care of their equipment.

Improved officer response to major emergencies. One of the most significant benefits of a take-home vehicle plan for patrol officers is that response to major emergencies is greatly enhanced. At present, if there is an emergency need to call in off-duty officers, the officers drive their personal vehicles to the police station, where they gather equipment and are briefed. Take-home vehicles allow for patrol officers and patrol division command staff to respond directly where needed, when needed. Thankfully, in rare situations, such as an over-turned tanker/rail car or other major disasters, the Police Department could activate all sworn officers in a relatively short time, and send officers directly to their assignment from their homes.

Improved response to high-priority calls-for-service. In some critical situations – for example, if an officer is “down” – the nearest on-duty unit may be several miles away while an off-duty officer may be just around the corner. In such a situation, deploying an off-duty officer to the incident can greatly reduce the response time required to provide back-up and assistance.

Increased department visibility. Although studies show police visibility alone does not reduce crime, police visibility has been shown to make people feel safer. Increased patrol car visibility also improves traffic enforcement as the regular presence of an increased number of patrol vehicles has been shown to improve driver compliance with traffic laws. Take-home programs result in more police units being driven on the streets

as officers go to and from work or other approved activity. Even an unattended unit parked in a lot or driveway increases police visibility and perceptions of citizen safety. (Many cities mandate that an assigned take-home vehicle cannot be garaged at the officer's residence and must be parked on the street or in the driveway.) Not surprisingly, citizens in cities with patrol take-home vehicle programs report that they like the presence of police vehicles in their neighborhoods.

Increased service to citizens. Officers operating patrol vehicles, both on-duty and off-duty, are required to render aid to motorists and others in need of assistance. Moreover, since officers would be required to take action upon witnessing a violation, arrests may increase. When operating a police vehicle, it is required that radio and other communication equipment be in operation, so patrol command staff and supervisory personnel would be more aware of activity in the city, and often would be immediately available, without having to be paged.

Increased morale. Cities that utilize a take-home patrol vehicle program report an increase in officer morale. Most report that officers wash and wax the assigned vehicles, and do other minor repairs and maintenance at home, on their own time.

OTHER CITY DEPARTMENTS

Departments, other than the Police Department, that are included for "Assigned Take-Home Vehicles" in the proposed City Vehicle and Take-Home Vehicle Policy would include those employees/department directors that are "on-call" for emergency response and/or emergency situations that require rapid response. This would be inclusive of the Fire Chief, Park & Recreation Director (on-call response to Park/Facilities calls) Public Works Director, Utilities Superintendent, Public Works Foreman, Sanitation Supervisor, and assigned "on-call" Public Works staff (on-call response to Public Works/Utilities calls).

Benefits to the City of Brooksville for the Fire Chief would include: improved response to high-priority emergency calls/situations. The Fire Chief is required to respond and participates in high-priority calls on a frequent/regular basis. His Take-Home Vehicle is fully equipped with gear and tools for immediate deployment/response.

Benefits to the City of Brooksville for the Parks & Recreation and Public Works departments' staff would include: improved response to emergency calls/situations that occur after regular work hours. The Assigned Take-Home Vehicles are equipped with materials, supplies, tools and equipment that allow the employee to respond immediately to the emergency situation. This allows for a more immediate directly to the situation.

STAFF RECOMMENDATION: Staff recommends approval of the attached Vehicle and Take-Home Vehicle Policy for the City of Brooksville.

Attachment 1

City of Brooksville Official Policy 1 – 2008

City Vehicle and Take-Home Vehicle Policy

1.0 STATEMENT OF PURPOSE:

It is the policy of the City of Brooksville to provide take-home vehicles to sworn personnel of the Police Department and other key City staff, as designated within the policy in order to improve the level of police service, emergency response and rapid response to emergency situations for the citizens of Brooksville. Improved service levels will be achievable through the increased visibility of the Police Department vehicles, increased staff/personnel available to rapidly respond to emergency incidents/situations, an increased police presence on the streets for an extended period of time and an improved cost-effectiveness of vehicle maintenance, repair and replacement resulting from extended vehicle life through improved care and accountability.

The City of Brooksville requires employees performing certain job duties to utilize City Vehicles. These procedures are provided for guidance in the assignment, inspection, operation, and utilization of City's owned, leased or otherwise controlled vehicles by City personnel/staff. Violation of this policy can result in disciplinary action up to and including termination.

All City Vehicles are owned, leased or otherwise controlled by the City and provided to staff/personnel to enable the provision of safe, efficient and essential services to the citizens of the City of Brooksville.

Assignment of a specific City Vehicle is neither a privilege nor a right of any City employee and shall be made based on service delivery requirements. Assignment of a City Vehicle shall not be made based on staff/personnel merit or status.

Employees *may not* use vehicles for personal use, other than commuting, and qualified non-personal use and De Minimis personal use (as defined herein).

2.0 GENERAL DEFINITIONS AND SPECIFICATIONS:

- 2.1 *Assigned Take-Home Vehicle* – A City Vehicle that is allocated to a City staff/personnel member on a 24-hour basis and/or used by a City employee for City business and for regularly commuting to and from the staff/personnel's residence and worksite.
- 2.2 *Appropriate Licensing* – Valid Florida driver's license of the class required for the vehicle being driven. The license must be current and valid and have all endorsements required by the type of equipment, the class of the

vehicle being driven and the load being carried. The license may not have any restrictions that would preclude driving on City business.

- 2.3 *Call-Out* – A directive to an employee to report to a worksite during off-duty time day, and to respond to emergencies, which require immediate response to protect life and property.
- 2.4 *City Vehicle* – Any vehicle that is owned, leased or otherwise controlled by the City of Brooksville for the purpose of conducting official City business.
- 2.5 *Communication Valuation Method* – The employee’s compensation value of commuting from residence to workplace in a City Take-Home Vehicle, pursuant to the Internal Revenue Service (IRS) regulation. Commutation is defined as travel from an employee’s residence to and from an official workstation. For the days when an employee is on sick leave, vacation or personal leave, no commutation use is incurred.
- 2.6 *Commuting* – Use of a City Vehicle for travel between an employee’s home and main or regular place of work. It does not matter how far the commute is, if work is done during the commute, or if the employee carries work tools or equipment in the vehicle. Commuting between an employee’s residence and regular place of business/worksites is considered a taxable fringe benefit.
- 2.7 *De Minimis Fringe Benefit* -- A De Minimis fringe benefit is when an employee uses a City Vehicle mainly for City business, infrequent and brief side trips for personal reasons. The value of a De Minimis Fringe Benefit will not be considered/included as income (as provided through the IRS). This would include the use of a City Vehicle for personal reasons that has very little value (taking into account how frequent similar benefits are provided to employees) that accounting for it would be unreasonable or administratively impracticable. Use of City Vehicles for “De Minimis Personal Use” for the City of Brooksville will be limited to infrequent, brief stops during authorized breaks or meal periods when a personal vehicle is not available to the employee.
- 2.8 *Driving on City Business* – The use of a motor vehicle to carry out the duties of the position is considered as “Driving on City Business,” including driving a vehicle owned, leased, or otherwise controlled by the City, as well as the use of personal vehicles on City business.
- 2.9 *Economic Benefit in the City* – The amount by which the cost of reimbursement to staff/personnel for City business use of his/her private vehicle to respond to emergency call-outs is greater than the commuting costs associated with an Assigned Take-Home Vehicle.

2.10 *Qualified Non-Personal Use* – The IRS allows for certain vehicles to be exempt from fringe benefit compensation consideration. That is, their use is deemed to be exclusively for City business purposes. The following types of “Qualified Non-Personal Use” vehicles represent a portion of the vehicles from the IRS list that may currently be in use by the City:

2.10.1 *Clearly Marked Police & Fire Vehicles* – A City police or fire vehicle that is required to be used by a police officer or firefighter who, when not on a regular shift, is on call at all times. A City police or fire vehicle must be clearly marked with insignia or words, and it is readily apparent that the vehicle is a police or fire vehicle. A marking on a license plate is not clear marking for these purposes.

