AGENDA ITEM NO. C-1
3/6/06

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

MINUTES

JANUARY 9, 2006 7:20 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor David Pugh, Council Members Mary A. Staib and E. E. "Ernie" Wever, Jr. present. Also present were Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk/Director of Administration; Julie Sherraden, Deputy City Clerk; William Smith, Utilities Superintendent; Bill Geiger, Community Development Director; Steve Baumgartner, Finance Director; Jim Delach, Accountant II; Mike Walker, Parks and Recreation Director; Boyce E. Tincher, Police Chief; James Daugherty, Fire Chief; and Mike Dow, Acting Captain. Members of the Hernando Today and Hernando Times were also present.

The meeting was called to order by Mayor Johnston.

CONSENT AGENDA

Minutes
Regular Meeting - November 21, 2005

Commercial Equipment Direct Assistance Program (CEDAP) Grant Application
Authorization to apply to CEDAP for a Thermal Imager for Law Enforcement estimated at $12,000 (no matching funds required).

Emergency Management Preparedness & Assistance (EMPA) Competitive Grant Applications
Authorize application to EMPA for (a) Emergency Management Competitive Grant Program for conversion/renovation work to the Mobile Command Vehicle (BERT I) and a portable electrical power plant along with the purchase of ancillary equipment to outfit the vehicle in the total amount of $140,000, which would require a 50% match ($60,000 cash and $10,000 in-kind - funds available from proceeds of lease to Jackson County); and (b) Municipal Competitive Grant Program to purchase GPS (Global Positioning System) equipment in the amount of $30,000 ($15,000 match funds also available from proceeds of lease to Jackson County).

Bandshell Bash - Hernando County Fine Arts Council (FAC)
Consideration of request for temporary closure of Fort Dade Avenue from Main/Howell intersection to Magnolia Ave. from 4:00 - 8:00 pm on the 2nd Saturday of each month for 2006, waive insurance requirements and provide a City Police Officer at each monthly event for crowd control (approximately $25 hr. x 4 hrs.), for free concerts and car shows, with craft and food vendors, to promote downtown as a destination.

Florida Sports Foundation Grant
Acceptance of Florida Sports Foundation Grant in the amount of $25,000 (no match required) for The First Tee of Brooksville and authorize execution of the agreement. Funds can be used for a myriad of projects at the Quarry Golf Course.

Firefighter Pension Trust Fund (FFPTF) Board Member
Ratification of appointment Frank Phillips as the "fifth member" of the

FFPTF for a two year term of office through January 31, 2008 as recommended by the Board at its meeting on December 13, 2005.

Police Pension Trust Fund (PPTF) Board Member

Ratification of appointment of Jason Brough as the "fifth member" of the PPTF for a two year term of office through January 31, 2008 as recommended by the Board at its meeting on December 15, 2005.
[Note: There is still one remaining City Resident vacancy, for which staff is soliciting applications]

Tom Varn Park Event Co-sponsorship

Consideration of co-sponsorship of Big Brothers/Big Sisters "Super Bowl Party" at Tom Varn Park on the grounds adjacent to the Jerome Brown Community Center on February 4, 2006 from 10:00 am to 2:00 pm.
There is no anticipated cost to the City for this co-sponsorship since there are no fees designated for this area.

BERT II - Brooksville Raid Festival

Consideration of request to utilize the BERT II Comfort Station vehicle as a first Aide Station at the Brooksville Raid Festival scheduled for January 21 & 22, 2006.

Council Member Wever mentioned a recent news story had indicated Homeland Security would possibly be making changes on how they allocate their money. He recommended going ahead with the application for the grants for Items 2 & 3.

Motion:
Council Member Burnett moved for approval of Consent Agenda; seconded by Council Member Wever. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

National Volunteer Blood Donor Month - January, 2006

Proclamation designating January, 2006 as "National Volunteer Blood Donor Month".

Mayor Johnston read the proclamation into the record.

Dr. Martin Luther King, Jr. Celebration

a) Proclamation celebrating January 16, 2006 in honor of Dr. Martin Luther King, Jr.

Mayor Johnston read the proclamation into the record. Council Member Burnett, NAACP 3rd Vice President, accepted the proclamation for Mr. Wayman Boggs, NAACP President, who was unable to attend. City Clerk Phillips said a Council Member will attend the ceremony on January 15, 2006 and present it to the congregation at that time.

b) Consideration of waiving fees (estimated at $1,800 for traffic control/security purposes)and insurance requirements for the Dr. Martin Luther King, Jr. Heritage Parade from Russell St. to the Stadium at Hernando High School on January 16, 2006.

Police Chief Tincher advised Council that there was currently not enough officers to staff the intersections for the upcoming parade. The fees estimated at $1,800 had been reduced to $1,050. The Sheriff's office and the Fire Department were contacted for assistance in filling 11 positions (at $25 per hour).

Council Member Staib asked why 21 officers were needed, to which Chief Tincher replied it was to assure each intersection of the parade was manned to keep traffic away at a cost of $1,050 for the 2 hours anticipated for the parade. He added if fees are waived there would be no funds for the additional personnel from other agencies. Five Fire Department personnel have offered to stand in.

Council Member Burnett inquired about waiving fees. Mayor Johnston clarified the City can not waive fees for the Sheriff's Department, either the applicant or the City would have to pay those fees.

Council Member Wever asked if traffic lights could be set to be red. Chief Tincher explained that it was not safe to do so, people would drive through a red light rather than sit through it. In addition, no permits have been secured to close State roads for any length of time.

Bridget Taylor detailed insurance policy costs and requirements of the County. All ongoing expenses were explained, including $436 to use the Hernando High School facility with a $500 security deposit. She advised Sheriff Nugent had assured her that if an inter-agency cooperation was needed, it would be at no additional charge.

Motion:
Vice Mayor Pugh moved for approval of waiving the fees; seconded by Council Member Burnett. Motion carried 5-0.

PUBLIC HEARING AGENDA

Alcoholic Beverage Location Permit Application - 19858 Southern Hills Blvd. (Temporary Golf Club House)

Consideration of approval of Alcoholic Beverage Location Permit for the temporary Golf Clubhouse/Pro Shop for Southern Hills Plantation by Hampton Golf Inc. and Southern Hills Plantation Golf Club.

Council Member Staib asked if another permit would be required when they had a permanent location. Randy Houseman, General Manager, Southern Hills Plantation Golf Club, replied affirmatively.

City Clerk Phillips advised code requirements have been met.

There was no public input.

Motion:
Vice Mayor Pugh moved for approval; seconded by Council Member Wever. Motion carried 5-0.

REGULAR AGENDA

Water & Sewer Connection Fee Payment Option Ordinance No. 651-A

Consideration of amendatory ordinance authorizing optional payment terms for single-family subdivision parcels larger than 20 acres/50 dwelling units providing for 20% down, with balance as building permit are obtained.

City Attorney LaCroix clarified the impact fee payment process. He advised there was a typographical error on page two in the ordinance that needed correction from "fifth" to "fifty".

Vice Mayor Pugh asked if the agreement allows the capacity that the development is entitled to would be freed up if the developer leaves, to which Attorney

LaCroix replied the capacity becomes free if the impact fees were not paid within four years. Vice Mayor Pugh asked if impact fees could be collected when pulling the building permit and/or sale of the lot. Per Attorney LaCroix, sales of lots are not registered with the City, normally impact fees are collected when a building permit is pulled.

Utilities Superintendent Smith explained the benefits of this kind of payment plan. Attorney LaCroix added no rates are locked in, the developer has to pay whatever the current rates are at the time of payment.

Council Member Wever asked if there was a State requirement regarding advance planning of expansion of the sewer plant. Superintendent Smith confirmed effectively there was, once a certain capacity was reached. Council Member Wever related the bond issue would be paid off in twelve years, about the time the sewer plant would need work for expansion. He stressed the importance of the City meeting regarding growth planning for this type of issue.

Vice Mayor Pugh asked if it would be better to hold off on the ordinance and decide on a case by case basis until a growth plan was in place. Superintendent Smith did not feel it would be necessary to wait.

Attorney LaCroix recommended language changes in subsection D, line 13, from "dwelling units" to "development"; and line 14, from "development" to "subdivision". He noted there were three more instances of "dwelling units" that should be changed to "development", it would then cover future commercial development as well.

City Clerk Phillips read Ordinance No. 651-A by headnote only, as follows:

> **"AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, CHAPTER 17, "UTILITIES," ARTICLE V, "CONNECTION AND SERVICE OF WATER AND SANITARY SEWER FACILITIES OF CITY," BY THE AMENDMENT OF SECTION 17-195 PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE."**

City Clerk Phillips advised the second and final reading would be scheduled for January 23, 2006.

Motion:
Council Member Staib moved for approval of Ordinance No. 651-A with corrections; seconded by Council Member Wever. Motion carried 4-1 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Nay
Mayor Johnston	Aye

Resolution No. 2006-01 - Martin Luther King Jr. Blvd. Name Change Resolution

> Consideration of resolution modifying "Martin Luther King, Jr. Blvd." to "Dr. M. L. King, Jr., Blvd." to unify the varying naming configurations currently existing on the signage and address listings for this roadway effective March 01, 2006, further soliciting concurrence with this name change by Hernando County and the United States Post Office.

Mayor Johnston suggested no comma after the word "Jr." and noted there would be no parentheses on the sign. The change would become effective March 1, 2006.

City Clerk Phillips clarified numerous names had been adopted, the County addressing department was trying to streamline the process through the Property Appraiser's office for the name modification. The Post Office will honor any variations for a year while the process is ongoing.

City Clerk Phillips read Resolution No. 2006-01 by headnote only, as follows:

> **"A RESOLUTION RENAMING MARTIN LUTHER KING, JR. BLVD. (EAST/WEST) TO DR. M. L. KING, JR. BLVD. (EAST/WEST); PROVIDING AUTHORITY; PROVIDING FINDINGS; AND PROVIDING AN EFFECTIVE DATE."**

Motion:
Council Member Burnett moved for approval of Resolution No. 2006-01 as amended; seconded by Council Member Staib. Motion carried 5-0 upon roll call vote as follows:

Council Member Staib	Aye
Council Member Wever	Aye
Council Member Burnett	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Resolution No. 2006-02 - Renaming Hill Avenue to Fincannon Avenue

Consideration of proposed Resolution requesting the re-designation of the existing Roadway in honor of the Fincannon Family contributions to this community effective March 01, 2006.

City Clerk Phillips advised the name change was requested to honor George Fincannon and Bob Fincannon, both now deceased, who had long tenure working for the City in the Utilities and Public Works Departments and Fire Department. As a tribute to the Fincannon gentlemen, there will be a ceremony and unveiling to be held on March 1, 2006.

There was discussion of former street names.

City Clerk Phillips read Resolution No. 2006-02 by headnote only, as follows:

> **"A RESOLUTION RENAMING "HILL AVENUE" TO "FINCANNON AVENUE"; PROVIDING AUTHORITY; PROVIDING FINDINGS; AND PROVIDING AN EFFECTIVE DATE."**

Motion:
Council Member Staib moved for approval of Resolution No. 2006-02; seconded by Council Member Burnett. Motion carried 5-0 upon roll call vote as follows:

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Resolution No. 2006-03 - Amending Effective Date for Cemetery Price List

Consideration of proposed Resolution amending Resolution No. 2005-30 adopted by City Council on December 19, 2005 setting the effective date for commencement of the revised price list in Schedule A as of February 13, 2006.

City Clerk Phillips read Resolution No. 2006-03 by headnote only, as follows:

> "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE AMENDING RESOLUTION NO. 2005-30, PROVIDING FOR EFFECTIVE DATE OF "SCHEDULE A" PRICE LIST FOR CEMETERY LOTS AND OTHER COMMODITIES."

City Clerk Phillips advised the original resolution and the schedule would become effective 12:01 a.m. February 13, 2006.

Motion:
Council Member Staib moved for approval of Resolution No. 2006-03; seconded by Council Member Burnett. Motion carried 5-0 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

CDBG-ED Grant Agreement and Participating Party Agreement

a) Acceptance of Award Agreement with DCA & Loan Documents
Consideration of approval of Award Agreement with the Department of Community Affairs (DCA) accepting the CDBG-ED Program funds in the amount of $524,985 (no match funds required) for the Economic Development Project near the southeast corner area of the intersection of SR 50 (Cortez Blvd.) and SR 50-A (W. Jefferson St.) and authorization for the Mayor to execute all loan documentation for subsequent transmittal to DCA pending final execution of the PPA.

Community Development Director Geiger reported on the CDBG-ED Grant Agreement and the Participating Party Agreement, noting the requirement for submission of the agreements to the State by February 3, 2006.

Council Member Wever questioned an amount on the schedule under engineering, he noted it was $10 and might need to be $10,000, to which Director Geiger replied he would have it double-checked. Council Member Wever also noted the heading was not complete on the Participating Party Agreement.

Vice Mayor Pugh asked what the $18,000 in engineering fees was for. Director Geiger clarified it was for final design work. He added the $40,000 discussed at an earlier meeting was for another grant.

Motion:
Council Member Wever moved for approval of acceptance of award agreement and authorizing execution for transmittal; seconded by Council Member Burnett. Motion carried 5-0.

b) Acceptance of Participating Party Agreement (PPA) with Sims Furniture Gallery, LLC
Consideration of approval of Agreement with Sims Furniture Gallery, LLC and authorize execution by the Mayor for transmittal as stated above.

Motion:
Council Member Wever moved for approval of participating party agreement and authorizing execution for transmittal; seconded by Council Member Burnett. Motion carried 5-0.

US 41 South/SR 50 Landscaping Project #2 - Agreement for Contractor Services

a) Agreement for Contractor Services with Vila & Son Landscaping Corp.
Consideration of approval of agreement with Vila & Son Landscaping Corp. in the base bide amount of $92,440.47 (Bid No. CD2005-09) and authorize Mayor to execute accordingly.

Director Geiger reported on Landscape Project #2, which would provide additional landscaping along U.S. 41 right-of-ways.

Motion:
Vice Mayor Pugh moved for approval of execution of agreement with Vila & Son Landscaping; seconded by Council Member Wever. Motion carried 5-0.

b) Change Order No. 1 - Additional Plants
Consideration of approval of the project scope to amend the landscape plan and add seven Wild Date Palms at a cost of $42,560, (which is within the funds available in the Landscape Grant) subject to FDOT approval and acceptance.

Director Geiger clarified the seven Wild Date Palms would be in addition to Sabal Palms.

Council Member Staib asked if the Wild Date Palm has a stronger root system than the Sabal Palm, to which Director Geiger replied he believed it was typical of palms. Council Member Burnett added sometimes the difference was just in regards to the amount of maintenance needed.

Vice Mayor Pugh felt more landscaping could be done with the money than would be spent on the seven Wild Date Palms.

Council Member Wever asked if the change order would need to go back to DOT for approval if they were changed, which Director Geiger confirmed.

Motion:
Council Member Burnett moved for approval subject to DOT approval; seconded by Council Member Wever. Motion carried 3-2, with Vice Mayor Pugh and Mayor Johnston in opposition.

c) Landscape Project #1 - Tree Replacements
Authorization to contract with Vila & Son Landscaping Corp. to replace two dead Sabal Palms in the previous Landscape Project in the intersection medians at US 41 and SR 700 for a cost not to exceed $650, funds to be transferred from General Fund Reserves.

City Manager Anderson clarified the amount up to $650 would be transferred from the Tree Fund, not the General Fund.

There was discussion regarding what happened to the Sabal Palms that needed to be replaced.

Motion:
Vice Mayor Pugh moved for approval; seconded by Council Member Burnett. Motion carried 5-0.

Applebee's at Cortez Blvd. Final Plat Proposal

Consideration of approval of final plat for the Applebee's property located south of Cortez Blvd. within the South Square Shopping Center, execution contingent upon successful recording of an Easements and Covenants Agreement between the petitioner and the Shopping Center owner.

Director Geiger stated Staff recommended approval subject to the agreement being recorded.

There was discussion regarding the platting of the restaurant parcel as a subdivision.

Mayor Johnston observed the date shown was 2005 and needed to be updated to 2006.

Motion:
Council Member Burnett moved for approval of Staff recommendation; seconded by Council Member Staib. Motion carried 5-0.

Levitt & Sons "Cascades of Southern Hills" Utility Service Agreement

Consideration of approval of a Utility Service Agreement with Levitt & Sons for the "Cascades of Southern Hills" development and authorize the City Manager to execute accordingly.

City Manager Anderson reported that the proposed Utility Service Agreement includes the 20% provision proposed in the first reading of Ordinance No. 651-A discussed earlier, however, the City Attorney had pointed out that we have to make some minor modifications to the wording in the Agreement to coincide with the provisions of the ordinance. Attorney LaCroix advised that some minor changes need to be made to Exhibit H regarding the connection fee payment note to be consistent with the proposed ordinance, which was drafted after this Utility Service Agreement was finalized. He recommended that Council approve the Agreement subject to any changes necessary by him to make it conform to the ordinance that was adopted on first reading tonight. The City Manager pointed out that when the ordinance comes back to Council on second reading Staff will also have an administrative policy setting up the procedural description to use as future requests for this payment option are processed.

Vice Mayor Pugh stated that under the ordinance discussed, Section C has a statement that says connection fees must be paid upon execution of a Utility Service Agreement if the City does not have the capacity to serve that development without spending public funds for new facilities. Utilities Superintendent Smith confirmed that this is not the case with this instance since Hampton Ridge will basically be paying for the capacity to be there to allow this development to happen.

There was discussion on whether the proposed ten foot easement was sufficient to service the development but Superintendent Smith felt that although it was narrow, the length was short and he foresaw no problem. Council Member Wever felt that the lines should go in now rather than later to help alleviate any access problems, which was also discussed in length. Smith indicated that possibly stubbing out lines will be considered when the design stage gets closer.

Motion:
Motion was made by Council Member Wever and seconded by Council Member Staib to approve the Utility Service Agreement and authorize execution by the City Manager, subject to changes by the City Attorney. Motion carried 5-0.

Charter Review Committee

Appointment of Charter Review Committee pursuant to Section 6.08 of the Brooksville City Charter.

City Clerk Phillips advised the first meeting would be held in January 2006 and there should be appointment of at least seven members.

Council Member Staib asked if a possible candidate this year can be on the Charter Review Committee, to which Attorney LaCroix answered affirmatively.

Council Member Staib nominated Richard Lewis.
Mayor Johnston nominated Pat Brayton.
Vice Mayor Pugh nominated Herman Scrivens.
Council Member Wever nominated Paul Neuhann.
Council Member Burnett nominated Charles "Kojak" Burnett.
Mayor Johnston nominated Karen Beasley.
Council Member Burnett nominated Luther Cason.
Vice Mayor Pugh nominated Terry Sellers.
Council Member Burnett nominated Wayman Boggs.

City Clerk Phillips stated she will bring back the official list on January 3, 2006 and requested Council get specific requests or recommendations to her before any meetings are held.

Utility Billing Process

Status report on new billing and distribution process utilizing outside vendor.

Finance Director Baumgartner reported on their department's efforts to provide for the utility billing process to be timely.

Regarding exceptions to late fees, Council Member Staib asked that the issue of the Christmas-time bill be addressed each year.

ITEMS BY COUNCIL MEMBERS

Karen Phillips, Director of Administration/City Clerk

Dr. Martin Luther King, Jr. Parade
She reminded Council that staff would be contacting them the next day to confirm whether they would be in the parade.

David Pugh, Vice Mayor

HEART League Meeting
Vice Mayor Pugh advised that the City would be hosting the next meeting in the Council Chambers on January 25, 2006 from 6:00 to 7:30 p.m. and that Chief Tincher and his staff will be the program that evening talking about BERT Operations and our recent disaster efforts.

New Image of City
Based on the recent newspaper article questioning what the City has to offer residents and how they benefit from being in the City, he suggested preparing an analysis to show the benefits, etc. The City Manager is working on this.

E. E. "Ernie" Wever, Jr., Council Member

Growth Management Workshop
He inquired about the status of the next Workshop that needs to take place. City Manager Anderson reported that staff is currently in the final stages of their department Growth Management Plan forecasts and he hoped to be able to bring it forward at the workshop in the next few weeks.

Tom Varn Park Sign
Council Member Wever commented on the poor condition of the sign at the Park entrance on Jefferson. Parks Director Walker advised that he has been directed by the City Manager to spruce up or present plans to remove/replace it.

SWFWMD Meeting - Water Issues and Pending Legislation
He advised that he will be attending a meeting with Jack Sullivan (WRWSA) and the SWFWMD Executive Director and Board Chairman this Thursday to discuss water issues.

City Control of Wells
Additionally, he is working with Ed Hobin to also schedule a meeting with SWFWMD staff and city staff members to discuss the control of wells in the City.

Vehicle Maintenance Fund - Reserves
Council Member Wever asked for clarification from the City Manager on the auditor's latest statement on the use of the term "reserves". Mr. Anderson responded that Mary Beth Gary has indicated that we should only have restricted reserves for things such as bond covenants since you cannot restrict future Council Member's rights. He indicated that staff will most likely be using terms such as "unallocated contingency".

Joseph E. Johnston, III, Mayor

Costs for Oversizing Water & Sewer Lines
Mayor Johnston expressed concern that the City is not requiring the Developers to put in oversized lines at the time of development and negotiate or set a percentage or fee credit policy instead of having to go back in later and put in at the City's expense. The City Manager stated that this may require a consultant's study in the future. Following discussion, it was decided to include a discussion on this issue during the next Growth Management Workshop. City Attorney LaCroix suggested the City may want to do its own impact fee study to determine if the fees are appropriate to offset the costs associated with growth. Council Member Wever pointed out that if the proposed legislation on the issue is approved, we may not have a choice as it states that any entity that assesses impact fees must do a study to mathematically justify the rates. It was recognized that the rates as set by the County are most likely low.

CITIZENS INPUT
None at this time.

REGULAR CITY COUNCIL AGENDA - JANUARY 9, 2006

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:08 p.m.

City Clerk

ATTEST: _____

Mayor

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AGENDA ITEM NO. C-1
3/20/06

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

MINUTES

JANUARY 23, 2006 7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor David Pugh, Council Members Mary A. Staib and E. E. "Ernie" Wever, Jr. present. Also present were Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk/Director of Administration; Julie Sherraden, Deputy City Clerk; Emory Pierce, Public Works Director; Bill Geiger, Community Development Director; Steve Baumgartner, Finance Director; Jim Delach, Accountant II; Mike Walker, Parks and Recreation Director; Boyce E. Tincher, Police Chief; James Daugherty, Fire Chief; and Stan Mettinger, Lieutenant, Brooksville Fire Department. Members of the Hernando Today and Hernando Times were also present.

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

CONSENT AGENDA

Minutes
- Regular Meeting - October 04, 2004
- Regular Meeting - November 01, 2004
- Regular Meeting - December 06, 2004
- Regular Meeting - June 06, 2005
- Regular Meeting - October 03, 2005
- Regular Meeting - October 17, 2005

Phase I Sewer Rehab Additional Street Repair
Consideration of authorization for City Manager to execute subsequent Change Order to Pospiech Contracting Inc. contract to reconstruct portions of Ward and Oakdale Avenues in the total amount not to exceed $50,000 with funding from the Phase I Sewer Rehab Project and the balance from the Multi-Year Capital Fund 308 (Acct. #001-019-581-56308).

Animals on Park Property
Consideration of request to waive prohibition of animals on park property for the Humane Society of Hernando County's Pet Expo to be held on March 25 & 26, 2006 at Tom Varn Park and the JBCC.

First Tee Conference
Authorize reimbursement of expenses of Parks and Recreation Board Member to attend annual meeting in St. Augustine February 14-17, 2006.

Corrections to Minutes included 6/6/05 p.8-10, 10/4/05 p.4, 10/3/05 p.13.

Mayor Johnston asked if residents' concerns would be taken into account during work on Ward Avenue. Public Works Director Pierce replied they would come back to address those issues after Phase I was completed.

Regarding the First Tee Conference, Mayor Johnston asked for an approximate amount. Parks & Recreation Director Walker replied it would be around $700 for the support members.

APPROVED BY BROOKSVILLE CITY COUNCIL
ON 3/20/06 INITIALS JBP

Motion:
Council Member Burnett moved for approval of Consent Agenda with corrections to minutes; seconded by Council Member Wever. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Margaret R. Ghiotto Beautification Awards

Commercial Beautification Award

Recognition of improvements to property owned by Historic Downtown Partners, LLC and operated by Lisa Johnson/dba "Rising Sun Café" located at 10 S. Main Street.

Chairman Lou Kavouras commented the Rising Sun Café was receiving the award for exceptional exterior and interior renovations that were made. She noted Council Member Staib had nominated the Café, being very impressed with the changes.

Residential Beautification Award

Recognition of improvements to property owned by Ronald & Mary Ann Lawson located at 15 Crosby Street.

Chairman Lou Kavouras presented the Lawsons the Residential Beautification Award for enhancements made to the exterior of their home and also the significant improvements to the adjacent lot. She reported that this location was also named the Residential Beautification of the Year property recently.

PUBLIC HEARING AGENDA

Water & Sewer Connection Fee Payment Option Ordinance No. 651-A

Consideration of amendatory ordinance authorizing optional payment terms for single-family subdivision parcels larger than 20 acres/50 dwelling units providing for 20% down, with balance as building permit are obtained.
[First Reading - 01/09/06]

Mayor introduced the ordinance for second and final reading.

City Clerk Phillips read Ordinance No. 651-A by headnote, as follows:

"AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, CHAPTER 17, "UTILITIES," ARTICLE V, "CONNECTION AND SERVICE OF WATER AND SANITARY SEWER FACILITIES OF CITY," BY THE AMENDMENT OF SECTION 17-195 PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE."

There was no public input or further discussion.

Motion:
Motion was made by Council Member Staib and seconded by Council Member Wever to approve Ordinance 651-A upon second and final reading. Upon roll call vote, the motion carried as follows:

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

REGULAR AGENDA

Policy No. 1-2006 - Water & Sewer Connection Fee Payment Options

Consideration of policy implementing provisions for optional payment terms of water & sewer connection fees for certain parcels as authorized by Ordinance No. 651-A.

City Manager advised that what was proposed was the implementing policy and procedure pursuant to the ordinance that was just passed, which establishes internally how staff will process those applications.

Motion:
Motion was made by Council Member Wever and seconded by Council Member Burnett to approve the Policy as presented. Motion carried 5-0.

Resolution No. 2006-04 - Quarterly Budget Amendments

Consideration of proposed Resolution adjusting revenue and expenditure budget amounts for F/Y 2005-06.

Council Member Wever asked if the amount listed on p.1, 3a & b, was a gross amount, to which Finance Director Baumgartner replied affirmatively and that he believes it is after the discount. Truck delivery would be in May 2006.

City Clerk Phillips read Resolution No. 2006-04 by headnote, as follows:

"A RESOLUTION PROVIDING FOR CERTAIN BUDGET AMENDMENTS FOR FY 2005-06 BUDGET AND SETTING AN EFFECTIVE DATE."

Motion:
Motion was made by Council Member Wever and seconded by Council Member Staib to approve Resolution No. 2006-04. Motion carried 5-0 upon roll call vote as follows:

Council Member Staib	Aye
Council Member Wever	Aye
Council Member Burnett	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Bond Counsel - USDA Grant for City Hall Storm Screen Retrofit and Generator Grant from USDA

Authorization to contract with Foley & Lardner to serve as Bond Counsel for an amount not to exceed $5,000.

Director Baumgartner advised a revision of the amount was needed to allow for expenses, normally $100.

Motion:
Motion was made by Council Member Wever and seconded by Council Member Staib to approve authorization of contract for $5,000 + expenses, not to exceed $5,500. Motion carried 5-0.

Final Plat - Lowe's at Brooksville

Review and approval of Final Plat, as recommended by the Planning & Zoning Commission, for property located near the southwest corner of the intersection of Wiscon Road and U.S. Highway 41.

Community Development Director Geiger entered the Staff report into the record in its entirety. **[Attachment A]** He reviewed that development was limited to not exceed 184,000 square feet of building floor area.

Council Member Wever asked if the deed for the right-of-way was received and Director Geiger explained it had been dedicated as part of this plat and confirmed that the County would have to coordinate and cooperate with the City to use it.

Mayor Johnston noted the resolution states "..public records of the City", and asked if that should read "of the City and Hernando County" or if it should read "of Hernando County". Director Geiger answered that he would double-check it against the language in the code, though it would have to be recorded in the public records of Hernando County to be recognized. Mayor Johnston also found references to Wiscon Avenue instead of Wiscon Road, to which Director Geiger replied those references had been corrected in the version brought to P&Z. Unfortunately Council had received the copy that had not been updated.

Motion:
Motion was made by Council Member Burnett and seconded by Council Member Wever for approval of Staff recommendation. Motion carried 5-0.

Final Plat - Brook Haven Apartments/The Richman Group of Florida

Review and approval of Final Plat, as recommended by the Planning & Zoning Commission, for property located on the northwest corner of property off of SR50 (Cortez Blvd. behind the US Post Office), subject to receipt of the required performance bond.

Community Development Director Geiger entered the Staff report into the record in its entirety. **[Attachment B]** He reported on January 11, 2006, P&Z concurred with Staff recommendation for approval of the final plat, subject to the required performance bond.

Mayor Johnston asked who J. Eric Corringham was. Director Geiger explained that he is a contract surveyor who views the plat documents for the City to insure they are consistent with State law.

Council Member Wever asked why the road did not go all the way back. Director Geiger answered the primary purpose was to get public road access to lot three. He added when further development is proposed, a re-platting would be done of the area that would reflect the roads proposed at that time.

Vice Mayor Pugh asked what was going on legally with lot two. Director Geiger explained the current land use is for multi-family and mobile home use and the City would determine what the appropriate density and intensity should be.

Vice Mayor Pugh asked if fifty feet was sufficient for the utilities that would have to be placed in the right-of-way of Brook Haven Drive, to which Director Geiger responded affirmatively.

Mayor Johnston noted there was another Brook Haven Drive on the map. Director Geiger stated he would look into it to see if a change would be needed.

Motion:
Motion was made by Council Member Staib and seconded by Council Member Burnett for approval of Staff recommendation subject to street name verification. Motion carried 5-0.

Final Plat - "Cascades at Southern Hills Plantation Phase Two"/Levitt & Sons

Review and approval of Final Plat, as recommended by the Planning & Zoning Commission, for property south of SR50, east of US41, west of the CSX Railroad ROW and north of Powell Rd. (more specifically, the parcel located in the southwest quadrant of the 1,600 acre± property that was owned by Hampton Ridge Developers, LLC and annexed into the City on 05/28/03), subject to the required performance bond.

Community Development Director Geiger entered the Staff report into the record in its entirety. **[Attachment C]** He reported on January 11, 2006, P&Z concurred with Staff recommendation for approval of the final plat, subject to receipt of the required performance bond.

Motion:
Motion was made by Council Member Burnett and seconded by Council Member Staib for approval of Staff recommendation. Motion carried 5-0.

Northwest Wellfield/PHCC Water Tower Status Report

Authorize negotiation of Developer's/Utility Service Agreement with Brooksville Properties, LLC to provide offsite infrastructure to provide adequate fire flows in the Northwest Wellfield area.

Public Works Director Pierce reported on the Utility Service Agreement that has a transferable lease purchase agreement for the water tower to be entered into with a new developer. He estimated the lease payments would be covered by the developer until construction of the water tower is completed, then the City would be obligated for the annual amounts which he hoped would not be more than a $70,000-$80,000 range for a twenty year period.

Vice Mayor Pugh advised he had a Conflict of Interest since the company he works for is involved with this project and he would file the necessary forms with the Clerk's office and abstain from voting, as required.

Council Member Wever asked if the geo-technical test had been completed, to which Director Pierce replied it came back satisfactory.

Council Member Wever asked when the process is begun, if it would trigger having to finish the water loop in the road under the lease agreement. Director Pierce explained any requirements of the PHCC lease would be incorporated into the developer's Utility Service Agreement. The developer would be required to do it and all the facilities on the PHCC lease would become the property of the City. Council Member Wever referenced Item 4-a, that the City would put the well in as part of the grant agreement. He stated if the City does not put the well in, the grant agreement would be void. Director Pierce replied that he would check on that.

Council Member Wever suggested the City would be better off to buy the tower than to pay by the terms of the lease agreement. He mentioned when this is brought back to Council, he would like to see an estimate of the impact fee credit for the development and was not in favor of giving any credits except for expenses that the City does not reimburse the developer for if the City has to pay the developer back for putting in the water tower.

Motion:
Motion was made by Council Member Wever and seconded by Council Member Burnett to authorize Staff to enter into negotiations of a Utility Service Agreement. Motion carried 4-0, Vice Mayor Pugh abstained. **[Note: Form 8-B attached]**

Quit Claim Deeds for Utility Easements

Consideration of two (2) Quit Claim Deeds to provide for 7.5 ft. utility easements on all property lines for parcel previously divided by P&Z Commission action for property located along North Ave. to Laurel Ridge Court to cure prior error in legal description of the easement in recorded documents, as follows:

a) Property owned by Loretta Kane and Lori Jean Hunley

b) Property owned by Robert & Ydira Castellanos

City Attorney LaCroix explained the property owner deeded the required utility easement to the City, inadvertently across the entire property. To rectify this, the City would quit claim back to the owners the interest the City has in the parcels, reserving the 7.5 feet easement.

Motion:
Motion was made by Council Member Burnett and seconded by Council Member Staib for approval of Staff recommendation for a) and b). Motion carried 5-0.

Federal Funding Projects

Review of potential capital projects for submittal to Congresswoman Ginny Brown-Waite for consideration of federal funding options.

City Manager Anderson reported a series of improvements were being proposed, potentially federally funded.

Council Member Staib asked if only one project could be selected for Congresswoman Brown-Waite to review, to which Mayor Johnston replied one project program could be submitted per page. He added that water and sewer infrastructure was his major concern every year.

City Clerk Phillips commented on state-federal road rerouting, to have a long range plan for removing the state and federal roads from the downtown area and suggested getting the local business community to rally support of the program.

She noted Congresswoman Brown-Waite wrote to notify the federal grant for the Police Department had been approved.

Building Department

Consideration of authorizing advertising for proposals for private permitting and inspection contract services.

Director Geiger reported on the steps being taken to implement permitting and inspection services and eventually the City's own Building Department. He recommended not offering less services than the County offers.

Council Member Staib was in favor of hiring a private firm. Director Geiger felt more would get accomplished that way.

Council Member Burnett concurred and would like to see the City have its own Building Department and hoped for a speedy process.

Mayor Johnston stated the reason the Building Department had been dropped was because it was hemorrhaging money because there was not enough activity. He felt the activity had picked up now and the City should get it re-established. He believed developers would be willing to pay additional charges for additional services if they did not have to have a long wait.

Director Geiger indicated the County will allow the continued use of their software for consistency. He suggested keeping the identical fee structure initially and make adjustments after an evaluation period.

Council Member Wever believed it was worth it to have the department in place to build relationships between City government, the builders and new residents, even if they only broke even or had a small loss to start with. Additionally, he was in favor of authorizing a search for property the City could lease for a department location for about two years. City Manager Anderson stated he would bring back a report on that and the status of the lease of the third floor. Council Member Staib advised the tenant on the third floor may be lost if the County renovates the old hospital and moves their offices there.

Vice Mayor Pugh would like a projection of costs if the market drops and financing of the department becomes difficult. Director Geiger stated at this point, the City would still be contracting an agent for services. It would not be different from what is already being done now with the County.

Motion:
Motion was made by Council Member Wever to authorize the City Manager to get requests for proposals for Building Department contract services and seconded by Council Member Burnett. Motion carried 5-0.

Easement Vacation
Consideration of vacating an easement across Lot 34, Laurel Oaks Subdivision (849 Laurelridge Ct.) which is no longer required.

City Manager Anderson advised the legal description he received did not appear to be complete and so he will distribute it to the City Engineer and City Attorney.

Council Member Staib stated the site map was hard to read and asked if it could be enlarged.

Council Member Wever thought they had approved releasing the easement previously, to which City Manager Anderson replied that had been a different lot.

Director Pierce suggested the person that wants the easement vacated can get a title search done and come back with a legal description that matches. The information the Department of Public Works has does not match all the dimensions on the legal description.

This item was tabled until further information is received.

Charter Review Committee
Consideration of additional members and composition of Committee.

Director Phillips stated a meeting will be scheduled for the Committee. Memos were submitted by Council Member Staib and Mayor Johnston recommending James Adkins, Fran Flannery, Sue Loveday and Dyane Maxey also be added as members.

Mayor Johnston was concerned that some nominees were not City residents. Council Member Staib believed that issue should have been addressed before names were submitted. Council Members Burnett and Wever concurred. Council Member Staib clarified at the last meeting, it was decided no new names could be added.

Vice Mayor Pugh felt there was no structure in place for the board. Mayor Johnston concurred stating that for the next Charter Review Committee more clarification should be made as to how many members there would be and whether they should be City residents and for each Council Member to nominate 2-3 members.

Motion:
Motion was made by Council Member Staib to accept the four additional members submitted and seconded by Council Member Wever. Motion carried 5-0.

ITEMS BY COUNCIL MEMBERS

E. E. "Ernie" Wever, Jr., Council Member

Council Pay
Council Member Wever pointed out that according to his latest pay stub, Council Member's salary is $2.60 per hr.

North/South Road in Southern Hills Plantation Project
He felt that naming of this road should be placed on the next council agenda for finalization.

Oversizing Lines to New Developments
Based on previous Council discussions regarding oversizing lines for future needs at the time a new development is put in, Council Member Wever suggested that a policy be developed as soon as possible for such oversizing to be required to be done by a developer whenever a connection is made to City utilities at the point of a new road, with reimbursement to developer of costs by future hookups.

Vice Mayor Pugh felt that this is what impact fees were for, however, it was pointed out that they usually cover new plant construction. The City Attorney will verify the legalities of such a policy and the City Manager will research a recent similar ordinance adopted by the City of Tampa.

Hernando County Parks Dept. Water Connection at Ernie Wever Park
Council Member Wever reported that he had recently been advised by a County Staff Member that they are interested in hooking up to the City's water system for an area on the South Side of Youth Dr. (2 restroom buildings, with water fountains). They were previously served by their own well for consumption and irrigation but were considering using the well for irrigation only. City Staff has not had any conversations with the County about this and Council Member Wever will speak with his county contact to verify and have them contact Director Pierce.

New Legislation - Underground Utilities
During the news this date he learned that, at the urging of the Governor, the Florida Legislature is working on a bill to require all future utilities to be placed underground, supposedly similar to what the City has already required by Code.

WRWSA Grant
According to his further recollection following the discussion earlier on the grant funding, the Water Supply Authority paid for the Hope Hill well, but the next $50,000 was earmarked for another well. Director Pierce will check if it was specified for PHCC or not.

SWFWMD Meeting
He reported that he and the Executive Director of the WRWSA recently met with the Executive Director and Chair from SWFWMD regarding water issues in their jurisdiction, and the SWFWMD Representatives advised that they have resolved their problems with Tampa Bay Water and were planning on focusing in this three county area now, with a $300,000-$400,000 water supply study being funded by them and WRWSA. They also reported they were undergoing a long-range study for potential installation of a storage lake in this area similar to Hillsborough County.

New Hernando County Administrator Reception
Council Member Wever suggested hosting a welcome reception for newly appointed County Administrator Gary Kuhl as soon as possible. The City Manager advised that staff is already working on arrangements, based on his scheduling and contract negotiations/official starting date.

Growth Management Workshop Schedule
He recommended that although staff is still working on the anticipated long range capital projects and needs report, the next meeting be scheduled as soon as possible so that Council can discuss and agree on the projected growth area. It was agreed that the Mayor and City Manager would schedule accordingly.

David Pugh, Vice Mayor

New Project/Staff Negotiation Policy
Vice Mayor Pugh was concerned that a policy is not in place to give direction to staff on how to proceed as they are approached with new developments, projects or business opportunities so that things are not held up, yet they know what Council's interests or concerns may be so they are not wasting their time. Director of Public Works Pierce suggested that as new opportunities emerge, staff can forward a memo to the City Manager explaining what they are working on and the gist of the negotiations, which the Manager can then distribute to City Council. If there are any concerns or comments, the Council Members can respond back to the City Manager and he will either handle directly with the staff representative or schedule a Council discussion for clarification and/or direction.

HEART League Meeting
He reminded Council of the Monthly Meeting to be held in the City Council Chambers on Wednesday, January 25th.

Mary A. Staib, Council Member

Darcy Chase
Council Member Staib advised that she had recently seen Ms. Chase at the hospital and she passed on her regards to everyone.

Mabel Sims
She also had recently seen Ms. Sims, who reported that her homestead is in the process of being placed on the National Register of Historic Sites.

County Judge Kurt Hitzemann Investiture & Reception
She recently attended the ceremony and reception at the Courthouse.

Art Reception Invitation to New County Administrator
Council Member Staib advised that she invited Mr. Kuhl to the next Art Reception and requested that staff make sure he received a formal invitation to him and his family.

Beautification Board Awards Ceremony
She reported that the recent Awards Ceremony held by the Beautification Board went very well.

Southern Hills Plantation Golf Course Opening
She commented on how wonderful the new Golf Course is, which she toured during the grand opening ceremony this past weekend.

Frankie Burnett, Council Member

Dr. M. L. King Parade
Council Member Burnett commented on how well the first parade went recently in honor of Dr. King and expressed appreciation to City Council and Staff who participated to make it happen.

2006 Hernando County Fair
He reported that the theme for this year's Fair will be "Fear Factor" based on what he learned at the recent meeting he attended.

Noise Levels
He was concerned with the loud noise situations around town, especially from car stereos, and suggested the City look into implementing a stricter noise ordinance similar to what the City of Tampa has instituted that gives the Officers the rights to make a determination to combat this problem. It was pointed out that,

aside from the need to have expensive decibel meters on hand by law enforcement personnel to be able to enforce, Florida Statutes do already make provisions for Police Officers to be able to stop a vehicle or intercede if they can hear a "nuisance noise" within 25' (recently reduced from 100'). Chief Tincher will research what Tampa has recently done, but he also encouraged that a Special Master be brought on board as soon as possible since this is who would hear potential cases brought about as a result of citations issued on this matter. Additionally, he suggested the City purchase an appropriate decibel meter.

Lorenzo Hamilton
With Black History Month being observed in February, he requested that a Resolution be included on the next agenda honoring Mr. Hamilton for his dedication and help to the children and families of this community.

Karen M. Phillips, Director of Administration/City Clerk

Highwaymen Exhibit
She reported that the City was very fortunate to have a display of a private collection of "Highwaymen Paintings" on exhibit in the City Hall Gallery, which will be changed out quarterly over the next year.

Richard E. Anderson, City Manager

Southern Hills Plantation Golf Course
He reported that he and Community Development Director Geiger were going to be touring the new facility Tuesday morning with the developers.

Joseph E. Johnston, III, Mayor

Dr. M. L. King Parade
Mayor Johnston reported that he had received many nice comments on the quality of the parade and wished it continued success in the future.

Southern Hills Plantation Golf Course Activities
He advised that he had attended several grand opening events over this past weekend and he was very impressed with the facility and encouraged everyone to stop by there and see the new development for themselves to see what a plus it is going to be for this community.

County Board Land Use Meeting
He explained that he was quite concerned about the comments he has been told by the City Manager were made by the Hernando County Commissioners recently during their Land Use Meeting regarding a developer in our Utility Service Agreement Area not having to worry about annexing into the City if they did not want to and that they would provide the utilities if this were the case. He had the tape and was going to watch it for himself soon and encouraged anyone who has not seen it themselves to also do so.

CITIZENS INPUT

Paul Boston - "Just Us News"

Building Department Private Services
Mr. Boston commented that as Council Members discuss private contracting of these services for new developers, the elected officials make sure that private citizens also have access to these firms and that there be some kind of appeal process in place. Mayor Johnston responded that these services are for the entire community and not just developers and the intent is to make the permit process easier for all of our citizens and not just developers.

Denial-ability
He was concerned that the City Council Members must still take responsibility for all actions of the City and he encouraged them not to give all the authority to staff to make all deals and contract all services. He did not feel they should ever put themselves into a position where they could say they did not know about something because staff was handling it. Mayor Johnston clarified that staff was only authorized to negotiate and City Council takes the final action.

Federal Grants
Regarding the prior discussion on federal grants, he encouraged Council to remember to use any funds won as a result of the statistical figures usually associated with low income areas in the South Brooksville area if they are related to those stats.

Teen Activities
Mr. Boston reported that he is working with a group of people to provide some type of safe and healthy "Teen Night" weekend/night activities for the youth in the area and he was hoping that the City participates in these plans and activities. He cited a potential dance/educational event at the JBCC as one of the options.

Charles "Kojak" Burnett

Charter Review Committee
Mr. Burnett expressed concern that even though people do not live in the City, they often put all of their money in the City. He was also upset that he was not provided with a copy of the Charter that he had requested. It was explained to him that the City Clerk is in the process of setting up the orientation meeting for the CRC members, and a complete set of the Charter will be provided.

ADJOURNMENT
There being no further business to bring before Council, the meeting adjourned at 8:54 p.m.

ATTEST: _____
Mayor

_____
City Clerk

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ATTACHMENT A

AGENDA ITEM NO. F-4
1-23-06

MEMORANDUM

To: The Honorable Mayor & City Council Members

Via: Richard E. Anderson, City Manager

From: Bill Geiger, Community Development Director

Subject: FP2006-01 Final Plat; Petitioners - Lowe's Home Centers, Inc. & Bay Street Ventures II, Inc. (Represented by Lincks & Associates, Inc.)

Location: Near the Southwest corner of the intersection of Wiscon Road and U.S. Highway 41

Date: January 23, 2006

SUMMARY OF REQUEST - GENERAL INFORMATION

Lowe's Home Centers Inc. and Bay Street Ventures II, Inc., represented by Lincks & Associates, Inc., is requesting approval of the final plat for "Lowe's at Brooksville" as submitted by Heidt & Associates, Inc., signed and sealed by Arthur W. Merritt, a Florida registered Land Surveyor on February 12, 2005.

The subject property is 24.425 acres ± and is located near the southwest corner of the intersection of Wiscon Road and US 41. The subject property was annexed into the City on June 2, 2003. On December 6, 2004, the City adopted a Comprehensive Plan Future Land Use Map designation of Commercial for this property, with a qualification limiting future development of the property to not exceed 184,000 square feet of building floor area. The owner of this property has constructed a 109,847 square foot Lowe's Home Improvement Center with a 26,576 square foot garden center on 17.825 acres of the property, and is proposing the subdivision of four out parcels and one tract on the remaining 6.6 acres.

FINDINGS OF FACT

The subject property is zoned C2 (Highway Commercial District). The subject property is designated for Commercial development by the City of Brooksville's adopted Comprehensive Plan. The zoning of this property as C2 is appropriate within the Commercial land use designation. The intensity for development of this property is limited to not exceed 184,000 square feet of building floor area. The petitioner's proposal is to subdivide and plat this property into five (5) lots and one tract.

A road network was constructed in conjunction with the Lowe's Home Improvement Center development, and will continue to be owned and maintained by the owner of Lot "E" of the proposed subdivision. Twenty (20) feet along the north boundary of the property (along Wiscon Road) will be dedicated to the City of Brooksville to help facilitate existing and future rights-of-way needs in this area.

Utility easements have been dedicated via a Utility Service Agreement (USA), and are referenced and further memorialized on the final plat.

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. Police, fire and sanitation collection services will be provided to this development by the City of Brooksville.

APPROVED BY BROOKSVILLE
CITY COUNCIL
ON 1/23/06 INITIALS

FINAL PLAT- Staff Discussion

1. The final plat is consistent overall with City and State regulatory standards. Conditions, terms and statements associated with staff review of the final plat have been addressed.
2. All frontage road, ingress/egress points from Wiscon Road and U.S. Hwy. 41, and utility distribution lines and systems have been completed with the construction of the Lowe's Home Improvement Store.
3. The subdivider made two corrections on the final plat document referenced in conjunction with staff review prior to the plats consideration by the Planning & Zoning Commission, and the document appears to be ready for acceptance at this time.
4. Pursuant to Chapter 177, Florida Statutes, the City has employed a surveyor to review the proposed plat for compliance with technical requirements specified by State law. The City's surveyor has confirmed that the proposed final plat is in compliance with State law.

The Final Plat (and supporting documentation on file in the Community Development Department) meets the minimum City Code standards for final plat approval.

NOTE: The final plat review/approval process is a property subdivision 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 approval from the appropriate City and/or other governmental agencies that have regulatory authority over the proposed development.

The granting of this subdivision 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 subdivision 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/PLANNING & ZONING COMMISSION RECOMMENDATION

On January 11, 2006, the Planning & Zoning Commission concurred with staff to approve the final plat labeled as "Lowe's at Brooksville," submitted by Heidt & Associates, Inc., to be signed, dated and sealed by Arthur W. Merritt, a Florida registered Land Surveyor, and authorized the Chairman to sign the plat documents, and further recommended that the City Council approve the same for signatures.

Attachment: "Lowe's at Brooksville" Final Plat

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ATTACHMENT B

AGENDA ITEM NO. F-5
1-23-06

MEMORANDUM

To: The Honorable Mayor & City Council Members

Via: Richard E. Anderson, City Manager

From: Bill Geiger, Community Development Director

Subject: FP2006-02 - Hardy H. Huntley (Parent Tract Owner); Brook Haven Apartments - The Richman Group of Florida (Represented by Hamilton Engineering & Surveying, Inc.) Requesting Final Plat approval for the subdivision of a parent tract of land to facilitate a proposed Multi-Family Residential Planned Development Project (MF-PDP), referenced as Lot 3 on the proposed final plat.

Location: On the northwest corner of property located off of SR 50 (Cortez Boulevard), behind the US Post Office.

Date: January 23, 2006

SUMMARY OF REQUEST - GENERAL INFORMATION

The petitioner has requested approval of the final plat referenced as "Brook Haven." The petitioner is proposing to plat 54 acres ± into four (4) lots and two public rights-of-ways (Ref. Brook Haven Drive and Providence Boulevard on the final plat). Lot 3, containing 16 ± acres is proposed to consist of a one-hundred-sixty (160) unit multi-family complex with clubhouse, and other amenities. On June 8, 2005, the Planning and Zoning Commission approved the PDP/SEU Residential zoning and Master Plan for Brook Haven Apartments that incorporated the multi-family (160-unit) concept with clubhouse, volleyball court, swimming pool, tot lot and car wash areas on the 16± acres. On November 9, 2005, the Planning and Zoning Commission conditionally approved the Preliminary Plat signed, sealed and dated September 29, 2005, subject to the following conditions and statements:

A. Construction plans will be reviewed to ensure that all applicable City code standards are being met.

B. Streets within Lot #3 of the subdivision will be privately owned and maintained. Said streets must be designed and built to meet City construction standards.

C. 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-foot wide easement must be provided for all single lines and 30-feet for parallel pipe runs along with the right of ingress and egress across the properties the easements are located within.

D. The developer will need to coordinate and get approval for proposed street names from the Hernando County Property Appraiser's office (Addressing Division) and the City's Community Development Department.

E. Final Plat plans (including all required 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.

F. Documents must be provided prior to final plat approval that delineate maintenance entities and responsibilities for areas being platted.

G. The developer is required to provide the City with three original copies of the approved "Brook Haven Preliminary Plat," as amended by the applicable conditions

APPROVED BY BROOKSVILLE CITY COUNCIL
ON 1/23/06 INITIALS
NOTE: VERIFY "BROOKHAVEN DR" NOT DUP.

stated above, that is signed, dated and sealed by a Florida registered Land Surveyor, along with a legal description and survey sketch for the 54-acre ± preliminary plat area.

H. Future proposed development of platted lots within the subdivision will be subject to concurrency review and said development will be contingent on adequate capacity being available to serve the proposed development.

I. Identify the water body/flood plain located north of the parent tract in the construction plans.

J. Emergency/secondary access into Lot 3 shall be provided as part of the construction plans for this subdivision and lot development.

This final plat has been reviewed by City staff to ensure that all conditions and requirements have been met prior to being submitted to the Commission for consideration. Staff comments are as follows:

1. The final plat is consistent overall with City and State regulatory standards.
2. The subdivider must provide an engineering estimate (subject to acceptance and approval by the City's Public Works Director), for all public or quasi-public infrastructure to be constructed in and for the development of lot #3. A performance bond in the amount of 125% of the above-referenced engineering estimate must be posted with the City prior to or as a condition of the City Council's approval of the final plat. The bond serves as the surety for the developer to complete all of the required infrastructure improvements associated with this subdivision.
3. Pursuant to Chapter 177, Florida Statutes, the City has employed a surveyor to review the proposed plat for compliance with technical requirements specified by State law. The City's surveyor has confirmed that the proposed final plat is in compliance with State law.

NOTE: The Final plat review/approval process is a property subdivision 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 approval from the appropriate City and/or other governmental agencies that have regulatory authority over the proposed development.

The granting of this subdivision 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 petition 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/PLANNING AND ZONING COMMISSION RECOMMENDATION
On January 11, 2006, the Planning & Zoning Commission concurred with staff to approve the final plat labeled as "Brook Haven" as submitted by Hamilton Engineering & Surveying, Inc., date stamped January 5, 2006, authorized the Chairman to sign the plat documents, and recommended that the City Council approve the same, subject to the developer/subdivider submitting an engineer's cost certification for all public or quasi-public improvements associated with the plat, and posting the required performance bond.

Enclosures: (1) "Brook Haven" Final Plat date stamped January 5, 2006

Note: Copies of referenced easements and other miscellaneous documents are on file in the Community Development Department for review as deemed appropriate.

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ATTACHMENT C

AGENDA ITEM NO. F-6
1-23-06

MEMORANDUM

To: The Honorable Mayor & City Council Members

Via: Richard E. Anderson, City Manager

From: Bill Geiger, Community Development Director

Subject: FP2006-03 Final Plat - Cascades at Southern Hills Plantation - Petitioner: Levitt and Sons of Hernando County, LLC; Phase Two Final Plat.

Location: The property is located South of SR 50, East of US 41, West of the CSX Rail Road ROW and North of Powell Road; More specifically, the parcel is located in the Southwest quadrant of the 1,600 acre ± property that was owned by Hampton Ridge Developers, LLC, and annexed into the City on May 28, 2003 (metes & bounds description of the property is on file)

Date: January 23, 2006

SUMMARY OF REQUEST - GENERAL INFORMATION

Levitt & Sons, LLC has requested approval of the final subdivision plat for Cascades at Southern Hills Plantation Phase Two. The subject property is part of the 1,600 acres ± parent tract of land annexed by Hampton Ridge Developers, LLC, and is located South of SR 50, East of US 41, West of Hope Hill Road (and the CSX Rail Road ROW) and North of Powell Road. The legal description by metes and bounds for the subject parcel of this petition is given in full in the petition packet. The zoning designation granted by City Council for the southwest portion of the property (Cascades - 411 acres ±) is Planned Development Project (PDP), with a special exception use consideration for a Residential PDP, specifically providing for a private (gated-predominantly single family) residential community. On October 12, 2005, the Planning and Zoning Commission approved the Preliminary Plat signed and sealed by Clifford Manuel, P.E., dated October 3, 2005, subject to meeting the requirements of Ordinance No. 675, as amended, and the following conditions and statements:

A. Construction plans will be reviewed to ensure that performance standards as outlined in zoning Ordinance No. 675, as amended, as well as applicable City code standards are being met; and

B. Streets within the project area of the subdivision (behind the gates) will be privately owned and maintained. Said streets must be designed and built to 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

C. The developer will need to coordinate and get approval for proposed street names for the areas to be platted with the Hernando County Property Appraiser's office (Addressing Division) and the City's Community Development Department.

D. Preliminary construction plans have been submitted. Final plat plans (including all required 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.

APPROVED BY BROOKSVILLE
CITY COUNCIL
ON 1/23/06 INITIALS

E. At the end of streets leading into future phased development, construction plans must reflect a hammerhead design to provide a turnaround area for vehicles. This turnaround must remain in place until such time as when the roads are continued for future development phases.

F. The preliminary plat needs to be revised to include 5-foot wide sidewalks in the "typical section" of the local road rights-of-way. Additionally, the developer is required to maintain a 25-foot building setback buffer around the perimeter of the property. Proposed buffers need to be specified on the preliminary plat.

G. The developer is required to provide the City with three original copies of the approved "Cascades at Southern Hills Plantation Phase Two Preliminary Plat," as amended by the applicable conditions stated above, that is signed, dated and sealed by a Florida registered Land Surveyor, along with a legal description and survey sketch for the 74.12 acre ± preliminary plat area.

H. Documents must be provided prior to final plat approval that delineate maintenance entities and responsibilities for the common areas of the plat.

This final plat has been reviewed by City staff to ensure that all conditions and requirements have been met prior to being submitted to the Commission for consideration. Staff comments are as follows:

1. The final Phase Two plat is consistent overall with City and State regulatory standards.
2. Phase Two provides for 192 single-family residential lots, combined with the 190 lots approved in Phase One, brings the total for approved lots within this subdivision to 382. The zoning for this property provides for a maximum, not-to-exceed number of 925 single-family residential lots. Phase One is 99.36 acres and Phase Two is 74.12 acres, bringing the current total of platted land area within the 411-acre property to 173.48 acres.
3. The subdivider must provide an engineering construction cost estimate (accepted and approved by the City's Public Works Director) for all public and quasi-public infrastructure to be constructed in the Phase Two development. A performance bond in the amount of 125% of the above-referenced engineering estimate must be posted with the City prior to or as a condition of the City Council's approval of the final plat. The bond serves as the surety for the developer to complete all of the required infrastructure improvements associated with this subdivision.
4. Pursuant to Chapter 177, Florida Statutes, the City has employed a surveyor to review the proposed plat for compliance with technical requirements specified by State law. The City's surveyor has confirmed that the proposed final plat is in compliance with State law.

NOTE: The preliminary plat review/approval process is a land subdivision 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 approval from the appropriate City and/or other governmental agencies that have regulatory authority over the proposed development.

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any City land use ordinances. Homeowner associations or architectural review committees may require submission of plans for their review and approval. The applicant for this petition 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/PLANNING AND ZONING COMMISSION RECOMMENDATION
On January 11, 2006, the Planning & Zoning Commission concurred with staff to approve the final plat labeled as "Cascades at Southern Hills Plantation Phase Two," as submitted by Coastal Engineering Associates, Inc., date stamped November 16, 2005, authorized the Chairman to sign the plat documents, and recommended that the City Council approve the same, subject to the developer/subdivider submitting the engineer's certification and posting the required performance bond.

Enclosures: 1) Cascades at Southern Hills Plantation Phase Two Final Plat
2) Cascades at Southern Hills Plantation Phase Two Narrative

G:\Bgeig\Development Projects\Cascades\cc01232006 Cascades Ph 2 Final Plat.wpd

Agenda Item F-7
01/23/06

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

LAST NAME—FIRST NAME—MIDDLE NAME PUGH DAVID COLON	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE BROOKSVILLE CITY COUNCIL
MAILING ADDRESS 815 KEELING ST.	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY BROOKSVILLE COUNTY HERNANDO	NAME OF POLITICAL SUBDIVISION: BROOKSVILLE CITY COUNCIL
DATE ON WHICH VOTE OCCURRED 01/23/06	MY POSITION IS: ☒ ELECTIVE ☐ 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)

CE FORM 8B - EFF. 1/2000

PAGE 1

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, DAVID C. PUGH JR, hereby disclose that on 01/23/06, 2006:

(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, _____;

X inured to the special gain or loss of CIVIL-TECH CONSULTING ENGINEERS, INC., by whom I am retained; or

___ inured to the special gain or loss of _____, 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:

DIRECTING STAFF TO NEGOTIATE AN AGREEMENT FOR THE NORTH WEST WELLFIELD / PHCC WATER TOWER.

1-23-06
Date Filed

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.

CE FORM 8B - EFF. 1/2000

PAGE 2

AGENDA ITEM NO. C-1
3/20/06

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

MINUTES

7:00 P.M.

FEBRUARY 6, 2006

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor David Pugh, Council Members Frankie Burnett, Mary A. Staib and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, Director of Administration/City Clerk; Janice L. Peters, Deputy City Clerk; Will Smith, Utilities Superintendent; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Ron Baker, Human Resources Director; Boyce E. Tincher, Police Chief; and James Daugherty, Fire Chief. A member of the Hernando Times was also present.

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

Mayor Johnston reported that the petitioner had withdrawn Item E-11 for the fee waiver at JBCC.

Mayor Johnston also reported that a new item was requested to be added to the agenda for a Utility Easement on Wiscon Road.

Motion:
Motion was made by Council Member Wever; seconded by Council Member Staib to add this item to the agenda. Motion carried.

CONSENT

Minutes:

Budget Workshop - August 10, 2005
Workshop Meeting - March 24, 2005
Regular Meeting - June 20, 2005
Regular Meeting - July 12, 2005
Regular Meeting - August 01, 2005
Regular Meeting - August 15, 2005
Regular Meeting - September 12, 2005
Special Meeting - October 6, 2005 Off agenda app 12/19
Regular Meeting - November 7, 2005

Council Member Wever pointed out several corrections to the minutes, as identified below:

June 20, 2005 minutes - Page 3, 2nd paragraph from the top, "curb" should be "curve". Page 11 at the top of the page, 3rd line down should be "$1.2 Million" and on page 12 it should read "$1.894 Million".

July 12, 2005 minutes - Page 1, under Satisfaction of Liens, line 2, Special Assessment "Lines" should be "Liens". Page 14, Paragraph 6, line 1 and 4 Mayor "Johnson" should be "Johnston" and the 3rd paragraph from the bottom, "from" should be "for".

August 1, 2005 minutes - Page 3, 3rd paragraph, replacement fund, review wording.

APPROVED BY BROOKSVILLE CITY COUNCIL (WITH
ON 3/20/06 INITIALS JEJ

September 12, 2005 minutes - Page 14, 3rd paragraph to right, should read "Police Chief Tincher".

October 6, 2005 minutes - Page 1, 8th line down, take "well" out and last line of paragraph, "project in" should read "project is". In the last paragraph 2nd line "contractor" should be "developer".

November 7, 2005 minutes - Page 4 it was Council Member Steib who made the motion and voted Nay.

Hernando County Fair - Dumpsters

Consideration of request from Hernando County Fair Association for waiver of fees for the use of four (4) additional 8 cubic yard bulk containers for use during the 2006 Fair (April 14-23, 2006), along with ten (10) additional pickups per week, at a cost of $1,607.16.

Budget Calendar Revision

Consideration of changing Budget Workshop date(s) to July 19 (and July 20 if necessary), 2006.

Vice Mayor Pugh inquired as to why the Budget Calendar revision is being moved forward. City Manager Anderson replied that he would be out for the whole month of August. Vice Mayor Pugh stated that he was concerned with the appearance that we are catering to the whole time he would be out for the month.

Motion:
Council Member Burnett moved for approval of the Consent Agenda with corrections as noted to be made to the June 20, 2005, July 12, 2005, September 12,2005, and October 6, 2005 minutes. The minutes for August 1, 2005, and November 7, 2005 were removed for research. The motion was seconded by Council Member Staib, and carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Margaret R. Ghiotto Beautification Awards

Residential Beautification Award

Recognition of improvements to property owned by Norma Johnson, 202 E. Liberty Street

Sally Sperling, Beautification Board Member, stated that the Johnson residence is a two-story historic home which has been renovated from top to bottom and makes a very good statement. It has been painted a crisp white with red shutters with a slatted wood fence in the front and a detached garage which has also been redone. Mayor Johnston presented the award to Ms. Johnson. The official lawn sign was not available but will be delivered to Ms. Johnson.

Ms. Sperling advised that the Commercial Award winner was out of town but will be honored at the next meeting.

"Tangerine Time" 2007 New Year's Eve Event - December 31, 2006

Appreciation for the City's participation in the 2005 New Year's Eve event and request for waiver of the $252 rental fees and insurance for the use of the JBCC for the 2007 Event.

Mr. Vutech passed out photographs of the event. He stated that there had been a good turnout, the event was successful and the event was carried by Channel 8 & 13. He also stated that Florida Citrus was not able to help in the magnitude they had in past because of the hurricane. 3M has committed to give 500 bags for next event. Mr. Vutech requested use of Jerome Brown Community Center was requested for next year. City Clerk Phillips added that Mr. Vutech should be commended for all the time and effort he puts into the event as well as the money his business contributes.

Motion:
Council Member Staib moved to approve; seconded by Council Member Burnett. Motion carried 5-0.

REGULAR AGENDA

Resolution No. 2006-05 - Lorenzo Hamilton
In celebration during Black History Month, consideration of resolution honoring Lorenzo Hamilton for his humanitarian deeds to the youth of this community.

Mayor Johnston read the resolution in its entirety.

Motion:
Council Member Burnett moved to approve; seconded by Council Member Staib. Motion carried 5-0 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Mr. Hamilton appreciated the honor and was thankful for the opportunity to add to this community. He also stated that he had worked with all the Council Members at one time or another. Council Member Burnett stated that, upon further investigation, he found that 10% of the 15% who had not previously furthered their education are now doing so, including himself.

Resolution No. 2006-06 - David Sweeney Retirement
Consideration of Resolution honoring Reserve Police Officer David Sweeney, retired from the Police Dept. September 30, 2005 with over 20 years of service.

Mayor Johnston read the resolution in its entirety.

Motion:
Council Member Burnett moved to approve; seconded by Council Member Staib. Motion carried 5-0 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Mr. Sweeney stated that although he is not a resident of Brooksville, he loves the city and has enjoyed being a part of it and will miss working for the City of Brooksville. A plaque and token gift are to be delivered.

Resolution No. 2006-07 - Gerald Williams Retirement

Consideration of resolution honoring Police Officer Gerald Williams, retired from the Police Department January 5, 2006 with over 18 years of service.

Mayor Johnston read the resolution in its entirety.

Motion:
Council Member Burnett moved to approve; seconded by Council Member Staib. Motion carried 5-0 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Mr. Williams offered thanks to everyone and said that he has enjoyed his years of employment with the City of Brooksville. A plaque and token gift are to be delivered.

Resolution No. 2006-08 - Dennis Wilfong Retirement

Consideration of resolution honoring Captain Dennis Wilfong, retired from the Fire Department January 20, 2006 with over 20 years of service.

Mr. Wilfong could not be present. City Clerk Phillips read the headnote and stated that a plaque and token gift will be delivered to Mr. Wilfong.

Motion:
Council Member Wever moved to approve; seconded by Council Member Burnett. Motion carried 5-0 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Resolution No. 2006-09 - Robert Fincannon

Consideration of resolution recognizing tenure of Robert Fincannon - Fire Department and Utility Division with over 40 years of Service.

City Clerk Philips read the headnote and stated that the presentation will take place on March 1, 2006 at the unveiling ceremony for the naming of Fincannon Avenue where it will be presented the Fincannon family.

Motion:
Council Member Burnett moved to approve; seconded by Council Member Staib. Motion carried 5-0 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Staib	Aye

Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Growth Management Service Area

Consideration of designating urban service annexation planning boundaries.

Director Geiger presented Council with a conceptual map detailing a short term growth annexation plan that was based on current and projected growth patterns and the City's plans for providing or expanding services to this area as well as planning for industrial growth.

The plan includes a new water tower facility which will expand the potable water and firefighting capabilities for the North and Northwest part of the City. Short term plan cost will be evaluated and used for strategic future planning.

Vice Mayor Pugh commended Director Geiger for a job well done in putting the task on paper. He asked if there were plans to annex the Hospital property within the next 5 years. Director Geiger stated that it was unlikely but it may be part of the service area as a connect site for city/county utilities. Vice Mayor Pugh also asked if there were plans to annex the Brooksville Golf and Country Club, which is the Dogwood Estates area, in the 5-year annex plan to which Director Geiger responded that there are a lot of factors that will play into annexing that area. He recommended developing the services plan for the area designated on the map and eventually the issue will probably go out for a referendum vote, at which time the attributes and benefits of being in the City of Brooksville can be expressed to the residents at that time.

City Manager Anderson expressed that since voluntary annexation is typically driven by the real estate market, it may end up being a 10 year plan and recommended taking those areas outside the green area into consideration when planning so that we will be prepared and will not be scrambling to see how we will provide services to those areas. He urged not fixating on specific locations because we only anticipate them being in the City within 5 years, thereby anticipating urban growth.

Vice Mayor asked about the water system the County has out toward Dogwood Estates. Director Geiger replied that there is one but it is not interconnected and that he is talking to Mr. Bronson about the potential for integration in the future.

Council Member Wever offered 2 areas that needed to be added and asked if the US 98 North line goes across Youth Drive which Director Geiger answered that it does. Council Member Wever went on to say that the two parcels on the North side of Youth Drive at the College were left off. The College and the youth park parcels should be brought together. Also on the west end at Cortez and Hwy 50 the line stops at the Lykes crossover. The parcels West of that are owned by Buckner, Mason and Mrs. Bell plus 1 or 2 parcels in the green area and Council Member Wever recommended adding those parcels as well. Director Geiger said the map can be refined.

Mayor Johnston pointed out that an area south of Powell Road & 41, outside the first right to serve is shaded in green and asked if there was reason for this. Director Geiger stated the reason being that the people on the South side of the road has asked about annexation. He also recommended considering the boundary zones Council Member Wever has suggested and the cost benefits to the city of

taking that area in.

Mayor Johnston also pointed out that the areas listed in green on the map are potential annexation but the discussions of those areas have included service to those areas which are two different things and suggested changing the terminology to a "5-Year Urban Service Boundary" study. He stated that he does not see the benefit of annexing the hospital in the city without servicing with water and sewer; pointing out that the City would have to provide fire and police services to that area, which we are not doing now.

Council Member Wever stated that what the City needs right now is a goal of annexation, to which Mayor Johnston suggested having two separate maps; one for service boundary and potential 5-year annexation possibilities on another since there is a greater possibility of bringing service to an area before it is being annexed, depending on how the growth patterns go. Director Geiger agreed to do this.

Vice Mayor Pugh asked if there had been any decline in annexation requests in the last year in that it seems the marked area is starting to level out. Director Geiger said that there had not really been a decline, noting that there had been a lot of activity mid-summer of last year and a fair number of parties going through the permitting process now.

The issue was tabled pending discussion at the next workshop and to be subsequently brought back to the next Council meeting on March 6.

2006 Pumper/Ladder Fire Truck Status Report

Status report on capital purchase.

Captain Tim Mossgrove and Lieutenant Stan Mettinger presented a slide show detailing the January 9, 2005 trip to check on the progress of the new fire truck construction. The project started about two years ago with input from all levels of the department. Sutphen Corporation was established in 1890 and has seen four generations of quality. The meeting covered 580 line items for building the truck and tower. According to Captain Mossgrove, the Chassis Division of Sutphen uses no welding on the tower. The structural integrity of the cab with rollover protection was very impressive. He felt that the money invested in the ladder, which is the strongest one on the market, is well spent because it can be rechassied if needed. The body is about two-thirds built at this time and the scheduled delivery date is currently May 20, 2006. City Manager Anderson and Council were thanked for supporting the issue.

Easement Vacation

Consideration of vacating an easement across Lot 34, Laurel Oaks Subdivision (849 Laurelridge Ct.) which is no longer required.
[Tabled from 01/23/06 Meeting]

Director Pierce researched the existence of utilities and determined that a Quit Claim Deed is the best way to solve this issue. The City does need to keep the 7½ foot easement on the North side because the subdivision was plated with 7½ easements on each side of each lot with utilities running under the easements.

Motion:
Vice Mayor Pugh moved for approval; seconded by Council Member Burnett. Motion carried 5-0 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Hampton Ridge Reuse Line Over-Sizing

Consideration of approval of the over-sizing from 12" to 18" of the second phase of the reuse line along Mobley Rd. from Cortez to Wiscon Rd. by Coastal Underground Services, Inc. for the total amount not to exceed $222,671.50. One half of the costs ($111,335.75) are anticipated to be reimbursed via SWFWMD Grant and the remaining funds are available in the Water & Sewer Reserve for Contingencies Account.

Director Pierce reminded Council that the Development Agreement gives the City the option of oversizing certain lines. In a special meeting a couple of months ago the oversizing of the reuse lines from Cobb Road across SR 50 to Mobley Road was agreed upon along with the oversizing of the sewer force main at the same time. The Developer is anxious to start construction from Mobley to the existing lines behind Lowe's. The cost estimate of upsizing just the reuse line to 18" is $222,000. That will provide an opportunity to supply a lot more than the 1 million that Hampton Ridge will eventually get. The Agreement with the Water Management District will refund 50% of that cost back in the form of a rebate.

Director Pierce suggested the question needed to be addressed as to whether, based on available funds, the City is better off upsizing reuse lines or holding that money in reserve to run water and sewer lines somewhere else? He then recommended continuing upsizing of the reuse lines of the major corridor.

The cost the contractor is quoting for the 18" pvc line is $9.00 cheaper than what was quoted for a different segment, according to Director Pierce. Staff is requesting that Council approve the expenditure of $220,671 and allow him to bring back a agreement similar to the one signed with Hampton Ridge. The only easement in hand right now is across the Southern Pines/Charlie Sasser development. The developer is in process of having other parcels appraised for quick take acquisition of the necessary easements.

Mayor Johnston asked what the advantage of oversizing the rest of the way down Mobley to Wiscon is with the current oversizing from across Hwy 50 to Southern Pines. Director Pierce stated that it will increase capacity by a couple million gallons a day above 1 million for reuse to serve West of Mobley.

Vice Mayor Pugh inquired when the City will be able to provide the necessary flow to service anything else, with plant capacity right now only reaching Southern Hills Plantation,. Director Pierce stated that right now the plant is processing 1 mgd and the 2007 plant should provide 3.0 mgd with a 7-15 year max out.

Vice Mayer Pugh also asked if any other cost estimates had been gotten to provide any other services available. Director Pierce replied that he had not gotten any other estimates because, assuming the rebate comes through, getting an oversize reuse line capable of pumping 3 mgd for $100,000 is a deal.

When asked by Council Member Wever if the new development by Lowe's uses the City's utilities would they be required to put in reuse lines for irrigation, Director Pierce stated that there is no reuse ordinance in effect at this time but it is being worked on. He also stated that all large developments are

potential reuse customers and even if they use County utilities the City could still sell them the reuse lines.

Council Member Wever stated that this reuse line is not in the current budget for SWFWMD. Director Pierce disagreed, saying that this reuse line is in the budget but feels that even without the rebate, which he anticipates being closer to 60%, it is still a deal for the amount of water processed daily and it will be difficult to come back later in the easement to change the lines.

Vice Mayor Pugh asked how far it is to the Covington Hills piece and could they be serviced if they wanted to be hooked up to our facilities. Director Pierce noted that they are totally dependent upon the tower and it probably is not practical to run out to there.

Public Works Director Pierce advised that the contractor is ready to start now and it will take about a 30 day order period to get going. The developer would like a commitment from the City for upsizing the reuse lines to 18". Developer Sasser has the ability to tap into the line without upsizing but would be limited to the additional amount the City can serve if we run a 12" and it would be on a first come first served basis.

City Manager Anderson suggested checking to see which budget SWFWMD has this in. Council Member Wever stated that everything in the budget before this year is on a 60/40 basis. If this issue is not in the current budget we will have to try to get the agreement amended. Director Pierce stated that we would get some reimbursement up to the 16" oversize but feels they will honor whatever size we put in and that the reimbursement for the incremental amount may have to be delayed until the next budget.

Vice Mayer Pugh felt the City will get more business from the water line versus re-use line if it could be purchased for the same amount.

Director Pierce added that the study for the reuse fee should be done by the next Council Meeting. The sanitation study is running in the red and he is trying to get it done first.

Motion:
Council Member Wever moved for approval of an 18" line oversize to the South end of the Sasser property to Mobley; seconded by Council Member Staib. Motion carried 5-0.

USDA Bond Resolution - City Hall Storm Retrofit & Generator Project

Review of proposed bond resolution for submittal to USDA prior to finalization.

Per Mayor Johnston's suggestion, this issue was tabled to the special meeting on January 22nd.

JBCC Fee Waiver - Youth Organized Recreation & Education Program

Consideration of waiver of fees and insurance for an Aids Awareness Program on February 11, 2006 and dance.

Withdrawn by Petitioner

Utility Easement - Wiscon Road

Consideration for approval of survey of easements from Wiscon Road to the Hospital property to be done by Bill Green for $2000.
(New item added to the agenda.)

Council Member Wever suggested /surveying for an easement out to the edge of the hospital property ~~form~~ from / Mobley Road on the North side of Wiscon Road. Utility Superintendent Smith advised that Surveyor Bill Green is willing to provide those surveys for $2,000. After getting the legal descriptions they can be used to get appraisal reports, which Director Pierce estimates at $15,000 if using quick take. Charlie Sasser has already agreed to the easement across his parcel, according to Director Pierce.

Motion:
Council Member Staib moved for approval; seconded by Council Member Burnett. Motion carried 5-0.

ITEMS BY COUNCIL MEMBERS

Frankie Burnett, Council Member

Crawford St. Fire Hydrant
He asked that Director Pierce look into this issue concerning the fire hydrant that was replaced and gutters installed from Hwy 50. Water now backs up to properties on the North. Director Pierce will look into the matter with Council Member Burnett.