2.10.2 *Unmarked Vehicles Use by Law Enforcement Officers* – Use must be officially authorized, the vehicles must be a City Vehicle and the police officers must be full time employees of the City. Only personal use that is incident to police functions (such as being able to report directly from home to a surveillance site, emergency scene or similar) is authorized.

These vehicles may be used for qualified non-personal use for City-related services/functions, including the following:

- Driving to and/or from the staff/personnel’s residence on the way to or from the staff/personnel’s worksite or assigned duty.
- Servicing/maintenance of a vehicle.
- Traveling to and from court, depositions, or court-related activities related to the employee’s job duties.
- Traveling to and from assigned training for required educational programs and City representation.
- Traveling to and from official City functions.
- Other department-related travel as authorized by the department director or City Manager.

2.11 *On-Call* – An assigned time period, outside of an employee’s normal work day, where the staff/personnel is not required to remain on City premises but must be available to willingly respond to and/or report to work when called. Staff/personnel that are in on-call status must be available by pager/cell phone and/or leave word at home or with City management as to where they may be reached at all times.

2.12 *Valid State of Florida driver’s license and requirements* – All City Vehicle operators are responsible for possessing and maintaining a valid State of Florida driver’s license and any/all additional requirements as may be applicable by Federal and State laws for operators of specialized vehicles such as emergency apparatus, commercial motor vehicles and heavy

equipment. Staff/personnel authorized to drive City Vehicles are required to *immediately* inform their supervisor if their license becomes canceled, invalid, expired, restricted, suspended, or revoked. Failure of staff/personnel to notify their supervisor may result in disciplinary action, up to and including termination. The supervisor will in turn immediately notify the Department Director and Human Resources Director of the employee's canceled, invalid, expired, restricted, suspended, or revoked license status before the close of business that day.

- 2.13 *Vehicle Operator* – Any part-time, temporary, or full-time staff/personnel member in actual physical control of a City Vehicle.

3.0 CRITERIA FOR ASSIGNMENT:

The City Manager may authorize assignment of City Vehicles to departments, individual employees, or to a general vehicle pool on the basis of work responsibility/service delivery requirements. City Vehicles may be assigned to individuals solely for use during normal working hours or as an Assigned Take-Home Vehicle when deemed appropriate based upon efficient and effective service delivery provided by the staff/personnel assigned to the vehicle.

4.0 POLICY:

City Vehicles are to be operated by City employees in good standing and who have a valid State of Florida driver's license, certification/licenses required for the vehicle/equipment being operated and are insurable through the City's insurance carrier/policy. City staff/personnel will operate vehicles in a safe and skillful manner within the guidelines of this policy, City directives, and Florida State Statutes, including obedience to all traffic laws and basic rules of courtesy, and shall refrain from illegal activities. All staff/personnel assigned to operate a City Vehicle, an Assigned Take-Home Vehicle, and/or who routinely uses their personal vehicle in the course of performing their job duties must have a signed acknowledgement of this policy in their personnel file.

4.1 Use of City Vehicles:

City Vehicles are to be used when necessary to conduct business of the City of Brooksville and its operations. Use of a City Vehicle for any personal use except authorized De Minimis Personal Use is strictly prohibited. Staff/personnel shall not operate City Vehicles for the purpose of conducting a private business or enterprise or any other personal use. However, it is recognized that a De Minimis amount of personal use of a City Vehicle may be required for those staff/personnel who:

1. Are assigned a take-home vehicle and, therefore, commute to and from work in the City Vehicle;
2. Conduct their daily work in or from a City Vehicle; and/or
3. Are on City authorized travel.

See definitions for “De Minimis Personal Use” allowed.

When operating a City Vehicle, staff/personnel will be in appropriate attire and will have in their possession necessary identification and equipment in order to effectively perform the functions/responsibilities of their position while maintaining a positive, professional image. If staff/personnel are not in City uniform, they will wear appropriate attire suitable for representing the City of Brooksville. Examples of inappropriate attire includes, but is not limited to the following: bare feet, sandals, bathing suits, tank tops, clothing with offensive language or advertising alcoholic beverages, tobacco, etc., shorts soiled, torn or objectionable or suggestive clothing items.

City Vehicles authorized to be driven to the staff/personnel’s residence should be parked either in a garage, private driveway, or an otherwise safe and secure place. The Assigned Take-Home Vehicle should not be parked on a roadway or anywhere that it may suffer damage or violate laws, codes or ordinances.

All staff/personnel utilizing a City Vehicle other than normal working hours must keep a log showing each trip, time, destination, and reason/City business for the trip.

4.2 Safety Equipment Requirements:

All Vehicle Operators and passengers of City Vehicles will use the vehicle’s seat and/or lap belts. Airbags shall not be rendered inoperable on vehicles so equipped (Exception: by authorized personnel to comply with installation procedures of the police computer stand or other related equipment). Staff/personnel observed not following these safety equipment requirements will be subject to disciplinary action, up to and including termination of employment. In addition, any staff/personnel injured in a vehicular crash and found not wearing such protection may/can have Worker's Compensation benefits reduced as allowed by Florida Statute 440.09(4).

4.3 Vehicle Inspection/Repair & Maintenance/Alteration:

Vehicle Operators shall be responsible for inspecting the City Vehicle prior to each use to insure all parts, equipment and accessories are in safe operating condition and free of any damage or defect. No vehicle shall be put into service until defects or safety violations have been corrected. If body damage is discovered, Vehicle Operator shall assure that proper accident/incident reporting has been made, in accordance with policies and procedures. Damage should be reported in writing to his/her supervisor immediately.

Staff/personnel will not perform any mechanical work on the City Vehicle; make any repairs or have any repairs made on the City Vehicle that have not been approved/directed through the City of Brooksville; will not use any oils, fuels or other liquid additives in the City Vehicle other than those approved/directed by the City of

Brooksville; and will not make any exterior or interior alternations or modifications to the vehicle unless approved/directed by the City of Brooksville.

4.4 Vehicle Collisions:

All staff/personnel involved in any vehicular collision/accident/incident in a City Vehicle or in a private vehicle while performing City duties, shall:

1. Call the appropriate law enforcement agency (9-1-1);
2. Call the employee's immediate supervisor, or main department number if unable to reach supervisor;
3. Comply with the City's Drug-Free Workplace Policy and submit to required testing immediately;
4. Allow the department supervisory personnel or the appropriate law enforcement agency to determine if the City Vehicle involved should be towed; and
5. Complete the City's standard Accident Report, in accordance with policies and procedures.

4.5 Safeguarding Issued Equipment:

Staff/personnel are responsible for safeguarding City-issued equipment associated with their assigned City Vehicle(s). This includes (but is not limited to) issued equipment which is normally left in the assigned City Vehicles. For example, if a staff/personnel member leaves his or her assigned City Vehicle for repairs or maintenance (temporary or take-home), the staff/personnel shall insure that all equipment is safeguarded prior to leaving the City Vehicle. If any equipment is subsequently stolen/missing, the staff/personnel member may be subject to disciplinary action and/or required to personally replace the issued equipment.

Police Department staff/personnel should have, at minimum, the following items with them/within the assigned City Vehicle:

1. Department issued/approved firearm;
2. Police badge and identification card;
3. An additional magazine (other than one in the firearm) fully loaded;
4. Handcuffs; and
5. Department issued/approved jacket or windbreaker.

4.6 Tobacco Products Prohibition:

Smoking and other tobacco products are not allowed in any City Vehicle at any time.