RV Rally
He also commended Melissa for doing a great job of driving him and Council Member Staib around the RV rally at the airport and thanked her for doing so.

Mary A. Staib, Council Member

Washington Mutual Bank
Council Member Staib attended the new Washington Mutual Bank Grand Opening and was very impressed with the facility.

Brooksville Water Tower Project - CTN Update
She asked about the tower being on News Channel 13 and was informed by the City Clerk that Channel 13 is going forward with the promotional item to "project" their new Anchor and additional News Broadcast time on the face of the water tower on 2/15/06. The City will be getting additional promo of the Art Gallery/Reception and the Murals around town as a trade off, in addition to PR of the City during the day.

City Shirts
Council Member Staib did not feel it was necessary to get another City Shirt since she already had several and encouraged the rest of Council analyze their needs before having the City buy another one.

Cemetery Controlled Burn
Council Member Staib asked if there would be another controlled burn considering this hurricane season is supposed to be worse than the last. Fire Chief Daugherty answered that they are planning one more burn. Wesleyan Village and Pepsi will be notified of the burn and it will hopefully be the last. City Manager Richard

Anderson suggested finding a way to dispose of the debris other than burning in the future.

Telethon
She asked for confirmation that the Telethon Phone Bank schedule was 3-4 pm, which City Clerk Phillips confirmed.

E. E. "Ernie" Wever, Jr., Council Member

WRWSA Wellfield Grant
Council Member Wever confirmed that the grant from the Water Supply Board was $50,000 for the Northwest Wellfield at PHCC. If the City does not drill the well itself, he felt that an amendment to the Grant Agreement may need to be done. Mayor Johnston recommended that the City stick with the plan and have the developer reimburse the City. It was decided to include an item on the February 22, 2006 Special Meeting Agenda to discuss this further if necessary.

New County Administrator Reception
He recommended a City Reception be held to welcome Gary Kuhl into the community, either prior to the Special Meeting or at the next Regular Meeting.

November Election
Council Member Wever suggested that use of the JBCC be offered to the Supervisor of Elections as a polling place in the next election. Parks & Recreation Director Walker reported that he had spoken with Ms. Williams, who declined the offer at this time.

FLC "Quality Cities Magazine" Article
He recommended that Council and Staff make sure to read the article in this month's magazine entitled "Peer City" on Page 40.

2006/07 Budget Prep
Based on the current employee pay plan study underway, he recommended that staff prepare the preliminary budget figures based on the current millage rate of 7.5 mills, without a reduction, accompanied by a report detailing what the difference would be in revenue for 7.25 and 7 mills. Vice Mayor Pugh was concerned due to the promise of lowering the millage rate with institution of the utility tax and rate increases.

Financial Advisor Report - Potential Bond
Council Member Wever advised that he had asked the City Manager to request an opinion from the Financial Advisor on what would be needed to fund $7 Million in bonds for anticipated known future Utility Projects.

David LaCroix, City Attorney

Book of Poetry
Attorney LaCroix advised that in case they were approached with questions from the local news media, he has published a book of poetry.

Karen M. Phillips, Director of Administration/City Clerk

Charter Review Committee
The first meeting of the Charter Review Committee was held last Wednesday, February, 1st. Copies of the Charter were distributed to department heads and Council Members and the CRC was requesting any items for consideration during the

review process be provided to the committee for the meeting, which is to be held on Wednesday, February 8th at 5:30 p.m. in the Jerome Brown Community Center.

United Way Telethon
She reminded Council Members of the Telethon and asked that anyone wishing to volunteer their time to answer phones from 3:00 to 4:00 pm contact her.

Chamber of Commerce
Applications are being taken for the Tallahassee trip on March 29th and the cost is $30.00, which includes three meals and bus fare. The Florida League of Cities Legislative Priorities will be distributed to the participants but if there was anything else that Council wanted the representatives to be aware of this would need to be provided as soon as possible. Lynn Tipton, from the FLC, will again be making a presentation on behalf of municipal government's concerns and issues.

New Deputy City Clerk
City Clerk Phillips introduced her new Deputy, Janice Peters, who she felt was very enthusiastic and ambitious and anticipated was going to do a great job.

Joseph E. Johnston, III, Mayor

Trees with Orange Tape
Mayor Johnston asked the significance of the orange tape on a number of neighborhood trees. Director Pierce explained that they are labeled according to the tree trimming and removal bid currently out. Double tape is for removal, single for trimming.

Clogged Gutters on Alta Vista
He also noted that on the back of the church's property on Alta Vista, grass has clogged up the gutters and needs to be shoveled out. Mr. Peirce to look into.

WRPC - Oppaga Study
Identifying that the Oppaga Study had reportedly been distributed to Council Members and Staff with the January 23, 2006 memo from WRPC, Mayor Johnston stated that this gives an update on the FDOT Redistricting issue.

CITIZENS INPUT
None at this time

ADJOURNMENT
There being no further business to bring before Council, the meeting adjourned at 9:22 pm.

ATTEST: _____
Mayor

_____
City Clerk

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AGENDA ITEM NO. C-1
3/20/06

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

MINUTES

FEBRUARY 22, 2006 6:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor David Pugh, Council Members Frankie Burnett, Mary A. Staib and E.E. "Ernie" Wever, Jr. Also present were Richard E. Anderson, City Manager; Karen M. Phillips, Director of Administration/City Clerk; Janice L. Peters, Deputy City Clerk; Will Smith, Utilities Superintendent; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Boyce E. Tincher, Police Chief; and James Daugherty, Fire Chief; and two members of the Hernando Times. Incoming County Administrator Gary Kuhl was also present.

The meeting was called to order by Mayor Johnston, followed by an invocation and pledge of allegiance. Mayor Johnston welcomed incoming County Administrator Gary Kuhl and he thanked the City for the reception.

<u>USDA Bond Resolution No. 2006-10</u>

Consideration of proposed Bond Resolution authorizing the issuance of 2006-10 Capital Improvement Revenue Bonds in the amount of $258,800 for the USDA Grant & Loan Project for the City Hall Storm Screen Retrofit and Generator (City Hall and 14 Lift Stations) Project, pledging the Mobile Home License Tax funds.

Finance Director Steve Baumgartner clarified that the correct resolution was now in their packets. USDA inspected the document, changes were noted, and it was approved by the bond council for generators and retrofitting of windows at City Hall. The urgency is that bond validation takes at least 60 days. Council Member Wever inquired as to which bond form would be used. He referenced page 7, paragraph 1, which states *"Bonds held by the government may be redeemed by the issuer on any interest payment date prior to maturity at the price of par and accrued interest, without premium."*, to be sure it is in the bond that is used.

Finance Director Baumgartner referenced language within the bond referring to the selling of the bonds by USDA and noted that there is a small likelihood that would happen according to USDA and that if they were to call the bond it would be a par not a premium.

Council Member Wever also referenced page 17, the maturity schedule of 2008 and stated it should be 2007. Also on page 22, if that schedule is used he would like the payment to start a few days after the bond issue is made. Finance Director Baumgartner stated that he had asked the Bond Council about some of the missing data and they said that this is the preliminary adoption and the blanks will be filled in later.

Council Member Wever asked about the requirement of the consulting engineer. City Manager Anderson offered that the question of whether they will accept the City's professional engineer as a certifier had not been asked because we were not sure which bond form would be used.

APPROVED BY BROOKSVILLE (WITH CORR.) CITY COUNCIL
ON 3/20/06 INITIALS JLP

He then inquired whether Finance Director Baumgartner had reviewed the revenue stream on the mobile homes taxes and if it would be enough monthly to be able to make the transfers. Finance Director Baumgartner responded that according to the amortization the payment would be around $15,000 annually and the mobile home revenues in the budget this year is around about $30,000.

Council Member Wever's concern is the monthly transfers for the two funds. Finance Director Baumgartner offered that revenues come in 3-4 times a month and some come through at the beginning or end of the year. He also stated that the revenues come through the state electronically and as long as the revenues are being segregated we should be okay. Council Member Wever stated that Bond payments are made at the end of the year and that no money from the mobile home taxes can be used until reserves are funded and suggested considering using excess monies, after the annual payment, for possible advanced payments of the remaining part of the bond issue.

Council Member Wever also asked how the monies from the bond issue and monies from the grant were to be prorated. City Manager Anderson offered to bring back to Council a proposal on that breakdown. He suggested sending a proposal to USDA to make sure it meets all their requirements.

City Clerk Phillips read USDA Bond Resolution No. 2006-10 by headnote only, as follows:

> RESOLUTION PROVIDING FOR THE ACQUISITION AND INSTALLATION OF CERTAIN CAPITAL IMPROVEMENTS TO THE CITY HALL BUILDING AND WASTEWATER UTILITY LIFT STATIONS OWNED AND OPERATED BY THE CITY OF BROOKSVILLE, FLORIDA; AUTHORIZING THE ISSUANCE BY THE CITY OF NOT EXCEEDING $258,800 PRINCIPAL AMOUNT OF CAPITAL IMPROVEMENT REVENUE BONDS, SERIES 2006, TO FINANCE A PART OF THE COST THEREOF; PLEDGING THE MONEYS RECEIVED BY THE CITY FROM THE MOBILE HOME LICENSE TAX TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS FOR THE BENEFIT OF THE HOLDERS OF SAID BONDS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SAID BONDS; AUTHORIZING ISSUANCE BY THE CITY OF ITS CAPITAL IMPROVEMENT REVENUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SAID BONDS; PROVIDING FOR THE PAYMENT OF SAID NOTES; AND ENTERING INTO CERTAIN COVENANTS AND AGREEMENTS WITH THE HOLDERS OF SAID BONDS AND NOTES.

Motion:
Council Member Staib motioned to approve; seconded by Council Member Burnett. Motion carried 5-0 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

CDBG-ED Grant/Transportation Outreach Program (TOP) Grant (Providence Blvd. - Reverse Frontage Road)

Status Report on the referenced grants and request for Council action/direction on fast-tracking portions of the project.

Director Geiger reviewed a brief status report of the two grants. The Community Development Block Grant (CDBG) project was initiated with Tractor Supply and Sims Furniture as participating business partners. Whitfield Avenue was ~~build~~ built

JRP corrected 03/21/06 /

to give driveway access to Tractor Supply but the second stage was never built because time ran out on the funds from the grant. Upon recommendation from DCA, application for a new CDBG-ED Grand using Sims Furniture Gallery as a participating partner was submitted to keep the project on tract. Redesign work was also done because of the location of the proposed warehouse facility for Sims Furniture moving the road out directly adjacent to the East property line of Tractor Supply, causing changes to the permit application process as well. All of that has been done and the design work is about 90% complete, permits have been acquired and we are almost ready to go to bid on the road, although right-of-way has not been secured yet. The grant was almost in the final stage when the loan commitment required by DCA was not able to be obtained by the participating party. So the application has to be resubmitted with the document, which requires an agreement from the participating party, Sim's Furniture Galleries, who has not returned calls regarding the matter.

According to Director Geiger, the next cycle for re-application is in April and everything is in place except the loan commitment. If they do not participate, the developers will have to be relied on to do the work.

Director Geiger reported that the City received $980,000 in 2003 from the TOPS Grant to buy a bus to support the mass transit system the County has in place, which has been done with the purchase of a bus for around $110,000 with the balance to be used toward the reverse frontage road and utilities and improvements in the downtown area with left over monies. He proposed taking the $700,000 that is left and fastract that into a downsized version of the reverse frontage road project in hopes of getting Sim's Furniture re-engaged so we can still gain access to some CDBG funds in the future. Additionally, he suggested that the City focus the TOPS funds on a portion of the project to get a part of it done so the money, which will revert to the state at the end of the year, is not lost.

With that said, Director Geiger had the following referrals for Council to consider:

1. Terminate the TOP Engineering & Administration contract with Berryman & Henigar for convenience as provided for in the agreement. Basically all the staff that worked on this project for the city is no longer there.

2. Authorize staff to negotiate a TOP contract with Applied Sciences Consulting Inc., which the staff from Berryman & Henigar moved to, to provide engineering, surveying, appraisal, administration and related services to fast-track project completion (funding source - grant and impact fees) to be returned to Council at the March 6 meeting.

3. Authorize the following segments of the project to be completed using TOP grant and impact fee funds:

   a) The link connecting the existing Providence Boulevard to the North side of the parcel identified as HCPA Key #973156. This 5-acre parcel, which Sims Furniture has recently purchased, has the planned lift station associated with it and would provide an alternative access point.

   b) If funding is available, the link from West Jefferson Street to Whitfield Avenue.

In response to Vice Mayor Pugh, Director Geiger confirmed that the right-of-way along the Sims property is dedicated to City. Vice Mayor Pugh then asked, since the frontage road ordinance is on private property, and in this case right-of-way is owned by the city, how do we expect Sims to pave and contribute to the utility infrastructure if they have access through Whitfield Avenue. Mr. Geiger answered that we would need to negotiate with them, as a developer at that point. If they do not participate with the City in the grant project, the City has reserved right-of-way. The Developer would still have to build some level of improvements for Whitfield access. It may have to be tied to some future development that would occur on the 5-acre tract.

Public Works Director Pierce added that there are new owners of the church property who are interested in access to Jefferson Street also.

Director Geiger informed Council that the plans are 90% complete with DOT, SWFWMD, and DEP permits in place. The process of acquiring the needed right-of-ways needs to be on the fastract at this point. Council Member Wever recommended spending the money required to acquire all the right-of-ways needed in light of the fact that DOT is in the process of redesigning Hwy 50 to 6 lanes. Director Geiger responded that the City will have to acquire all right-of-ways on both sides and provide matching funding using transportation impact fees and to some degree possibly utility impact fees. We do have a commitment from TOPS funding to spend at least $290,000 of other funding to match funding. The original intention was to match it with the CDBG funding.

Motion:
As to Item D-1, Council Member Wever motioned to approve termination of the TOPS contract with Berryman & Henigar; seconded by Vice Mayor Pugh. Motion carried 5-0.

Motion:
As to Item D-2, Council Member Staib moved to approve contract negotiations with Applied Sciences; seconded by Council Member Burnett. Vice Mayor Pugh inquired as to who gets the plans once they are completed. Director Pierce stated that the contract always states that the plans become property of the City. Council Member Wever inquired as to the amount in the road impact fee fund. Finance Director Steve Baumgartner stated that there is about $750,000 but definitely over $½ million, along with some prepaid money that can not be spent yet but he will get a definite amount to Council. Motioned carried 5-0.

Motion:
As to Item D-3, Council Member Wever moved to first acquire the entire right-of-way; seconded by Vice Mayor Pugh. Motion carried 5-0.

Mr. Geiger recommended going out for bids as the right-of-ways are being acquired, stating in the bid that it is subject to acquiring the right-of-way and holding execution until monies are calculated so that construction could begin before the end of the year.

Motion:
Vice Mayor Pugh motioned to approve; seconded by Council Member Burnett. Motion carried 5-0.

Growth Management Service Area
Approval of Minutes - Growth Management Workshop December 7, 2005

Motion:
Council Member Wever motioned to approve; seconded by Council Member Staib. Motion carried 5-0.

SPECIAL CITY COUNCIL AGENDA - FEBRUARY 22, 2006

Consideration of designating Urban Service Boundary and five year projected Growth Management Plan

Director Geiger projected the corresponding map with revisions recommended by Council at the last meeting which outlined a more defined service and infrastructure boundary.

JPP corrected 03/21/06 \

Council Member Wever stated that his intent concerning West-50 was to include ~~one~~ of the large tracts, leaving out all the smaller ones because a lot of it is residential. Director Geiger surmised that from a planning perspective for infrastructure and services it may be good to include the smaller lots as they may need the services also.

City Manager Anderson noted that this is just a general plan focusing on a plan of how the City would serve those areas. Not knowing how quickly it will develop, it will be subject to almost annual adjustments.

Vice Mayor Pugh asked if Director Geiger could add the approximate location of water towers for reference and to have a CIP in place for maintenance purposes and annexing.

The City Manager memorandum tasks department heads to put together 5-10-15 year plans for growth and revenue to be evaluated. He wanted to give the departments an opportunity to speculate about future growth to consolidate a plan into a spreadsheet to review on an annual basis for budgeting and financing plans. Forseeing future problems, other sources of income will have to be found or the plan may have to be reduced or development slowed down if revenue does not support it.

Mayor Johnston referenced observations within Administration, Community Development, and possibly DPW anticipating positions for Grant Coordinators and Grant Writers, noting that the City may need to coordinate with all departments to specialize funding acquisition through an in-house coordinator or consultant at some point. Concerning the Administration position of Television Coordinator much opposition was heard. Mayor Johnston recommended a study on how to best utilize the space in this building. City Manager Anderson stated the Property Appraiser on the third floor is happy and wants to stay but the County is proposing a new layout for the county so that floor may be available in the near future. The general consensus on additional space for a Council office was that it is not needed.

Mayor Johnston also gave his thoughts on infrastructure regarding police, fire, stations and equipment and the need to determine funding for these items.

Council Member Wever recommended advising the Property Appraiser of the City's need for the space to coincide with the end of their contract.

Referencing the two schedules, Council Member Wever would like to see dollar figures and advised splitting into three schedules with cost estimates. He felt that trying to guess beyond five years is not logical. Concerning locations of new fire and police substations, he recommended they be combined and placed on two parcels the City currently owns. He also felt it may be cheaper to tear down and rebuild versus remodeling.

Council Member Wever suggested taking a serious look at increasing the Fire and Police Department personnel in the next budget year. City Manager Anderson stated the quarterly phase will start at the beginning of the 4th quarter, which will be July 1, adding one Police Officer and Fire Fighter and continuing to add one each quarter until the design levels are reached.

Discussion was initiated on the need for the City to acquire commercial as well as lower income housing within the City.

Council Member Burnett would like to see existing staff and salaries entered into the equation to which City Manager Anderson referenced current salary consulting was being done at this time with proposals to be presented at the 03/06/06 meeting.

Council Member Wever mentioned that at the Withlacoochee Water Board meeting they were given a schedule of the Cooperative Funding Applications that went to SWFWMD by the County and referenced proposals therein in which the County is applying for grant money for projects within the City limits. City Manager Anderson will look into the matter.

Mayor Johnston thanked staff for their work in putting together the needs plan and advised them to come back with a cost affordable and how to do it, reiterating the need to stay on tract for the future of the City.

F. ADJOURNMENT

The meeting adjourned at 7:47 p.m.

City Clerk

Attest: _____ Mayor

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AGENDA ITEM NO. C-1
4/3/06

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

MINUTES

MARCH 6, 2006 **7:00 P.M.**

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor David Pugh, Council Members Frankie Burnett, Mary A. Staib and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Lindsey A. Morgan, Acting City Clerk; Janice L. Peters, Deputy City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Ron Baker, Human Resources Director; A member of the Hernando Times was also present.

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

CONSENT

Minutes

Budget Workshop - August 11, 2004
Regular Meeting - November 7, 2005
Regular Meeting - December 5, 2005
Regular Meeting - January 9, 2006

Council Member Wever pointed out that on the November 7, 2005, minutes two Consent Agenda items were removed and placed in the Regular Agenda. In the December 5, 2006, minutes, page 5, paragraph 2, motions made by the Mayor need to be reviewed. Both were withdrawn for investigation.

HMGP Grant Application

Recommend withdrawal of HMGP FEMA Grant application for City Hall Storm Screens based on USDA approval of similar grant application.

Valve Replacement Program

Consideration of Agreement extending contract with Mueller Service Company for one year, through 03/06/07, not to exceed $50,472.50, based on original Bid awarded 11/02/04 (Bid No. UD2002-09). Funds budgeted in Utility fund Project #2000-UT20.

Hospital Corridor Water/Sewer Lines

Consideration of professional Engineering Service Agreement with Coastal Engineering Associates, Inc. for the water and sewer line improvements running North and South from SR50 (along the eastern side of the Brooksville Regional Hospital site) to Wiscon Road across the new SR50 West hospital site to provide connection between Phase I, SR50/Cortez Blvd. and future Phase II Wiscon Road extensions, in an amount not to exceed $10,500. Funds available in the Utility ~~Budged~~ /Budget Project # 2001-UT06. Corrected 04/04/06 JRP

Council Member Wever noted that the date on the first page of the agreement should be March, not February as stated.

Samaritan Corp., Inc. Youth Intervention Program

Consideration of Agreement with Samaritan Corp., Inc. waiving fees for use of JBCC to conduct after-school tutoring and recreational therapy program July 1, 2006 - June 30, 2007.

APPROVED BY BROOKSVILLE CITY COUNCIL w/corr.
ON 4/3/06 INITIALS JRP

Motion:
Council Member Burnett moved for approval of Consent Agenda with the exception of the minutes for November 7, 2005 and December 5, 2005 and the change of date on the first page of the agreement for the Hospital Corridor Water/Sewer Lines; seconded by Council Member Staib. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Margaret R. Ghiotto Beautification Awards
Commercial Beautification Board Presentation - "Home at Sea"/Triple B Properties, 5 N. Main St.

Mayor Johnston presented the commercial beautification certificate to Home at Sea/Triple B Properties.

The American Red Cross - Florida's Coast to Coast Chapter
Proclamation designating March 1 through March 31, 2006 as "American Red Cross Month in Hernando County".

The proclamation was read by Mayor Johnston and presented to a member of the local American Red Cross.

Flood Map Modernization Project - SWFWMD
Update on the digital flood map modernization project.

Gene Altman, a representative from SWFWMD, addressed Council and gave a status update and presentation on the project.

Mr. Altman noted the reason for the project is to update the nation's flood insurance rate maps, which 50% are currently over 15 years old with the County's last revision being 1984 and the City's in 1986. Inaccuracies include flood hazard risks not being identified.

The National Flood Map Modernization is a 5-year funding commitment from Congress for up to $1 Billion nationwide and involves FEMA participation.

Once the studies are completed the DFIRMs production will start. The City will have a 30-day map review and comment period, after which staff will participate in public outreach meetings. Appeals will have to be written and scientifically based. Maps will not be developed until all appeals have been addressed. The City will need to adopt an ordinance that is in compliance with the new DFIRMs. If the project is not adopted the City will be excluded from the National Flood Insurance Program.

Mercer Group Report
Preliminary update on salary survey/pay plan study.

NOTE: ITEM SUBSEQUENTLY DELETED FROM AGENDA PRIOR TO MEETING.

REGULAR AGENDA

Ordinance #580-B - Amending Public Nuisance Lien Code
Ordinance amending posting requirement to allow for property not shown on Property Appraiser's records.

City Attorney LaCroix discussed a piece of land on ACL Street by Public Works where the structure is burned out, has never been on the tax rolls and the Property Appraiser does not know who owns the property. Title searches have not revealed any information. He would like the Code to be amended to allow for posting the property of the City's intent to take action to remedy the conditions.

Acting City Clerk Morgan read Ordinance No. 580-B by headnote only, as follows:

> AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE HEALTH AND SANITATION REGULATIONS ARTICLE I, SECTION 8-69.1 PROVIDING FOR NOTICE TO PROPERTY OWNER TO CORRECT PROHIBITED CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR EFFECTIVE DATE.

Motion:
Council Member Staib moved to approve first reading; seconded by Council Member Burnett. The second and final reading will be on March 20th. Motion carried 5-0 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Policy No. 1-2006 - Water & Sewer Connection Fee Payment Options

Clarification of Policy implementation of optional payment terms of water & sewer connection fees for certain parcels.

City Manager Anderson stated that this policy was originally developed and adopted by Council then amended on final reading. The language revision more clearly states the intent of the ordinance.

Motion:
Council Member Burnett moved to approve; seconded by Council Member Wever. Motion carried 5-0.

Advisory Board Member Appointments

Consideration of appointment of members to various advisory boards, as follows:

a) Beautification Board - One member for a three year term of office through March 31, 2009

Application received from current member Delores W. Jackson for re-appointment. No other applications were received.

b) Brooksville Housing Authority - One member for a four year term of office through May 31, 2010

Application received from current member Onnie O'Banner for re-appointment. No other applications were received.

c) Personnel Board - One member for a three year term of office through March 31, 2009

Application received from current member Lori Allen for re-appointment. No other applications were received.

d) Planning & Zoning Commission - One member for a four year term of office through March 31, 2010

Application received from current member George Rodriguez for re-appointment. No other applications were received.

Motion:

Council Member Wever moved to approve re-appointments as noted; seconded by Council Member Staib. Motion carried 5-0.

Council Member Staib asked what had been done to get someone on the Police Officers Pension Trust Fund. Mayor Johnston responded that the position is advertised and follow-ups are made on any suggestions. This position requires City residency.

Bid #SD 2006-01 Tree Trimming/Removal Services for 2006

Award of the Bid for tree trimming services (only) to Lawnwalker Services Inc. in the amount of $29,940; funding from the 2005 Hurricane Supplemental Urban and Community Forestry Grant.

Director Pierce stated that there had been a situation with minor technicalities in which all the bid submissions had at least one mathematical error. Charlie's Tree & Lawn's bid is considerably lower on tree trimming but it was stated in the advertisement that a Hernando County Occupational License was to be submitted with the bid, which they did not do even after being asked to submit. They stated that if awarded the Bid they would acquire the license. Staff recommends the Bid for tree trimming only be awarded to Lawnwalker Services Inc., not to exceed the amount of $29,940.

Council Member Staib asked why the removals are not being done. City Manager Anderson replied that the trimming portion is implementation of a grant which is limited to trimming and that at some point an alternate will be brought back to Council to use our own funds for tree removal because there are no funds available for that.

Mayor Johnston noted that the official bid opening stated that Charlie's Tree & Lawn did include a Hernando County Occupational License when in actuality it did not. This was referenced later in the same paragraph of the minutes.

Vice Mayor Pugh noted the difference between Charlie's Tree & Lawn and Lawnwalker was $10,000 and asked if the Bid could be awarded to Charlie's Tree & Lawn pending submittal of the license. Director Pierce replied yes it could be awarded subject to submittal of the license needed with Mayor Johnston suggesting a time limit for submission of the license and insurance certificate by the next Council meeting on March 20, 2006. Bid will be awarded to Lawnwalker if the requirements are not met by Charlie's Tree & Lawn.

City Attorney LaCroix offered that an Occupational License is only needed if there is a permanent place of business in the County.

Director Pierce will check Code and credentials and submit his findings at the next meeting but suggested requiring licensing even if not needed.

Motion:
Council Member Pugh moved to approve awarding of the bid to Charlie's Tree & Lawn pending submittal of the license if needed and Insurance Certificate by March 15th to be submitted at the March 20th meeting, to be awarded to Lawnwalker if criteria is not met; seconded by Council Member Burnett. Motion carried 5-0.

US 41 South/SR 50 Landscaping Project #2 - Change Order #1

Consideration of proposed revised change order in the amount of $42,559.43 (originally $92,440.47, for a total of $134,999.90) for six 15' Wild Date Palms and deletion of 9 Sabal Palms from existing contract scope. Funding available from FDOT Grant.

Director Geiger, referencing prior approval of the seven (7) Wild Date Palms from DOT, advised that DOT approved the trees with the exception of needing additional height because of maintenance issues and recommended 15', however, this increases the cost of the Palms. The contractor came back with a proposal to submit a

change order that would provide six (6) Wild Date Palms and delete 9 of the Sabal Palms that were being proposed to be replaced around that intersection at US 41/SR 50.

With that said, Director Geiger presented a change order for Council consideration with two other options:

2) To reject the change order No. 1 as proposed and authorize $2-3000 more for additional design work, which would allow coordination with the contractor and the landscape architect to propose something other than the Wild Date Palms. These funds would have to come from City funds because the budget for design work on this project has already been expended.

3) To reject change order No. 1 and authorize the base bid in the contract amount and be done with it.

Council Member Staib asked how the landscaping will be irrigated. Director Geiger responded that initially water will be trucked in during the planting phase until the roots are established and that watering will not be needed thereafter unless there is a severe drought.

Council Member Pugh asked if the recommendations of Tree City USA, which the City is a member of, had been considered. Director Geiger responded that the landscape architect the City is dealing with has done many DOT road projects and recommended the planting material because of its' ability to withstand harsh conditions of being in a right-of-way.

Council Member Pugh stated that he was still in favor of planting the Sabal Palms and giving the excess money back to the grant agency, thereby saving taxpayers some money.

In response to Mayor Johnston's question of what will happen to the $42,000 if the change order is not approved, Director Geiger responded that the change order would go away and the construction project would commence, leaving some latitude if something occurs during the process where additional cost are involved. The extra money would be in the construction fund from DOT dollars versus City dollars. He was concerned that without irrigation, issues may arise dealing with slope conditions.

Council Member Burnett suggested using money on the palms since the grant is approved versus returning the funds, his concern being that it may effect future grant approvals. Mayor Johnston stated that he would like better utilization of the money.

Motion:
Vice Mayor Pugh moved to approve Option No. 3; motion died for lack of a second. Council Member Burnett moved to approve Option No. 2; seconded by Council Member Staib, which carried 4-1, with Vice Mayor Pugh in opposition.

ADDENDUM TO AGENDA

Transportation Outreach Program (TOP) Grant - Engineering & Related Project Services Contract

Consideration of proposed contract with Applied Sciences Consulting, Inc. to provide engineering, surveying, appraisal, administration and related services to fast-track this project for a lump sum fee in the amount of $95,640.

Director Geiger recommended Council approve the contract with verbage under Article 3-B, Page 3, which reads "Begin work within five days of signing this Engineering Agreement and complete the work on the plans and specifications prior to July 2006, (90 days)" to be changed to delete "90 days". It was agreed to make

the change and specify July 31, 2006.

Council Member Wever asked how the engineering design could be done when the City does not own the right-of-ways. Director Geiger replied that 90% of the plans had been done without owning the right-of-ways, which is the next step based on the plans.

Vice Mayor Pugh noted discrepancies in the proposal compared to the proposal submitted on December 19, 2005 that he felt needed to be addressed, one being the difference in the fee. The original proposal stated $41,000 for Engineering, which is now $71,000 and the fee for the grant portion was $40,000 and is now $24,000. Director Geiger stated the difference was the CDBG portion and doing just the isolated TOPs portion, noting that in the leveraging of two grants the TOP funds were not addressed in the initial contract.

Corrected 04/04/06 SLP

Council Member ~~Weber~~ Wever/ referenced the Lift Station planned by the County at the Building Department site. Director Geiger agreed to contact Mr. Tolbert in regards to joining with our plans for a lift station in the same area, noting that the process could be fast tracked and this project moved ahead if the County is ready to go, which would save the City money.

Motion:
Council Member Burnett moved to approve; seconded by Council Member Staib. Motion carried 5-0.

ITEMS BY COUNCIL MEMBERS

Council Member Wever

Legislative Bills
Council Member Wever referenced e-mails from Hope Potter from Suncoast League concerning Bills in the Legislature on Charter Counties. He recommended Council Members take a serious look at the Bills and be ready to take a position on it at the next meeting.

County Development - East Side of County
He also referenced a rerun of a February Planning & Zoning meeting about a development on the East side of the county, saying that he had received a notice of public hearing from the County on that same development where the County is planning to put in wells and septic systems, acknowledging that city water is located across from development. He noted the development is in the City's service area. City Manager Anderson stated the notice said the property was within 250' of city owned property but he thought it was further east than that. Council Member Wever said the article specifically stated that City water was directly across from the corner of the property. City Manager Anderson agreed to check on the matter.

Wiscon Property Easements
Council Member Wever asked Director Pierce if the Wiscon Property owners had been contacted about easement surveys. Director Pierce replied that he had planned to go through the normal procedure when surveys and appraisals were done. City Manager Anderson indicated he would get a map of the area to Council and they can decide when letters need to be sent.

HYL Organization
Council Member Wever noted that the HYL organization will be 50 years old in 2008 and he asked the organization to start planning for a big celebration. He also asked members present of any clubs such as Kiwanis and Rotary to recommend the same to those clubs.

Council Member Staib

St. Patrick's Day Event
Council Member Staib stated that she had made out a list of all Elected Officials for St. Patrick's Day Parade and Party at Cloverleaf and reminded all to RSVP and that everyone usually reports to the field at 9:30 a.m.

City Manager Anderson

City/County School Board Meeting
He has been contacted by the School Board trying to schedule their City/County/ School Board Meeting on impact fees and related discussion, suggesting 2:00 on Tuesday, June 20th with a backup date of 1:30 on June 19th for Council consideration.

It was noted that June 19th falls on a Council Meeting day.

CITIZENS INPUT

Diane Freeman

Mercer Study
She relayed to Council that several employees would like to see the preliminary written report that had been removed from the Agenda so they could be prepared to ask intelligent questions when it does come before Council. City Manager Anderson to make sure it is available if we get it before the meeting.

ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

Attest: _____
Mayor

_____
Acting City Clerk

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AGENDA ITEM NO. C-1
4/3/06

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

MINUTES

MARCH 20, 2006 7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor David Pugh, Council Members Mary A. Staib and E. E. "Ernie" Wever, Jr. present. Also present were Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk/Director of Administration; Janice L. Peters, Deputy City Clerk; Emory Pierce, Public Works Director; Bill Geiger, Community Development Director; Steve Baumgartner, Finance Director; Jim Delach, Accountant II; Mike Walker, Parks and Recreation Director; Boyce E. Tincher, Police Chief; James Daugherty, Fire Chief, and Stan Mettinger, Lieutenant, Brooksville Fire Department. A member of the Hernando Today was also present.

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

CONSENT

Minutes

Regular Meeting - August 01, 2005
Special Meeting Final Public Hearing - September 21, 2005
Regular Meeting - November 7, 2005 - (Tabled 03/06/06)
Regular Meeting - December 5, 2005 - (Tabled 03/06/06)
Growth Management Workshop - December 7, 2005
Regular Meeting - December 19, 2005
Local Planning Agency Meeting - December 19, 2005
Regular Meeting - January 23, 2006
Regular Meeting - February 6, 2006
Special Meeting - February 22, 2006

Bright House Network Grant
Authorization to apply to Bright House for a Cable Advertising Grant for 1st Tee in the amount of $25,000.

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

Street Name Signs
Authority to submit request for Attorney General's opinion on lettering on street name signs.

Council Member Wever pointed out several corrections to the minutes, as identified below:

February 6, 2006 Minutes - Page 9, 2nd Paragraph, line 2, "form" should be "from".

February 22, 2006 Minutes - Page 2, last sentence "build" should be "built"; Page 5, 2nd Paragraph at the end of the line, "one" should be "all".

APPROVED BY BROOKSVILLE
CITY COUNCIL w/corr.
ON 4/3/06 INITIALS

Vice Mayor Pugh pointed out that the memo referring to the United Way Grant stated the application had already been made for the grant, which City Clerk Phillips confirmed.

Motion:
Council Member Staib moved for approval of the Consent Agenda with changes to the minutes; seconded by Council Member Burnett. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Margaret R. Ghiotto Beautification Awards

Residential Beautification Award
Recognition of improvements to property owned by Dave & Renne Mango located at 701 Museum Court.

Mr. & Mrs. Mango were not present. The award and signage will be delivered.

Commercial Beautification Award
Commercial Beautification Board Presentation - "Home Land Title, Inc. located at 412 S. Main Street.

Mayor Johnston presented the commercial beautification award to Home Land Title, Inc.

"Week of the Young Child" Proclamation
Proclamation designating April 2-8, 2006, in recognition of "Week of the Young Child" annual community event to be held on 04/01/06 at Jerome Brown Community Center.

The proclamation was read by Mayor Johnston and presented to Judy Everett who thanked Council for the Proclamation and invited the community to the event.

Mercer Group Report
Presentation of salary survey/pay plan study.

Presentation of the Compensation/Classification Study was made by Kay and Phillip Robertson of The Mercer Group, distributing copies of their report.

According to the Robertsons, two main parts were covered in the study; the first being External Evaluation of City pay compared to the market, which included 19 organizations on 34 benchmark positions; and, secondly a classification study to determine pay grades for each position, which is compared using the same criteria with standard classification being:

1. Education & experience in relation to what the minimum is for each job.
2. How much decision-making independence each position has.
3. Does the position require supervision of others, how many, and what type?
4. Are there guidelines for the tasks being performed?
5. Complexities of the tasks assigned to the position.
6. Scope and effect, how does the output of the position effect the organization or community?
7. Who is the employee in contact with?
8. What is the purpose for that contact?

9. Are there essential physical demands associated with the position?
10. What are the risks or environmental hazards of the position?

According to the Robertsons, criteria is divided into a general employee pay plan and a public safety pay plan. The City's current general employee pay plan minimums at entry levels were 17.16% below market average and market maximums were 36% below market average. Compared to the public safety pay plan, minimums were 21.45% below market average and the maximums were 37.4% below master market average.

Organizations used to obtain information were Alachua County, Charlotte County, Citrus County, City of Clermont, City of Clearwater, Dade City, Hernando County, Hillsborough County, Lake County, Marion County, Okaloosa County, Osceola County, Pinellas County, Pinellas Park, SWFWMD, St. Lucy, St. Lucy Fire District, and St. Petersburg.

The Robertsons made the recommendation to Council that they set pay at market average to bring employees that are below the recommended range for the position, which would cost $185,959.62. A compression adjustment for time in position can be compiled if needed.

Mayor Johnston questioned the benchmarks of the organizations the City was compared to being mostly larger communities. Mr. Robertson replied that the purpose of the market analysis is to identify where employees could go and market their skills regardless of population size.

City Attorney LaCroix asked if standard costs of living were taken into consideration, to which Mr. Robertson replied that it was not, because it is difficult to calculate for each individual employee.

Council Member Wever asked if the cost of commuting was considered and again, Mr. Robertson replied that it was only figured on straight salaries.

City Manager Anderson stated that what the City is interested in is base line information so that specific implementation guidelines can be given to Council for consideration.

Council Member Burnett asked for affirmation that what the Mercer Group had done was compare employee job descriptions to others in the same market. Mrs. Robertson answered affirmatively.

Vice Mayor Pugh asked for recommendations for periodic adjustments. Mr. Robertson suggested considering cost of living and what competitors are doing with 3-7 year reviews.

City Manager Anderson commended the Mercer Group for the work done and stated that a preliminary staff report may be on the next agenda for an implementation plan and Council Member Burnett suggested a workshop.

Mrs. Robertson offered that the current position of the City in the market is as a training ground in which the costs of turnovers cost the City 2-3 times annual salaries to replace trained employees. Mr. ~~Robinson~~ Robertson* added that they can structure a pay plan at any point in the market or configure a 2-3 year phase in.

*Corrected 04/04/06 JLP

REGULAR CITY COUNCIL AGENDA - MARCH 20, 2006

PUBLIC HEARING

Ordinance #580-B - Amending Public Nuisance Lien Code

Ordinance amending posting requirement to allow for property not shown on Property Appraiser's records. **[First Reading 03/06/06]**

City Clerk Phillips read Ordinance #580-B by header as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE HEALTH AND SANITATION REGULATIONS ARTICLE I, SECTION 8-69.1 PROVIDING FOR NOTICE TO PROPERTY OWNER TO CORRECT PROHIBITED CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR EFFECTIVE DATE.

There was no public input on the matter.

Motion:
Council Member Pugh moved to approve Ordinance #580-B; seconded by Council Member Staib. Motion carried 5-0 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

REGULAR AGENDA

Bid #SD 2006-01 Tree Trimming/Removal Services - Charlie's Tree Service

Consideration of change order for additional work at unit prices not to exceed $22,680. Source of funds Hurricane Mitigation Grant.

Director Pierce informed Council that Charlie's Tree Service had produced the required documents and pointed out that since their low bid was considerably under the grant amount he was requesting permission to add additional work as work progressed to bring the amount closer to the grant amount.

Council Member Wever suggested checking the street lights around town and trimming around them if needed, to which Director Pierce responded that they will be doing that. Council Member Pugh suggested also checking for hurricane hot spots and trimming around the lift stations. According to Director Pierce this is already being done and the information on hot spots will be passed on to Florida Power.

Mayor Johnston asked if the bid, since it was very low, included removal of the debris being trimmed to which Director Pierce answered affirmatively.

Motion:
Council Member Burnett moved for approval of award and to authorize additional work as necessary; seconded by Council Member Staib. Motion carried 5-0.

Proposed Legislation

Discussion on positions of Council concerning pending bills.

City Manager Anderson stated that the bills before the legislature include a number of items that impact the City and informed Council that the City gets regular requests to support or oppose specific amendments.

Vice Mayor Pugh referenced a bill from last year in which counties were trying to make annexations of the cities require approval by the county, which is supposedly trying to get passed again. Council Member Wever stated that the bill, which had been passed by the Senate but not the House, was very liberal in annexations by municipalities.

Council Member Wever cautioned Council to watch for new bills dealing with impact fees and annexations along with House Bill 0749 - Relating to Sewage Treatment and Disposal Systems in which the County would have to conduct certain studies for construction of new proposed sewerage systems or extension of existing systems prior to the levying of certain assessments. He also referenced a bill not listed that would prohibit the City from requiring anyone that has a septic tank system where the City has a sewer line near the property to abandon the septic tank and connect to the City's sewer line.

Mayor Johnston made reference to House Bill 1608 - Relating to Land Use Decisions dealing with annexations and offered that this would be a good bill to pass through.

Council Member Wever referenced a notice from Hope Potter of the Suncoast League concerning legislation on charter counties noting that it would apply only to new charter counties.

He also informed Council that he is trying to contact David Russell to see if he could add to the annexation bill a waiver of enclave blocking the annexation when the property in the enclave is owned by a government agency.

Vice Mayor Pugh referenced that Mr. Taylor mentioned that someone in the Homosassa area is trying to introduce a bill forcing septic tank holders to convert to central sewer services to protect waterways in the area.

Items by Council Members

E. E. "Ernie" Wever, JR

NW Wellfield

He asked Director Pierce if he had put out a bid to have the well drilled. Director Pierce stated that there is no bid out as of yet but that it is on the top of his list of things to do and added that he is negotiating with the developer's attorney on the water tower proposal.

Storm Readiness Fund

Council Member Wever asked if most of the money from FEMA had been collected, citing the approaching hurricane season and the fact that the storm readiness fund is very low. He further inquired if there was money to be put in the fund. City Manager Anderson responded that he is preparing a report for council.

In light of the fact that he has noticed some lawn sprinkler activity, Council Member Wever recommended putting a notice in the next water bills reminding

customers of the watering schedule.

Southern Hills Tour

Council Member Wever stated that Captain Mossgrove had taken him on a tour of Southern Hills and he noticed a large Oak tree on two vacant lots where they are building homes and inquired as to whether it could be saved. He recommended asking that the two lots be deeded to the Southern Hills Homeowners Association. Director Geiger stated that the lots are already sold and the tree is not targeted for preservation in the mitigation. City Manager Anderson will consult with Director Geiger and report back to Council on their findings.

Council Member Wever said it looked like a lot of vegetation and trees were removed in the Cascades Development, to which Director Geiger responded that a lot of the property was already pasture.

He also recommended other Council Members take a tour of the property at Southern Hills and Cascades.

Mary A. Staib

Protests at Military Cemeteries
Council Member Staib stated that she is concerned that protestors at military cemeteries were going to far and suggested that regulations need to be put into effect to dictate boundaries for such protests.

Pet Expo at Tom Varn Park
She reminded Council of the Pet Expo at Tom Varn Park and requested the times for the event. The event will be Saturday and Sunday morning from 10:00 a.m to 5:00 p.m.

City Clerk Phillips informed Council that they all had invitations placed in their boxes from the Executive Director of the event, as well as two VIP passes because on Sunday at 2:00 p.m. there will be a special ceremony to thank the City for it's participation.

Frankie Burnett

Council Member Burnett encouraged Council to take a serious look at the Compensation/Classification Study concerning pay for employees. He reminded Council that the City had already experienced this problem with police shortage because of loss to the County.

Karen M. Phillips, City Clerk

Founders Day
City Clerk Phillips informed Council that the Committee is going forward with Founders Day events planning and may be needing special action from Council on various items. She relayed that some of the events to take place are an Old Time Fashion Show, BBQ Contest, with talk of increasing bus tours per requests from citizens as well as request to increase the number of cemetery tours. A night time cemetery tour is being considered to add to the theater of the experience. She added that a Scavenger Hunt will involve some of the downtown businesses and the Family Fun Day will be expanded.

City Clerk Phillips also added that she will be putting together a proposal about a monumuent paying tribute to the founding of the City of Brooksville. Some organizations that joined last year are coming on board in full for this years event, including the Daughters of the American Revolution. Potentially there may be a small squirmish re-enactment with an encampment. Taste of Brooksville with the Bandshell Bash is an option and they are working on a special event with Brooksville Again's Market on Main Street. The Museum is doing a Pumpkin Festival at the park this year. Hopefully the park will be the central focus point for this year's event.

Richard E. Anderson, City Manager

Bar-B-Que
City Manager Anderson said that there had been some interest in a sanctioned BBQ contest. In the past people have had to stay past curfew time in the park to cook all night and that Council may have to approve the later curfew for the event.

City Clerk Phillips added that it is a good tie-in for a number of events being held that week.

Mayor Johnston offered details of how a sanctioned Bar-B-Que works, stating that money earned from the event can be designated to a certain charity and suggested any money made from participation and sponsorships be designated to the Friends of the Children Fund.

City Clerk Phillips also added that a Carnival was being considered for the City's 150th Birthday Celebration.

The consensus of Council was that there were no objections.

Growth Management Meeting with the County
City Manager Anderson informed Council that he received a call from the County Commission office to schedule a Growth Management meeting and recommended, Thursday, March 30th to discuss the first right of refusal and annexation issues. Council proposed meeting at 7:00 p.m.

Street Signage
City Manager Anderson showed the example of the green signage the County is proposing to use on any road with a speed limit above 30 mph, per current regulations.

100-Year Flood Plain Maps
He also made reference to the 100-year flood plain maps on display that cover the three basins in the incorporated area. Director Geiger offered that it is not more than before, its just now being identified.

Solid Waste Study
City Manager Anderson informed Council that the first draft of the solid waste study had been received and he would be presenting it to Council in a couple of weeks.

CITIZENS INPUT

There was no citizens input.

REGULAR CITY COUNCIL AGENDA - MARCH 20, 2006

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:20 p.m.

City Clerk

ATTEST: _____
Mayor

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AGENDA ITEM NO. ~~C-1~~ 4-17-06

AGENDA ITEM NO. C-1 5/1/06

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

MINUTES

April 3, 2006 7:09 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor David Pugh, Council Members Frankie Burnett, Mary A. Staib and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, 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; Ron Baker, Human Resources Director; Boyce E. Tincher, Police Chief; James Daugherty, Fire Chief; a member of the Hernando Times was also present.

The meeting was called to order by Mayor Johnston.

CONSENT AGENDA

Minutes

Regular Meeting - March 6, 2006
Regular Meeting - March 20, 2006

Concession Agreement - Parks (Coca-Cola Bottling Company Extension)

Consideration of Addendum #3 pursuant to Section 5.2 of October 7, 1996 Agreement, for additional five (5) years, through April 2011. Concessionaire to fund $23,000 in park enhancements which may include additional scoreboards, donation of products for City events, and support of the First Tee Program in addition to sales commissions.

First Tee Life Skills Grant

Acceptance of $500 Department of Justice's Life Skills Enhancement Funds to be utilized in connection with First Tee activities.

JBCC Fee Waiver - Brooksville Elementary

Request to waive fees in the amount of $185.00 for the use of JBCC April 6-18, 2006 from 4:00 - 5:00 p.m. for a free after-school tutoring program provided by Brooksville Elementary School.

Advisory Board Member Appointments

Consideration of reappointment of members to the Beautification Board and the Cemetery Advisory Committee, as follows:

a) Beautification Board - Reappointment of Alison Jones to a three year term of office through May 31, 2009 (no other applications received).

b) Cemetery Advisory Committee - Reappointment of Luther Cason and Jan Knowles to four year terms of office through April 30, 2010 (no other applications received).

APPROVED BY BROOKSVILLE CITY COUNCIL w/corrections ON 5/1/06 INITIALS

Consulting/Service Agreement - Quarry Golf Course Irrigation System

Approval of contract with Richard Batchelor to assist with repairs and renovation of golf course irrigation system ($4,500 plus parts estimate of $2,500). Funds available from First Tee Grant.

Vice Mayor Pugh asked if there were any anticipated staff hours to do the work on the irrigation system. City Manager Anderson replied that the setting of the controls would be done by Mr. Batchelor but most of the physical work, which is underground repairs, will be done by the City during normal work hours.

Council Member Wever pointed out several corrections to the minutes, as identified below:

March 6, 2006 Minutes - Page 1, last line, "budged" should be "Budget"; Page 6, 4th paragraph, Council Member "Weber" should be "Wever".

March 20, 2006 Minutes - Page 3, last paragraph, bottom line, "Robinson" should be "Robertson".

Council Member Wever asked if organizations having fund-raisers in the park are required to have approval to sell outside the concession stand. City Manager Anderson said that both the concession stand and sales in the stands are run by HYL with the exception of the School Board, which runs their own concessions but that they also recently have a cooperative agreement with HYL to staff the games.

Motion:
Council Member Burnett moved for approval with necessary corrections; seconded by Vice Mayor Pugh. Motion Carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

2004/2005 Annual Audit

Presentation of Audit for Fiscal Year Ended September 30, 2005, by Oliver & Co.

Mary Beth Gary of Oliver and Co. gave a brief overview of the Audit process stating that it had been a good year, from an audit standpoint, issuing kudos to finance and staff for a job well done.

Mayor Johnston also commended staff on their timely handling of this matter.

Motion:
Council Member Wever moved for acceptance; seconded by Council Member Burnett. Motion Carried 5-0.

REGULAR AGENDA

Ordinance No. 710 - Voluntary Annexation of McAteer Property

Consideration of annexation of approximately 451.34 acres East of Southern Hills Plantation Development and North of Powell Road.

Director Geiger reviewed recommendation and action to date, noting that the only action to be considered by Council at this time is the petitioner's request for annexation of their property into the City.

Director Geiger informed Council that the Planning & Zoning Commission concurred with the staff recommendation, subject to the following conditions:

1. If development occurs on this parcel prior to the City adopting a Comprehensive Plan Amendment assigning a land use designation to this property, and zoning the property consistent with the land use designation, then said development would be required to comply with Hernando County land use and zoning regulations and be consistent with City of Brooksville performance standards.

2. Annexation shall include the integration of all of the right-of-way lying directly adjacent to the annexed property.

Vice Mayor Pugh stated that this may be a good time to have a Transportation Improvement Plan (TIP) to counter County inquiries of what the City plans to do about problems with Powell Road, especially around the railroad crossing. Director Geiger replied that he anticipates negotiating an agreement with the County on issues of road impact.

City Clerk Phillips read Ordinance No. 710 by headnote as follows:

> AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

City Clerk Phillips indicated a second reading would be scheduled for Monday, April 17, 2006.

There was no public input.

Motion:
Council Member Staib moved for approval; seconded by Council Member Burnett. Motion carried 5-0 upon roll call vote as follows:

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Ordinance No. 711 - Voluntary Annexation of Levitt & Sons Property

Consideration of annexation of approximately 3.5 acres adjacent to the Cascades Development.

Director Geiger reviewed recommendation and action to date indicating that the Planning and Zoning Commission concurred with staff recommendation of annexation of the subject property with the following conditions:

1. If development occurs on this parcel prior to the City adopting a Comprehensive Plan Amendment assigning a land use designation to this property, and zoning the property consistent with the land use designation, then said development would be required to comply with Hernando County land use and zoning regulations and be consistent with City of Brooksville performance standards.

2. Annexation shall include the integration of all of the right-of-way lying directly adjacent to the annexed property.

Director Geiger indicated the property in question is located North of Pine Cabin Road and East of U.S. Hwy. 41.

City Clerk Phillips read Ordinance No. 711 by headnote as follows:

> AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

City Clerk Phillips indicated a second reading would be scheduled for Monday, April 17, 2006.

Vice Mayor Pugh requested that, on future maps, Coastal indicate existing city limits and Council Member Wever requested the North/South Road right-of-way be indicated also.

There was no public input.

Motion:
Council Member Staib moved for approval; seconded by Council Member Burnett. Motion carried 5-0 upon roll call vote as follows:

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Ordinance No. 712 - Voluntary Annexation of Grace Tabernacle Church Property

Consideration of annexation of approximately 49.42 acres on the East side of US 41 and West of the Cascades Development.

Mayor Johnston referenced a memo from City Manager Anderson, which was submitted after the final agenda packet, pointing out that staff had questions relating to this parcel.

Director Geiger indicated the church intends to sell the eastern and part of the southern area, which in the church's concept plan shows development for church related purposes on approximately 12 acres. At this point it (development) is only in concept and that annexation was the only thing being considered at this time.

City Manager Anderson's memo also indicated that right-of-way and participation in the extension of utility lines are other issues needing to be addressed and suggested that rather than delay the adoption of the ordinance on the first reading he will attempt to address these issues before the final reading.

Director Geiger indicated that the right-of-way had not been acquired for this property and relayed that the Planning and Zoning Commission recommended annexing the properties around this property and concurred with staff recommendation of annexation of the subject property with the following conditions:

1. If development occurs on this parcel prior to the City adopting a Comprehensive Plan Amendment assigning a land use designation to this property, and zoning the property consistent with the land use designation, then said development would be required to comply with Hernando County land use and zoning regulations and be consistent with City of Brooksville performance standards.

2. Annexation shall include the integration of all of the right-of-way lying directly adjacent to the annexed property.

City Clerk Phillips read Ordinance No. 712 by headnote as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

City Clerk Phillips indicated a second reading would be scheduled for Monday, April 17, 2006.

There was no public input.

Motion:
Council Member Burnett moved for approval; seconded by Council Member Wever. Motion carried 4-1 upon roll call vote as follows:

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Nay

Ordinance No. 713 - Voluntary Annexation of Flagstone Pavers Property

Consideration of annexation of approximately 17.25 acres East of Cobb Road and North of Ft. Dade Avenue.

Director Geiger gave specifics on the property, noting that the petitioner is building a main office facility on the property, which is already in the City. Additionally, at the manufacturing site they are expanding their storage area. Petitioner is in the process of acquiring utilities from the City of Brooksville.

Council Member Wever asked about Old Cobb Road and Director Geiger indicated the petitioner had just purchased a small tract adjacent to Old Cobb Road and Cobb Road, which he anticipates a request to annex as well.

Director Geiger informed Council that the Planning & Zoning Commission concurred with the staff recommendation, subject to the following conditions:

1. If development occurs on this parcel prior to the City adopting a Comprehensive Plan Amendment assigning a land use designation to this property, and zoning the property consistent with the land use designation, then said development would be required to comply with Hernando County land use and zoning regulations and be consistent with City of Brooksville performance standards.

2. Annexation shall include the integration of all of the right-of-way lying directly adjacent to the annexed property.

City Clerk Phillips read Ordinance No. 713 by headnote as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

City Clerk Phillips indicated a second reading would be scheduled for Monday, April 17, 2006.

There was no public input.

Motion:
Council Member Burnett moved for approval; seconded by Council Member Wever. Motion carried 5-0 upon roll call vote as follows:

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Final Plat - "Southern Hills Plantation Phase Three"/Hampton Ridge Developers, LLC

Review and approval of Final Plat, as recommended by the Planning & Zoning Commission, for property South of SR50, East of US41, West of the CSX Railroad ROW and North of Powell Rd. (approximately 86 Acres of the 1600 acre± parcel owned by Hampton Ridge Developers, LLC).

Director Geiger explained to Council the intent of the developers project, which, upon approval of Phase III consisting of 115 lots on 86 acres, would bring the total approved residential lots to 800 on approximately 664.661 acres.

Director Geiger indicated the petition was approved by the Planning and Zoning Commission on September 14, 2005 with the following conditions:

1. The Phase III development will be required to adhere to performance standards and conditions outlined in the valid Development Agreement, as amended, zoning Ordinance No. 672 and all other applicable City code and performance standards; and

2. The developer is required to provide the City with three (3) original copies of the approved Southern Hills Plantation Phase III Preliminary Plats that are signed, dated and sealed by a Florida registered Land Surveyor.

Mayor Johnston indicated there was no notary signature line on the first page of the plat, which Director Geiger will have adjusted.

Council Member Wever recommended the word "average" be removed from the Development Agreement on the reuse provision to provide 1 million gallons per day.

City Manager Anderson indicated it had been verbally discussed and that Emory Pierce, the Director of Public Works, had been meeting at various times with the developer about a schedule for their needs concerning reuse water but he was not sure where the issue stood.

Director Pierce informed Council he has the schedule, which needs to be put in a form to present to Council, and noted that any changes to the agreement would require renegotiations with the developer.

City Manager Anderson suggested the plat could be continued to the next meeting so the Development Agreement issue can be resolved.

City Clerk Phillips clarified that a performance bond would also be required before execution of the plat.

Motion:
Council Member Wever motioned to approve the plat as corrected, pending receipt of Performance Bond, but withhold execution until the Development Agreement is amended and reviewed by Council as referenced above; seconded by Vice Mayor Pugh. Motion carried 5-0.

Mayor Johnston recommended Landmar submit a letter stating they understand the issue of the reclaimed water delivery to Southern Hills in regards to selling their unused daily portions to others. Corrected 04/20/06 JKP

Surplus Property, 3.7 acre undeveloped City owned parcel (Between Hale and Mildred Avenues, North of Dr. Martin Luther King, Jr. Blvd.
Review of current "Surplus" designation

City Manager Anderson reminded Council that the property had been reacquired by the City after it had been transferred to a private developer a few years ago, who neglected to proceed with plans for a senior housing complex.

He indicated an inquiry has been received from a representative of a development group that is interested in determining whether Council would offer the site for sale.

Council Member Wever asked if an appraisal had been done, to which City Manager Anderson replied that it had been done in the past, but a new one would be appropriate and suggested doing so if Council is interested in marketing the property.

Motion:
Council Member Wever motioned to acquire an appraisal on the property; seconded by Council Member Burnett. Motion carried 5-0.

Brooksville Housing Authority
Consideration of authorizing negotiation of agreement to assign a Police Officer to Housing Authority property with cost to be reimbursed.

Chief Tincher updated Council on the intent of the Brooksville Housing Authority to have an officer on site but under the supervision of the City's Police Department and requested authorization for City Attorney LaCroix to negotiate a contract with the Brooksville Housing Authority for an amount of $52,000 to cover costs associated with the officer.

Chief Tincher was in favor of the agreement, indicating this had worked in the past but drug problems usually relocated to other areas. Also, he noted that having an officer specifically assigned to that area would alleviate the problem of having to pull officers off other problems to deal with that area.

Chief Tincher stated that Council had authorized the quarterly hiring of an officer to help accommodate new annexations and indicated this would fit in with that schedule.

Vice Mayor Pugh inquired as to whether the $52,000 would include vehicle upkeep. Chief Tincher replied that it would cover fringe benefits, uniforms and salary, indicating that the department may need to use a vehicle previously scheduled to be pulled off patrol, but he will need Council authorization to not surplus the vehicle. He also indicated that the only cost the City will incur will be routine vehicle upkeep and training.

Council Member Wever suggested requiring monthly payments from the Brooksville Housing Authority and Chief Tincher replied that, to his understanding, the payment would be made quarterly in advance.

Mr. Rhodes from the Brooksville Housing Authority indicated to Council that the main goal is to make a difference in Hillside Estates, noting that there are elderly persons as well as families with children living there that deserve to not have to live in fear of leaving their residence. He relayed to Council that armed security companies had been interviewed but the board felt more comfortable working with the City to provide services. He did not think the board would have a problem accepting the 1-year contract with a 30-day window beyond the first year, but stressed that they could only afford a $52,000 annual contract.

Motion:
Council Member Pugh moved for approval for City Attorney LaCroix to negotiate the contract with the Brooksville Housing Authority; seconded by Council Member Burnett. Motion carried 5-0.

ITEMS BY COUNCIL MEMBERS

Council Member Mary A. Staib

Pet Expo
Council Member Staib commented that she had attended the Pet Expo and that a marvelous job had been done putting the function together.

Resolution - Anti Drug Committee on March 28th
She informed Council that statistics indicated the grant acquired by the Committee from the state was because Hernando has the worse statistics in the state for drug and alcohol consumption.

Week of the Young Child
Council Member Staib commented that the Week of the Young Child had been a great success at the Jerome Brown Community Center.

Chill Smart Youth - April 8th
Council Member Staib urged all who could to attend this event. She stated that this group issues messages on statistics to other students and the event will take place at the Hernando High School Auditorium from 11:00 a.m. to 3:00 p.m.

Vice Mayor David Pugh

Firefighters Assistance Act - Grant (Equipment)
Vice Mayor Pugh referenced the memo submitted by City Manager Anderson noting that it had not been on the Agenda, indicating the deadline for the grant application being April 7, 2006.

Mayor Johnston suggested scheduling on a future agenda if the grant is awarded.

Council Member E.E. "Ernie" Wever, Jr.

Legislation
Council Member Wever indicated that after the joint meeting with County Commissioners, County Administrator Gary Kuhl informed him that a section of their future meetings would be devoted to pending legislation and offered to provide the City with the information.

Water/Sewer Rehab Project Funding
Council Member Wever also suggested sending reminder letters to each of our legislative delegates reminding them of the application for additional funding for the sewer project.

City Clerk Phillips commented that David Russell had talked about it at the Legislative Day in Tallahassee, indicating that while the money is in there, it would likely be killed from a funding perspective because the money is being reallocated to road projects.

Corrected 05/02/06

Septic Tank ~~Legislature~~ Legislation/
Council Member Wever stated he had picked up a memo from Jack Sullivan that had information from the WRWSA water lobbyists concerning the bill on the septic tank situation. The memo indicated that if the bill passed, it would eliminate the City's ability to require sewer/utility hookup for people with septic tanks and would be contrary to the USDA Bond Resolution. He suggested sending a letter to the state director of USDA pointing out the possibility of that part of the bond resolution being nullified if the bill passed, to see if they want to take action opposing the legislation.

Lift Station on Providence
Council Member Wever inquired if the County had been contacted about joining with the City on installing the lift station planned by the City.

Director Geiger indicated that it would not work because of the time line.

Voluntary Annexations with Simultaneous Comp Plan Amendments
Council Member Wever asked City Attorney LaCroix to investigate the possibility of doing this without having to wait for the twice yearly comp plan amendment schedule.

City Attorney LaCroix indicated that small scale amendments can be done at any time.

Mayor Joseph E. Johnston, III
Mayor Johnston noted that a plaque had been presented to the City by the Humane Society during the Pet Expo.

Quarry Golf Course Improvements
Compliments were received by Mayor Johnston on the improvements to the Quarry Golf Course and the changes that have taken place over the last few years.

CITIZENS INPUT

There was none.

ADJOURNMENT

The meeting adjourned at 8:25 p.m.

City Clerk

Attest:
Mayor

G:\WP_WORK\ClerkOffice\MINUTES\2006\04-03-06 Regular Meeting Minutes.wpd

AGENDA ITEM NO. C-1
5/1/06

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

MINUTES

April 17, 2006 7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor David Pugh, Council Members Frankie Burnett, Mary A. Staib and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, 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; Boyce E. Tincher, Captain Tim Mossgrove, Brooksville Police Dept. Members of the Hernando Times were also present.

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

CONSENT AGENDA
Minutes
Regular Meeting - April 3, 2006

Council Member Wever referenced page 7 in the motion under the item titled "Final Plat - "Southern Hills Plantation Phase Three"/Hampton Ridge Developers, LLC, regarding a comment made by Mayor Johnston about a letter and recommended the addition of the comment.

The recommendation was made to have the Clerk review the tape and bring the minutes back to the next meeting for approval.

PUBLIC HEARING
Ordinance No. 710 - Voluntary Annexation of McAteer Property
Consideration of annexation of approximately 451.34 acres East of Southern Hills Plantation Development and North of Powell Road.
[First Reading 04/03/06]

City Clerk Phillips read Ordinance No. 710 by headnote as follows:

> AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

Community Development Director Geiger entered his staff report in its entirety into the record [ATTACHMENT A].

Public Input
Mr. James Miller, adjacent property owner, asked how far east the proposed annexation is from his property and recommended a buffer to not include the culvert.

Motion:
Council Member Wever moved for approval of the second and final reading of Ordinance No. 710; seconded by Council Member Burnett. Motion carried 5-0 upon roll call vote as follows:

APPROVED BY BROOKSVILLE CITY COUNCIL
ON 5/01/06 INITIALS JRP

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Ordinance No. 711 - Voluntary Annexation of Levitt & Sons Property

Consideration of annexation of approximately 3.5 acres adjacent to the Cascades Development. **[First Reading 04/03/06]**

City Clerk Phillips read Ordinance No. 711 by headnote as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

Community Development Director Geiger entered his staff report in its entirety into the record [ATTACHMENT B]. He indicated the staff and Planning & Zoning Commission recommendation was for Council approval with conditions.

Vice Mayor Pugh asked if the Levitt & Sons property was once owned by Landmar. Director Geiger answered affirmatively that it was Hampton Ridge Developers, LLC. Vice Mayor Pugh asked if the Development Agreement went with the property and if it would continue on to cover this 3.5 acres being annexed. Director Geiger stated that it applied to portions of the property as it related to certain aspects but that no separate Development Agreement was entered into with Levitt & Sons, LLC. He noted that basically it will be based on performance conditions and conditions established as part of the zoning and special exception use approval for the property.

There was no public input.

Motion:
Council Member Staib moved for approval of the second and final reading of Ordinance No. 711; seconded by Council Member Burnett. Motion carried 5-0 upon roll call vote as follows:

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Ordinance No. 712 - Voluntary Annexation of Grace Tabernacle Church Property

Consideration of annexation of approximately 49.42 acres on the East side of US 41 and West of the Cascades Development. **[First Reading 04/03/06]**

Community Development Director Geiger entered his staff report in its entirety into the record [ATTACHMENT C]. He indicated the staff and Planning & Zoning Commission recommendation was for Council approval with conditions. He reminded Council of several points of discussion, referencing a memo from City Manager Anderson, which addresses some of the concerns expressed at the last Council meeting.

Mayor Johnston, referencing the City Manager's memo, stated it addressed the US 41 Road and the North/South Connector Road right-of-way issues.

City Clerk Phillips read Ordinance No. 712 by headnote as follows:

> AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

There was no public input.

Motion:
Council Member Wever moved for approval of the second and final reading of Ordinance No. 712; seconded by Council Member Burnett. Motion carried 4-1 upon roll call vote as follows:

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Nay

Ordinance No. 713 - Voluntary Annexation of Flagstone Pavers Property

Consideration of annexation of approximately 17.25 acres East of Cobb Road and North of Ft. Dade Avenue. **[First Reading 04/03/06]**

Community Development Director Geiger entered his staff report in its entirety into the record [ATTACHMENT D]. He indicated the staff and Planning & Zoning Commission recommendation was for Council approval with conditions.

City Clerk Phillips read Ordinance No. 713 by headnote as follows:

> AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

There was no public input.

Motion:
Council Member Staib moved for approval of the second and final reading of Ordinance No. 713; seconded by Council Member Burnett. Motion carried 5-0 upon roll call vote as follows:

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

REGULAR AGENDA

Charter Review Recommendations

Consideration of recommended changes to the Charter made by the Charter Review Committee.

a.) Charter Amendment Recommendations
b.) Ministerial Charter Modifications/Corrections Recommendations
c.) Code & Policy Considerations

Mr. Pat Brayton, Chairman of the Charter Review Committee addressed Council.

It was reported that the City Attorney has withdrawn his recommendation to amend Sec. 5.04 - Competitive Bidding, and based on further research, it should no longer be part of the CRC recommendations.

Each recommendation was discussed individually as follows:

Sec 5.08 - Indemnification
City Clerk Phillips read the recommendation that the following subsection be added to the article on indemnification:

> "No contract entered into on behalf of the City shall contain any provision by which the City agrees to indemnify or to obtain insurance for the benefit of any other party to the contract."

Sec 6.05 - Reemployment
City Clerk Phillips read the recommendation to add the following verbage to this section:

> "No former elected official of the City shall hold any compensated City office or employment until one year after his or her termination from his or her elected position except as appointed by the City Manager with the approval of City Council to a budgeted non-supervisory position."

Sec 6.08 - Charter Review
Mayor Johnston stated the recommendation for this section being the requirement that future charter review committee members be city residents, adding that if it is approved, City Attorney LaCroix would draft the language.

Mayor Johnston also pointed out that there were several ministerial changes, which were mostly in the numbering of the paragraphs. Mayor Johnston asked about capitalization within the Charter. City Clerk Phillips responded that this follows the code company's process to only capitalize certain words.

Mayor Johnston stated to Chairman Brayton that a fantastic job had been done and Council appreciated the time and effort the Committee had put into revising the Charter.

Chairman Brayton reported that the issue of districting had been discussed, but because of population. The committee members felt it wasn't needed at this time but that the matter be monitored as growth continues.

Council Member Burnett recognized the members of the committee that were present, which included Pat Brayton, Kojack Burnett, Richard Lewis and Paul Neuhann.

Mayor Johnston suggested voting on each recommendation for change individually. The results were as follows:

Sec 5.08 - Indemnification

Motion:
Council Member Burnett moved for approval of adding the subsection; seconded by Council Member Staib. Motion carried 5-0.

Sec 6.05 - Reemployment

Motion:
Council Member Burnett moved for approval of adding the recommended verbage; seconded by Council Member Staib. Motion carried 5-0.

Sec 6.08 - Charter Review

Motion:
Council Member Staib moved for approval of city residency requirement; seconded by Council Member Wever.

Council Member Burnett stated the only problem he has is that, based on the demographics of the city, others who are receiving city services would not be able to serve.

Mayor Johnston noted that people receiving city service is considered a procedural matter whereas the Charter Review Committee is more of a governmental matter in which the City is not "governing" the people outside the City, just providing service to them, basically water and sewer.

Motion carried 4-1.

Ministerial Changes
This included mainly re-numbering of the paragraphs.

Motion:
Council Member Burnett moved for approval of ministerial changes; seconded by Council Member Staib. Motion carried 5-0.

Code and Policy Considerations

Human Relations Advisory Board Creation
Mayor Johnston referenced a memo from City Attorney LaCroix regarding the creation of a board similar to a Human Relations Advisory Board. The CRC determined it was not necessary to be included in the charter, but recommended Council consider.

Mayor Johnston suggested staff research and bring back a proposed organization and information on how it would function.

Plurality and District Voting
Mayor Johnston offered that growth patterns and potential district seating or plurality voting should be discussed in the future.

Acceptance of Gifts
Mayor Johnston reiterated that this is currently governed under a state statute that limits the value of the gift one can receive without recording it.

Residency Requirement for Council
Council Member Burnett stated he thought there should be a 2-year residency requirement after moving to the city in order to qualify.

Council Member Staib agreed that one should get to know the community before running for Council.

Council Member Wever recommended moving the qualifying date to January. City Clerk Phillips noted that the issue is dealt with in the code.

Mayor Johnston recommended staff investigate further and bring back to Council at a future date.

Traffic Control Devices

Consideration of recommendation to proceed with construction of traffic calming devices at Ward & Palm, Whiteway Dr., Stafford Ave. and Croom Rd. at a cost of $5,395, which will come from unspent funds in the Streets Dept. Repair & Maintenance Supplies Account.

Director of Public Works Pierce informed Council that, due to a number of petitions requesting traffic control devices the subject streets were investigated. He requested comments from the public, which were as follows:

Ward and Palm

Mr. Joe Ventura, 2nd house on Ward stated there had been problems since Ft. Dade was blocked off. Now it seems that Ward & Palm has become a bypass, mostly young people driving through like it is a freeway. One problem is that people don't stop at the stop sign.

Stafford Avenue

There was no public comment concerning Stafford Avenue.

Croom Road

Mr. John Horn stated he was in favor of the speed humps and locations.

Whiteway Drive

Mr. Ray Henderson addressed Council requesting the southern proposed hump be relocated. Mayor Johnston recommended moving the southern one north of Jewel Avenue where he thought it would function better.

Ms. Terry Garcia on reiterated that the speed humps were needed desperately. She stated that at night cars go 60-70 mph, there are children on skateboards during the day and traffic speeds throughout. Director Pierce recommended getting a petition for that section of Whiteway which could be brought back to Council.

Mr. John Mende offered that he has lived on Whiteway for 29 years and a speeding problem definitely exists. He indicated the original crossed off hump location could be placed North by the hedgerow at his property. Director Pierce said they're not too hard to take out and he will to discuss it further with him.

Mr. Paul Neuhann wanted clarification as to how many would be installed. Director Pierce responded that one had been marked off to be relocated and that a total of three would be installed. Mr. Neuhann's other concern was of water coming off the street on the East side into driveways. Director Pierce informed him he is trying to place the humps in places so as to alleviate the problem. Mr. Neuhann also has observed Emergency vehicles using Whiteway to get to Edmonds and other streets and expressed concern that the speed humps will hinder them. Director Pierce stated it will slow them down as well. The Mayor noted that as being the tradeoff for eliminating the speeding problem.

Mr. Gary Nichols, who has lived on Whiteway for 17 years. Being just made aware of the petitions feels the speed humps are not a good idea since Whiteway seems to be a main street without them also being installed on other surrounding streets. It was his recommendation that Council look at the situation more closely before a decision is made.

Mr. Mike Burnett works out of his house on Whiteway and sees quite a bit of traffic everyday and felt the school students, who let out at around 2:30 p.m., to be the biggest problem. He felt it to be a good tradeoff to install the speed humps. He did feel the one near the cutoff for Jewel needed to be moved.

Mr. David Malicoate stated he agrees with the installation of the speed humps but is also concerned with water problems and emergency vehicles.

Mayor Johnston asked where the stop sign is located at Ward and Palm and if it could be made a 4-way stop. Director Pierce replied the stop sign is on Ward. Chief Tincher informed Council that you have to consider the volume of traffic as well as the green book rule, which states there needs to be a matching number of vehicles coming from each direction. He thought maybe a 3-way and recommended a traffic count study.

Chief Tincher offered to work on doing an abbreviated traffic count study and discussed different options to deal with the speeding problem but warned that speed studys often have the opposite effect because they are based on and 80% average speed.

Council Member Burnett questioned the concern raised months ago for speed humps on Peach and Shayne Streets. Director Pierce informed him that a study had been done, but felt it was not a good idea because of potential drainage problems. However, he offered to consider handing out notices informing residents of the drainage problems associated with installing the speed humps and give them the opportunity to consider the issue.

Mr. Ray Henderson pointed out that the 8-inch drainage pipe in area and sod build up is the main problem concerning drainage in the Whiteway area. Director Pierce stated that another problem is that utilities have their lines at the bottom of the swale and it is expensive to enlarge culvert, which will only cause problems elsewhere.

Mayor Johnston requested individual motions on the street requests.

Ward & Palm
Council Member Staib recommended waiting for the study on the stop sign before making a decision on about the stop sign. Chief Tincher recommended moving forward with the calming devices and to study the stop sign issue independently.

Motion:
Council Member Burnett moved for approval of staff recommendations for Ward & Palm; seconded by Council Member Staib. Motion carried 5-0.

Whiteway
The recommendation was to install three speed humps with the relocation of one.

Motion:
Council Member Wever moved for approval of staff recommendations for Whiteway Drive; seconded by Council Member Burnett. Motion carried 5-0.

Stafford Avenue
The recommendation was to install 4 speed humps. No comments were received from the public.

Motion:
Council Member Burnett moved for approval of staff recommendations for Stafford Avenue; seconded by Council Member Staib. Motion carried 5-0.

Croom Road
The recommendation was to install 3 speed humps.

Motion:
Council Member Burnett moved for approval of staff recommendations for Croom Road; seconded by Council Member Pugh. Motion carried 5-0.

Mayor Johnston suggested another thing to consider when installing speed humps, in addition to emergency vehicles is repaving, the hump are difficult for the pavers to get over. Council Member Wever suggested Director Pierce copy the section of DOT regulations and distribute to Council.

Vice Mayor Pugh felt it necessary to have some type of criteria for installing the speed humps. Mayor Johnston noted there was already general criteria which was requested of staff earlier and recommended getting a copy to Vice Mayor Pugh to review.

Final Plat - "Southern Hills Plantation Phase Three"/Hampton Ridge Developers, LLC

Consideration of rescinding prior stipulation for complete execution of final plat.

Mayor Johnston referred to an e-mail received from Tom Mountain of Coastal Engineering. Council Member Wever stated that he had met with Mr. Mountain on Friday to discuss and was agreeable to accepting the letter he received from Mr. James Harvey on the issue. He recommended the change be incorporated in the next amendment to the Development Plan.

Mayor Johnston clarified the action, stating if approved Council will be to authorizing him to send a response to Landmar's letter of April, 14, 2006, stating Council agrees with their interpretation of the language and to approve the execution of the Plat, removing the restriction from the signature.

Motion:
Council Member Wever moved for approval; seconded by Council Member Staib. Motion carried 5-0.

ITEMS BY COUNCIL MEMBERS

Council Member E.E. "Ernie" Wever, Jr

Withlacoochee Water Supply Board Meeting
Council Member Wever had the packet from this meeting and indicated a few items he wanted to call to Council's attention.