4.7 Persons other than City Staff/Personnel in City Vehicles:

The transporting of non-employed passengers in City Vehicles is permitted only in the furtherance of City business, is related to the job activities/functions of the City

staff/personnel, or persons being transported as part of an approved City programs, i.e., citizen volunteers, program participants, City business clients/partners, person arrested, etc., or has been approved in advance by the City Manager.

4.8 Operation of City Vehicles:

City Vehicles are to be operated in a safe, responsible manner at all times. Staff/Personnel responsibilities are:

1. To obey all traffic laws and regulations as defined by the Federal government, State of Florida and City policies for public safety at all times;
2. All drivers and passengers are required to wear seat belts at all times, in accordance with Florida State laws;
3. To operate the vehicle in a manner that ensures maximum life expectancy of the City Vehicle;
4. No smoking is permitted in City Vehicles.

Irresponsible use of a City Vehicle may result in a revocation of driving privileges of City Vehicle and disciplinary action, up to and including termination. Examples of irresponsible use include, but is not limited to the following:

1. Speeding;
2. Reckless operation or discourteous use of a City Vehicle;
3. Operating a City Vehicle while under the influence of alcoholic beverages and/or a controlled substance;
4. Driving without a valid Florida Driver's License;
5. Violation of any City, State, or Federal vehicle or traffic regulation;
6. Failure to properly report vehicle damage or a vehicle accident/incident;
- or
7. Inappropriate use of a City Vehicle as otherwise defined in this policy and/or determined by the City Manager.

Operation of City Vehicle shall be at the prevailing Internal Revenue Service rate, which may change from time to time, per work day, excluding vacation, sick, and holidays. Should the employee work on a holiday, the prevailing rate shall be charged.

Assigned Take-Home Vehicles (as defined herein), except those covered by a separate contract, will be assigned to employees that reside a maximum distance of up to fifteen (15) miles from City limits, given a straight line from point to point.

4.9 Violation or Non-Compliance:

Any violation or non-compliance with the requirements and responsibilities of this City Vehicle and Take-Home Vehicle Policy may result in disciplinary action, up to and including termination.

City of Brooksville
City Vehicle & Take Home Vehicle Policy

Employee Acknowledgement

I acknowledge that I, _____, received a copy of the City of Brooksville, City Vehicle & Take Home Vehicle Policy.

Further, I understand that my employer, the City of Brooksville, has a policy for the assignment, inspection, operation, and utilization of City owned, leased or otherwise controlled vehicles by City personnel, and the procedures set forth therein must be followed.

Employee Signature

Date

CORRESPONDENCE-TO-NOTE

REGULAR COUNCIL MEETING – January 07, 2008

1. TYPE: Notice of Commencement of Chapter 11 Bankruptcy Cases, Meeting of Creditors & Deadlines
DATE: November 9, 2007
RECEIVED FROM: United States Bankruptcy Court
ADDRESSED TO: City of Brooksville, FL
SUBJECT: Deadlines concerning bankruptcy of Levitt Homes, LLC; Levitt and Sons, LLC; Levitt and Sons of Hernando County, LLC; and Cascades by Levitt and Sons, LLC.
2. TYPE: Letter
DATE: November 30, 2007
RECEIVED FROM: H. Paul Douglas, Brooksville Housing Authority Commissioner
ADDRESSED TO: Mayor Pugh
SUBJECT: Notice of resignation from the BHA, effective close of business November 30, 2007.
3. TYPE: Letter
DATE: December 3, 2007
RECEIVED FROM: Earl E. Watson, III, Brooksville Housing Authority Commissioner.
ADDRESSED TO: Brooksville City Council
SUBJECT: Notice of resignation from the BHA, effective immediately.
4. TYPE: State of Florida Permits(2)
DATE: December 6, 2007
SENT BY: Emory Pierce, P.E., Director of Public Works
ADDRESSED TO: Department of Transportation
SUBJECT: 'Special Use Permits' to close sidewalks/lanes in the vicinity of SR50/Sabra Avenue and SR50/Don Jr. Avenue from 8pm-5am (Sun-Thurs) during the month of January 2008.
5. TYPE: Letter
DATE: December 13, 2007
RECEIVED FROM: John Rosenow, Chief Executive/National Arbor Day Foundation
ADDRESSED TO: Mayor Pugh
SUBJECT: Notification that Brooksville has been named a '2007 Tree City USA'.

6. TYPE: Letter
DATE: December 13, 2007
RECEIVED FROM: Thomas S. Hogan, Jr., Esq., City Attorney
ADDRESSED TO: Westchester Fire Insurance Company
SUBJECT: Documentation pertinent to the City of Brooksville's request for payment, in the amount of \$3,256,693.00 by 12/20/07, from the Westchester Fire Insurance Company as Levitt and Sons of Hernando County LLC, has failed to complete the bonded improvements in accordance with City approvals, applicable regulations, and Performance Bond Agreement No. K0731453A.
7. TYPE: Letter
DATE: December 20, 2007
RECEIVED FROM: Jack Gaskins, Jr., Special District Information Program/Fl. Department of Community Affairs
ADDRESSED TO: Helen Fleming, Brooksville Housing Authority
SUBJECT: Notification that the Fl. Department of Financial Services has not received the BHA's fiscal year 2005/2006 *Annual Financial Report*, and details of the consequences if a response is not received by February 20, 2008.
8. TYPE: Memorandum
DATE: December 20, 2007
RECEIVED FROM: Rebecca O'Hara, Director Legislative Affairs/ Florida League of Cities, Inc.
ADDRESSED TO: Members of Florida League of Cities, Inc.
SUBJECT: Request for the City to adopt a Resolution at their next council meeting (by 2/22/08) that supports the League's key priority issues.
9. TYPE: Memorandum
DATE: December 28, 2007
SENT BY: T. Jennene Norman-Vacha, City Manager
ADDRESSED TO: Mayor and Council Members
SUBJECT: Update on City's progress, working with Louise and John Downey, to solicit and obtain funding toward improving and adding tennis courts in Brooksville. The aim of this proposal is directed at Brooksville's youth.

Monthly Reports (November 2007 Reports)

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

Miscellaneous Minutes

City Advisory Boards:

Firefighters' Pension Trust Fund Board of Trustees September 20, 2007

Beautification Board November 13, 2007

Council Rep. Boards:

Metropolitan Planning Organization September 6, 2007
September 25, 2007

Hernando County Community Alliance October 11, 2007

Withlacoochee Regional Planning Council October 18, 2007

Hernando County Tourist Development October 25, 2007

Hernando County Fair Association November 8, 2007

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

G:\WP_WORK\ClerkOffice\Correspondence-to-Note\01-07-08 Corresp to Note.doc

UNITED STATES BANKRUPTCY COURT

Southern District of Florida

Notice of Commencement of Chapter 11 Bankruptcy Cases, Meeting of Creditors, & Deadlines

The debtors captioned below (collectively the "Debtors") filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of Florida, Fort Lauderdale Division on **November 9, 2007**. The Debtors are operating their business and managing their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

YOU MAY BE A CREDITOR OF ONE OR MORE OF THE DEBTORS. THIS NOTICE LISTS IMPORTANT DEADLINES. YOU MAY WANT TO CONSULT AN ATTORNEY TO PROTECT YOUR RIGHTS.

Note: the staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side for Important Explanations and SDFL Local Court Requirements.