The Water Management District is proposing to adopt a policy stipulatory that local governments who are members of the water supply authority must go through the water supply authority to meet their potable water supply needs. If a member

government proposes a potable water supply project it must be submitted by the water supply authority in order to be considered for district funding. Additionally, the water supply authority must retain some element of ownership or control of the completed project.

Concerning Fiscal Year 2007 Cooperative Funding Projects, Landmar is 13th on the list and Levitt's new project is 39th. Council Member Wever stated he is considering asking David Moore how they were able to process the application for funding without it going through the City because of the possibility of what is being proposed not meeting some of the City's codes and regulations.

Also from the meeting Council Member Wever made reference to their March 28 meeting concerning reclaimed water projects rarely breaking even.

Council Member Wever noted the Water Supply Advisory Board's legislative lobbyist presented reports concerning Senate Bill 444 from last year on alternative water supply, saying the government funding process is threatened because the legislature is considering a bill in which they will name projects to be funded by this money.

Septic Tank Update

Council Member Wever gave an update on the ongoing problem of septic tanks, wherein House Bill 749 requires a detailed feasibility study be prepared for the construction of a proposed sewage extension system that is not in a designated service area.

Council Member Wever stated his concern on the Bond issue the City currently has, wherein the owner of a performance based septic system, permitted by the Department of Health, that meets all standards, cannot be required to connect to a central sewer system as long as the onsite system is functioning properly and satisfies the conditions on the permit unless the area clearly is subject to an existing sewer utility authority bound covenant.

Landmar Project Funding for '07

Council Member Wever stated the Cooperative Funding Project listed the Landmar Project as having $309,941 budgeted for the next fiscal year. He also noted there were a bunch of projects listed for Hernando County, including the Wiscon Watershed Management Plan.

N/W Wellfield Project

He stated there was also a notice in the meeting packet concerning the Water Supply Authority's grant funding for this year, which reminded him of the N/W Wellfield project which is still open. He reminded Council they had adopted a resolution supporting the project, which has yet to be followed through on, and which could lead to forfeiture of the $50,000 grant. Council Member Wever recommended proceeding with the drilling of the well. Director of Public Works Pierce agreed and will put together a bid package for drilling the well.

Aquifer Test at Hope Hill

On another note, Director Pierce informed Council he will be doing an aquifer test at Hope Hill. This will require the running of the well for a long period of time, which may overflow the Liberty Street tower.

Interconnect with County at Hospital

Council Member Wever offered that the Water Supply Authority had a discussion with the Superintendent of Utilities in the City of Inverness in which they discussed extending the line between the two for an interconnection. The Water

Supply Board is going to accept a grant application for that project. He advised having another discussion with Tom Barb about the interconnect at the hospital. City Manager Anderson agreed to check on the time table for applying for grant money from the Water Supply Authority.

Lobbyist Report
Council Member Wever was concerned because he reminded Council a statute had been passed requiring a local area to exhaust all means before going outside it's area for water supply. However, he referenced two projects currently being addressed, one in Sarasota County and one in Manatee County, which are not in keeping with this statute.

Growth Management Meeting
He informed Council the next meeting needs to be scheduled because one of the growth bills that is in the works will require the City to convert the joint planning area and the first right serve area into a joint growth plan with the County, which involves annexation and impact fees.

Council Member Mary A. Staib

Reinforced Window Bid
Council Member Staib inquired as to when the reinforced windows would be in place. City Clerk Phillips responded that she is looking at bid options in relation to other governmental entities and the possibility of piggybacking the bid. Miami-Dade has been the standard specs to be used but there is a new type being considered and staff is also verifying the intent of those standards as it relates to the type of screens.

City Manager Anderson added that building code changes made last fall approved other organizations to offer products meeting the state building code. He stated he is doubtful the project will be complete for this season, with part of the problem being the grant process, which had to be divided. Initially the screens were bid with the generators. The generators have been bid but the results were not acceptable.

City Clerk Phillips
City Clerk Phillips reminded all that Senator Bill Nelson will be at City Hall tomorrow from 12:00 - 1:00 p.m. for a Town Hall Meeting and encouraged everyone to attend.

Mayor Joseph E. Johnston, III
Mayor Johnston reminded everyone that the fair is ongoing and that the City has a great booth set up.

CITIZENS INPUT

Mr. Justin Rooks urged Council to reconsider the speed humps on Whiteway, especially as they affected his property. Mayor Johnston responded that Director Pierce will be making a site visit to consider placement.

Diane Freeman, City of Brooksville employee, inquired on the status of the pay plan study submitted to the City by the Mercer Group. City Manager Anderson responded that staff is working on the project, taking into consideration the County pay plan for same job titles and descriptions. He assured the study will be brought back to Council as soon as possible but stressed the necessity of addressing compression in relation to years of service.

Council Member Burnett again recommended a workshop to discuss and address the issue.

Mr. Gary Nichols also asked Council to reconsider placing speed humps at Whiteway considering emergency vehicles use the road quite frequently.

ADJOURNMENT

The meeting adjourned at 8:50 p.m.

Attest: _____
Mayor

_____
City Clerk

"ATTACHMENT A"

AGENDA ITEM NO. D-1
4-17-06

MEMORANDUM

To: Honorable Mayor and City Council Members

Via: Richard E. Anderson, City Manager

From: Bill Geiger, Community Development Director

Subject: AX2006-01; Petitioner - Derrill S. McAteer, represented by Coastal Engineering Associates, Inc. - Petitioner is voluntarily requesting annexation of 451.34 acres ±.

Location: The properties are located North of Powell Road between the CSX Railroad Line and Culbreath Road- See attached drawing

Date: April 17, 2006

The subject combined properties contain 451.34 acres ±, and are located North of Powell Road between the CSX Railroad Line and Culbreath Road. Legal descriptions by metes and bounds are given in full in the petition packet. The petitioner is requesting, through the voluntary annexation process outlined in Chapter 171 Florida Statutes, to be annexed into the City of Brooksville.

CURRENT LAND USE/ZONING

The subject properties have a County land use designation of Rural on the Future Land Use Map of the Hernando County Comprehensive Plan. The properties are currently zoned Agricultural in Hernando County.

STAFF FINDINGS

The petitioner is seeking to have the subject properties annexed into the City of Brooksville. The petition appears to meet all of the requirements of Section 171.044, Florida Statutes, for voluntarily annexing into the City of Brooksville. If the annexation is approved, then the City's Comprehensive Plan Future Land Use Element will need to be amended to reflect the incorporation, and an appropriate land use designation will need to be assigned that is suitable to the property and consistent with the proposed use as approved by the City. Any development proposed prior to the City adopting said Comprehensive Plan Amendment must be consistent with the County's land use and zoning regulations. Prior to processing a plan amendment, it is recommended that a fiscal impact analysis of the proposed land use be conducted by the City (at the developer's expense), to further evaluate the estimated impacts and costs that potential development would have on related public infrastructure.

It may be noted that future development of these properties 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. Future Land Use and Zoning petitions/applications will be coordinated with the Hernando County School Board and Hernando County Planning Department to solicit input pursuant to and consistent with existing interlocal agreements.

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.

Page 2
AX2006-01 - Derrill S. McAteer
Annexation Petition
April 17, 2006

The only action being considered by the City at this time is the petitioner's request for annexation of their property into the City.

STAFF/PLANNING & ZONING COMMISSION RECOMMENDATION

At their meeting on March 22, 2006, the Planning & Zoning Commission concurred with the staff recommendation to find that the annexation of land associated with Petition No. AX2006-01 is in compliance with Chapter 171, Florida Statutes, for being integrated into the incorporated area of the City of Brooksville through the voluntary annexation petition process, and recommend that City Council approve the annexation of the 451.34 acres ± tracts of land, subject to the following conditions:

1. If development occurs on this parcel prior to the City adopting a Comprehensive Plan Amendment assigning a land use designation to this property, and zoning the property consistent with the land use designation, then said development would be required to comply with Hernando County land use and zoning regulations and be consistent with City of Brooksville performance standards.

2. Annexation shall include the integration of all of the public rights-of-way lying directly adjacent to the annexed property.

On April 3, 2006, the City Council approved the first reading of Ordinance No. 710, that includes the recommended conditions. The public hearing for the second and final reading of the Ordinance is scheduled for 7:00 P.M. on April 17, 2006.

Enclosures:
1) Property Area Location Sketch
2) Annexation Petition
3) Narrative
4) Annexation Ordinance No. 710

G:\Bgeig\Annexation\McAteer\cc04172006 McAteer Annexation 451.34 acres.wpd

"ATTACHMENT B"

AGENDA ITEM NO. D-2
4-17-06

MEMORANDUM

To: Honorable Mayor and City Council Members

Via: Richard E. Anderson, City Manager

From: Bill Geiger, Community Development Director

Subject: AX2006-02 - Petitioner - Levitt & Sons of Hernando County, LLC, presented by Coastal Engineering Associates, Inc. - Petitioner is voluntarily requesting annexation of 3.5 acres ±.

Location: The properties are located North of Pine Cabin Road, east of U.S. Hwy. 41- See attached drawing

Date: April 17, 2006

The subject combined properties contain 3.5 acres ±, and are located North of Pine Cabin Road and east of U.S. Hwy. 41. Legal descriptions by metes and bounds are given in full in the petition packet. The petitioner is requesting, through the voluntary annexation process outlined in Chapter 171 Florida Statutes, to be annexed into the City of Brooksville.

CURRENT LAND USE/ZONING

The subject properties have a County land use designation of Residential on the Future Land Use Map of the Hernando County Comprehensive Plan. The properties are currently zoned Agricultural in Hernando County.

STAFF FINDINGS

The petitioner is seeking to have the subject properties annexed into the City of Brooksville. The petition appears to meet all of the requirements of Section 171.044, Florida Statutes, for voluntarily annexing into the City of Brooksville. If the annexation is approved, then the City's Comprehensive Plan Future Land Use Element will need to be amended to reflect the incorporation, and an appropriate land use designation will need to be assigned that is suitable to the property and consistent with the proposed use as approved by the City. Any development proposed prior to the City adopting said Comprehensive Plan Amendment must be consistent with the County's land use and zoning regulations. Prior to processing a plan amendment, it is recommended that a fiscal impact analysis of the proposed land use be conducted by the City (at the developer's expense), to further evaluate the estimated impacts and costs that potential development would have on related public infrastructure.

It may be noted that future development of these properties 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. Future Land Use and Zoning petitions/applications will be coordinated with the Hernando County School Board and Hernando County Planning Department to solicit input pursuant to and consistent with existing interlocal agreements.

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.

Page 2
AX2006-02 - Levitt & Sons of Hernando, LLC
Annexation Petition
April 17, 2006

The only action being considered by the City at this time is the petitioner's request for annexation of their property into the City.

STAFF/PLANNING & ZONING COMMISSION RECOMMENDATION

At their meeting on March 22, 2006, the Planning & Zoning Commission concurred with the staff recommendation to find that the annexation of land associated with Petition No. AX2006-02 is in compliance with Chapter 171, Florida Statutes for being integrated into the incorporated area of the City of Brooksville through the voluntary annexation petition process, and recommend that City Council approve the annexation of the 3.5 acres ± tracts of land, subject to the following conditions:

1. If development occurs on this parcel prior to the City adopting a Comprehensive Plan Amendment assigning a land use designation to this property, and zoning the property consistent with the land use designation, then said development would be required to comply with Hernando County land use and zoning regulations and be consistent with City of Brooksville performance standards.

2. Annexation shall include the integration of all of the public right-of-way lying directly adjacent to the annexed property.

On April 3, 2006, the City Council approved the first reading of Ordinance No. 711, that includes the recommended conditions. The public hearing for the second and final reading of the Ordinance is scheduled for 7:00 P.M. on April 17, 2006.

Enclosures:
1) Property Area Location Sketch
2) Annexation Petition
3) Narrative
4) Annexation Ordinance No. 711

G:\Bgeig\Annexation\Levitt & Sons\CC04172006 Levitt & Sons(Young) Annexation 3.5acres.wpd

"ATTACHMENT C"

AGENDA ITEM NO. D-3
4-17-06

MEMORANDUM

To: Honorable Mayor and City Council Members

Via: Richard E. Anderson, City Manager

From: Bill Geiger, Community Development Director

Subject: AX2006-04 - Petitioner - Grace Tabernacle Independent Baptist Church, Inc., presented by Engineering Construction Consultants, Inc. - Petitioner is voluntarily requesting annexation of 49.42 acres ±.

Location: The properties are located on the East side of U.S. Hwy. 41, North of Powell Road - See attached drawing.

Date: April 17, 2006

The subject combined properties contain 49.42 acres ±, and are located on the east side of U.S. Hwy. 41, north of Powell Road. Legal descriptions by metes and bounds are given in full in the petition packet. The petitioner is requesting, through the voluntary annexation process outlined in Chapter 171 Florida Statutes, to be annexed into the City of Brooksville.

CURRENT LAND USE/ZONING

The subject properties have a County land use designation of Residential on the Future Land Use Map of the Hernando County Comprehensive Plan. The properties are currently zoned Agricultural in Hernando County.

STAFF FINDINGS

The petitioner is seeking to have the subject properties annexed into the City of Brooksville. The petition appears to meet all of the requirements of Section 171.044, Florida Statutes, for voluntarily annexing into the City of Brooksville. If the annexation is approved, then the City's Comprehensive Plan Future Land Use Element will need to be amended to reflect the incorporation, and an appropriate land use designation will need to be assigned that is suitable to the property and consistent with the proposed use as approved by the City. Any development proposed prior to the City adopting said Comprehensive Plan Amendment must be consistent with the County's land use and zoning regulations. Prior to processing a plan amendment, it is recommended that a fiscal impact analysis of the proposed land use be conducted by the City (at the developer's expense), to further evaluate the estimated impacts and costs that potential development would have on related public infrastructure.

It may be noted that future development of these properties 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. Future Land Use and Zoning petitions/applications will be coordinated with the Hernando County School Board and Hernando County Planning Department to solicit input pursuant to and consistent with existing interlocal agreements.

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.

Page 2
AX2006-04 - Grace Tabernacle Independent Baptist Church
Annexation Petition
April 17, 2006

The only action being considered by the City at this time is the petitioner's request for annexation of their property into the City.

STAFF RECOMMENDATION
At their meeting on March 22, 2006, the Planning & Zoning Commission concurred with the staff recommendation to find that the annexation of land associated with Petition No. AX2006-04 is in compliance with Chapter 171, Florida Statutes for being integrated into the incorporated area of the City of Brooksville through the voluntary annexation petition process, and recommend that City Council approve the annexation of the 49.42 acres ± tracts of land, subject to the following conditions:

1. If development occurs on this parcel prior to the City adopting a Comprehensive Plan Amendment assigning a land use designation to this property, and zoning the property consistent with the land use designation, then said development would be required to comply with Hernando County land use and zoning regulations and be consistent with City of Brooksville performance standards.

2. Annexation shall include the integration of all of the public right-of-way lying directly adjacent to the annexed property.

On April 3, 2006, the City Council approved the first reading of Ordinance No. 712, that includes the recommended conditions. The public hearing for the second and final reading of the Ordinance is scheduled for 7:00 P.M. on April 17, 2006.

At the April 3, 2006 meeting, the City Manager provided the City Council with a memorandum that outlined certain items for Council's consideration related to annexation of property that may be developed for religious purposes. A brief summary of the items noted and follow-up information are outlined below:

1. Church-owned properties are generally tax exempt, and therefore, revenues produced seldom offset the cost of providing public services. The Grace Tabernacle Baptist Church has indicated that they plan to develop approximately 12.57 acres of the 49.42-acre site for religious purposes. Per verbal discussion and a concept plan provided by the church, the remaining 36.85 acres ± will be sold to a developer who is expected to provide a mixed-use development proposal to the City for consideration. The mix of uses would likely include commercial and residential uses. However, as previously stated in the Manager's correspondence (dated March 30, 2006), "there are no assurances such development will ever occur."
2. The property is located within the City's First-Right-to-Serve utility district. Although the details on extending lines to serve the property have not yet been addressed, there are several options. Factors that would influence which option might be selected include the timing of

other development that may occur around the church site and the proximity and sizing of service lines recently installed or planned. City staff have met recently with representatives for the 117.6-acre ± property located to the north of the church site, concerning possible private development scenarios for that land. If the City determined that it could not provide the church property with utility services, the property owner would have the option of negotiating for the provision of said services with the County.

3. The N-S collector road (from SR 50 to Powell Road) is planned to go through the eastern portion of this property. Hampton Ridge Developers, LLC, has not yet obtained the required rights-of-way for the road through this property. If the rights-of-way cannot be negotiated and obtained prior to development of the site, it could be required and established in conjunction with site development plans for a Planned Development Project, pursuant to Ordinance No. 619 (City's Frontage Road regulation). Eminent Domain proceedings could be initiated to more expediently obtain the rights-of-way.

Enclosures:
1) Property Area Location Sketch
2) Annexation Petition
3) Annexation Ordinance No. 712
4) Conceptual site development plan

G:\Bgeig\Annexation\cc04172006 Grace Tab Baptist Church Annexation.wpdS

"ATTACHMENT D"

AGENDA ITEM NO. D-4
4-17-06

MEMORANDUM

To: Honorable Mayor and City Council Members

Via: Richard E. Anderson, City Manager

From: Bill Geiger, Community Development Director

Subject: AX2006-03 - Petitioner - Flagstone Pavers, Inc., presented by Coastal Engineering Associates, Inc. - Petitioner is voluntarily requesting annexation of 17.25 acres ±.

Location: The properties are located on the East side of Cobb Road and North of Fort Dade Avenue - See attached drawing.

Date: April 17, 2006

The subject combined properties contain 17.25 acres ±, and are located on the east side of Cobb Road and north side of Fort Dade Avenue. Legal descriptions by metes and bounds are given in full in the petition packet. The petitioner is requesting, through the voluntary annexation process outlined in Chapter 171 Florida Statutes, to be annexed into the City of Brooksville.

CURRENT LAND USE/ZONING

The subject properties have a County land use designation of Industrial on the Future Land Use Map of the Hernando County Comprehensive Plan. The properties are currently zoned PDP (Light Industrial) in Hernando County.

STAFF FINDINGS

The petitioner is seeking to have the subject properties annexed into the City of Brooksville. The petition appears to meet all of the requirements of Section 171.044, Florida Statutes, for voluntarily annexing into the City of Brooksville. If the annexation is approved, then the City's Comprehensive Plan Future Land Use Element will need to be amended to reflect the incorporation, and an appropriate land use designation will need to be assigned that is suitable to the property and consistent with the proposed use as approved by the City. Any development proposed prior to the City adopting said Comprehensive Plan Amendment must be consistent with the County's land use and zoning regulations. Prior to processing a plan amendment, it is recommended that a fiscal impact analysis of the proposed land use be conducted by the City (at the developer's expense), to further evaluate the estimated impacts and costs that potential development would have on related public infrastructure.

It may be noted that future development of these properties 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. Future Land Use and Zoning petitions/applications will be coordinated with the Hernando County School Board and Hernando County Planning Department to solicit input pursuant to and consistent with existing interlocal agreements.

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.

Page 2
AX2006-03 - Flagstone Pavers, Inc.
Annexation Petition
April 17, 2006

The only action being considered by the City at this time is the petitioner's request for annexation of their property into the City.

STAFF/PLANNING & ZONING COMMISSION RECOMMENDATION
At their March 22, 2006 meeting, the Planning & Zoning Commission concurred with the staff recommendation to find that the annexation of land associated with Petition No. AX2006-03 is in compliance with Chapter 171, Florida Statutes for being integrated into the incorporated area of the City of Brooksville through the voluntary annexation petition process, and recommend that City Council approve the annexation of the 17.25 acres ± tracts of land, subject to the following conditions:

1. If development occurs on this parcel prior to the City adopting a Comprehensive Plan Amendment assigning a land use designation to this property, and zoning the property consistent with the land use designation, then said development would be required to comply with Hernando County land use and zoning regulations and be consistent with City of Brooksville performance standards.

2. Annexation shall include the integration of all of the public right-of-way lying directly adjacent to the annexed property.

On April 3, 2006, the City Council approved the first reading of Ordinance No. 713, that includes the recommended conditions. The public hearing for the second and final reading of the Ordinance is scheduled for 7:00 P.M. on April 17, 2006.

Enclosures:
1) Property Area Location Sketch
2) Annexation Petition
3) Annexation Ordinance No. 713

G:\Bgeig\Annexation\cc04172006 Flagstone Pavers Annexation 17.25acres.wpd

AGENDA ITEM NO. C-1
5/15/06

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

MINUTES

May 1, 2006 7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor David Pugh, Council Members Frankie Burnett, Mary A. Staib and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk/Director of Administration; Janice L. Peters, Deputy City Clerk; Ron Baker, Human Resources Director; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Emory Pierce, Director of Public Works; Police Chief Boyce E. Tincher, Brooksville Police Dept., and Fire Chief James Daugherty. Members of the Hernando Times were also present.

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

CONSENT AGENDA

Minutes
Regular Meeting - April 3, 2006
Regular Meeting - April 17, 2006

Summer Program - Part-Time Employees
Authorization of two 6-week programs, each with two or three students assigned to Parks and Recreation, and possibly one or two to Public Works.

Health Reimbursement Account (CRA) Plan Amendment
Amendment to Adoption Agreement which defines how the City's HRA is to be applied to new employees entering the plan during the calendar year or to current participants who change their level of coverage during the plan year.

Incorporation and 501(3)(c) Status
Authorization to proceed to incorporate and establish 501(3)(c) status for (a) Friends of the Children and (b) The First Tee of Brooksville.

Employee Staffing & Classifications ITEM MOVED TO REGULAR AGENDA

a) Public Safety Expansion Phase
Authorization to hire one additional Police Officer and one additional Firefighter as part of the quarterly department enhancement program (current Pay Grades 246, [$29,331.12 - $42,740.88], and 145, [$28,566.72 - $41,583.36] respectively) effective July 1, 2006.

b) Finance Department Classifications
Consideration of creating an Assistant Finance Director classification at Pay Grade 61 ($42,557-$50,773) and Chief Accountant classification at Pay Grade 57 ($38,542-$46,030) effective May 4, 2006.

APPROVED BY BROOKSVILLE CITY COUNCIL
ON 5-15-06 INITIALS

c) Parks & Recreation - Quarry Golf Course Classification
Consideration of creation of a new Golf Program Instructor classification at Pay Grade 37 ($23,483-$28,038) effective May 4, 2006.

Mayor Johnston requested moving Item No. 5, Employee Staffing & Classifications, to the regular agenda and pointed out a correction to the April 3, 2006, minutes on page 9, 3rd paragraph, Septic Tank Legislature should be "Legislation."

Motion:
Council Member Burnett moved for approval as amended; seconded by Council Member Staib. Motion Carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Margaret R. Ghiotto Beautification Awards

a) Residential Beautification Award
Recognition of improvements to property owned by Joseph & Stephanie Lowman, 17 Lulu St.

Lou Kavouris, Chairperson of the Beautification Board stated that Mr. & Mrs. Lowman's residence is a beautiful two-story white home with red shutters and it was a unanimous vote by the Board to give them the award, which Mayor Johnston presented.

b) Commercial Beautification Award
Commercial Beautification Board Presentation - Ace Holdings, LLC d.b.a. Access Healthcare, 920 W. Jefferson St.

Chairperson Kavouris also stated the Commercial award was given to Access Healthcare for the "extreme make-over" of their property. Mayor Johnston presented the award.

American Legion Auxiliary's "Poppy Days"
Proclamation designating May 19 & 20, 2006 as "Poppy Days."

Mayor Johnston read the Proclamation in its entirety and presented it to Patricia Hewitt, Poppy Chairperson and Bob Perkins. Ms. Hewitt gave a brief history of Poppy Days and presented Council with Poppies to be distributed.

Law Enforcement Awareness Month - May
Proclamation designated the Month of May in recognition of Law Enforcement Awareness.

Mayor Johnston read the Proclamation in its entirety and presented it to Council Member Burnett, who is a member of the Committee Against Assaults on Law Enforcement Officers.

Older Americans Month - May
Proclamation designated the Month of May in recognition of Older Americans.

Mayor Johnston read the Proclamation in its entirety, which will be forwarded to the Office of the Lieutenant Governor and the local Elder Affairs Council.

REGULAR AGENDA

Employee Staffing & Classifications (REMOVED FROM THE CONSENT AGENDA)

a) Public Safety Expansion Phase
Authorization to hire one additional Police Officer and one additional Firefighter as part of the quarterly department enhancement program (current Pay Grades 246, [$29,331.12 - $42,740.88], and 145, [$28,566.72 - $41,583.36] respectively) effective July 1, 2006.

City Manager Anderson gave a brief review and intent of the Public Safety Expansion Phase, which is to have four additional Police Officers and four additional Firefighters hired within the next fiscal year to gradually provide the officers and firefighters necessary to operate a new Fire Station, which he anticipates being constructed with the next two years in the southern end of the city.

Vice Mayor Pugh asked if both departments were currently fully staffed and if there is a procedure for hiring. City Manager Anderson replied that two retirements will take place at the end of the month and the fire department is currently down one employee.

Human Resources Director Ron Baker informed Council that a testing and promotion methodology has been agreed upon for the Fire Dept. City Manager Anderson added that an outside testing agency will be used for the first time, at the cost of about $35 per applicant.

City Manager Anderson stated that the initial funding for this phase will be $33-35,000 to more than $1 million within the next two or three years.

Vice Mayor Pugh asked if NFPA rules and regulations would be able to be met once the southern area is developed. Fire Chief Daugherty informed Council that although time lines will be met there is currently a 7-8 minute response time to Southern Hills, so NFPA rules and regulations are being met but just barely. He noted that in the city the response average is 2.5 to 3.5 minutes.

Council Member Staib asked if, since the County Fire Department will be moving into the building right across from the City's Fire Station, there would be a problem responding to emergencies having to use the same street to exit the stations on. Fire Chief Daugherty responded that it should not be a problem because they will not be responding to the same emergency calls.

Council Member Burnett asked for confirmation that the positions in question had been budgeted for and that no employee had been excluded in the amended pay plan. City Manager Anderson informed Council that the first part of the budget process included funding, but toward the end of the budget, because it was not known which quarter the plan would be implemented, funding was delayed until it was known how much would be needed.

Mayor Johnston asked for the actual cost for this year to add the additional positions and if there is a projection of where this money will come from.

City Manager Anderson responded that it is anticipated it will come from the taxes from city growth.

Vice Mayor Pugh asked how many people had actually moved to the city in the past year.

Director Geiger stated that even though there is an increase in permits issued it is not at the 500 person level yet. Maybe in the 4th quarter it will hit or exceed that number. City Manager Anderson reminded Council that additional police and fire will be needed in those areas that are growing.

Vice Mayor Pugh asked if it could be required that new developments build additional fire stations in their area. Mayor Johnston concurred that if any developments come out of recent annexations the City should try to implement that as part of the development agreement. Council Member Wever offered that the subject is part of the next growth plan meeting which will cover capital expenditures and funding.

Mayor Johnston asked how much reserves are being built this year. Finance Director Baumgartner is working on levels and that the city has more than $7 million in cash.

Vice Mayor Pugh stated he would like to see the two positions funded. Council Member Burnett reiterated that the new divisions would need to be serviced and that he would like to see employees being paid a decent salary so the City can stop being a "training ground" for other employers.

Motion:
Council Member Burnett moved to approve the two positions; seconded by Council Member Staib. Motion carried 5-0.

Chief Daugherty asked if this would be in addition to the two soon-to-be vacated positions which are to be filled, to which Mayor Johnston responded that they are already budgeted.

b) Finance Department Classifications
Consideration of creating an Assistant Finance Director classification at Pay Grade 61 ($42,557-$50,773) and Chief Accountant classification at Pay Grade 57 ($38,542-$46,030) effective May 4, 2006.

City manager Anderson informed Council of the history of the discussions of this subject and recommended the positions as a backup to the Director of Finance. He stated the reasoning behind the new positions being the history of turnovers in the Finance Department and to ensure there was someone who could perform the duties of the Finance Director in his absence. He also wanted to recognize the efforts of the accountants in getting the audit caught up to the point of getting it done earlier than ever.

Vice Mayor Pugh, although not disagreeing, stated he is concerned with the perception and not knowing what's going to happen with the other employees pay plans and suggested waiting until the complete employee plan is adopted.

Mayor Johnston asked how these new positions would be looked at in respect to the new pay plan, when adopted. City Manager Anderson said that their new position would be re-evaluated because they would be getting new responsibilities.

Ron Baker commented that the Jim Delach has acquired his CPA and another employee is working on their's. He added that a dependable Finance Department needs to be compensated and positions need to be increased to keep the current employees.

Steve Baumgartner agreed with Ron Baker and noted that a number of departments have assistants and that it is a good idea. He recommended recognizing Jim's certification as a CPA and that all three accountants are deserving of the promotions, stating that it should not depend on the current pay study being considered. He noted that the Finance Department is unique in that certifications and degrees are required to do the jobs, recommending that Jim Delach be promoted to Assistant Finance Director, Marisol Pereira to Chief Accountant and Autumn Sullivan to Accountant II.

City Manager Anderson stated that, according to the current pay plan, the Finance Department is below the market and that he would like to alleviate any turnovers in that department.

Mayor Johnston asked what impact the new positions would have on the budget for this year. City Manager Anderson said it would not be significant but that he would get the specific figures for Council.

Council Member Burnett stated that it has to start somewhere to correct the current problems with pay, noting that a lot has been accomplished since Finance has had it's current employees, and urged Council to approve the request.

Chief Tincher offered that in his 20 years of dealing with Finance this is the most efficient Finance Division that has ever been here.

Council Member Wever asked about the pay grades. City Manager Anderson stated these are pay grades based on our current pay schedules.

Motion:
Council Member Burnett moved to approve the positions; seconded by Council Member Staib. Motion carried 5-0.

c) Parks & Recreation - Quarry Golf Course Classification
Consideration of creation of a new Golf Program Instructor classification at Pay Grade 37 ($23,483-$28,038) effective May 4, 2006.

City Manager Anderson stated that the association with the First Tee organization has been more successful than anticipated and that a new golf professional is needed. First Tee has offered a grant subsidy to be used for this purpose.

Mike Walker informed Council that there are numerous grants available for a PGA professional to fund this position.

Motion:
Council Member Burnett moved to approve the position; seconded by Council Member Staib. Motion carried 5-0.

Proposed Ordinance No. 714 - Voluntary Annexation of City of Brooksville (Brocato Property - Future N/S Road)
Consideration of annexation of approximately 4.11 acres ± located off the Southeast corner of Ray Browning Road and West of Hope Hill Road.

Community Development Director Geiger addressed Ordinances 714 and 715 together, stating that both are City owned properties and deal with the N/S Road to connect SR 50 with Southern Hills Blvd. He proposed annexing so that when the final approvals for the construction plans are due the right-of-way's will already be in the City's jurisdiction.

City Clerk Phillips read Ordinance No. 714 by headnote as follows:

> AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

City Clerk Phillips indicated a second reading would be scheduled for Monday, May 15, 2006.

There was no public input.

Motion:
Council Member Wever moved for approval; seconded by Council Member Pugh. Motion carried 5-0 upon roll call vote as follows:

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Proposed Ordinance No. 715 - Voluntary Annexation of City of Brooksville (Mendez Property - Future N/S Road)

Consideration of annexation of approximately 3.56 acres ± located South of Sunbrook Road and East of U.S. Hwy. 41 South.

City Clerk Phillips read Ordinance No. 715 by headnote as follows:

> AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

City Clerk Phillips indicated a second reading would be scheduled for Monday, May 15, 2006.

Motion:
Council Member Wever moved for approval; seconded by Council Member Burnett. Motion carried 5-0 upon roll call vote as follows:

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Proposed Ordinance No. 716 - Voluntary Annexation of Earle Property, represented by Rob Arrington

Consideration of annexation of approximately 2.50 acres ± located South of VFW Road and East of Daffodil Drive.

Community Development Director Geiger reviewed the subject property stating Mr. Arrington has a contract to purchase the property and intends to eventually tie the property to a planned development project, including vacant undeveloped parcels directly adjacent to this tract. He stipulated that the only action being considered at this time is the actual annexation of the 2.5 acres. Director Geiger further noted that Planning and Zoning has reviewed the petition and recommended conditional approval to City Council, stating that the conditions are the standard conditions associated with annexation.

City Clerk Phillips read Ordinance No. 716 by headnote as follows:

> AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

City Clerk Phillips indicated a second reading would be scheduled for Monday, May 15, 2006.

There was no public input.

Motion:
Council Member Staib moved for approval; seconded by Council Member Burnett. Motion carried 5-0 upon roll call vote as follows:

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Proposed Ordinance No. 717 - Voluntary Annexation of Humbarger Property

Consideration of annexation of approximately 1.09 acres ± on the West side of Hope Hill Road North of Powell Road.

Director Geiger reviewed the recommendation indicating that the Planning and Zoning Commission had reviewed and recommended conditional approval of Council.

Currently the property has a rural land use designation and the County requires at least 2.5 acres for development or to build a single use home. Therefore, they want to annex into the city, which would hopefully allow them to build a single-family residential home in the future.

City Clerk Phillips read Ordinance No. 717 by headnote as follows:

> AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

City Clerk Phillips indicated a second reading would be scheduled for Monday, May 15, 2006.

There was no public input.

Motion:
Council Member Burnett moved for approval; seconded by Council Member Staib. Motion carried 5-0 upon roll call vote as follows:

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Ordinance No. 525-I - Firefighters' Pension Trust Fund (FFPTF) Amendment

Consideration of Ordinance amending FFPTF, primarily as a result of recent changes to the IRS Codes and tax qualified pension plans.

City Manager Anderson informed Council a few changes had been made based on the IRS Code revisions and some other minor modifications indicated in the Plan Document attachment to the ordinance.

City Clerk Phillips read Ordinance No. 525-I by headnote as follows:

> AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING AND RESTATING THE CITY OF BROOKSVILLE FIREFIGHTERS' RETIREMENT TRUST FUND, ADOPTED PURSUANT TO ORDINANCE NO. 525-C, AS SUBSEQUENTLY AMENDED; AMENDING THE DEFINITION OF "CREDITED SERVICE"; AMENDING SECTION 10, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 16, DISTRIBUTION OF BENEFITS; AMENDING SECTION 19 TO PROVIDE FOR DOMESTIC RELATIONS ORDERS; RETIREE DIRECTED PAYMENTS; EXEMPTION FROM EXECUTION AND NON-ASSIGNABILITY; AMENDING SECTION 26, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; AMENDING SECTION 28, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

City Clerk Phillips indicated a second reading would be scheduled for Monday, May 15, 2006.

There was no public input.

Motion:
Council Member Staib moved for approval; seconded by Council Member Burnett. Motion carried 5-0 upon roll call vote as follows:

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Final Plat Southern Pines Condominium - Block 1

Review and approval of Plat, as recommended by the Planning & Zoning Commission, for property located on the Southwest corner of the intersection of SR 50 and Mobley Road (approximately 31.32 acre's ± of the 1600 acre± parcel by petitioner Charles M. Sasser, Jr. Trustee).

Community Development Director Geiger informed Council that normally final approval of a condominium plat would not need to come before City Council for approval, however, in this case there is a public dedication being made part of the plat, which is the extension of Clinton Blvd. It will eventually become a public road that will facilitate the frontage road requirements as it goes

through the property and is consistent with other plans Council has seen in the past. The balance of the plat shows 14 3-story buildings, 224 residential units and the club house facility. Phase 2 will most likely be recorded directly by the developer after administrative approval and with probable modifications.

Director Geiger further noted that Planning and Zoning had reviewed the Block 1 Plat and recommended approval to City Council subject to the developer providing the City with an engineering construction cost estimate for all public infrastructures to be constructed in the Block 1 development, which will need to be accepted and approved by the City's Public Works Director and a performance bond in the amount of 125% of the engineering estimate be deposited.
He also indicated that the City's surveyor is still working with the surveyor who prepared the plat on internal improvements on the private portion of the property as it relates to designations on the plat and requested that Council's approval recognize that there may be some minor modifications.

Vice Mayor Pugh asked about the status on the curve on Mobley Rd. Director Geiger indicated that a fair amount of communication has been had between the City, the County Engineering staff and the Developer and he believed all issues had been completely resolved.

Stella Ingle, Developer's Representative, indicated a deed of easement for the county and city had been executed and the fence had been moved back to be in compliance.

Mayor Johnston asked if the county has a different condominium book to record condominium plats. Director Geiger confirmed that they do although they did not indicate anything different needed to be referenced on the plat.

Motion:
Council Member Staib moved for approval, subject to minor changes that may be determined by the surveyor on behalf of the City and conditions stated; seconded by Council Member Burnett.

City Manager asked if the "maximum one road to Cortez" should be a minimum. Director Geiger stated no roads were dedicated but there could be one.

Motion carried 5-0.

Resolution No. 2006-11 - South Brooksville Community Center

Consideration of resolution designating the HCSO South Brooksville Community Center as an Eligible Project Recipient for Donations, Pursuant to Section 220.183, Florida Statutes.

Community Development Director Geiger explained to Council the purpose of this resolution, in coordination with the County's Business Development Department, being to make contributions by businesses in the Enterprise Zone to the Center tax deductible.

Council Member Burnett asked why it is being called the South Brooksville Community Center when it is a sheriff's substation. His concern being that donations being made to the Center would not be used for community enrichment. Mayor Johnston noted that, for funding purposes, things have to be referred to in a specific way.

Vice Mayor Pugh asked if Director Geiger had seen a floor plan. He indicated he had and believes it to be about 1500 sf. with outdoor recreational features and computers. Council Member Wever added that a major portion of the property will be for recreation.

Mayor Johnston clarified the intent of the resolution saying that it has nothing to do with grants and does not require the City to endorse the project, it simply states that the project is located within the City's boundaries and is consistent with the plans and regulations.

City Clerk Phillips read Resolution No. 2006-11 by headnote as follows:

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, CERTIFYING THAT THE HERNANDO COUNTY SHERIFF'S OFFICE SOUTH BROOKSVILLE COMMUNITY CENTER PROJECT IS CONSISTENT WITH ITS LOCAL PLANS AND REGULATIONS, AND REQUESTING THE STATE OF FLORIDA, OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT TO APPROVE AND CERTIFY THIS AS AN ELIGIBLE PROJECT UNDER SECTION 220.183, FLORIDA STATUTES.

Mayor Johnston suggested removing "approved" in the headnote and replacing it with "is determined to be eligible."

Motion:
Council Member Wever moved for approval as modified; seconded by Council Member Staib. Motion carried 4-1 upon roll call vote as follows:

Council Member Wever	Aye
Council Member Burnett	Nay
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Resolution No. 2006-12 - 2nd Quarter Budget Amendments

Consideration of resolution approving the 2nd Quarter 2005-06 Fiscal Year Budget.

Finance Director Baumgartner noted amendments were straightforward, most being presented before Council in the past, with the exception of Section 6, which is $3000 more for the county-wide radio system than budgeted, and Section 7 for two emergency sewer pumps, which were purchased for Howell Avenue with one being over budget.

City Clerk Phillips read Resolution No. 2006-12 by headnote as follows:

A RESOLUTION PROVIDING FOR CERTAIN BUDGET AMENDMENTS FOR FY 2005-06 BUDGET AND SETTING AN EFFECTIVE DATE.

Motion:
Council Member Staib moved for approval; seconded by Council Member Wever. Motion carried 5-0 upon roll call vote as follows:

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Pay Plan Amendment - Status Report

Consideration of staff review of consultant recommendations.

Human Resources Director Ron Baker reviewed the process thus far stating that the Mercer Group is the best in their field for this type of study. He went on to say that even if everyone was placed at the top of the list for the pay plan being proposed we would still only be at the 50th percentile of the study. Director Baker indicated that it is extremely hard to hire any levels other than female clerical help and he went on to say that senior officers are being lost to other employers because of salaries. After confirming that a few adjustments would need to be made, he requested consideration of the plan.

Council Member Wever requested additional information as to the total salaries plus benefits, based on the projected salaries, to be compared with the current budgeted figures.

City Manager Anderson indicated that he did not want to delay the process and will have the requested information by the next meeting, adding that additional time had been spent addressing tenure and adjustments for people at the top of their pay scales.

Director Baker added that there is a 2.5% cost of living increase scheduled for October.

Council Member Burnett inquired as to the workshop that had been suggested. Vice Mayor Pugh agreed, saying that it had been two months since the first suggestion of the workshop and felt it was needed as well. Mayor Johnston stated the need for all the figures as requested by Council Member Wever and suggested the workshop also, but only after Council has time to review the complete information.

City Manager Anderson stated that, although it is much more complicated and time consuming than it appears, he will make it his priority to finalize the numbers.

Council Member Wever noticed a new position and felt vacant positions should be included, which City Manager Anderson confirmed.

Mayor Johnston recommended the item be tabled until receipt of the final information and a workshop can be scheduled.

Brooksville Housing Authority (BHA) Easement/Pilot Waiver

Authorization to enter into an Agreement for Grant of Easement with BHA, which also provides for the waiver of the PILOT (payment in lieu of taxes) for Fiscal Year 2005/06 in the amount of $500.

Mayor Johnston indicated negotiations were in the works for this item, which was tabled until the next meeting.

Traffic Control Device Policy
Review of Implementation Procedure.

Public Works Director Pierce informed Council that the City's procedure is good, however, he recommended the past actions taken be amended. He would like to proceed with speed humps on Croom, where a study was done in 2004, and on Palm, Ward, and Stafford, but defer Whiteway until a study is done because of legitimate objections made by residents.

Mayor Johnston asked if it had been determined that Croom is a collector road. Director Pierce replied yes but that there is no absolute prohibition on whether a speed hump can be installed or not, stating that the speed study on Croom showed an average 2500 cars daily with an 85% speed to be at around 38 mph. He also noted that the speed limit had been lowered to 25 mph right after the study, which didn't help with speeding.

Vice Mayor Pugh noted that the current policy is not being followed, and that the speed humps are being installed at the request of residents with no questions asked. Council Member Wever suggested that a pedestrian cannot tell how fast an automobile is going, suggesting speeding as being a matter of perception. He also suggested following the set policy or have these humps all over town, advising that some, he felt, were not properly installed.

Mayor Johnston inquired as to alternate costs of installing tables. Director Pierce replied that the City does not have the equipment to build the tables. The possibility of asking residents to absorb some of the costs of installing the devises was discussed, which Council Member Burnett felt was not fair to the citizens.

Discussion followed with Police Chief Tincher and Director Pierce discussing use of the speed counters the Police Department has, as well as green book requirements for conducting the studies and conditions to be considered.

Council Member Burnett asked about the cost and possibility of purchasing additional traffic counter trailers. Director Pierce indicated the cost for each trailer to be around $3800, but he will look into the matter and readdress Council on his findings.

Motion:
Vice Mayor Pugh motioned to rescind prior Council action, approving recommendation to put Croom and Whiteway on hold pending further study and proceeding only on Palm, Ward & Stafford; seconded by Council Member Burnett. Motion carried 5-0.

ITEMS BY COUNCIL MEMBERS

Mary A. Staib, Council Member
Law Week
Council Member Staib noted that this is Law Week and that Mayor Johnston's brother would be speaking in the Commission Chamber from 1-3 on Estate Planning.

National Day of Prayer
She also pointed out that May 4th is the National Day of Prayer with a prayer walk at 11:00 a.m. and the prayer service at 12:00 at the Faith Presbyterian Church.

Bird Flu in America
Council Member Staib informed all that on May 9th, Channel 11, ABC is showing a special on The Bird Flu in America and urged all to tune in.

David Pugh, Vice Mayor

Art Reception
Vice Mayor Pugh, speaking of the art competition, stated that the City of Brooksville received recognition for hosting the event for the third year and presented the certificate of appreciation from Congresswoman Ginny Brown-Waite.
NIMS
Vice Mayor Pugh asked what had happened on the NIMS testing and asked if any information had been received on the results. Chief Tincher informed him that everyone had passed, certificates had been received, and that two future study programs were forthcoming.

E. E. "Ernie" Wever, Jr., Council Member

Construction of 40 Acres by the Hospital
Council Member Wever informed Council he believes the land for development that he had previously reported had been bought by the Vice Mayor of South Pasadena is the 40 acres being proposed for 4-story construction this side of the hospital from the Treiman property over to Cortez. Council Member Wever advised he had told them Council would do whatever it could to help with the utilities and the easement area.

He stated that he was questioned a few weeks ago by Charlie Sasser concerning the City's restrictions on 3-stories for development and recommended that with the new fire truck Council might want to consider changing the restriction to four stories.

Community Development Director Geiger stated that in the City's Zoning Code there are standards for height restrictions that will allow for higher height in certain zoning types with greater setbacks.

N/S Road Naming
Council Member Wever requested that the next agenda include an item to name the N/S Road.

Board of County Commissioner Agenda
Council Member Wever advised Council to take a look at the County's consent agenda, which includes a FCT Grant Application for the Acquisition of Properties for the Peck Sink Floodplain Stormwater Park, stating that they intend for it to be more than just for stormwater control, it will also be for recreation. He stated the property is in the area the City is trying to get annexed.

City Manager Anderson replied that he is still trying to encourage owners in the area in question to annex.

BERT
Referencing a memo from the City Manager about BERT, Council Member Wever felt that all the $165,000 reimbursement should be put into the Storm Readiness Fund. City Manager Anderson responded that he will handle via the budget process to get transferred into the right fund.

Richard E. Anderson, City Manager

Emergency Management Plan
City Manager Anderson encouraged all Council Members to read the City's Emergency Management Plan that had been put in their mailboxes prior to the May 15 meeting.

Joseph E. Johnston, III, Mayor

Art Reception
Mayor Johnston thanked all that attended the art reception since he had to attend the Cancer Society Relay.

Traffic Counting Devices
Community Development Director Bill Geiger wanted to let Council know that there are many other uses for the proposed traffic counting devices, such as measuring levels of service and maintaining a database for roads in the City of Brooksville. This information will go toward the concurrency management system and also be used for meeting the new requirements under House Bill 360 from last year, wherein transportation proportioning will need to be done and mitigation be shared with the large developments for the impacts they will have on the entire highway network.

Council Member Wever asked that the impact on city streets be included.

Juvenile Arrests
Mayor Johnston inquired of Chief Tincher why an arrested juvenile has to be sent to Ocala instead of Pasco. Chief Tincher stated the local juvenile system tells them to take juveniles to Ocala, maybe because Pasco is a different district, but he will inquire further on the reason for using Ocala. He also noted that his department is responsible for transporting the juveniles.

CITIZENS INPUT

Diane Freeman - Employee

Diane Freeman stated she is a 10-year-plus employee and respectfully asked Council to hold their responses until she was finished and encouraged other employees to express their thoughts for the public record.

Her first point was to compliment Council Member Wever and Mayor Johnston for their concern on the budget, agreeing that the citizens do not need further taxation. However, she felt that Vice Mayor Pugh, as well as Council Member Burnett, had valid points in expressing that the subject had been hashed over numerous times over the years with nothing ever being decided.

She noted that Council Member Burnett had requested a workshop and asked if employees would be able to attend and voice their opinions. Mrs. Freeman informed Council that numerous employees had attended this meeting in hopes of having a decision made, which didn't happen and, which in turn has a negative effect on employees.

Mayor Johnston stated that workshops are open to all employees and will be held after hours.

Mrs. Freeman felt that historically this Council has rewarded individual performances instead of overall efforts and felt that, while Finance is deserving

of the new positions approved tonight, the foundation of the workplace is important as well.

She asked that Council consider the growth of the community and the rising costs associated with that growth.

Paul Pruess - DPW Employee

Mr. Pruess stated that he has worked for the City for 7.5 years and although he likes working for the City, the rate of increases do not keep up with the cost of living. He feels that there are a lot of good employees at DPW that work hard and do their jobs with pride.

Fire Chief James Daugherty - Ladder Truck

He informed Council that he will be going up to check on the new fire truck on May 15 and if it passes all the inspections it will be delivered on May 22 and training will begin at that time.

ADJOURNMENT

The meeting adjourned at 9:42 p.m.

Attest: _____ Mayor

_____ City Clerk

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AGENDA ITEM NO. C-1
6/5/06

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

May 15, 2006 7:20 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor David Pugh, Council Members Frankie Burnett, Mary A. Staib and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk/Director of Administration; Janice L. Peters, Deputy City Clerk; Ron Baker, Human Resources Director; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Emory Pierce, Director of Public Works; Police Chief Boyce E. Tincher, Brooksville Police Dept., and Fire Chief James Daugherty. Members of the Hernando Times were also present.

The meeting was called to order by Mayor Johnston.
[Note: Invocation and Pledge of Allegiance were conducted during preceding LPA Meeting.]

Item F-3 was tabled till the next meeting because of new issues with this property.

CONSENT AGENDA

Minutes
March 30, 2006 - City/County Joint Meeting
May 1, 2006 - Regular Meeting

Id Badge Machines
Authorization to trade in the existing Fargo Card Printer and purchase the new model from SmartTech ID for a cost not to exceed $2,900. Funds available in the Law Enforcement Trust Fund 116.

Traffic Counters
Authorization to purchase four vehicle traffic counting devices for a total cost of $3870 from Sunshine traffic sales to be funded from the Uncapitalized Equipment Account 001-019-541-55500.

Bid No. CE2005-07 - Multi-Niche Columbarium & Benches/Brooksville Cemetery
Authorization to (a) award bid to Central Florida Monument in the amount of $26,160 for a 96-Niche Columbarium and three cremation benches at $3,300 ~~each~~, for a total cost of ~~$36,060~~ $29,460, to be funded from the Cemetery Perpetual Care Fund, with repayment by proceeds from the sale of the cremation niches; and (b) relocate site to the pavilion area of the cemetery (drawing attached).

Hernando County Historical Commission
Consideration of authorizing Mayor to execute letter to the Board of County Commissioners supporting creation of a Hernando County Historical Commission promoting community awareness, together with identifying, collecting, arranging, recording and preserving historical materials of Hernando County, further requesting that the Board include City Council appointment of one of the members thereof.

First Tee Grant Funding 2006
Authorization to apply for grant funding in the amount of $25,000 from The First Tee.

APPROVED BY BROOKSVILLE CITY COUNCIL
ON 6/5/06 INITIALS JLP

JBCC Fee Waiver - Mary Drake Summer S.T.A.R.T. Program
Request to waive fees in the amount of $418.33 for the use of JBCC June 17, 2006 from 8:00 - 10:30 a.m. for their 3rd Annual Father's Day Breakfast.

Radio Read Meters Purchase - Sole Source
Consideration of (a) request to purchase 100-¾" meters at $190 each and 20-1" meters at $214 each, for a total amount of $23,280, from Sunstate Meter & Supply, Inc. as a sole source vendor, with funding from the Utility Inventory Account #401-000-141-107-03; and (b) authorization for future purchases as needed for the current fiscal year based on these prices.

Surplus Property
Authorization to surplus Vehicles/Equipment.

Motion:
Council Member Burnett moved for approval as amended; seconded by Council Member Wever. Motion Carried 5-0.

Vice Mayor Pugh inquired of the difference in the standard meter and radio meter prices. Public Works Director Pierce responded that the difference is about $80.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

National Tourism Week
Proclamation designating May 13 - 20, 2006 as "National Tourism Week."

Mayor Johnston read the Proclamation in its entirety and presented it to members of the Hernando County Tourist Development Council who thanked the City for its efforts in promoting tourism. Their Annual Report, as well as T-shirts, were distributed to Council.

African American Club - Presentation of Check to the City
Mayor Johnston introduced Gordon Fleming of the African American Club. Mr. Fleming, along with Ronald Swanson, the President of the Club, presented Council with a check in the amount of $2500 to the Friends of the Children Fund at the Jerome Brown Center. He offered his appreciation to the City of Brooksville for the use of the Jerome Brown Center and the Majestic Oaks Golf Club at Brooksville Country Club for the Jerome Brown Scramble. He stated that the event was a tremendous success and also adds to the tourism of Hernando County and the City of Brooksville as most of the participants are from out of town. He added that he is looking forward to the future support of Council and the Parks & Recreation Department.

Public Hearings

Proposed Ordinance No. 714 - Voluntary Annexation of City of Brooksville (Brocato Property)

Consideration of annexation of approximately 4.11 acres ± located off the Southeast corner of Ray Browning Road and West of Hope Hill Road.
[First Reading 05/01/06]

City Clerk Phillips read Ordinance No. 714 by headnote as follows:

> AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

There was no public input

Motion:
Council Member Wever moved for approval of the second and final reading of Ordinance No. 714; seconded by Council Member Staib. Motion carried 5-0 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Proposed Ordinance No. 715 - Voluntary Annexation of City of Brooksville (Mendez Property)
Consideration of annexation of approximately 3.56 acres ± located South of Sunbrook Road and East of U.S. Hwy. 41 South. **[First Reading 05/01/06]**

City Clerk Phillips read Ordinance No. 715 by headnote as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

There was no public input

Motion:
Council Member Staib moved for approval of the second and final reading of Ordinance No. 715; seconded by Council Member Burnett. Motion carried 5-0 upon roll call vote as follows:

Council Member Staib	Aye
Council Member Wever	Aye
Council Member Burnett	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Proposed Ordinance No. 716 - Voluntary Annexation of Earle Property, represented by Rob Arrington
Consideration of annexation of approximately 2.50 acres ± located South of VFW Road and East of Daffodil Drive. **[First Reading 05/01/06]**

City Clerk Phillips read Ordinance No. 716 by headnote as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

There was no public input.

Motion:
Council Member Burnett moved for approval of the second and final reading of Ordinance No. 716; seconded by Council Member Staib. Motion carried 5-0 upon roll call vote as follows:

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Proposed Ordinance No. 717 - Voluntary Annexation of Humbarger Property
Consideration of annexation of approximately 1.09 acres ± on the West side of Hope Hill Road North of Powell Road. **[First Reading 05/01/06]**

City Clerk Phillips read Ordinance No. 717 by headnote as follows:

> AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

There was no public input.

Motion:
Council Member Wever moved for approval of the second and final reading of Ordinance No. 717; seconded by Council Member Burnett. Motion carried 5-0 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Ordinance No. 525-I - Firefighters' Pension Trust Fund (FFPTF) Amendment
Consideration of Ordinance amending FFPTF, primarily as a result of recent changes to the IRS Codes and tax qualified pension plans. **[First Reading 05/01/06]**

City Clerk Phillips read Ordinance No. 525-I by headnote as follows:

> AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING AND RESTATING THE CITY OF BROOKSVILLE FIREFIGHTERS' RETIREMENT TRUST FUND, ADOPTED PURSUANT TO ORDINANCE NO. 525-C, AS SUBSEQUENTLY AMENDED; AMENDING THE DEFINITION OF "CREDITED SERVICE"; AMENDING SECTION 10, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 16, DISTRIBUTION OF BENEFITS; AMENDING SECTION 19 TO PROVIDE FOR DOMESTIC RELATIONS ORDERS; RETIREE DIRECTED PAYMENTS; EXEMPTION FROM EXECUTION AND NON-ASSIGNABILITY; AMENDING SECTION 26, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; AMENDING SECTION 28, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

There was no public input.

Motion:
Council Member Staib moved for approval; seconded by Council Member Burnett. Motion carried 5-0 upon roll call vote as follows:

Council Member Staib	Aye
Council Member Wever	Aye
Council Member Burnett	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Proposed Ordinance No. 718 ** - First Large Scale Comprehensive Plan Amendment for Calendar Year 2006
Future Land Use Map and Text amendments to the Future Land Use, Infrastructure and Capital Improvements Elements.

a) Review the Comprehensive Plan Amendment, the LPA's recommendation, and open meeting for public input.

b) Consideration of first reading of the ordinance to adopt the Comprehensive Plan Amendment, authorizing transmittal of same together with supporting documentation to the appropriate agencies for sufficiency review.

The Local Planning Agency (LPA) held a public hearing earlier this evening and made a recommendation to City Council to accept and transmit the attached Comprehensive Plan Amendment.

City Clerk Phillips read Ordinance No. 718 by headnote, as follows:

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

There was no public input.

Motion:
Motion was made by Council Member Burnett; Seconded by Council Member Staib for approval of Ordinance No. 718, accepting the first reading of the Comprehensive Plan Amendment for transmittal. Motion carried 5-0, upon roll call vote as follows:

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Regular Agenda

Resolution No. 2006-13 - Fire Chief James Daugherty

Consideration of Resolution honoring Fire Chief James Daugherty who will retire from the Fire Department May 31, 2006 with over 31 years of service.

Mayor Johnston read the resolution in its entirety, which will be presented to Chief Daugherty at his official retirement ceremony.

Motion:
Council Member Burnett moved to approve; seconded by Council Member Staib. Motion carried 5-0 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Resolution No. 2006-14 - Kenneth T. Cubernot

Consideration of Resolution honoring Firefighter Lt. Kenneth Cubernot who will retire from the Fire Department May 31, 2006 with over 20 years of service.

Mayor Johnston read the resolution in its entirety, which will be presented to Lt. Cubernot at his official retirement ceremony.

Motion:
Council Member Staib moved to approve; seconded by Council Member Burnett. Motion carried 5-0 upon roll call vote as follows:

Council Member Staib	Aye
Council Member Wever	Aye
Council Member Burnett	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Surplus Property, 3.7 acres undeveloped City owned parcel (Between Hale and Mildred Avenues, North of Dr. Martin Luther King, Jr. Blvd.)

Review of appraisal and consideration of offering property for sale.

THIS ITEM WAS REMOVED FROM THE AGENDA.

Emergency BERT Generators

a) Generator for BERT Bus
Award of Optional Additive Alternate Bid (Bid No. GG2006-02) to Tampa Armature Works in the amount of $12,461 to outfit the new BERT Bus with a 12.5kw generator power. Funds available from Lease/Purchase of original BERT I unit sold to Jackson County.

b) Portable Trailer Mounted BERT Generator
Authorization to piggy back Palm Beach County Bid #05.119/ER to purchase Terex Model T90 Trailer Mounted Generator from Walker Miller Equipment, Inc. in the amount of $26,395 (plus freight costs). Funds available from

Lease/Purchase of original Portable Trailer sold to Jackson County. [Note: Replaces BERT III portable generator]

THIS ITEM WAS REMOVED FROM THE AGENDA.

North/South Connector Road Naming
Consideration of naming of the Connector Road between Cortez Blvd. and Powell Road.

City Clerk Phillips indicated the list were samples only and that other names could be suggested.

Community Development Director stated that all the names submitted have historical value to the City of Brooksville.

Upon discussion Council Member Wever suggested Governor Jennings Blvd., Landmar, Hampton Ridge, Jefferson Davis Blvd., and North Blvd. to the East side of the 4-lane divided road and South Blvd. to the West side. He felt that a name pertaining to the Development would be appropriate.

Vice Mayor Pugh also discussed why Clinton Blvd., along side the Sheriff's Dept., could not be swapped with Grubbs Blvd. leading to the Quarry so that "Mylander" could be used for the Sheriff's Dept. entrance.

Mayor Johnston felt Hampton Ridge Blvd. fit the area.

Council Member Staib asked if the name had to go to the Post Office for approval. City Clerk Phillips replied that it has to go through addressing to make sure there are no conflicts.

Director Geiger asked Vice Mayor Pugh to clarify which road he was speaking of, which was Clinton Blvd.

Director Geiger will check on the names submitted for availability to be brought back to Council.

Emergency Management

a) Comprehensive Emergency Management Plan (CEMP)
Review of proposed plan.

Police Chief Tincher referenced the binder submitted to Council and inquired if there were any questions from the Council. He stated its purpose being to satisfy the State of Florida as to the City's plans in the event of a disaster.

Council Member Staib asked about the availability of copies of the forms to request public assistance. Chief Tincher replied that teams of personnel will be going around assessing damage and making forms available to people who need them.

Council Member Wever had a question about Ordinance No. 540 and the Resolutions that follow it, saying they had been prepared by Doug Bivens, the Attorney dismissed by Council in 1995, who had since been disbarred, and that he would like to have the City's attorney review the documents in question.

Council Member Staib, referencing Recovery on page 10, asked how Chief Tincher would get the word out if communications are out. He replied that he will be working with the Radio Station and physically going into the area if that is not an option, with the intent being to serve the public as best as he can.

Council Member Staib inquired of the UPS system and its 60 minutes of power and what happens after the 60 minutes. Chief Tincher explained that the UPS system is not for long term use, it's for users to save their information and shut down their computers and that everything will be stored on disks.

Council Member Wever asked if there is a permanent record preservation plan? City Clerk Phillips replied that primary records are backed up daily, and can be copied into several formats and sent to several places. Chief Tincher added that, for historical documents that cannot be replaced, the City has numerous vaults to store important information. He also added that provisions are being made to make sure enough storage is available.

Council Member Staib asked if the County has any plans for the Historical Museum. Mayor Johnston replied no, because it is in the County.

Motion:
Council Member Staib moved to approve; seconded by Council Member Burnett. Motion carried 5-0.

b) Continuation of Operations (COOP) Plan
Review of proposed plan.

Motion:
Council Member Burnett moved to approve; seconded by Council Member Staib. Motion carried 5-0.

David Volar had a question about evacuation as far as fuel and inquired how people will be served during reentry.

Council Member Staib replied that Hernando County is having their meeting tomorrow regarding this issue. Chief Tincher answered that, according to the lessons learned in the past, people should anticipate their evacuation fuel needs 3 days in advance, and that it can be anticipated that within 72 hours after the storm, fuel should be coming back into the area. He doesn't know of any entity that will have fuel for private citizens short of those that are homebound.

ITEMS BY COUNCIL MEMBERS

E. E. "Ernie" Wever, Jr., Council Member

Impact Fees
Council Member Wever, referencing a memo from City Manager Anderson concerning impact fees, recommended the City start handling this on it's own.

Pending Legislation
He added that the Withlacoochee Water Board meets on Wednesday and referenced a preliminary report from their lobbyist on legislation and will get an updated copy to everyone after the meeting.

NW Wellfield Grant Extension
He also referenced the upcoming WRWSA budget and inquired if the City should ask them to continue the grant for the NW Wellfield, which is due to expire in December.

Speed Humps
Council Member Wever suggested setting a maximum height of 3 inches and at least 14 feet long, per DOT guidelines. He advised taking a look at the policy and possibly changing the policy to stop having the city pay for these, thereby requiring the citizens to pay for half, if not all, the cost of installation. He felt they are not feasible unless they are close enough together.

David Pugh, Vice Mayor

Fire Department Vacancies
Vice Mayor Pugh inquired if the position to replace Chief Daugherty is being advertised and if there is any one on the current staff qualified for the position. City Manager Anderson indicated it is in the process and that he will probably make an "Acting" appointment effective June 1, but that the actual appointment will not be until after that. He indicated there is one employee that meets all the requirements.

Council Member Staib reiterated her feeling on promoting within when possible.

Past Finance Department Performance
Vice Mayor Pugh indicated he had done research on past Finance Department employee records and found no evidence of poor performance being recorded. He felt that personnel reviews need to be an accurate reflection of the job performance. He questioned how it was determined that they had not done as good a job as current Finance Department employees. He felt that, at a minimum, once an employee left their file should reflect their performance. The City Manager concluded that a better job should have been done on evaluations, however, he indicated that an employer can no longer give recommendations, and that it can be confirmed that they worked for you but that is all.

Council Member Staib pointed out that the yearly auditor's report pointed out the deficiencies.

Police Chief Tincher elaborated on how in the past bills were not paid on time and the capital purchases process, and that the businesses are so much more efficiently being paid than in the past. He indicated that the department as a whole is being run more efficiently.

Clinton Blvd.
Vice Mayor Pugh asked if there is a reason for not changing Clinton Blvd. to Mylander Blvd. Mayor Johnston indicated that there is opposition to naming streets for living people and that there may be political issues as well.

Frankie Burnett, Council Member

Pay Study
Council Member Burnett requested that the process to address the pay issue be expedited. City Clerk Phillips indicated a workshop had been scheduled for Monday, May 22 at 6:00 p.m.

Karen Phillips, CMC, City Clerk

Commemorative Quilt
City Clerk Phillips showed a sample of a commemorative quilt the Founders Day Committee is interested in having made to sell during Founders Week for about $40.00 and proposed community input for what scenes would be put on the quilt to depict the heritage of Brooksville.

Joseph E. Johnston, III, Mayor
Mayor Johnston elaborated on a couple of events that happened over the weekend; the Band Shell Bash on Saturday, which Council Member Staib and City Manager and Mrs. Anderson attended, and the Mother's Day Tea at the Heritage Museum, which he attended. He mentioned that Chief Tincher had dispatched Officer John Cavanna to assist with traffic and commended him on a job well done.

Council Member Staib, complimented the DARE van that was at the Band Shell Bash.

South Brooksville Rehabilitation Project/Industrial District
Mayor Johnston presented Council with a plan to fund the City's taxes by trying to relocate the residents of South Brooksville to make room for industrial manufacturing, thereby giving those residents a chance to better themselves and acquire better housing while making the City less reliant on Ad Valorem taxation.

He indicated the proposal would require a lot of work on the part of the city and it's residents and would require a "Buy In" by all parties involved, but felt that if the people in South Brooksville could be given the opportunity to relocate it would also address the issue of the current conditions of South Brooksville.

He indicated his proposal would take $20 to $50 million to bring to fruition, and requested Council study and submit their feedback.

CITIZENS INPUT

Paul Boston, "Just Us News"

1. On the proposal by the Mayor on the industrial complex for South Brooksville, he indicated he, as well as people in the community, have been discussing the issue and felt that it needs to come from the community and on a fair basis. He also felt that, since people would be giving up their homes that the plan needs to be tax free and should also well compensate the people in exchange for their heritage. He agreed that it cannot be done without the cooperation of the citizens. He stated that Mitchell Heights is another area which could be considered.

2. Concerning the sale of the Mildred & Hale property, he indicated he had received information that the property was purchased with grant money and any profit made from the sale of this property would go back to the government.

3. He referred to the industrial area of Main & Martin Luther King and the fact that an inch of sand stands in the street at any given time because of the cement plant. He also indicated that the juice plant looks like a burnt out building and requested Code Enforcement investigate.

Pierre DesJardens, newly elected president of the Brooksvillian Merchants Association representing about 40 downtown merchants, addressed Council concerning marketing of the downtown area and the fact that Southern Hills and

other developers are pushing the downtown historic areas in their advertising. He made a request that the City keep in mind that the downtown Courthouse Square is a crown jewel of Hernando County and expressed his concern that it is being used by big money developers to attract buyers.

One thing he suggested was to allow people to live upstairs over the merchants and that the Merchants Association is willing to co-venture with the City to solicit restaurant owners to get business downtown, stating there is life downtown but not necessarily the kind they would like to see. He also indicated the merchants would like more signage coming into Brooksville.

Council Member Staib indicated that all new plumbing and wiring would have to be installed in most of the buildings in order for them to meet code.

Bob Eden of Whiteway Dr. Asked about the speed humps. Mayor Johnston offered that the written policy had not been followed and Staff & Council has since reviewed the policy because of the number of requests for them. Mr. Eden did not feel the street owners should have to foot the bill.

Ray Henderson, also of Whiteway Dr., asked for clarification of why the speed humps had been delayed when Council voted 5-0 to pass and petitions were submitted three months ago.

Mayor Johnston noted that the speed counter, which was placed on Whiteway Dr. is part of the survey. City Manager Anderson added that new speed counters are being ordered. He also noted that speed humps are not a cure all for traffic and speed problems.

Council Member Burnett reassured Mr. Henderson that Council and staff are looking into solving the problem.

Director of Public Works Emory Pierce added that Whiteway is more of a throughway than first thought and that the counters should clarify how much traffic goes through the area.

David Malicoate added that he does not necessarily want the speed bumps but agrees that something needs to be done.

Kojack Burnett indicated he is not in favor of moving his property from South Brooksville.

Mayor Johnston replied that his vision was to have no cost to the resident for moving to the new area.

ADJOURNMENT

The meeting adjourned at 9:10.

City Clerk

ATTEST: _____
Mayor

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AGENDA ITEM NO. C-1
6/5/06

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

May 22, 2006 6:00 P.M.

Brooksville City Council met in special session with Mayor Joseph E. Johnston, III, Vice Mayor David Pugh, Council Members Frankie Burnett, Mary A. Staib and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk/Director of Administration; Janice L. Peters, Deputy City Clerk; Ron Baker, Human Resources Director; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Emory Pierce, Director of Public Works; Police Chief Boyce E. Tincher, Brooksville Police Dept., and Fire Chief James Daugherty. Numerous employees of the City of Brooksville were present. There were no members of the media in attendance.

CALL TO ORDER
The meeting was called to order by Mayor Johnston.

COMPENSATION AND CLASSIFICATION STUDY
Discussion of proposed compensation and classification plan.

City Manager Anderson reviewed the purpose of the meeting, adding that Staff has put together an overview of the recommendations the consultants had made, along with alternate suggestions that were included in the packets.

Human Resources Director Ron Baker gave an overview of the process the plan has taken to date, reminding Council that the Mercer Group is recognized throughout the United States as the experts in doing salary surveys and that the plan is to elevate the City of Brooksville employees' level of pay to the 50th percentile.

Vice Mayor Pugh asked how it went from the Mercer Plan that was presented to Council at the last meeting to a totally different plan that is being presented now. It was his understanding that the plan was to find a way to make the Mercer Plan work. He also indicated he did not understand some of the classifications regarding the extra work being done by some individuals. He asked if the Mercer Group had not been informed of the additional work during the survey that was completed by each employee.

City Manager Anderson stated that the plan itself is the Mercer Plan with no changes to the structure of it. He indicated that the highlighted information is additional recommendations on a number of positions and that some had been renumbered to easily identify employees who, for example, work 56 hours versus 40 hours. He also indicated that, even though the consultant had the opportunity to review the classification duties, internally he made value judgements and identified specific classes in which alignments could have been done better.

Vice Mayor Pugh asked if the job task analysis done by each employee had been passed on to The Mercer Group. Human Resources Director Ron Baker indicated it had.

City Manager Anderson indicated he had made recommendations for classification changes based on changes in the scope of duties and responsibilities occurring within the positions over the last six months and the impact of their contribution to the city.

APPROVED BY BROOKSVILLE CITY COUNCIL
ON 6/5/06 INITIALS

Vice Mayor Pugh was confused as to why changes had to be made to the information the Mercer Group submitted and questioned if the right firm had been hired to do the survey. He also felt that if a group had been hired to make recommendations their advice should be followed. Mr. Anderson offered that if a department has a vacancy, the duties of that position has to be absorbed by another and that factor had influenced his changes, which were not taken into consideration by The Mercer Group.

Vice Mayor Pugh indicated he also had a problem with the Acting City Manager's proposal since Council hires the City Manager, adding that he thought Council had the ability to appoint an Acting City Manager as well. Mayor Johnston said the process had been set with the Director of Administration then the Director of Finance in succession. Mr. Anderson indicated Council could appoint whomever they wanted or change the current process at any time but that the process currently in place looked toward the person with the most input to the office of the City Manager being first, which is the Director of Administration, followed by the Director of Finance, the Chief of Police and the City Engineer.

Council Member Staib added that the process has worked very well in the past and did not recommend changing it.

Council Member Burnett asked for confirmation of his understanding that recommendations from The Mercer Group and administration recommendations were merged. City Manager Anderson reiterated that only the ones highlighted had additional recommendations. Council Member Burnett indicated what he felt was a problem in that it seems that some people's job classifications were changed in order for them to get a raise.

Mr. Anderson responded that, with the exception of the Assistant Finance Director and the Chief Accountant, the list of title changes could be disregarded as they were for administration comparisons to what other cities call positions with the same responsibilities.

Human Resources Director Ron Baker noted that some were given different titles that reflect what is in the marketplace and does not reflect a change in the pay plan.

Mayor Johnston pointed out that only three positions, Faculty Technician II on page 2, Inmate Supervisor from Prison Guard on page 3, and Public Works Tech II from Worker II on page 3 have classification changes which affect their pay grade and that class changes were recommended by The Mercer Group.

City Manager Anderson reviewed some of the changes he recommended and the reasons for the changes were discussed.

Vice Mayor Pugh inquired again as to how the pay plan will be funded.

Finance Director Steve Baumgartner indicated that this a critical year and that projected revenues have not been received but that the final numbers should be in by June 1.

Council Member Wever indicated he had done an analysis and felt the biggest problem being the General Fund and gave a review of those totals and possible solutions. He recommended raising the base pay to what was recommended, leaving out the 5% increase, until the budget figures are received.

A discussion on the next year Tax Rolls, Millage Rates, future annexation plans, and the need for new fire stations followed.

City Manager Anderson added that the recommendations were based on what other jurisdictions were paying their employees when the surveys were done last fall and winter and that they are increasing their pay as we speak. He noted that the cost of living is around 4% right now.

Vice Mayor Pugh asked how the pay situation had gotten to this point. Human Resources Director Ron Baker indicated that the City has not had the money to offer more than just across-the-board cost of living raises in the past.

Council Member Wever felt the plan recommended by the City Manager should be approved, with the condition that the pay be based on the initial increase with the 5% annual increase being delayed until the budget is reviewed. Vice Mayor Pugh was not in favor of the City Manager's plan because of certain individuals having gotten increases over the past years and is still recommended for increases when others are not. There was discussion of these positions and the reasons for their recommended increases.

The general consensus being that, even though this will not "fix" the problem immediately, it is a step in the right direction and toward a plan that will benefit all.

Council Member Burnett inquired as to the amount to implement the consultant's recommendations with the current salaries being increased, without the 5% increase, for the balance of this year.

Council Member Wever indicated, based on his figures, a basic increase now would cost around $187,000, prorated over the next four months for a cost of around $62,000 from the general fund, with an overall increase including the 5% being $436,000. He again requested reports showing unallocated reserves.

Finance Director Steve Baumgartner indicated that at the end of last year there was around $1.3 million in general fund reserves and he did not think there were any specific allocations at that time.

Mayor Johnston suggested basing this on the best figures available and refining at budget time and then again at the final budget meetings.

City Manager Anderson indicated that with personnel taking up around 70% of the budget, and with fuel and other expenses going up this year, the difference has to be offset with increased revenue, which will not be known till June 1. He also noted that a large portion of the current reserves will be appropriated to start the opening fund balance for next year's budget.

Employee Comments:

Theresa Ballard - Prison Guard
Theresa indicated that in her job, she has as much authority as a Prison Guard in that she trains, supervises, and demands respect and hard work out of the inmates. She noted that they are treated fairly and work hard for this city. It is her feeling that it is not fair for her pay to be lowered.

Laureen Busacca - Construction Project Manager at DPW
On the issue of value judgements she indicated she had done a quick count of the highlighted job classifications and that 14 were adjusted by the City Manager lower than The Mercer Group and seven select few were adjusted higher, she

assumed based on value judgements. She also noted that only one person from DPW, according to the City Manager's recommendations were deemed valuable enough to get an increase over The Mercer Group recommendations. It was her belief that value was directly linked to a persons proximity to City Hall and the City Manager's office and not a very good reflection of a persons worth to the City.

Susan McCrary - Fire Department
Susan indicated she had worked for the Fire Department for 20 years and offered that this is not about any one person in that everyone is valuable to the city. She made reference to and read from a memo from 1999 when Mr. Anderson issued a pay plan adjustment for 2.5% and was going to address the longevity issue at that time. She indicated that in December of 1999 everyone with tenure got a .08% raise which came out to .10 an hour, or $4 a week which has not changed in seven years. She also noted that some had in fact turned down jobs with the County to stay with the City in hopes that the raises would come and urged Council to take the person out of the equation and look at longevity.

Richard Lewis - Citizen
Mr. Lewis wanted to address the issue that $58 million in increased value of the property of the City of Brooksville would be needed. He felt that it would be an extraordinary year for the City based on the $41.5 million selling price of Southern Hills, which the City will start to reap the benefits of during this next budget year. He reminded Council that does not include the Save Our Homes plan or the Cascades, Majestic Oaks, Charles Sasser or Milk-a-Way Farms. With that said, he felt the City would be looking at well over the $58 million and possibly closer to $65 - $80 million. He likened the employees of the City of Brooksville to one big family and thanked them all for their work.

Marisol Pereira - Finance Department
She relayed her belief that people who feel appreciated are more positive about themselves and their ability to contribute to the organization they work for. She indicated she did not understand the rationale behind the increase she received two weeks ago and the recommended decrease indicated in the range of pay for her position. Her advice to the City, in order to create and maintain employee motivation they should treat all employees equally, noting that reducing lower level employee ranges and increasing upper-level employee ranges is not a fair or equal system.

Joann Munford - Parks & Recreation/JBCC
She questioned the reduction of her position as Recreation Leader III to Recreation Leader II.

City Manager Anderson indicated that one class had been eliminated. Mayor Johnston noted that even with the reduction of the classification the pay will increase, adding that no one was receiving a reduction in pay, that only the ranges were changing and that a lower starting range would only apply to new hires.

In response to Council Member Burnett's question of whether the pay ranges previously approved had been changed, City Manager Anderson explained the process that had been used and agreed to bring back to Council what had been approved previously.

Mayor Johnston requested the recommended changes include a column that reflects the base pay adjustments for Fiscal Year 2005/2006 and another column that reflect the pay adjustments plus the 5% increase for Fiscal year 2006/2007, eliminating the Class Change column if needed.