Debtor Name:	Tax Payer ID Nos:	Case Nos:
✓ Levitt and Sons, LLC	30-0143500	Case No. 07-19845-BKC-RBR
BankAtlantic Venture Partners 5, LLC	65-0017328	Case No. 07-19853-BKC-RBR
Bellaggio by Levitt and Sons, LLC	65-0088507	Case No. 07-19856-BKC-RBR
Levitt GP, LLC	27-0129466	Case No. 07-19859-BKC-RBR
Levitt Construction Corp.-East	59-1966292	Case No. 07-19861-BKC-RBR
Levitt Construction-East, LLC	01-0592487	Case No. 07-19871-BKC-RBR
Levitt Industries, LLC	59-1966273	Case No. 07-19875-BKC-RBR
Levitt Homes Bellaggio Partners, LLC	65-0219490	Case No. 07-19878-BKC-RBR
✓ Levitt Homes, LLC -	06-0941650	Case No. 07-19882-BKC-RBR
Avalon Park by Levitt and Sons, LLC	62-1652188	Case No. 07-19884-BKC-RBR
Levitt and Sons of Lake County, LLC	14-1918547	Case No. 07-19888-BKC-RBR
Levitt and Sons of Manatee County, LLC	65-0063563	Case No. 07-19851-BKC-RBR
✓ Levitt and Sons of Hernando County, LLC -	84-1661563	Case No. 07-19854-BKC-RBR
Regency Hills by Levitt and Sons, LLC	65-0079482	Case No. 07-19855-BKC-RBR
Levitt and Sons at Hunter's Creek, LLC	65-0205870	Case No. 07-19858-BKC-RBR
Levitt and Sons of Seminole County, LLC	16-1721888	Case No. 07-19863-BKC-RBR
Levitt and Sons of Osceola County, LLC	11-3754596	Case No. 07-19866-BKC-RBR
Levitt and Sons of Lee County, LLC	84-1661561	Case No. 07-19872-BKC-RBR
✓ Cascades by Levitt and Sons, LLC	65-0372022	Case No. 07-19873-BKC-RBR
Levitt and Sons at Hawks Haven, LLC	01-0814963	Case No. 07-19876-BKC-RBR
Magnolia Lakes by Levitt and Sons, LLC	59-2645370	Case No. 07-19879-BKC-RBR
Levitt and Sons at Tradition, LLC	74-3119053	Case No. 07-19883-BKC-RBR
Levitt and Sons at World Golf Village, LLC	01-0814959	Case No. 07-19852-BKC-RBR
Levitt and Sons of Flagler County, LLC	20-3920685	Case No. 07-19857-BKC-RBR
Lev-Bm, LLC	65-0063445	Case No. 07-19864-BKC-RBR
Summerport by Levitt and Sons, LLC	65-0693494	Case No. 07-19870-BKC-RBR
Levitt and Sons of Georgia, LLC	56-2449568	Case No. 07-19874-BKC-RBR
Levitt and Sons of Cherokee County, LLC	90-0192322	Case No. 07-19877-BKC-RBR
Levitt and Sons of Hall County, LLC	06-1744416	Case No. 07-19881-BKC-RBR
Levitt and Sons of Paulding County, LLC	20-3841632	Case No. 07-19885-BKC-RBR
Levitt Construction Georgia, LLC	20-4813043	Case No. 07-19887-BKC-RBR
Levitt and Sons of South Carolina, LLC	20-8398109	Case No. 07-19891-BKC-RBR
Levitt and Sons of Horry County, LLC	20-3793186	Case No. 07-19893-BKC-RBR
Levitt Construction - South Carolina, LLC	20-3793234	Case No. 07-19895-BKC-RBR
Levitt and Sons of Tennessee, LLC	38-3724793	Case No. 07-19886-BKC-RBR
Bowden Building Corporation	62-0856090	Case No. 07-19889-BKC-RBR
Levitt and Sons of Nashville, LLC	20-3900295	Case No. 07-19892-BKC-RBR
Levitt and Sons of Shelby County, LLC	04-3831345	Case No. 07-19894-BKC-RBR

Other names used by debtor:
N/A

Address of all Debtors: 2200 West Cypress Creek Road Fort Lauderdale, FL 33309	Attorney for Debtor name and address Paul Steven Singerman, Esq. Berger Singerman, P.A. 200 S. Biscayne Boulevard, Suite 1000 Miami, FL 33131 Telephone Number: (305) 755-9500
---	--

CTM 1-7-07
[Signature]

H. Paul Douglas
9959 Domingo Drive
Brooksville, Florida 34601

November 30, 2007

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

Dear Mr. Mayor:

I thank you for taking the time speaking with me, yesterday, regarding your plans for the Brooksville Housing Authority.

I recognize, as a Brooksville Housing Authority appointed Commissioner, I serve at your pleasure; also, recognizing any request from you regarding continued service on a voluntary Board is at your discretion as it is my duty to adhere to your request.

As you are well aware, the past four months have been exciting as well as stressful at times. Beginning with the first Board Meeting, I tried to address, and effect a transformation from past practices on issues requiring immediate action. As we spoke yesterday, those issues have, and will, remained on my "radar screen." I have tried my best to address and correct what I perceive to be grievous wrongs by the Authority's staff and management. To that end, I would have walked through hell to effect the necessary changes to achieve a functioning, well managed, corruption free Housing Authority.

I sincerely wish you, the City Council, the City Manager, and the City of Brooksville every success in your efforts to provide effective and professional management to the BHA. Therefore, effective today Friday, November 30, 2007 close of business, I hereby tender my resignation, as you requested.

With Great Respect,



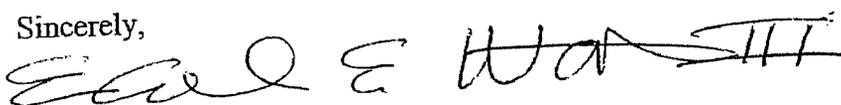
H. Paul Douglas, Commissioner
Brooksville Housing Authority

Cc: City of Brooksville Florida
Councilpersons Frankie Burnett, Lara Bradburn, Richard Lewis, Joe Bernardini
Jennene Norman-Vacha, City Manager

To the Brooksville City Council:

I hereby submit my letter of resignation from the Brooksville Housing Authority effective immediately.

Sincerely,

 12/3/07

Earl E. Watson, III



1-7-08 etn ip

State of Florida Department of Transportation

Revised 6/5/96

SPECIAL USE PERMIT FOR SIDEWALK

DATE: 12/6/07 PERMIT NO.:
SECTION: S.R. NO.: SR50 COUNTY: HERNANDO

PERMITTEE: CITY OF BROOKSVILLE
ADDRESS: 600 SOUTH BROOKSVILLE AVE. BROOKSVILLE F
TELEPHONE NUMBER: 352-544-5465

has requested permission from the State of Florida Department of Transportation, hereinafter called the Department, to construct, operate and maintain the following improvements :

From MP/Station: 304+50 to MP/Station: 305+00

1. Proposed work is within corporate limits of municipality: Yes () No ()
Name of municipality: CITY OF BROOKSVILLE
2. Permittee declares that prior to filing this application Permittee has ascertained the location of all existing utilities, both aerial and underground and the accurate locations are shown on the attached plans. A letter of notification was mailed on 12/6/07 to the following utilities/municipalities:
AT&T PROGRESS ENERGY
TECO GAS BRIGHT HOUSE
3. The office of the local Maintenance Engineer shall be notified forty-eight (48) hours prior to starting work and again immediately upon completion of work
The Maintenance Engineer is: RANDELL PRESCOTT P.E.
Located at: 16411 SPRING HILL DRIVE
Telephone Number: 352-797-5700
4. All work, materials, and equipment shall be subject to inspection by the local Maintenance Engineer and shall meet Department Standards. Improvements shall be constructed in accordance with Florida Department of Transportation Roadway and Traffic Design Standards (Current edition) and Standard Specifications for Road and Bridge Construction (Current edition).
5. All Department property shall be restored to its original condition as far as practical, in keeping with Department specifications, and in a manner satisfactory to the Department.
6. This work shall not interfere with the property and rights of a prior permittee.
7. It is expressly stipulated that this permit is a license for permissive use only and that the placing of facilities upon public property pursuant to this permit shall not operate to create or vest any property right in said Permittee.
8. Whenever necessary for the construction, repair, improvement, maintenance, safe and efficient operation, and alteration or relocation of all or any portion of said highway as determined by the Department, any or all said poles, wires, pipes, cables or other facilities and appurtenances authorized hereunder, shall be immediately removed from said highway or reset or relocated thereon as required by the Department and at the expense of the Permittee unless reimbursement is authorized by a separate agreement.