Diane Freeman - Finance Department
She felt that what is being missed is the framework for the methodology of creating new positions in relation to current positions. She also indicated that pay grades had been changed throughout the years that had not been equitable across the board, noting that it is perceived that the only way to get a pay grade increase or title change is to be in the inner circle of the City Manager's office.

Stan Mettinger - Fire Department
To add weight to what Council Members Burnett and Wever have stated in the past, he noted that he had trained a lot of Fire Fighters and most are gone, four within the last year, and one after only a month to the County for more money. He offered that out of the 17 employees in the department, eight have 18 months or less with the city.

Cecil Davis - Citizen
He recommended to Council that they consider it's current employees before hiring new positions. He also elaborated on the fact that the City is training then losing Police Officers and Fire Fighters to the County and the need to close the revolving door thereby retaining knowledgeable employees. He recommended compensating those people who barely make it on what they are being paid versus upper-level employees who already make good money.

He noted that the City is not limited to a tax base as their sole source of income, indicating that most major cities Public Works Departments provide propane and other services. He recommended overextending the budget if need be in order to compensate people appropriately, calling it a shame for people to not be able to live in a city in which they work.

Mike Dow - Fire Fighter
He referenced The Mercer Plan that Council had spent money on and felt it needed to be stuck with and that the .08% was not sufficient. He recommended working on the couple of isolated positions that need it and make the plan work for the sake of the long-term employees.

Audrey Williams - Parks & Recreation
She indicated she has been with the City for 19 years and has helped train employees, even department heads, who have come and gone. She indicated she likes working for the City but does not agree with the inconsistencies in pay, which hurts people in the longevity factor. She ended saying it takes everyone to run a city and referenced the County equivalent of her position that starts at $14 an hour, $1.50 an hour less than what she makes with the City after 19 years of service.

Laureen Busacca - Construction Project Manager at DPW
Laureen made reference to a long time employee, Bob Fincannon, who died after years of not even getting the .08 increases because his salary topped out years before. She referenced news reports that say work forces will be getting older, people will be working longer and these things need to be taken into consideration.

Cecil Davis - Citizen
He had a question for City Manager Anderson. Referencing the two positions in question that had received substantial raises in the past, he asked if Mr. Anderson really thought those employees would still be here in 10 years.

Mr. Anderson responded that he hoped everyone would still be here in 10 years and referenced The Mercer Group's recommendation to give an average raise of $5-6,000 to Police and Fire Officers. Concerning longevity, he noted that the plan includes a 5% increase every year up to 10 years and offered that Council has to decide if it can afford to adopt a plan with that kind of obligation built in.

Vice Mayor Pugh added that this is not a solve-all for longevity and that this will be revisited every 5-10 years and Council would have to come up with a plan to continually adjust.

James Daugherty - Fire Chief
Chief Daugherty wanted to tender his resignation with the City effective May 31, 2006 and, in the interest of saving money, recommended that Council promote Captain Tim Mossgrove. He advised that the City needs to look more seriously at personnel with longevity.

Mayor Johnston asked staff to prepare the numbers, based on the recommendations, for the salaries with and without the 5%, for Council consideration at the June 5 meeting, however, if the additional information is not available, the presentation should be delayed.

Council Member Wever responded to Fire Chief Daugherty's request to appoint Captain Tim Mossgrove as the next Fire Chief and recommended to the City Manager that he rescind the advertisement process and appoint Mossgrove and allow him to get the courses he needs.

City Manager Anderson responded that according to the Charter the City Manager is responsible for all appointments and it is not Council's prerogative to become involved in appointments of employees. He indicated that he knows the recommendations of Council and the Chief and they have great weight. He also indicated he proposes to appoint Captain Mossgrove as Acting Fire Chief pending the appointment of a new one, and even though he is qualified he recommends a review of all candidates to acquire the most qualified candidate.

A discussion followed concerning the duties of Council in reference to the City Manager's ability to appoint and hire employees along with the importance of promoting from within.

Mayor Johnston requested the information be submitted to Council for review prior to the next Council meeting so a collective decision could be made as to it's completeness.

ADJOURNMENT

The meeting adjourned at 8:05 p.m.

City Clerk

Attest: _____
Mayor

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AGENDA ITEM NO. C-1
6/19/06

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

June 5, 2006 7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor David Pugh, Council Members Frankie Burnett, Mary A. Staib and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, 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; Boyce E. Tincher, Brooksville Police Dept., and Acting Fire Chief Tim Mossgrove. Members of the Hernando Times and Hernando Today were also present.

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

CONSENT AGENDA

Minutes
May 15, 2006 - Regular Meeting
May 22, 2006 - Pay Plan Workshop

Legal Fees
Authorization to charge Attorney LaCroix's legal fees for forfeitures to the Law Enforcement Fund.

2006-07 United Way Grant - Jerome Brown Community Center (JBCC) Transportation (Bus) Program
Acceptance of grant in the amount of $10,000 (plus $24 designated funds) from the United Way of Hernando County, Inc. covering the funding year beginning July 1, 2006, for the Bus Program at the JBCC.

2006 Federal Edward Byrne Memorial Justice Assistance Grant (JAG) Program Funds
Recommendation that City Council agree to the allocation of Federal Fiscal Year 2006 Edward Byrne Memorial JAG Program funds and authorize the Mayor to sign the attached letters for submittal to the Florida Department of Law Enforcement.

Fire Vehicle #208-Rescue One
Authorization to purchase a new engine at the cost of $7,158.11 from Nick Nicholas Ford, and to authorize a budget amendment for this amount to the Fire Dept. Machinery & Equipment Line Item.

Tourist Development Council (TDC) Grant for Founder's Week
Authorize grant application to TDC to offset advertising expenses associated with the 2007 Founder's Week Event.

Tom Varn Park Walking Trails Fitness Course
Consideration of (a) acceptance of $5,000 funding from the Hernando County Health Department towards replacement of the fitness stations and (b) authorization for purchase and installation of Parcourse Fitness Center from GameTime under State Contract in the total amount of $10,294.83, with the balance of the cost ($5,294.83) from the McKethan Fund.

APPROVED BY BROOKSVILLE
CITY COUNCIL
ON 6/19/06 INITIALS JLP

McKethan Park Equipment

Consideration of proposed project to install playground equipment and fencing in the area between the batting cages and the tennis courts in McKethan Park for an estimated cost not to exceed $20,000, with proposed funding from the McKethan Fund.

Generator Purchases

a) Bid No. GG2006-02 City Hall & Lift Stations

Award of the bid to CJ's Sales and Service in the total amount not to exceed $320,480.97 ($90,643.62 for the 2 larger generators and $229,837.35 for 13 smaller generators) under the USDA Grant for City Hall Retrofit and Generators.

b) Bus (BERT)

Award of Optional Additive Alternate Bid #II to Tampa Armature Works in the amount of $12,461.00 to fund a 12.5kw generator. Funds available from Lease/Purchase of original BERT I unit sold to Jackson County - Storm Readiness Fund Account.

c) Portable Trailer Mounted BERT Generator

Award of Optional Additive Alternate Bid #I to CJ's Sales and Service in the amount of $24,563.10 to fund a trailer mounted 80kw diesel generator. Funds available from Lease/Purchase of original BERT Trailer Mounted Generator sold to Jackson County - Storm Readiness Fund Account.

Florida Rural Water Authority (FRWA) Grant Application

Authorization to (a) submit a grant application up to $10,000 for a storm drain stenciling project required under our City NPDES Permit; and (b) concurrently issue Request for Bids for the project, bid award dependent upon successful grant award.

Motion:

Council Member Wever moved for approval of the Consent Agenda; seconded by Vice Mayor Pugh. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Margaret R. Ghiotto Beautification Awards

a) Residential Beautification Award

Recognition of improvements to property owned by Willamena Parrott Taylor located at 251 E. Liberty St.

Beautification Board Chairperson Lou Kavouras was present to give details of and present the award to the Taylors along with Mayor Johnston.

b) Commercial Beautification Award

Recognition of improvements to property owned by Robert A. Buckner and occupant Jazzercise by Tracey Morse located at 210 W. Jefferson St.

Chairperson Kavouras and Mayor Johnston presented the commercial beautification award to Tracey Morse, owner of Jazzercise. Mr. Buckner, the owner of the property, was not present.

Juneteenth Celebration Proclamation

Proclamation designating June 19, 2006 as "Juneteenth Day" in Brooksville and encouraging participation in the Community Awareness Rally on Saturday, June 17, 2006.

Mayor Johnston read the proclamation and presented it to Paul Boston, who expressed his appreciation for the presentation and invited all to participate in the upcoming event.

REGULAR AGENDA

Southern Hills Plantation Replat

Consideration of request of Hampton Ridge Developers, LLC for approval of a Replat of Block 6, which is located South of SR 50, East of US 41, West of Hope Hill Road and North of Powell Road.

Community Development Director Bill Geiger gave an overview of the request for the replat, explaining the changes made.

Vice Mayor Pugh indicated he noticed part of the park had decreased and asked if it would still meet requirements. Director Geiger replied that it would.

Mayor Johnston noted that all deeded owners are required to sign the plat. Director Geiger indicated there would be attachments of those signatures also recorded.

Motion:
Council Member Staib moved for approval; seconded by Council Member Burnett. Motion carried 5-0.

Brooksville Country Club LLC Master Plan Revision

Authorization for the Master Plan Revision of the ± 168-acre tract of land, which is located on the North end of the Majestic Oaks Development.

Community Development Director Bill Geiger gave an overview of the revision, explaining the changes being made and covering concerns voiced by residents.

Vice Mayor Pugh asked for clarification that what was being requested for approval tonight did not go against previous approvals. Director Geiger answered affirmatively.

Motion:
Council Member Staib moved for approval; seconded by Council Member Burnett. Motion carried 5-0.

Pay Plan Study

Consideration of proposed compensation and classification plan.

City Manager Anderson reviewed the meetings and information to date and noted that Finance Director Steve Baumgartner had obtained preliminary estimates on taxable values for the coming year, which had been distributed to Council along with the recommendations of the consultant. He asked Council for further discussion on whether they wanted to proceed with the recommendations submitted by the consultant or to incorporate them in the proposed budget for the next fiscal year. He informed Council that Human Resource Director Ron Baker had been out last week so additional information supporting the changes he recommended was not available, but that he would get it to them as soon as possible.

Concerning the City Manager's memo of June 2nd Council Member Staib asked if the Budget Workshop could be moved ahead. City Manager Anderson informed her of the change of dates for the first budget meetings to July 19 & 20. A brief discussion ensued concerning the tax base increase.

City Manager Anderson recommended Council take action based on the grades except the ones with changes he is proposing or delay action until all information is received.

Council Member Burnett asked if the Finance Dept. changes were in process and if the wage increases voted on for those positions had been changed and what can be done right now without hurting the budget. City Manager Anderson answered that those positions had already been put into effect and would be included in the new figures as soon as the positions are assigned into the new pay grade structure.

Council Member Wever, referencing Finance Director Baumgartner's and City Clerk Phillips' memos concerning preliminary budget information, indicated the information did not include new pay plan adjustments.

Council Member Burnett asked what could be done, without hurting the budget, for the rest of the employee's salaries in question considering the new budget year is fast approaching. Council Member Staib recommended a phase-in, which City Manager Anderson agreed was an option.

Mayor Johnston stated that the pay plan should be brought back to Council at the June 19 meeting, citing that the information requested had not been provided. Vice Mayor Pugh referenced the fact that it had been requested that the item not be put on the Agenda if all the information was not available, reiterating that the impact on the current budget is what had been requested.

Mayor Johnston recommended the information requested be prepared as soon as possible and submitted to Council for review before the next Council meeting. He went on to clarify exactly what Council is expecting to see, which was the breakdown of The Mercer Group's original recommendations plus 5% and the impact of the recommendations on the budget for this year as well as next year, with separate columns showing the City Manager's recommendations with the minimum and maximums removed and totaled at the bottom of each.

Council Member Wever recommended listing vacant positions in the budget with the annual salaries omitted with Council approving budget amendments when the position is filled. Mayor Johnston disagreed, stating that it would encourage the monies to be used elsewhere. A brief discussion followed.

<u>North/South Collector Road Proposed Names</u>

Consideration of naming the Collector Road from SR 50 (at Ray Browning Rd.) To Southern Hills Blvd. (and eventually to Powell Rd.). [Prior Discussion 05/15/06 Agenda]

Community Development Director Geiger reviewed the process taken to determine the names available and asked for further direction from Council.

City Manager Anderson indicated the Developer, Landmar, requested notification of Council's intent to name the street after any part of the name of the development to be reviewed by their corporate offices.

Director Geiger recommended soliciting the public for recommendations and City Clerk Phillips recommended perhaps naming it during Founders Week. Mayor Johnston agreed.

Building Division Services RFP #2006-05 Results

Authorize staff to negotiate a contract with PDCS, LLC, highest ranked firm by the Evaluation Committee, and if a proposed agreement is not reached, negotiate with M.T. Causley, second highest ranked firm.

Director Geiger reviewed the proposals submitted for the bid, recommendations of the committee, and answered questions concerning additional costs that would be billed separately and the locations of the companies in question.

Motion:
Council Member Staib moved for approval of negotiation of a contract per staff recommendation; seconded by Council Member Burnett. Motion carried 5-0.

Personnel Policies Amendment

Consideration of policy regarding internal promotions.

City Manager Anderson reviewed the request that internal promotions versus competitive advertising be considered, requesting direction from Council on the subject. He noted that Council, by policy, could establish as a Council directive. Discussion followed as to the pros and cons of advertising or not advertising as well as the possibility of changing the policy on internal promotions and advertising.

City Manager Anderson indicated he would distribute copies of applications to Council for review and that he was in favor of an oral review committee, possibly with former Fire Chiefs to review applications.

Council member Burnett agreed with promoting from within but indicated the City Manager should be allowed to do his job, but stressed consistency.

The City Attorney was excused from the meeting pending a trip to Daytona Beech for a meeting the next morning.

ITEMS BY COUNCIL MEMBERS

Council Member E.E. "Ernie" Wever, Jr.

Sasser Property Utility Easement
City Manager Anderson indicated he had talked to Mr. Sasser who indicated he had reviewed the Utility Easement Agreement, which was satisfactory to him, however he is hesitant to execute the Agreement lest it interfere with his negotiations with the County for the sale of the property. The County indicated they did not anticipate there being a problem acquiring the easement but also did not want to proceed while negotiating the sale of the property. Therefore, the issue is on hold at this time.

Reserves Ratio
Council Member Wever inquired if City Manager Anderson had talked to Steve Emerson about the reserves ratio used for credit analysis. He replied he had not but had spoken with the investment bankers who would defer to the City's last report from the FA which had some indication of coverage ratio. Council Member Wever expressed that as being coverage ratio of the revenue to debt service ratio. His question was of credit analysis of the year end reserve funds through the next year.

City Manager Anderson indicated he would find out the reserve ratio which is a percentage of the next year's budgeted expenditures. He also had spoken with Bill Spivey who made the observation that with the markets being what they are

and a utility issue in the $5-7 million range it may be better to negotiate with a commercial bank.

New Fire Truck
Council Member Wever recommended taking a look a the current mutual aid rates, which he felt may need to be increased for use of the new truck. He also requested the vehicle replacement fund policy be brought to the next meeting before new Council Members are seated to clarify any replacement purchase policies.

Planning Workshop
Council Member Wever inquired as to when the next growth planning workshop would be revisited. City Manager Anderson offered that right now the core of the capital plan was included within the Comp Plan that was recently submitted to the State. He also indicated there are utility projects for Public Works to be addressed, however, based on revenue and expenditure projections, questions as to how much can actually be funded short of grant requests still needs to be analyzed. He will submit to Council a list of capital projects shortly and proceed from there.

Vehicle Tags
Council Member Wever recommended specialty tags for the BERT Units with the vehicle number on it. City Clerk Phillips indicated that a yearly fee is attached to specialty tags.

Mylander and Street Names
He also recommended naming the Sheriff's building or EOC Center The Thomas Mylander Building instead of discussing the issue of a street named after the former sheriff., It was reported that the EOC Center has already been named in honor of Mr. Bierweiler.

Sims Agreement
Council Member Wever suggested proceeding with the annexation of the Sims property, based on the agreement in place, along with the other two properties.

Director Geiger indicated the church property was now owned by someone else, who has plans for the property and suspected they would be requesting information on services and utilities shortly.

Vice Mayor Pugh asked for clarification of the problems with the Sims property and loss of the CDBG Grant, which Director Geiger indicated was their failure to procure a loan commitment timely, as required by DCA. Council Member Wever recommended proceeding with the annexation of the property.

Vice Mayor David Pugh

Emergency Call Response
Vice Mayor Pugh asked if the Police Department or Fire Department have ever not been able to respond to a call because of vehicle failure? Chief Tincher and retired Fire Chief Daugherty both indicated it had not happened. Acting Fire Chief Mossgrove elaborated on the issue, confirming this fact.

Council Member Frankie Burnett

Committee Against Assaults on Police Officers
Council Member Burnett indicated he had attended their banquet and it was a nice affair.

Fire Chief Daugherty's Retirement Ceremony
He also had attended the ceremony for Chief Daugherty's retirement. He also indicated he is in favor of the promotion of Acting Chief Mossgrove to Fire Chief.

City Clerk Karen M. Phillips

School Board/County/City Meeting
City Clerk Phillips reminded Council of the meeting, which will be held on June 20th at 2:00 p.m. The School Board is producing the Agenda, which will be distributed as soon as it is received.

Community Director Geiger offered that a big part of the meeting would be about the interlocal agreement dealing with school concurrency and the growth management legislation associated with it.

American Legion Poppy Program
City Clerk Phillips presented a Certificate of Appreciation received from the American Legion for the Proclamation they received from the City.

FCCMA
She also presented an award from the Florida City County Managers Association for the City of Brooksville's participation in the 2005 Hurricane Season.

SLM Cleveland Insco Award
City Clerk Phillips indicated she had received a phone call from Hope Potter asking for further information backing up an award of the Cleveland Insco Award from the Suncoast League of Municipalities to the Elected Official of the Year to be presented at the installation of officers meeting. The award recognizes and honors an elected or appointed official from a member city who has made an outstanding contribution to his/her city and helped promote and advance the ideas and goals of the Suncoast League to be presented to Council Member Ernie Wever.

City Manager Richard Anderson

Hurricane Expo
He reminded all of the Hurricane Expo at Weeki Wachee from 9:00 a.m. - 2:00 p.m.

Mayor Joseph E. Johnston, III

Fine Arts Festival
Mayor Johnston commended Parks & Recreation Director Mike Walker and staff for the great job setting up everything.

Procurement Procedure for State & Federal Government Surplus
He also noted that the current State and Federal procedure for acquiring surplus equipment has changed and proposed a policy be prepared for consent to authorize staff members to get on the list for surplus purchases without having to come to Council first.

Police & Fire Response
Vice Mayor Pugh wanted to thank the Fire and Police Departments for responding to the call for his father, David Pugh, Sr. the previous week, noting that he is doing well.

REGULAR CITY COUNCIL MINUTES - JUNE 5, 2006

CITIZENS INPUT

Acting Fire Chief Mossgrove
He addressed Council to thank everyone for their support in referring him for the position of Fire Chief and gave a brief review of his experience for the position, noting today as being his 20th anniversary with the department.

Paul Boston - Just Us News

In House Hiring
He stated his opinion on hiring from within and giving extra training if needed.

Get Out the Vote House
Mr. Boston referenced a situation with a water bill from 2003/2004 that he would like investigated for this year's program.

Summer Job Program
He also requested Council consider a summer job program for high school kids beginning next year.

Elections
Mr. Boston referenced the need to get the issue out to attract qualified people for the upcoming Council election.

South Brooksville Infrastructure Plan
He stated a lot of people are upset and confused about this plan and the need to re-approach people concerning this, recommending working together for public awareness.

Mayor Johnston stressed that eminent domain and adversion were not part of the plan and explained that there would have to be agreement and participation by all involved to make it work.

H. ADJOURNMENT

There being no further business the meeting adjourned at 9:00 p.m.

Attest: _____ Mayor

_____ City Clerk

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AGENDA ITEM NO. C-1
7/17/06

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

June 19, 2006 7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor David Pugh, Council Members Frankie Burnett, Mary A. Staib and E.E. "Ernie" Wever, Jr. Also present was David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, 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; Rick Hankins, Brooksville Police Dept., and Acting Fire Chief Tim Mossgrove. Members of the Hernando Times and Hernando Today were also present.

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

CONSENT AGENDA

Minutes
June 5, 2006 - Regular Meeting

Code Enforcement Hearing Officer Contract
Authorization to contract with Attorney William Eppley to hear code enforcement cases and appeals of code violation citations, at $200 per hour. Funding will be transferred from Reserve Contingencies as necessary.

Policy No. 4-2004A - Equal Employment Opportunity (EEO) Plan Update
Approval of scheduled plan statistical update.

Professional Engineering Services Agreement - Northwest Wellfield
Approval of agreement with Leggette, Brashears & Graham, Inc. for technical assistance on the Northwest Wellfield Production Well & Aquifer Test Program Phase I for an amount not to exceed $20,000; funding available in Water & Wastewater CIP Account No. 401-000-169-19049.

Fee Waivers - Jerome Brown Community Center (JBCC)
Consideration of fee and insurance waivers for use of the JBCC for (a) Big Brothers/Big Sisters on June 24, 2006 for their annual "Play Day" for current participants and their families in the total amount of $596.83 (b) Daughters of the American Revolution (DAR) on October 21, 2006 for a public lineage-research Genealogy Workshop (Founder's Week Program) in the total amount of $427.93; and © Hernando County Alcoholics Anonymous on November 18, 2006 for their annual Gratitude Dinner in the total amount of $761.83.

Property Appraiser Lease Agreement
Approval of five year term renewal amendment with the Board of County Commissioners through September 30, 2011 for the 3rd floor of City Hall at the CPI adjusted monthly lease rate of $4,768.43. [Note: Lease still provides for one additional and negotiable five year term renewal option.]

APPROVED BY BROOKSVILLE CITY COUNCIL
ON 7-17-06 INITIALS JRD

Sludge Hauling Services

Authorization to contract with current vendor, Appalachian Material Services, Inc., at $0.0498/gallon for a one year term not to exceed $63,495; funding available in Wastewater Other Contractual Services Account No. 401-027-536-53400.

Impact and Connection Fee Schedule

Consideration of requesting consulting proposals to review, and if appropriate, recommend revisions to the City's Impact and Connection Fee Structure.

Retention Area Maintenance - Reimbursement Request *MOVED TO REGULAR AGENDA*

Approval of reimbursement request from Candlelight homeowners in the amount of $400 for maintenance of retention area on property located behind 1271 Candlelight Blvd.

Brooksville Housing Authority (BHA) *MOVED TO REGULAR AGENDA*

a) Police Officer Duty
Authorization of agreement with BHA to assign a Police Officer to Housing Authority property with cost to be reimbursed.
[Approved for Negotiation with BHA 04/03/06]

b) Easement
Authorization to enter into an Agreement for Grant of Easement with BHA, which also provides for the waiver of the BHA $500 2005/06 payment for Accumulated PILOT payment (remaining balance $4000).
[Tabled from 05/01/06 Agenda for further research & negotiation]

Council Member Staib asked about the ending time of 9:00 p.m. for the Hernando County Alcoholics Anonymous® activity at JBCC and inquired as to whether an officer would be there. Parks and Recreation Director Mike Walker responded that a police officer is only required for activities in which alcohol will be served.

She also requested that the item on Retention Area Maintenance be moved to the regular agenda for discussion, which was also requested by Vice Mayor Pugh.

Council Member Burnett had a question in reference to the EEO Policy as to whether there is a plan in place for minority recruiting to which Ron Baker responded that the employment search process had been broadened to include the local high schools and the NAACP as well as churches and that any recommendations are welcomed. He also requested a copy of the plan for review.

Vice Mayor Pugh asked how the Property Appraisers lease agreement fit in with the City's need for more offices. City Manager Anderson offered that there is a provision in the agreement for termination.

Mayor Johnston asked what the purpose of the request for consultation on the City's Impact and Connection Fee Schedule was, how much it would cost, and what is the anticipated outcome. City Manager Anderson advised that the existing plan has not been updated in a while and City Attorney LaCroix added that the recommendations would be basically what could be charged. Council Member Wever added that the School Board had done the study and offered that the information the City needs might be acquired from their study.

Referencing the Housing Authority items, Mayor Johnston indicated that both require approval by the Housing Authority, which City Clerk Phillips confirmed was already given, and clarified the process.

Vice Mayor Pugh asked for clarification of the easement being sought. Director of Public Works Emory Pierce indicated the purpose being to provide sewer to that parcel. Vice Mayor Pugh felt his employment with the company working on the project design presented a conflict of interest and requested the item be moved to the regular agenda for discussion.

Motion:
Council Member Burnett moved for approval of the Consent Agenda without items C9 and C10, which were moved to the regular agenda; seconded by Council Member Staib. Motion carried 5-0.

Council Member Wever requested item E2 Vehicle Replacement Fund Policy be removed from the agenda and added to the next agenda for discussion.

REGULAR AGENDA

Resolution No. 2006-15 - Jean Martineau

Consideration of Resolution honoring Jean Martineau who will retire from the Utilities Division of the Department of Public Works June 30, 2006 with over 22 years of service.

City Clerk Phillips read the resolution in its entirety, which will be presented to Mr. Martineau at his official retirement ceremony on Thursday, June 29 at 1:00 p.m. at DPW.

Motion:
Council Member Wever moved to approve; seconded by Council Member Burnett. Motion carried 5-0 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Resolution No. 2006-16 - Roy Warner

Consideration of Resolution honoring Roy Warner who will retire from the Sanitation Division of the Department of Public Works July 5, 2006 with over 22 years of service.

City Clerk Phillips read the resolution in its entirety, which will be presented to Mr. Warner at his official retirement ceremony on Thursday, June 29 at 1:00 p.m. at DPW.

Motion:
Council Member Wever moved to approve; seconded by Council Member Staib. Motion carried 5-0 upon roll call vote as follows:

Council Member Staib	Aye
Council Member Wever	Aye
Council Member Burnett	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Resolution No. 2006-17 - Utility Easement Condemnation

Consideration of a Resolution authorizing acquisition by eminent domain of three parcels of land for easements necessary to facilitate the construction of utility lines along Wiscon & Mobley Roads. Costs for condemnation and subsequent construction of utility lines to be paid by LandMar Developers, subject to appropriate impact fee credits.

City Attorney LaCroix elaborated on the reasons for and process of acquiring these easements, which are for the extension of wastewater and reuse water lines down Wiscon and Mobley Roads and pointed out that one parcel had been removed and a new resolution had been presented to Council. He also indicated that once the surveys and appraisals are done they will be presented to Council as well. He clarified for Council that these are for an additional 10 feet beyond the normal 20 foot utility easements.

City Clerk Phillips read Resolution No. 2006-17 by headnote as follows:

> A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, AUTHORIZING THE ACQUISITION, BY EMINENT DOMAIN, AND IN ADVANCE OF FINAL JUDGMENT, OF EASEMENTS OVER AND ACROSS LANDS LOCATED IN HERNANDO COUNTY, FLORIDA, WHICH ARE NECESSARY FORE THE CONSTRUCTION OF PUBLIC WATER AND SEWER UTILITIES; ADOPTING A GOOD FAITH ESTIMATE OF VALUE FOR SAID PROPERTIES; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Pugh asked if the negotiations with the property owners had failed. Attorney LaCroix explained that Landmar had tried to negotiate with the property owners and had failed and that the first thing to be done is to send the property owner a negotiation letter stating the appraised value and advising them of their rights under the condemnation statutes, giving them 30 days to respond before a suit can be filed and notifying them of the availability of the appraisal report and survey information. Mayor Johnston requested a list of the property owners.

Motion:
Council Member Staib moved for approval; seconded by Council Member Burnett. Motion carried 5-0 upon roll call vote as follows:

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Solid Waste Collection Rate Study

Presentation of Solid Waste Collection Operations and Financial System Analysis and proposed rate of adjustments by Consultant, SCS Engineers.

Director of Public Works Emory Pierce gave an overview of the study and the costs associated with the Sanitation Department. Marc Rogoff, a representative from SCS Engineers gave a presentation in which the City's services were compared with surrounding cities. Suggested changes were covered and copies of the presentation were distributed.

Vice Mayor Pugh asked for clarification of the projected costs and differences in the kinds of truck and the costs associated with each. Director Pierce explained the differences and his recommendation of option 3, which was discussed in detail, as well as concerns of the constant raising of rates.

Motion:
Council Member Wever moved for approval of staff to compile recommendations; seconded by Council Member Burnett. Motion carried 4-1.

Pay Plan Study
Consideration of proposed compensation and classification plan.

The costs associated with implementation of the plan, with respect to this year's budget and next year's budget was presented to Council and discussed in detail.

Director of Human Resources Ron Baker indicated that The Mercer Group is in the process of completing the study comparisons of the 4-5 positions they were not included in the beginning, which will have minimum effect on this year's budget. City Manager Anderson explained that these positions are on hold pending information from The Mercer Group.

Vice Mayor Pugh asked for clarification again as to how the proposed pay increases would be funded, which led to a detailed discussion of expenditure projections for the 2006-07 Fiscal Year Budget.

City Manager Anderson indicated anticipated revenue increases would fund the pay raises and offer different alternatives for using the increased revenue. Mayor Johnston recommended implementing the pay plan be the priority for the next budget.

Council Member Burnett asked for Finance Director Baumgartner's opinion on which plan would be better for the City. Finance Director Baumgartner declined to pick one because both The Mercer Plan and the City Manager's proposed adjustments involves his salary. Mayor Johnston pointed out that there is only an $8,000 difference between the two.

Motion:
Vice Mayor Pugh moved for approval of the Mercer Groups's proposal; seconded by Council Member Burnett. Motion carried 5-0.

Discussion followed as to when to implement the proposed increases. Referencing Exhibit IV, City Manager Anderson pointed out that making the plan effective June 22, 2006, those employees who have not had their anniversary increase would get an additional 5%.

Mayor Johnston inquired if the 5% anniversary increase could become effective October 1, to which Jim Delach, Assistant Finance Director indicated it could.

City Manager recommended continuing the current longevity schedule through October 1 so that personnel who have earned an increase will still get the adjustment (including those eligible for an .08% increase), with everyone getting the 5% increase during the next fiscal year beginning October 1.

Motion:
Vice Mayor Pugh moved for approval of the Mercer Groups's proposal; seconded by Council Member Burnett. Motion carried 5-0.

2006-07 Fiscal Year Budget

Review of preliminary revenue projections and proposed millage rates.

Additional discussion of the proposed budget in regards to reserves followed.

Council Member Wever offered that the ratio of reserve funds is for covering future expenditures during the next fiscal year and referenced a memo from SunTrust, which states that two months of operating expenditure should be 16.7%.

Director of Finance Steve Baumgartner pointed out that quite a bit of the reserves are in the general fund special revenues and urged Council not to lose sight of the fact that the City does have funds that could be used if necessary.

Council Member Wever inquired if the 7.5 milage rate would continue to be used. Vice Mayor Pugh indicated he would like to see it come down. Mayor Johnston concurred but reiterated that the department's budgets needed to be examined first to determine if there is room for reduction which would allow the rate to be reduced.

Retention Area Maintenance - Reimbursement Request *MOVED FROM CONSENT AGENDA*

Approval of reimbursement request from Candlelight homeowners in the amount of $400 for maintenance of retention area on property located behind 1271 Candlelight Blvd.

Director Pierce gave an overview of the subject in reference to residents concern of the overgrowth and their request for reimbursement and whether the City should be responsible for maintenance of retention areas. Discussion followed and it was concluded that the City's responsibility is limited to proper drainage/retention and cleanup of trash in the areas and that no reimbursement would be forthcoming.

Brooksville Housing Authority (BHA)

a) Police Officer Duty
Authorization of agreement with BHA to assign a Police Officer to Housing Authority property with cost to be reimbursed.
[Approved for Negotiation with BHA 04/03/06]

b) Easement
Authorization to enter into an Agreement for Grant of Easement with BHA, which also provides for the waiver of the BHA $500 2005/06 payment for Accumulated PILOT payment (remaining balance $4000).
[Tabled from 05/01/06 Agenda for further research & negotiation]

City Clerk Phillips reiterated that she was in possession of the signed agreements from the Housing Authority with the exception of the one for the Agreement for Grant of Easement needs to be modified to change the statement #4 to be more descriptive of the accumulated past pilot payments.

City Manager Anderson added that it would be the previous accumulated pilot payment for FY2005/06.

Mayor Johnston questioned the commencement date of the agreement for the police officer. Officer Rick Hankins clarified that an experienced officer would be assigned and a new officer would be hired to replace that one.

City Manager Anderson added that an effective date will be filled in once the agreement negotiations are finalized and that the $52,000 includes benefits.

Motion:
Council Member Burnett moved for approval of the BHA Police Officer Duty; seconded by Council Member Staib. Motion carried 5-0.

Motion:
Council Member Burnett moved for approval of the BHA Agreement for Grant of Easement; seconded by Council Member Staib. Motion carried 4-0. Vice Mayor Pugh abstained from voting due to a conflict of interest with his current employment and the relationship to this agreement. [Form 8B attached hereto]

ITEMS BY COUNCIL MEMBERS

Council Member E.E. "Ernie" Wever, Jr.

Vehicle Replacement Fund Policy *REMOVED FROM AGENDA BY COUNCIL MEMBER WEVER*

Condominium Project by Hospital

Council Member Wever indicated he will be meeting with one of the parties to the development to try to get the easement for the utility line and the possibility of putting a crossover interconnect line for the hospital on their property.

He suggested that while Landmar is working on the easements for sewer and reuse lines for Wiscon to Mobley staff also include the cost to install a water main at the same time, from Lowe's to Mobley. Director Pierce indicated it would be added into the Capital Plan for 2006/07 and he would bring back to Council a scope of work from Coastal Engineering for the design and permitting.

Joint Meeting
Council Member Wever indicated he would be attending the meeting but would need to leave by 3:30.

Sasser Annexation

In response to Council Member Wever's question concerning the annexation of the Sasser property, Director Geiger indicated Mr. Sasser had acknowledged that he will be bringing some of his property to the City for annexation. Discussion of the properties surrounding Mr. Sasser's property ensued.

Vice Mayor Pugh

Utility Tax
Vice Mayor Pugh requested this item be on the next agenda for quarterly review.

Council Member Burnett

Joint Meeting
Council Member Burnett indicated he would also be attending the meeting but would be leaving the meeting by 2:30.

REGULAR CITY COUNCIL MINUTES - JUNE 5, 2006

Mayor Joseph E. Johnston, III

a) 2006 Council Meeting Schedule
Consideration of Cancellation of July 3, 2006 Meeting.

Mayor Johnston asked for Council input on the cancellation of the July 3, 2006 meeting.

Motion:
Council Member Burnett moved for approval; seconded by Council Member Staib. Motion carried 5-0.

b) South Brooksville Housing Rehabilitation Project

Mayor Johnston asked for any interest by Council and to proceed with the prospect if Council feels it is of interest to proceed.

Council Member indicated Cobb Road as his preference for Industrial Development. Mayor Johnston noted that the main purpose of the project is housing rehabilitation.

Council Member Burnett indicated the issue had not been well received by residents of the area. He made reference to the proposal distributed earlier.

Mayor Johnston reiterated that the proposal was to get grants for revitalization and clarified that the plan is to swap residents a new home for their current homes and reminded all that the plan is still in its infancy.

Mayor Johnston made reference to two articles he felt were relevant to the South Brooksville Rehabilitation Project concerning trends in affordable housing and form-based codes.

CITIZENS INPUT

Pay Plan
Diane Freeman stated that she appreciated the action taken by Council on the pay plan and recommended a committee to specifically deal with the subject in the future.

ADJOURNMENT

The meeting adjourned at 9:40

Attest: _____
Mayor

Karen M. Phillips (by) _____
City Clerk
Deputy City Clerk

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

LAST NAME—FIRST NAME—MIDDLE NAME PUGH DAVID COLON	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CITY OF BROOKSVILLE
MAILING ADDRESS 815 KEELING ST.	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY BROOKSVILLE FL 34601 COUNTY HERNANDO	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED JUNE 9th 2006	MY POSITION IS: ☒ ELECTIVE ☐ 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, DAVID PUGH, hereby disclose that on JUNE 19th, 20 06.

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

___ inured to my special private gain or loss;

X 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 _____, 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:

APPROVAL OF ~~GR~~ GAINING AN EASMENT FOR MONETARY CONTRIBUTION THAT WOULD ALLOW MY CLIENT TO GAIN APPROVAL FOR CONSTRUCTION.

6/23/06
Date Filed

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.

AGENDA ITEM NO. C-1
8/7/06

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

July 17, 2006 7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor David Pugh, Council Members Frankie Burnett, Mary A. Staib and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, 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; Boyce E. Tincher, Brooksville Police Dept.; Acting Fire Chief Tim Mossgrove, Brooksville Fire Dept. Members of the Hernando Times were also present.

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

City Clerk Karen Phillips informed all that Ed Serrano is back in town from his deployment to Iraq.

The City Attorney requested that the memo from the Hernando County Tax Collector concerning the refund of Ad Valorem Taxes for Tangerine Cove be added to the regular agenda as item E-9.

Motion:
Council Member Wever moved for approval with items; seconded by Council Member Burnett. Motion carried 5-0.

CONSENT AGENDA

Minutes

June 19, 2006 - Regular Meeting
June 20, 2006 - School Board - Joint TWICE Meeting Notes

"Radio Read" Utility Meter Installation - Bid No. UD2006-08
Rejection of single bid and authorize readvertisement.

Demolition of Dangerous Building
Authorization to demolish and remove the remaining debris of a vacant fire-danger building located at 141 ACL Street.

City Attorney Contract - Amendment
Authorization of $185 hourly litigation rate for work being reimbursed by non-governmental entities.

Mobile Communication Unit - Equipment and Materials **(Moved to Regular Agenda)**
Authorization to purchase equipment and supplies for renovating Bus (BERT Unit I) at a total estimated cost of $25,000. Funds available in the Storm Readiness (Fund 124).

APPROVED BY BROOKSVILLE CITY COUNCIL
ON 8/7/06 INITIALS JAP

Travel Policy - Reimbursement Schedule
Approval of amendment adopting statutory revisions to reimbursement schedule.

Community Redevelopment Agency (CRA) Management Fees
Authorization for 50% credit for 2005-06

Water Billing - Irrigation
Accumulated water bills for US-41 landscaping totaling $5,710.60 and transfer of $9,100 (includes outstanding balance, previous payments and balance for rest of year) from Contingency Fund to Public Works Street Division Account # 001-019-541-54303.