CTW 12/08 8

SPECIAL USE PERMIT FOR SIDEWALK

DATE: 12/6/07 PERMIT NO.:
SECTION: S.R. NO.: SR 50 COUNTY: HERNANDO

PERMITTEE: CITY OF BROOKSVILLE
ADDRESS: 600 SOUTH BROOKSVILLE AVE. BROOKSVILLE F
TELEPHONE NUMBER: 352-544-5465

has requested permission from the State of Florida Department of Transportation, hereinafter called the Department, to construct, operate and maintain the following improvements :

From MP/Station: 297+00 to MP/Station: 298+50

1. Proposed work is within corporate limits of municipality: Yes () No ()
Name of municipality: CITY OF BROOKSVILLE
2. Permittee declares that prior to filing this application Permittee has ascertained the location of all existing utilities, both aerial and underground and the accurate locations are shown on the attached plans. A letter of notification was mailed on 12/6/07 to the following utilities/municipalities:
AT&T PROGRESS ENERGY
TECO GAS BRIGHT HOUSE
3. The office of the local Maintenance Engineer shall be notified forty-eight (48) hours prior to starting work and again immediately upon completion of work.
The Maintenance Engineer is: RANDELL PRESCOTT P.E.
Located at: 16411 SPRING HILL DRIVE
Telephone Number: 352-797-5700
4. All work, materials, and equipment shall be subject to inspection by the local Maintenance Engineer and shall meet Department Standards. Improvements shall be constructed in accordance with Florida Department of Transportation Roadway and Traffic Design Standards (Current edition) and Standard Specifications for Road and Bridge Construction (Current edition).
5. All Department property shall be restored to its original condition as far as practical, in keeping with Department specifications, and in a manner satisfactory to the Department.
6. This work shall not interfere with the property and rights of a prior permittee.
7. It is expressly stipulated that this permit is a license for permissive use only and that the placing of facilities upon public property pursuant to this permit shall not operate to create or vest any property right in said Permittee.
8. Whenever necessary for the construction, repair, improvement, maintenance, safe and efficient operation, and alteration or relocation of all or any portion of said highway as determined by the Department, any or all said poles, wires, pipes, cables or other facilities and appurtenances authorized hereunder, shall be immediately removed from said highway or reset or relocated thereon as required by the Department and at the expense of the Permittee unless reimbursement is authorized by a separate agreement.

CTN 1/7/08

8



The National Arbor Day Foundation®

211 N. 12th St. • Lincoln, NE 68508 • 402-474-5655 arborday.org

We inspire people to plant, nurture, and celebrate trees.

December 13, 2007

The Honorable David Pugh
Mayor of the City of Brooksville
201 Howell Ave.
Brooksville, FL 34601

Dear Mayor Pugh,

Congratulations to Brooksville on being named as a 2007 Tree City USA!

Trees in our cities and towns help clean the air, conserve soil and water, moderate temperature, and bring nature into our daily lives. Trees are a vital component of the infrastructure in our cities and towns, and provide environmental and economical benefits. A community, and its citizens, that recognize these benefits and provide needed care for its trees deserves recognition and thanks.

Tree City USA recognizes communities that have proven their commitment to an effective, ongoing community forestry program. Such a program is one marked by renewal and improvement.

Tree City USA is sponsored in cooperation with the National Association of State Foresters and the USDA Forest Service. State foresters are responsible for the presentation of the Tree City USA flag and other materials. We will forward your awards to Shirley Frazier in your state forester's office. They will be coordinating the presentation with you. It would be especially appropriate to make the Tree City USA award a part of your Arbor Day ceremony.

Again, congratulations on receiving this national recognition for your tree-care program.

Best regards,

John Rosenow
Chief Executive

cc: Bill Geiger

JNV
IC. LAM
Full
m. Reo
(TW) - 1/2/07

12/20/07 js

THE HOGAN LAW FIRM®

*We mean business*SM

December 13, 2007

12-18-07 A11:35 IN

Westchester Fire Insurance Company
436 Walnut Street, WA10H
Philadelphia, PA 19106-13703

Re: Bond No. K0731453A – Performance Bond
Principal: Levitt and Sons of Hernando County, LLC

NOTICE OF WRITTEN DEMAND BY
CITY OF BROOKSVILLE, FLORIDA
FOR PROMPT PAYMENT

To Whom It May Concern:

Westchester Fire Insurance Company issued a Performance Bond on February 23, 2006, Bond No. K0731453A, on behalf of Levitt and Sons of Hernando County, LLC as principal and in favor of the City of Brooksville as Obligee. The original Bond, No. K0731453A, was issued in the amount of \$3,256,693.00.

Attached hereto and to be considered as if included in haec verba are the following exhibits:

- (A) Performance Bond, Bond No. K0731453A dated February 23, 2006;
- (B) Power of Attorney Westchester Fire Insurance Company dated February 23, 2006;
- (C) Continuation Certificate Fidelity or Surety Bonds/Policies dated February 23, 2007;
- (D) Bankruptcy Pleading: **United States Bankruptcy Court Southern District of Florida, Ft. Lauderdale Division; Case No. 07-19845-BKC-RBR** in Re: Levitt & Sons, LLC, a Florida Limited Liability Company, Et al; Motion for Authority to Abandon Property of the Estate Subject to a Lien Held by KeyBank, NA;
- (E) Affidavit of Emory Pierce, P.E., City of Brooksville, verifying abandonment of property by Levitt & Sons, LLC, Et al.

CTN 1-7-08
[Signature]



12-27-07 P04:46 1W

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

December 20, 2007

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Ms. Helen Fleming
800 Continental Drive
Brooksville, Florida 34601

Re: **Brooksville Housing Authority**
Noncompliance with Section 218.32, *Florida Statutes* (FY 05/06 *Annual Financial Report*)
Response Required by February 20, 2008 to Avoid Serious Consequences

Dear Ms. Fleming,

On December 17, 2007, the Department of Financial Services notified the Department of Community Affairs that the special district referenced above failed to file a fiscal year 2005/2006 *Annual Financial Report* with the Department of Financial Services.

Sections 11.40(5)(b), 189.412(1), 189.419(3), and 189.421, *Florida Statutes*, set forth procedures in which the Department of Financial Services and the Special District Information Program, within the Department of Community Affairs, work together to help non-complying special districts come into compliance with the *Annual Financial Report* requirement. The remainder of this letter provides technical assistance concerning this report, explains what the special district must do to remedy this situation, and covers the consequences of not responding by February 20, 2008.

What is the *Annual Financial Report*? The *Annual Financial Report* is a form that the Department of Financial Services uses to collect revenue, expenditure, and other data from all governmental entities, including special districts. Do not confuse the *Annual Financial Report* with the *Annual Financial Audit Report* that certain special districts must file with the Auditor General and with the Department of Financial Services when filing the *Annual Financial Report*. The information included in the *Annual Financial Report* is used by the Auditor General's Office to determine whether a special district is required to file an *Annual Financial Audit Report*.

Which special districts must file the *Annual Financial Report*? The following special districts must file an *Annual Financial Report* with the Department of Financial Services, even if their revenues and expenditures are zero:

- All independent special districts.
- All housing authorities created under Chapter 421, *Florida Statutes*.

PC: Moran
JNK
Cty Coor
12/31/07
js

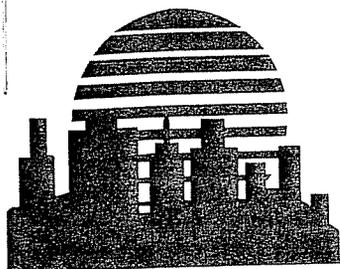
2555 SHUMARD OAK BOULEVARD TALLAHASSEE, FL 32399-2100
Phone: 850-488-8466/SUNCOM 278-8466 Fax: 850-921-0781/SUNCOM 291-0781
Website: www.dca.state.fl.us

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

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

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

CTN
1-11-08



FLORIDA LEAGUE OF CITIES, INC.

MEMORANDUM

To: Members of Florida League of Cities, Inc.

From: Rebecca O'Hara, Director
Legislative Affairs

Date: December 20, 2007

Re: Request for Resolution

The FLC Board of Directors adopted an initiative to enhance the Legislature's awareness of the League's priority issues. This plan calls on each of Florida's 412 cities to adopt a resolution that supports the League's key priority issues.

These key issues were adopted by the League membership at the recent Legislative Conference and address Affordable Housing, Environmental Permits, Growth Management, Local Business Taxes, Local Government Pension Plans, Mobile Home Park Closures, Municipal Indebtedness, Property Tax Reform, Transportation, and Water.

Enclosed is a draft resolution that we are asking your city to adopt at the next available council/commission meeting. Please send copies of your adopted resolution to Governor Charlie Crist, Senate President Ken Pruitt, Speaker of the House Marco Rubio, your local legislative delegation and to the Florida League of Cities **no later than Friday, February 22, 2008.**

Also enclosed are a list of addresses for the Governor, Senate President, and Speaker of the House. In addition, we have enclosed a directory so that you may identify legislators whose districts include your city.

A Microsoft Word version of this resolution is available on the League's website under Legislative/Advocacy at: www.flcities.com. If you have any questions or require additional information, please contact Rikkia Rellford at the Florida League of Cities at (850) 701-3653. Thank you for your assistance.

Enclosures

CTN 1-7-08

jr



MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCILMEN
FROM: T. JENNENE NORMAN-VACHA, CITY MANAGER
SUBJECT: TENNIS AT McKETHAN PARK
DATE: DECEMBER 28, 2007

Enclosed is a "Tennis Proposal Letter" that we have received from Louise Downey of the Nature Coast Tennis Foundation for your review.

Staff has been working with Louise and John Downey and have had several discussions toward improving the tennis courts/adding tennis courts within the City of Brooksville, particularly at McKethan Park. The Downey's are committed to growing a tennis program in the City that reaches out to the youth.

As you will find in their enclosed letter, the Downey's have stated that if the proposal for additional and/or re-constructed courts moves forward that they will work as a partner with the City of Brooksville to solicit and obtain funding through grants and community support/sponsorship.

I have asked that Mike Walker, Director of Parks and Recreation continue to work with the Downey's in this proposal. He will first seek the review, input and recommendations of the Parks and Recreation Advisory Board. If the proposal is moved forward, a conceptual plan/roadmap (including funding requirements/sources) will be prepared for Council's review and approval. We believe that this will most likely occur within the discussions of the FY 2008-09 budget meetings and ultimately action would be taken with the approval of the FY 2008-09 budget.

Should you have any questions, just let us know.

pc: Mike Walker, Director of Parks and Recreation

ctn 1-7-08 JP



12-21-07 A11:58 AM

CITY OF BROOKSVILLE

Community Development Department

Monthly Activity Report

November 2007

CATEGORY	This Month November 2007	Fiscal Year to Date 10/01/07 - 11/30/07	This Month Last Year (November 2006)	Last Fiscal Year to Date 10/01/06 -11/30/06
Building/Development Reviews	32	69	6	15
Occupational Licensing Reviews	4	14	6	37
Zoning Research Responses	57	104	63	131
Variances	1	2	0	0
Special Exceptions	0	1	0	2
Re/Zoning Amendments	0	1	4	5
Annexation	0	0	1	1
Conditional Plat	0	0	0	1
Final Plat	1	1	0	1
PDP Master Plan SEU/Zoning	0	1	1	3
Comprehensive Plan Amendments	0	1	0	0
Code Enforcement Violations	19	61	9	29

Pl. '07

12/31/07

1-9-08

MINUTES

FIREFIGHTERS' PENSION TRUST FUND BOARD OF TRUSTEES

September 20, 2007

The Firefighters' Pension Trust Fund Board of Trustees held its quarterly meeting on Thursday, September 20, 2007, at City Hall, Council Chambers, 201 Howell Avenue, Brooksville, Florida.

PRESENT: Fire Chief Timothy A. Mossgrove, Chairman; Lt. Gerald E. Ward, Vice Chairman; Frank Phillips, Secretary; Paul Babcock, Member and Regina Martin, Member; Dave West Bogdahn and Associates and Susan Mae McCrary, Adm. Asst. III.

CALL TO ORDER: Meeting called to order by the Chairman at 5:59 p.,m.

MINUTES OF MEETING OF APRIL 26, 2007

Motion Motion by Frank Phillips to approve; seconded by Regina Martin; voted upon and carried unanimously.

BOGDAHN AND ASSOCIATES

This item moved to the end of the agenda since Bogdahn called to advise that they would be late.

RENEWAL OF FIDUCIARY LIABILITY INSURANCE

Renewal premium in the amount of \$1808.91

Motion: Motion to approve the renewal of fiduciary insurance made by Regina Martin; seconded by Frank Phillips; voted upon and carried unanimously to approve.

39th ANNUAL PENSION CONFERENCE

Chairman asked if any Board members need educational training. Ward advised that he needed to go for his second term but will be on vacation. Mossgrove advised that he would probably go for one day.

Motion: Regina Martin moved to approve any Board member who would like to go to the Conference on October 23 or 24, 2007; seconded by Frank Phillips; voted upon and carried unanimously to approve.

RETURN OF CONTRIBUTIONS

Walter Moore resigned from employment with the Fire Department. He requested return of his contributions in the amount of \$1808.91. All paperwork properly completed.

Motion: Motion made by Regina Martin; seconded by Gerald Ward; voted upon and carried to approve the return of contributions to Mr. Moore.

INVOICES

- (a) Christiansen and Dehner- \$125.24 & 1406.48
- (b) Susan Mae McCrary- \$148.88 conference expenses
- © Bogdahn Consulting- \$2,000 Quarterly fee 6/30/07
- (d) Agincourt- \$924.20 6/30/07 \$939.43 3/31/07
- (e) Davidson, Jamieson & Cristini- \$2000 audit
- (f) Salem Trust \$750 fees deducted from account
- (g) State of Florida \$75 fee- conference
- (h) Dana Investments \$4078.79 fee 3/1/07

PC: 'read'
ctn 1-7-08
js

BEAUTIFICATION BOARD MINUTES - NOVEMBER 13, 2007

The Beautification Board met with members Lou Kavouras, Sally Sperling, Nicole Sensale, Louise Taylor, Jay Thompson and Delores Jackson. Also present was Council Liaison Joe Bernardini and Lindsay A. Morgan, Board Secretary.

Meeting was called to order by Chairman Sperling at 5:32 p.m., followed by moment of silence and the Pledge of Allegiance.

Minutes

October 9, 2007 - Board Meeting

Motion:

Board Member Kavouras moved for approval of the October 9, 2007 minutes; seconded by Vice Chairman Sensale. Motion carried 5-0.

Margaret R. Ghiotto Residential Beautification Award

Nominations:

1. 521 Colonial Drive - Don & Tracy Frazier
(Nominated by Sally Sperling 10/09/07)
2. 500 S. Brooksville Avenue - David & Karen Folds
(Nominated by Cecil Davis 10/18/07)

Motion:

Vice Chairman Sensale moved for approval of the awarding the residential award to 521 Colonial Drive; seconded by Board Member Thompson. Motion carried 5-0, with Chairman Sperling abstaining.

The Board agreed to carry forward the home located at 500 S. Brooksville over to the next agenda for consideration.

Margaret R. Ghiotto Commercial Beautification Award

Nominations:

1. 937 E. Jefferson Street - GLM Investments, LLC
(American Turf Equipment)
(Nominated by Chairman Kavouras 06/12/07)

12/13/07 id
pe: 'read'
1-7-08

METROPOLITAN PLANNING ORGANIZATION BOARD

HERNANDO COUNTY

SEPTEMBER 6, 2007

The Metropolitan Planning Organization Board met in Regular Session in the John Law Ayers Room, Government Center, Brooksville, Florida, on Thursday, September 6, 2007, at 9:05 a.m. Members present were: David D. Russell, Jr., Chairman; Christopher A. Kingsley, Vice Chairman; 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, Deputy County Administrator; Gary Kuhl, County Administrator; Hugh Pascoe, MPO Planning Advisor; and Tina Martinson, Secretary.

Comm. Rose Rocco and City of Brooksville representative David Pugh were not present at the meeting.

The meeting was called to order at 9:05 a.m. by Chairman Russell, followed by the Pledge of Allegiance.

MPO – Agenda – Approval of Modified Agenda

The Agenda for September 6, 2007, was submitted for approval.

MPO Coordinator Dennis Dix requested inclusion of an additional item to consider a miscellaneous transit support work scope.

Chairman Russell noted that the item would be added to the Agenda prior to Item J (Citizens' Comments).

Chairman Russell stated that he would accept a Motion for approval of the modified Agenda.

Motion

Comm. Stabins so moved; seconded by Comm. Kingsley and carried 3-0.

Minutes – MPO – Approval of Regular Meeting of July 17, 2007

The Minutes for the Regular Meeting of July 17, 2007, were submitted for approval.

Chairman Russell stated that he would accept a Motion for approval of the Minutes.

pc: 'mad'
APR 1-7-08 ✓

METROPOLITAN PLANNING ORGANIZATION BOARD
HERNANDO COUNTY

SEPTEMBER 25, 2007

The Metropolitan Planning Organization Board met in Regular Session in the John Law Ayers Room, Government Center, Brooksville, Florida, on Tuesday, September 25, 2007, at 2:25 p.m. Members present were: David D. Russell, Jr., Chairman; Christopher A. Kingsley, Vice Chairman; and Rose Rocco, Diane B. Rowden and Jeff Stabins, Commissioners. Staff members present were: Garth Collier, County Attorney; Dennis Dix, MPO Coordinator; Larry Jennings, Deputy County Administrator; Gary Kuhl, County Administrator; and Jenine Wimer, Secretary.

City of Brooksville Mayor David Pugh was not present.

The meeting was called to order at 2:25 p.m. by Chairman Russell, followed by the Pledge of Allegiance.

MPO – Agenda – Approval of Agenda

There were no changes to the Agenda for September 25, 2007.

Chairman Russell stated that he would accept a Motion for approval of the Agenda as presented.

Motion

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

Contracts and Agreements – City of Brooksville/Board of County Commissioners – Approval of Transit Operations Interlocal Agreement Through September 30, 2008

MPO Coordinator Dennis Dix reviewed that the Transit Operations Interlocal Agreement, among the MPO, the Board of County Commissioners and the City of Brooksville (City), provided the basis for public transit service within the county and within the incorporated area of the City. The Transit Development Plan (TDP) delineated the implementation of specific transit service parameters consistent with the Transit Element of the Long Range Transportation Plan.

The Interlocal Agreement was automatically extended for subsequent one-year terms, unless one or more of the three participating parties opted to terminate their involvement. The only action required by the MPO was to perform an annual review of the terms of the Interlocal Agreement. The City Council was scheduled to review the Interlocal Agreement on October 1, 2007.

pe: 'Mod'
ctr 1-7-08
4

Hernando County Community Alliance Meeting
October 11, 2007

Members Present: Joe Berry, DJJ; Linda Bixby, C.A.P.P.; Dennis Callaghan, DCF; John Callea, CCA/Love Your Neighbor; Jennifer Dallner, Big Brothers/Big Sisters; Ann Doyle, Devereux Kids; Sarah Duncan, N. Amer. Title; Judith Everett, District 13 SEDNET; Rick Hess, Pasco Kids First, Inc.; John Heyne, Teen Court; Pamela King, NFBHP; Mat Kline, Camelot/KCI; Jim Knight, HCSB; Sandra Marrero, The Harbor; Morgan Moeller, Dawn Center; Debra Pilla, CARE Network; Michelle Rio, Dawn Center; Janice Roy, Children's Advocacy Center; Tamera Stewart, HCSO; Jeanne Travaglino, Devereux Kids; Francine Ward, MFCS; Barbara Wheeler, E.D.

Welcome & Introductions

Lisa Panzer has officially resigned as the Community Alliance Facilitator so Judy Everett welcomed everyone and had everyone introduce themselves. She then requested that everyone review the minutes from the last meeting in August. A motion to approve the minutes was made by Tamera Stewart and approved by all. Minutes were approved.

Guest Speaker: Pamela King, North Florida Behavioral Health Partners
Medicaid Reform

Pamela King handed out packets which contained information regarding Medicaid reform. Included in the packet was a Member Handbook for Mental Health Services, copies of a slide presentation on Pre-Paid Medicaid Mental Health Services, and a pamphlet entitled "What is a Grievance?"

Last October, Medicaid recipients were given a choice of going with an HMO or being assigned to the Medicaid/MediPass Program with a Behavioral Health Pre-Paid Plan. The Pre-Paid Plan operates as an HMO for mental health services. The HMO's (where they exist) have both health and mental health benefits. If an HMO is available, Medicaid recipients have the option of choosing to go with the straight HMO (both health & mental health services) or stay with the Medicaid MediPass program (fee for service program for health care). Those Medicaid recipients who choose MediPass, were assigned to North Florida Behavioral Health Partners for behavioral health benefits, which is a carved out, small HMO plan for just behavioral health services. In Hernando County, as well as the rest of Medicaid Area 3, North Florida Behavioral Health Partners has this contract. (Any Medicaid child or adult would be assigned to the partnership for their mental health services. One of the services not included in the contract are substance abuse services.)

The Member Handbook explains everything that the recipient has access to. (Newly assigned Medicaid recipients will receive this handbook in the mail.) On the front of the handbook is the number **866-570-0895** to contact a care manager to resolve any problems, 24/7.

Services included in the plan: inpatient care, emergency services including crisis intervention & post-stabilization, psychiatric physician services, assessment services, traditional outpatient CMH services, home & community-based services, psychosocial rehab/recovery, clubhouse services, and MH targeted case management.

Medicaid excluded groups and services (remain fee-for-service Medicaid):

Groups excluded: Medicaid/Medicare dual-eligible recipients, individuals in institutional care (state hospitals), individuals in BHOS, TGC & SIPP settings, individuals receiving FACT services, and youth in child welfare system (CBC).

Services excluded: medications, substance abuse services, transportation, specialized therapeutic foster care bundled service, comprehensive BH assessments & qualified evaluation services, and BHOS & therapeutic group care services.

Standards of Care:

*Managed care plans are required to meet access standards for services (unlike FFS providers)

Emergency – Immediate

Urgent – within 23 hours

*pl: read
etc 1-7-08*

**WITHLACOOCHEE REGIONAL PLANNING COUNCIL
BOARD OF DIRECTORS MEETING**

DATE: October 18, 2007
TIME: 7:00 P.M.
PLACE: Withlacoochee Regional Planning Council
1241 S. W. 10th Street
Ocala, FL 34471-0323

MEMBERS PRESENT:

Ken Hinkle, Citrus County Municipal Representative
Vicki Phillips, Citrus County Commissioner
Dennis Damato, Citrus County Commissioner
Joyce Valentino, Citrus County Commissioner
Jeff Stabins, Hernando County Commissioner
Rose Rocco, Hernando County Commissioner
Steve Holcomb, Levy County Municipal Representative
Eugene Trimpert, Levy County Governor's Appointee
Wilma Loar, Marion County Municipal Representative
Barbara Fitos, Marion County Commissioner
Patricia Gabriel, Marion County Governor's Appointee
Ed Kelly, Marion County Governor's Appointee
Ronald Allen, Sumter County Municipal Representative
Richard Hoffman, Sumter County Commissioner
Ed Nowe, Sumter County Governor's Appointee

MEMBERS ABSENT:

John Thrumston, Citrus County Commissioner
David Pugh, Hernando County Municipal Representative
Diane Rowden, Hernando County Commissioner
Chris Kingsley, Hernando County Commissioner
Dave Russell, Hernando County Commissioner
Joe Johnston, III, Hernando County Governor's Appointee
Walter "Buddy" Selph, Hernando County Governor's Appointee
Nancy Bell, Levy County Commissioner
Danny Stevens, Levy County Commissioner
Stan McClain, Marion County Commissioner
James Payton, Marion County Commissioner
Andy Kesselring, Marion County Commissioner
Charlie Stone, Marion County Commissioner
Roslyn Stephens, Marion County Governor's Appointee
Mary Sue Rich, City of Ocala Municipal Representative

pc: 'read'
eth 1-7-0

**HERNANDO COUNTY TOURIST DEVELOPMENT MEETING
OCTOBER 25, 2007**

The Hernando County Tourist Development Council meeting was held on Thursday, October 25, 2007 at 3:00 p.m. in the Garden Room at the Best Western Resort, 30307 Cortez Blvd., Spring Hill, Florida 34602. The meeting had been advertised and the public was invited to attend. The following is an attendance record and summary of discussions that took place at the meeting.

MEMBERS PRESENT:

Bobbi Mills, Chairperson
Richard Lewis
Therese White
Joseph Giarratana
Jan Knowles

OTHERS PRESENT:

Peggy Prentice, Auditing Services Director

STAFF:

Susan Rupe, Director
Carole Knudson, Information Specialist

ABSENT:

Lara Bradburn (excused)
J. K. Tesman (excused)
Christopher Kingsley (excused)
Joel Hernandez (excused)

CALL TO ORDER: Chairperson Bobbi Mills called the meeting to order at 3:14 p.m. on October 25, 2007 with the required quorum of members present.

APPROVAL OF MINUTES: Chairperson Mills called for approval of the minutes of the September 26, 2007 meeting.

MOTION: Richard Lewis made the motion to approve the minutes of the September 26, 2007. Motion seconded by Jan Knowles. No discussion or corrections. **Motion passed 5 - 0.**

TOURISM TAX EXPENDITURE AUDIT - PEGGY PRENTICE:

Peggy Prentice gave an update on the Tax Expenditure Audit currently being conducted for the tourism bureau. She stated that the audit is progressing smoothly and there were no major problems. A final report is on target for December.

NEW BUSINESS:

MONTHLY REPORTS - Susan Rupe, Director

TOURIST TAX REPORT:

The Clerk of Circuit Court reported that tax collections for September, 2007 totaled \$26,309.44, with \$ 25,520.16 distributed to the TDC. There was no discussion by Council members and the report was accepted as presented.

FINANCIAL REPORT:

The Finance Report for Fiscal Year 2006 - 2007 was presented to the TDC. Year-to-date revenues totaled \$448,591.16. Year-to-date expenditures were \$339,459.30, leaving a total of \$109,131.86. Cash balance forward totals \$473,449.00, with an overall balance of \$582,580.86. It was noted that FY 06-07 revenues were over budget by 8.1% and expenditures were under budget by 5.3%. There was no discussion by Council members and the report was accepted as presented.

ACTIVITY REPORT:

Sue noted that the Activity Report was included in the meeting packages. Highlights of the month's activities were explained. There was no discussion by the Council members. A copy of the report will be attached as part of the official minutes.

OLD BUSINESS

CHRISTMAS ORNAMENTS:

Susan Rupe reported that the 2007 Christmas ornaments have been selling very well. She explained that the artist had signed the ornaments for Hernando County legislators, and those will be mailed out. Additionally, Sue reported that the artist, Wanda McVeigh, had updated the Weeki Wachee design to be used as the TDC Christmas card for this year.

pe: otn 1-7-08 ✓
'READ' 

Julie Sherraden

From: "Hernando County Fair - Joy Jackson" <info@hernandocountyfair.com>
To: "Bill Sims" <leaphire@yahoo.com>; "Cathy DeHoff" <cdehoff@pasco.k12.fl.us>; "Cathy DeHoff" <cd.vol@hotmail.com>; "Craig Fulmer" <broncoman95@yahoo.com.>; "Dana Hurst" <haroldsautocente@bellsouth.net>; "Dave Russell" <drussell@co.hernando.fl.us>; "Dave Russell - Board of County Commisioners" <dcox@co.hernando.fl.us.>; "Deidre Fletcher" <htlbrooks@aol.com>; "Fair" <info@hernandocountyfair.com>; "Jan Knowles" <janknowles@earthlink.net>; "Jeff Johnston" <JJOHNSTON75@tampabay.rr.com>; "Joe Bernardini" <joeb433@bellsouth.net>; "Joe Bernardini - Brooksville City Council" <jsherraden@ci.brooksville.fl.us>; "John Mitten" <01657@chick-fil-a.com>; "Judy Mamo" <jmamo@cortezcommunitybank.com>; "Nancy Moores" <nancym@co.hernando.fl.us>; "Pam & Brian Chytka" <bpchytka@hotmail.com>; "Richard Nugent" <rnugent@hernandosheriff.org>; "Sandi Nicholson" <snicholson@nicholson-engineering.com>; "Tammy Fincher" <ILOVEILLUSION07@AOL.COM>; "Terry Weaver" <tlweaver@w-t-g-inc.com>; "Tim Hill" <spfdtim7@aol.com>; "Tommy Clark" <BRYANT.CLARK@PGNMAIL.COM>
Sent: Monday, December 10, 2007 4:50 PM
Subject: FW: Minutes Bd mtg 118 07 (2).doc

**HERNANDO COUNTY FAIR ASSOCIATION
 BOARD OF DIRECTORS' MEETING
 November 8, 2007**

Meeting called to order at 6:00 p.m. by President Joe Bernardini. Director John Mitten led the invocation and the Pledge of Allegiance. Secretary Cathy DeHoff took roll and established that a quorum was present (roster attached).

President Bernardini opened the meeting to public comments. Hearing none, he declared the meeting closed in executive session and the guests retired to another room.

Executive Session

Road, lease and property: President Bernardini presented negotiation and planning strategy and requested that the first draft of the lease proposal be submitted to the County. Dave Russell moved to do so; the motion was seconded and passed unanimously.

President declared the meeting reopened and guests returned.

Open Session**Consent Agenda:**

Secretary's minutes were presented. Director Nancy Moores moved to accept the minutes and after a second, the motion passed unopposed.

Treasurer's report was presented and Director Moores moved to accept for audit. The motion was seconded and passed unopposed.

Unfinished Business:

12/12/07
 JP

read
 PL: An 1-7-08 ✓

12/11/2007