Mobile Data Collection Terminals with GPS **(Moved to Regular Agenda)**
Acceptance of Emergency Management Preparedness & Assistance (EMPA) Competitive Grant submitted for Emergency Equipment to purchase five hand-held terminals and software to be used by BERT. Match available funds in Storm Readiness (Fund 124).

Patrol Vehicle Audio/Video Devices **(Moved to Regular Agenda)**
Authorization to purchase 17 complete units at $4,750 each for a cost not to exceed $73,000, which will come from the Law Enforcement Impact Fee Account #112-013-521-55500.

Council Member Wever requested item C-10 be moved to the regular agenda for discussion.

He also asked whether the dangerous building, item C-3, could be burned and the new fire truck be used. Acting Fire Chief Mossgrove elaborated on the problems with the burning of abandoned building, stating that there is a new Live Fire Training Law in the State of Florida, which makes the live fire training of abandoned structures cost prohibitive.

Vice Mayor Pugh requested Items C-5&9 be postponed until after the budget hearings. It was decided to move them to the regular agenda for further discussion.

Motion:
Vice Mayor Pugh moved for approval of the Consent Agenda with items C-5, 9 & 10 being moved to the regular agenda; seconded by Council Member Staib. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Jerome Brown Community Center Donation
Acceptance of books and miscellaneous educational items from the Early Learning Coalition of Pasco and Hernando Counties, Inc.

Lenore Zulauf of The Early Learning Coalition of Pasco and Hernando Counties addressed Council informing them that with left over money they had purchased items for the Jerome Brown Community Center as part of their thank you to the community.

Mayor Johnston thanked her for their donation.

Motion:
Council Member Burnett moved for acceptance of items; seconded by Council Member Staib. Motion carried 5-0.

Jerome Brown Community Center - Fee Waiver Request - Hernando County Drug Coalition

Consideration of waiving $260 (and $200 deposit requirement) fees for youth group dance on August 19, 2006.

Tresa Watson of the Hernando County Drug Coalition addressed Council requesting the waiver of the fees associated with their second youth dance noting that they are strictly grant funded.

Motion:
Council Member Burnett moved for approval with items; seconded by Council Member Staib. Motion carried 5-0.

Regular Agenda

Mobile Communication Unit - Equipment and Materials **(Item C-5 from Consent Agenda)**

Authorization to purchase equipment and supplies for renovating Bus (BERT Unit I) at a total estimated cost of $25,000. Funds available in the Storm Readiness (Fund 124).

Vice Mayor Pugh requested a discussion of the item and it's impact on the budget, requesting that approval be postponed.

Council Member Burnett offered that since the funds are in the Storm Readiness Fund it should be used for purposes related to the fund, which he felt this item does. Council Member Staib concurred.

Chief Tincher indicated that they did not receive grant funding to rehab BERT and that the funds paid by Jackson County from the sale of the original BERT Bus is what would be used.

City Manager reiterated that those funds had been deposited into the Storm Readiness fund for that purpose, with Council Member Wever indicating it had been agreed upon that those funds would be used for the replacement of BERT.

Motion:
Council Member Staib moved for approval; seconded by Council Member Burnett. Motion carried 4-1, with Vice Mayor Pugh voting in opposition.

Mobile Data Collection Terminals with GPS **(Item C-9 from Consent Agenda)**

Acceptance of Emergency Management Preparedness & Assistance (EMPA) Competitive Grant submitted for Emergency Equipment to purchase five hand-held terminals and software to be used by BERT. Match available funds in Storm Readiness (Fund 124).

Chief Tincher gave an overview of the purpose of the terminals and their usefulness, stating that the funds from the grant would need to be returned if not approved for acceptance by Council.

Vice Mayor Pugh relayed that budgetary constraints are a concern and that he is concerned with spending money outside the budget for things when the millage rate cannot be lowered. He also made reference to leased vehicles about which a discussion followed.

Mayor Johnston asked for the history of the prices of the GPS terminals and if they had gotten cheaper since inception. Chief Tincher indicated they had not.

Council Member Wever commented that he assumed the money from the sale of BERT I to Jackson County was almost used up. Chief Tincher indicated it was not, that the funds had been around $75,000, of which some had been used to purchase the generators.

Motion:
Council Member Burnett moved for approval with items; seconded by Council Member Staib. Motion carried 3-2, with Mayor Johnston and Vice Mayor Pugh voting in opposition.

Patrol Vehicle Audio/Video Devices **(Item C-10 from the Consent Agenda)**

Authorization to purchase 17 complete units at $4,750 each for a cost not to exceed $73,000, which will come from the Law Enforcement Impact Fee Account #112-013-521-55500.

Chief Tincher gave a presentation of the use of the Cameras, which showed actual footage of pursuits and how the devices would be used. He indicated that the recorded information cannot be changed by the officer.

Council Member Wever asked if impact fees could be used for this. Finance Director Baumgartner indicated that, according to the County Finance Dept., as long as the equipment has over a 3-year life it could be bought with impact fee money.

City Attorney LaCroix asked about the validity of recording people unknowingly and asked for compliance information, which later he found the answer to in the statutes, which say it is lawful to record an incident in which the attending officer is involved.

Council Member Wever also indicated he was concerned with spending this much money from impact fees when Fire and Police Substation would be needed in a few years.

Vice Mayor Pugh indicated he had misgivings about the amount being requested, and if it would be possible to limit the purchase considering the fund would be virtually wiped out with this purchase and wanted to know how long it would take to replenish the impact fee fund. Chief Tincher indicated he wanted all marked patrol vehicles to have them. Baumgartner indicated the fund grows at about $99 per new single family home built.

Chief Tincher explained the recording process of the devices.

Mayor Johnston indicated there should be an SOP in place for the use of the devices and recommended contacting other cities for theirs.

Motion:
Vice Mayor Pugh motioned for the purchase of four units, which died for lack of a second. Council Member Burnett moved for approval as requested; seconded by Council Member Staib. Motion carried 4-1, with Vice Mayor Pugh voting in opposition.

Ordinance No. 720 - Annexation

Consideration of annexation of approximately ± 5.73 acres located on the north side of Cortez Blvd. west Hale Avenue.

Mayor Johnston indicated a conflict of interest since his office is closing the transaction and abstained from voting. [Form 8B Attached]

Director Geiger reviewed the recommended voluntary annexation of the property of Wesley R. Harris, Sr., which meets all the requirements of Section 171.044 of the Florida Statues for voluntary annexation.

He indicated that the Planning & Zoning Commission concurred with the staff recommendation, subject to the following conditions:

1. If development occurs on this parcel prior to the City adopting a Comprehensive Plan Amendment assigning a land use designation to this property, and zoning the property consistent with the land use designation, then said development would be required to comply with Hernando County land use and zoning regulations and be consistent with City of Brooksville performance standards.

2. Annexation shall include the integration of all of the right-of-way lying directly adjacent to the annexed property.

City Clerk Karen Phillips read Ordinance No. 720 by headnote only, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE.

Michael McKenna, who lives at 1084 Hale Avenue, indicated he is against annexation of the property because of conflicts between the County and the City concerning emergency services and asked if the City is going to maintain that part of Hale Avenue.

Vice Mayor Pugh asked if the City has a joint service agreement with the County which Mayor Johnston indicated we do for mutual aid.

Acting Fire Chief Mossgrove clarified that if 911 is dialed the situation will be resolved indicating if a call is in the City or the County. He also indicated that a call for help to the Fire Department will be responded to regardless of the city/county situation.

Carl Robins indicated he lives on Hale and asked about the City boundaries, noting that he is against the annexation. Mayor Johnston explained that the City boundary is determined by the method in which annexations occur, indicating a property has to have at least one side attached to an already annexed property and that for the most part property owners ask to be annexed into the City.

Leveda Sheldorf of 1025 Mildred has the same concerns and asked how being annexed into the City is beneficial. Mayor Johnston explained the convenience of Fire and Police protection. Discussion followed of the pluses of being in the city limits.

Mossgrove again reiterated fire and rescue service average response time being 2.01 to 3.18 minutes with response time in county averaging 8-15 minutes.

Motion:
Council Member Wever moved to approve first reading; seconded by Council Member Burnett. Motion carried 4-0 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	ABS

City Clerk Phillips indicated the 2nd and final reading will be August 7, 2006.

Ordinance No. 721 - Sanitation Rate Adjustment

Consideration of approval of Ordinance for solid waste rate adjustment.

City Manager Anderson indicated the actual adjustment will occur in the form of a resolution which will be presented during the adoption of the Ordinance on 2nd reading. The Ordinance establishes the procedures and parameters for the rate adjustment. Mayor Johnston noted the Ordinance changes the manner in which commercial rates are set with the actual rate structure being approved once the Ordinance passes the 2nd reading.

Vice Mayor Pugh asked for clarification of the boom truck service increase, which Director Pierce explained would be for larger pickups.

City Clerk Karen Phillips read Ordinance No. 721 by headnote only (to be corrected), as follows:

> **AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA AMENDING ARTICLE II, CHAPTER 7, GARBAGE, REFUSE AND LAND CLEARING; PROVIDING FOR MINIMUM RATES; PROVIDING FOR THE DELETION OF HIGH AND LOW COMPACTION RATES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

Motion:
Council Member Burnett moved to approve first reading with changes indicated; seconded by Council Member Staib.

Upon request by Mayor Johnston for anyone wishing to speak on the Ordinance, Roxanne Hicks indicated she has contacted the City concerning garbage being left in the cans and service with no response from the City and showed Council a picture of the problem. She requested Council consider contracting the services with the county provider to lower the costs to citizens.

Mayor Johnston indicated the second and final reading will be on August 7, 2006. Motion carried 4-1 upon roll call vote as follows:

Council Member Staib	Aye
Council Member Wever	Aye
Council Member Burnett	Aye
Vice Mayor Pugh	Nay
Mayor Johnston	Aye

Resolution No. 2006-18 - Inspection and Administration Fee Schedules Amendment

Consideration of a Resolution amending the permit, inspection and administration fee schedules previously adopted by Ordinance No. 530-C and Resolution 99-06 for the Building and Land Development Code of the City of Brooksville.

Director Geiger reviewed the resolution.

City Clerk Phillips read Resolution No. 2006-18 by headnote as follows:

> **A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE PERMIT, INSPECTION AND ADMINISTRATIVE FEE SCHEDULES PREVIOUSLY ADOPTED BY ORDINANCE NO. 530-C FOR THE BUILDING AND LAND DEVELOPMENT CODE OF THE CITY OF BROOKSVILLE. (Removing page 1 of Exhibit A and page numbers modified accordingly.)**

Motion:
Council Member Staib moved for approval; seconded by Council Member Burnett.

Mayor Johnston asked for clarification of changing the ordinance requirements by resolution, to which verified that the ordinance provided for rates to be set by resolution and the prior rates were set by resolution.

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

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Resolution No. 2006-20 - Providence Blvd. Frontage Road Connection
Consideration of resolution authorizing the acquisition of four parcels, by condemnation if necessary, for the frontage road.

City Attorney LaCroix explained the purpose of the acquisitions and the values.

Director Geiger indicated the owners had not been contacted pending acquisition of the appraisals and legal descriptions of the properties. City Attorney LaCroix added that letters will be sent to the owners advising them of the appraisals, what is needed and if they will accept the price offered. Discussion followed concerning what can be negotiated and if negotiations can be made as well as details about each parcel.

Council Member Wever asked about changing "easements" to "property" on page 5 and if any comparisons have been made in the prices versus per acre prices, which Attorney LaCroix explained severance damage rules.

City Clerk Phillips read Resolution No. 2006-20 by headnote as follows:

> **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, AUTHORIZING THE ACQUISITION, BY EMINENT DOMAIN, AND IN ADVANCE OF FINAL JUDGMENT, OF LANDS LOCATED IN HERNANDO COUNTY, FLORIDA, WHICH ARE NECESSARY FOR THE CONSTRUCTION OF A FRONTAGE ROAD; ADOPTING A GOOD FAITH ESTIMATE OF VALUE FOR SAID PROPERTIES; AND PROVIDING AN EFFECTIVE DATE.**

Motion:
Council Member Staib moved for approval; seconded by Council Member Wever with change to be made on page 5. Motion carried 4-1 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Nay
Mayor Johnston	Aye

Tentative Millage Rate

Announce roll-back rate of 4.5408 mills ($5.54 per $1,000 of taxable value), and set Tentative Millage Rate for 2006-2007 Fiscal Year.

Steve Baumgartner, Director of Finance reviewed the proposed millage rate roll-back plan indicating the current value based on 5.5408 mills and noted that the trim notice needs to reflect a rate. He recommended setting it high to provide room to reduce if necessary.

Mayor Johnston recommended setting the trim notice at 8.0. Vice Mayor Pugh recommended setting it at 7.5. Council Members Staib & Wever wanted a detailed study of the budget before making a recommendation. Vice Mayor Pugh pointed out that, historically, the rate has always gone down after a study of the budget.

Motion:
Council Member Staib moved for approval of millage rate with the trim notice at 8.0; seconded by Council Member Burnett. Motion carried 4-1, with Vice Mayor Pugh voting in opposition.

New (NW) Wellfield Award of Bid No. UD2006-09

Recommendation to award bid to Grosch Irrigation at unit prices for total estimated cost of $476,225.

Director Pierce gave a review of the bids received, indicating they were $150,000 higher than anticipated. He indicated that Jaffer Associates, the lowest bidder, has a mobilization charge of $105,000, therefore he requested Council approve the award of the Production Well work to Grosch Irrigation in the amount of $284,725 with a 10% contingency in the amount of $28,472 for extras or additional work items associated with the testing of the well or the aquifer for a maximum total of $313,197. He confirmed to Council that the additional work estimates would not be needed.

Director Pierce also noted that $50,000 of the overall amount should be refunded through the Withlacoochee Regional Water Supply Authority grant. He will compose a letter requesting the deadlines be extended from September 30 to December 31 to be submitted via Council Member Wever.

Motion:
Council Member Wever moved for approval; seconded by Council Member Staib. Motion carried 5-0.

Personnel Rules Proposed Revisions

a) Section 3.00 (b) - Increasing time for employees to apply for a vacant position from 5 to 10 days.

City Manager Anderson reviewed the changes recommended by the Personnel Advisory Board.

Council Member Wever indicated his request was to reflect 10 business days and to remove the last sentence of the paragraph because it is dealt with in another section. City Manager Anderson stated that the only thing being voted on was what was approved by the Personnel board, which changed the number of days allowed for an employee to apply for an open position.

Council Member Burnett noted that all departments were not represented. City Clerk Phillips explained the process. He felt each individual department should have a representative.

Ron Baker, Director of Human Resources, indicated the number of people needed to represent each division would be cumbersome.

City Attorney LaCroix indicated the issue could be included in the next meeting to change.

Council Member Wever submitted a memo requesting the additional issues be put on the ~~October~~ August 7, 2006 Agenda for discussion.

Corrected 08/16/06

Motion:
Council Member Staib moved for approval of the change to Sec. 3.00 (b) as amended to state "business" days; seconded by Council Member Burnett. Motion carried 5-0.

b) Section 1.07 - Requiring employees to notify supervisor if charged with criminal offense.

City Manager Anderson recommended adding to the verbage after supervisor "as soon as possible before the next shift."

Council Member Burnett indicated the School Board has a policy in place. Chief Tincher said there is a statue that requires law enforcement to notify the school board of infractions of employees.

Motion:
Vice Mayor Pugh moved for approval of change to Section 1.07; seconded by Council Member Burnett. Motion carried 5-0

Council Member Wever requested that both memos he submitted be passed on to the next agenda. After discussion, the consensus was to forward to the Personnel Board for consideration.

Hernando County Historical Commission Representative
Consideration of appointing City representative.

Mayor Johnston indicated that Frazier Mountain had withdrawn his request to be considered, which left Edward MacKenzie and Regina Martin. A brief discussion of the interested parties residency in the City of Brooksville followed resulting in a recommendation of appointment of Edward MacKenzie.

Motion:
Council Member Burnett moved for approval; seconded by Vice Mayor Pugh. Motion carried 5-0.

Refund of Ad Valorem Taxes - Tax Collector **(Item added to Agenda)**

Refund of Ad Valorem Tax Certificates for Tangerine Cove in the amount of $130,858.96.

City Attorney LaCroix reviewed the background of the item in respect to the Bankruptcy and the tax certificates. He recommended interest be paid back and the new property owners to be billed separately, to be paid out of general funds.

Motion:
Vice Mayor Pugh moved for payment; seconded by Council Member Burnett. Motion carried 5-0.

ITEMS BY COUNCIL MEMBERS

Council Member E.E. "Ernie" Wever, Jr.

Internal Service Vehicle Replacement Fund - Policy
Council Member Wever reviewed the policy pointing out that there is only cash in the fund, no vehicles. He also pointed out that it is part of the budget and that any changes made to the account have to be approved by Council. He presented council with a policy he drafted last year which he felt was better than the current one.

Steve Baumgartner, Director of Finance explained the process of the vehicles being purchased from internal service fund indicating it is depreciation.

He cited issues he felt was misuse of the internal service fund for purchase of vehicles.

Motion:
Council Member Wever motioned to adopt 2-2005 policy; there was no second. Motion denied.

Growth Management
Council Member Wever submitted a copy of Senate Bill 1194 passed in the current session of the Legislature and became law on June 14, 2006. He explained the bill in detail stating it adds to the annexation statutes.

He also recommended a special meeting to review the bill which will tentatively be set for Monday, July 31 to discuss.

City Property
Council Member Wever requested of City Clerk Karen Phillips a list of what needs to be turned in by him upon leaving Council.

Bronson Property Annexation
Council Member Wever indicated he has spoken with Tom Bronson about his proposed development. Mr. Bronson was interested in a project for the South side of Brooksville as well as Cobb Road for City expansion for industrial development.

Mr. Bronson also indicated he is interested in annexing property he currently owns.

Council Member Wever indicated he had heard on the news that Crystal River was starting a .02 tax on cigarettes and wondered if it was legal. City Attorney LaCroix indicated he was not aware of it.

Vice Mayor David Pugh

Public Service Tax - Status Report

Vice Mayor Pugh reviewed the issue and the item was discussed as to past decisions and current millage rates. He expressed concerned for low income and fixed income citizens relative to rising tax rates.

Council Member Mary A. Staib

JBCC Hood Suppression System
Council Member Staib questioned the suppression system and the headway made and the cost of the system.

Acting Fire Chief Mossgrove gave an update on the system at the Jerome Brown Community Center, indicating he had spoken with Haines City Fire Protection who is working with Amarex Extinguisher Co., a company which makes donations towards organizations such as JBCC. AFC Mossgrove has a call into them and has an idea of the cost being $7-8000.

Council Member Frankie Burnett

Benefits of City Residency
Council Member Burnett suggested the departments and Council get together to come up with specific answers as to the benefits of being a City resident.

Requests of Council
He also requested that packages presented to Council for consideration be complete with details and associated costs if required.

City Attorney David LaCroix

Landmar Condemnations
Attorney LaCroix indicated he has several condemnations pending which are for Landmar, who is paying all the costs associated with acquiring the properties as well as his fees and litigation costs. He noted that the City is the plaintiff/petitioner and that he has no authority from Council to negotiate costs or judgments. Attorney LaCroix asked council to schedule a closed door meeting to discuss settlement of the condemnations. He recommended having an executive session at the special meeting.

Personnel Board Reconciliations
Attorney LaCroix asked Council Member Wever for clarifications of his request to change the policy on promoting from within. He indicated that according to the changes Council Member Wever requested in his memo, which Human Resources would not run an advertisement if someone in-house is qualified, directly affects the verbage in the recent Council authorization to change verbage which would say that "when one or more in-house employees apply and are qualified, promotion shall be the priority in filling vacant positions."

With that said, if someone in-house is qualified and no advertisement is run, "promotion would be mandatory" instead of "promotion would be priority".

Attorney LaCroix asked for further clarification that what Council Member Wever intended was to say that if someone in-house is qualified, promotion will be from within and we will not advertize, therefore the verbage would read, "promotion

will be the method used in filling vacancies". Council Member Wever concurred and Attorney LaCroix will present verbage to the Personnel Board for consideration.

City Clerk Karen Phillips

City Clerk Phillips presented Council with a plaque from The Red Mule Runners Club in appreciation of their support of the 27th Annual Flatlanders Challenge.

CITIZENS INPUT

Pat Strickland

Landscaping on Hwy. 41 at Southern Hills

Pat Strickland who lives on 41 across from Southern Hills wanted to know who is handling the planting in the median there because one day they planted and the next everything was pulled up and orange tape put around site. She indicated that it looked like irrigation was going in.

Community Development Director Bill Geiger informed her that Southern Hills wanted to get landscaping done in the median but started before the okay from DOT was received so it had to be removed. He indicated the City is allowing Southern Hills to put in the landscaping and maintain it provided it is up to DOT standards.

Alison Jones

Ms. Jones thanked Vice Mayor Pugh for being conservative in considering the City's millage rate and trim.

ADJOURNMENT

The meeting adjourned at 10:15 p.m.

Attest: _____
Mayor

_____
City Clerk

G:\WP_WORK\ClerkOffice\MINUTES\2006\07-17-06 Regular Meeting.wpd

Ord # 720

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

LAST NAME—FIRST NAME—MIDDLE NAME Johnston III, Joseph E.	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City Council
MAILING ADDRESS P.O. Box 63	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY Brooksville COUNTY Hernando	NAME OF POLITICAL SUBDIVISION: City of Brooksville
DATE ON WHICH VOTE OCCURRED 7/17/06	MY POSITION IS: ☒ ELECTIVE ☐ 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, Joseph E. Johnston III, hereby disclose that on July 17, 20 06:

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

X 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 _____, 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:

Rezoning of real property on North side of Cortez Boulevard and Hale Avenue (Ordinance No. 720). The property owner has hired the firm for which I work (Johnston & Sasser, P.A.) to close the real estate sale, which is contingent upon the rezoning.

7/17/06
Date Filed

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.

AGENDA ITEM NO. C-1
8/7/06

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

July 28, 2006 5:15 P.M.

Brooksville City Council met in special session with Mayor Joseph E. Johnston, III, Vice Mayor David Pugh, Council Members Frankie Burnett, Mary A. Staib and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, Director of Administration; Janice L. Peters, Acting City Clerk; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Emory Pierce, Director of Public Works; Boyce E. Tincher, Chief of Police; Steve Baumgartner, Director of Finance. Members of the Hernando Times were also present.

The meeting was called to order by Mayor Johnston, followed by a moment of silence and the pledge.

CITY MANAGER

City Manager Employment Agreement

Consideration of rescinding employment agreement with Richard Anderson commencing September 1, 2006, to insure compliance with Florida Retirement System "Break in Service" Rules.

Mayor Johnston stated the purpose of the meeting was to comply with State's rules concerning City Manager Anderson's contract, which ends July 30, 2006. He indicated the agreement approved last November needed to be formally terminated and an acting City Manager be appointed so there would be no overlap in contracts.

Vice Mayor Pugh recalled that in November this had been questioned and he questioned why it was just now being taken care of. Mayor Johnston indicated the City Manager had just received an e-mail from the State indicating there may be problems with the prior process.

City Attorney LaCroix indicated the issue had been covered in November but information had been given since then to indicate proper procedure was not being followed. City Manager Anderson indicated he had received a letter indicating the formal break in service for one month was needed before returning to work for the City, thereby suspending his retirement benefits.

City Attorney LaCroix indicated City Manager Anderson needed to formally relinquish his prior agreement dated 11/2/05 for the period 09/01/06 through March 13, 2008. City Manager Anderson so stated that he was officially rescinding this contract.

Motion:
Council Member Staib moved to rescind the agreement dated November 21, 2005, effective September 1, 2006; seconded by Council Member Burnett. Motion carried 5-0.

APPROVED BY BROOKSVILLE CITY COUNCIL
ON 8/7/06 INITIALS JRP

Acting City Manager

Consideration of ~~appointment~~ appointing Karen M. Phillips as Acting City Manager effective 07/31/06, establishing a pay rate and authorizing use of city vehicle.

Mayor Johnston stated a need to appoint an Acting City Manager, and being there is a State rule that an appointed official cannot serve in an official position. City Clerk Karen Phillips has reassigned her duties as City Clerk and will now be appointed Acting City Manager.

Vice Mayor Pugh indicated he thought Karen Phillips automatically stepped in as Acting City Manager in the absence of the City Manager. Mayor Johnston indicated that since there is no City Manager an Interim City Manager has to be appointed by Council. Discussion followed.

Concerning establishing a pay rate, Vice May Pugh questioned that an increase in pay and authorizing use of a company vehicle, as he understood it, did not kick in until after 30 days per personnel policy. Again Mayor Johnston indicated it was because there is no City Manager and she is being appointed.

Former City Manager Anderson indicated that the new pay plan calls for an increase after eight days of filling an Acting position. Discussion followed.

Council Member Wever questioned the wording in the Agenda in reference to Acting City Manager. Human Resource Director Ron Baker indicated there has to be a title. Mayor Johnston recommended calling the position Interim City Manager for a specific period of time and asked Director of Administration Phillips if that was acceptable.

Director of Administration Phillips was in agreement and asked for clarification of her employment at the end of her term as Interim City Manager. The Mayor and City Attorney LaCroix reiterated that she was still retaining her responsibilities as Director of Administration throughout her term as Interim City Manager and would revert back to that at the end of her appointment.

Motion:
Council Member Staib motioned to appoint Karen Phillips Interim City Manager effective July 31, 2006 through August 31, 2006; seconded by Council Member Burnett. Motion carried 5-0.

Interim City Manager Salary
Mayor Johnston, referencing a memo dated July 25, 2006 from former City Manager Anderson recommending a biweekly salary of $2,669 during the period of time in which Director of Administration Karen Phillips will also serve as Interim City Manager.

Motion:
Council Member Burnett motioned to approve the recommended salary and authorization of use of a City vehicle; seconded by Council Member Staib. Motion carried 5-0.

Former City Manager Anderson indicated he would be turning in his City vehicle, which needs maintenance.

For the record Interim City Manager Phillips asked for permission to use the Ford Focus.

Vice Mayor Pugh indicated he was unhappy with the way the DROP was handled. Apparently, he had spoken to Mrs. Snuggs at the Division of Retirement and that Monday's agenda to redo former City Manager Anderson's contract will need to be removed from the Monday, July 31, 2006 agenda and will need to be done in August as it cannot be done, according to the State office, in the same month as the break in service. The item will be added to the Monday, August 7 agenda.

ADJOURNMENT

The meeting adjourned at 5:40 p.m.

Attest: _____
Mayor

_____
Acting City Clerk

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AGENDA ITEM NO. C-1
8/21/06

CITY OF BROOKSVILLE
SPECIAL CITY COUNCIL MEETING

MEETING MINUTES

July 31, 2006 6:00 P.M.

Brooksville City Council met in special session with Mayor Joseph E. Johnston, III, Vice Mayor David Pugh, Council Members Frankie Burnett, Mary A. Staib and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney; Karen M. Phillips, Interim City Manager; Janice L. Peters, Acting City Clerk; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Emory Pierce, Director of Public Works; Boyce E. Tincher, Chief of Police; Steve Baumgartner, Director of Finance. Members of the Hernando Times were also present.

The meeting was called to order by Mayor Johnston, followed by a moment of silence and the pledge.

The special meeting session was adjourned at 6:04 p.m. and the executive session convened.

EXECUTIVE SESSION PURSUANT TO F.S. CHAPTER 286.011 -
Pending Condemnation Proceedings

Attending the meeting was Joseph E. Johnston, Mayor; David Pugh, Vice Mayor; Council Members Frankie Burnett, Mary A. Staib and E. E. "Ernie" Wever, Jr.; attorney for the City of Brooksville David LaCroix; Interim City Manager, Karen M. Phillips; and court reporter C. Gail Donata of Carolyn F. Engle & Associates. **NOTE: The transcription minutes will be unsealed once transactions are complete.**

ADJOURN EXECUTIVE SESSION
The meeting adjourned at 6:35 p.m.

RECONVENE SPECIAL COUNCIL MEETING
The special meeting session reconvened at that time.

City Manager Employment Agreement *Item Removed from Agenda*
Consideration of proposed employment agreement with Richard E. Anderson effective September 1, 2006 to March 13, 2008.

Brooksville Sewer Rehabilitation Project LP #6006/1 [WAP Project]
TBE Group - Proposed Legislative Project Grant Amendment.

Director of Community Development Bill Geiger informed Council during the last Legislative Session the City had been approved for an additional $200,000 to add to the city-wide sewer rehabilitation project. He requested the amendment to the existing agreement be approved for signature by the Mayor.

Vice Mayor Pugh asked where the money would be used, to which Director Pierce indicated that it would be used on the Sewer Rehabilitation Phase II bid.

Motion:
Council Member Burnett moved for acceptance of the Grant; seconded by Council Member Staib. Motion carried 5-0.

APPROVED BY BROOKSVILLE CITY COUNCIL w/corr.
ON 8/21/06 INITIALS JKP

Lara Bradburn approached Council and requested a copy of the list of projects slated for the use of the money. She also suggested a letter of thanks be sent to Representative Russell and Senator Paula Dockery who were instrumental in getting this through the system.

Growth Management

Review of annexation process and related planning requirements as a result of recent Growth Management Legislation.

City Attorney LaCroix indicated there are two bills he has reviewed, however he did not feel House Bill 683 on Growth Management had anything significant relevant to the City. The other item was Chapter 2006.218 Laws of Florida, which was the committee substitute for Senate Bill 1194.

City Attorney LaCroix distributed and reviewed the current requirements for annexation under Chapter 171 of Florida Statutes. He indicated that Chapter 2006.218, Laws of Florida, which was just adopted, allows for a variance of some of the requirements by interlocal agreements. He also reviewed municipal service agreements.

He suggested the City have a game plan and list of objectives before approaching the County with negotiations. In addition, he recommended listing things the County is likely to ask for in return and suggested having Staff develop a list of responses.

Council Member Wever asked if it is possible to designate a certain area for future annexation without having to specify a timetable. City Attorney LaCroix indicated it could be done if the County agrees to it, and elaborated on the issue of annexing undeveloped land.

Council Member Wever indicated it would be to the City's advantage to have an agreement with the County concerning annexations and recommended proceeding. City Attorney LaCroix stated the agreement can be initiated at any time, then the County has a certain amount of time to respond, which Council Member Wever indicated was 60 days. After that there are timetables to follow during the process.

For staff's knowledge, Vice Mayor Pugh asked Council Member Wever if what he was trying to establish is something along the lines of the 5-10 year service infrastructure map. Council Member Wever indicated it is.

Vice Mayor Pugh felt it important to come up with a list of the benefits of being annexed into the city.

Director Geiger concurred with the Attorney in that a game plan needs to be put together before approaching the County with a proposal and recommended Council authorize staff to evaluate goals and objectives of what the City wants to accomplish with the agreement to be brought back to Council for review and additions.

Council Member Wever indicated a lot of the information is already in the planning and growth plans for this area.

Vice Mayor Pugh suggested coming up with comprehensive plan during negotiations.

Mayor Johnston distributed a Master Development Plan and reviewed the issue. He indicated the building and zoning codes would need to be reviewed in conjunction with the plan. He suggested reviewing the proposed plan for discussion at a meeting later in the month.

Council Member Burnett suggested workshops to specifically deal with Growth Management. Vice Mayor Pugh agreed.

Council Member Wever asked if the Regional Planning Council could be called upon to help with the issue. Mayor ~~Pugh~~ Johnston\ stated it would depend on whether the City put out a bid for consulting, but it\ is a possibility.
\JRL corrected on 09/06/06

Council Member Wever asked City Attorney LaCroix if he had any comments on the last page of Chapter 2006.218, which deals with impact fees. He indicated it states that the City has to be able to defend its impact fees. Mayor Johnston elaborated, stating that it is the Consultants Full Employment Act, that requires justification for all impact fees in the event that someone were to sue the City.

Mayor Johnston indicated the County's impact fee structure had been used in the past. Council Member Wever indicated this statute would require the City to give a cost analysis before any changes are made.

Mayor Johnston made reference to the MPOAC meeting in Tallahassee, which discussed disadvantaged business enterprises and indicated that beginning in 2007 it will be mandatory that whenever any funds are used for any projects, plans have to be adopted before.

Council Member Wever suggested keeping a separate file on the annexation plan so it does not have to be recopied for the next meeting. Vice Mayor Pugh suggested the yellow area on the map, which indicates the joint planning area, be changed to a different color. Director Geiger agreed to change.

ADJOURNMENT
The meeting adjourned at 7:30 p.m.

Acting City Clerk

Attest: _____
Mayor

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AGENDA ITEM NO. E-1(a) 3/17/14

ORIGINAL

CITY OF BROOKSVILLE
CITY COUNCIL

PROCEEDINGS: Executive Session Re:
Pending Condemnation Proceedings:
Patricia Brocato, et al.
Case No. H27-CA-2005-0489
Pedro Mendez, et al.
Case No. H27-CA-2005-0981
Estate of Benjamin Mobley
Case No. H27-CA-2006-0843
1661 West Jefferson, LLC
Terry Jo Miller Harford
Norbert Holz
Revennaugh's Service Center
David C. Sasser, et al.
John D. Sims, Sr., et al.

DATE: July 31, 2006

PLACE: 201 Howell Avenue
Brooksville, Florida

TIME: 6:04 PM to 6:35 PM

REPORTED BY: C. GAIL DONATO, RPR
Notary Public - State of
Florida at Large

APPEARANCES: DAVID LaCROIX, ESQUIRE
Counsel for City of Brooksville

COUNCIL MEMBERS:
JOSEPH E. JOHNSTON, III, Mayor
DAVID PUGH, Vice Mayor
FRANKIE BURNETT
MARY A. STAIB
E.E. "ERNIE" WEVER, JR.

STAFF: KAREN M. PHILLIPS
Interim City Manager

Carolyn F. Engel & Associates
Registered Professional and
Certified Verbatim Reporters

309 South Main Street - Brooksville, Florida 34601
(352) 754-1182

APPROVED BY BROOKSVILLE
CITY COUNCIL
ON 3/17/14 INITIALS JP

1 P R O C E E D I N G S

2 MAYOR JOHNSTON: Executive session
3 called to order.
4 MR. LaCROIX: Actually, we have nine
5 different condemnation cases now that are
6 either filed or getting ready to be filed,
7 and two of them are getting ready to go to
8 trial. So I really need to discuss generally
9 with Council what the condemnation cases
10 involve and possibilities for settling them,
11 and maybe get some authorization from Council
12 to do certain things to settle these as
13 quickly as possible.
14 First of all, all of these are quick
15 takes, which means we can't back out. Once
16 the Order of Taking is entered, we're stuck
17 with paying the price for the property,
18 whatever the price is that the jury
19 determines. And, of course, before we file
20 we get an appraisal and we go into court with
21 an offer, good faith offer, of whatever the
22 value of our appraisal is.
23 But I will tell you if you go to trial
24 you'll be amazed at the figures that other
25 appraisers will come up with. I mean,

1 they're the biggest -- I won't use the
2 word -- but they can find ways to exaggerate
3 anything. And you always have a jury trial
4 to determine the value of a property taken.
5 The value is determined as of the date of
6 taking, so increases in property values
7 generally after that don't affect it, or
8 decreases, which is really what the market is
9 doing now. Property values are going down,
10 but it's based on the Order of Taking date,
11 and two of them, we've already had an Order
12 of Taking entered.
13 When it goes to trial, you just have
14 average people on that jury, don't know
15 anything about appraising. You can
16 cross-examine an appraiser until hell freezes
17 over and point out all the problems with his
18 appraisal methods and everything else, but
19 juries generally sit there and go, "Okay, one
20 said $100 an acre and one said $50 an acre,
21 we'll make it $75 an acre." Because they
22 don't understand.
23 We have to pay, once we file, we have to
24 pay the property owner's expert witness fees,
25 which is always going to be an appraiser,

1 sometimes an engineer, sometimes a planner.
2 If it's -- if it's a case that's, you know, a
3 small amount or an easement that's not worth
4 a whole lot, sometimes we can just settle
5 those out real quickly. Sometimes people
6 will go to a local attorney. Most local
7 attorneys don't have any experience in
8 condemnation. A few have some, but they
9 don't specialize in it.
10 If it's a piece with a fairly large
11 appraisal, like a hundred and sixty, a
12 hundred and eighty, two hundred thousand
13 dollars, most people are going to contact a
14 condemnation specialist. And there are
15 several down in the Tampa, St. Pete area.
16 These guys have their own appraisers and
17 engineers and planners that they use all the
18 time. They know what to say. They will look
19 for every possible additional compensation
20 that we ought to have to pay. Because, you
21 know, we pay for more than just the value of
22 land that we take.
23 If we split a property, sometimes there's
24 a damage to the remainder of the property.
25 A remainder being a smaller piece and now not

1 having as much road access or whatever is
2 often worth less per square foot than it was
3 before. We also sometimes have to pay
4 business damages. We have to pay -- if
5 there's an existing business on the property,
6 we have to pay a few other things as well.
7 So if we wait and go to trial on these,
8 most likely we're going to be paying a lot
9 more than what our appraisal is because we're
10 going to be paying the costs for the experts,
11 going to be paying my fees, and my fees
12 aren't a whole lot until I start getting
13 ready for trial. And then I spend a lot of
14 time on a case and, you know, sometimes two
15 and three full days in trial. And so my fees
16 go way up at that point.
17 If a jury awards or if we settle for any
18 amount more than our last written offer to
19 the property owner before they hired an
20 attorney, we also pay attorney's fees based
21 on that increase in value. If we get an
22 appraisal that says a property is worth
23 $100,000 and the jury comes back with
24 $200,000, we're going to pay a $33,333
25 attorney's fee. It's one third of that

1 benefit that the attorney has obtained for
2 his client. So it's to our best interest to
3 settle these before they go to trial if we
4 can do it at any reasonable amount.
5 Sometimes attorneys who don't have much
6 experience in condemnation proceedings can be
7 talked into convincing their clients to
8 settle simply because they don't have to
9 learn how to do a condemnation case. If they
10 can get a small fee and then get something
11 extra for their client, they will do that.
12 So I'd like to be able to offer them
13 something. If they indicate they're not
14 willing to accept what we've offered -- and
15 by the way, how the case proceeds is once we
16 get the appraisal, you authorize the
17 condemnation, we have to send a
18 pre-condemnation letter, tell them what our
19 appraisal is, what we're willing to pay. We
20 tell them they have 15 days to request copies
21 of our appraisal and any engineering plans
22 we've got, of our survey.
23 We can't file suit until 30 days after
24 their receipt of that letter. It gives them
25 30 days to negotiate with us if they're

1 interested, some for a higher price or just
2 to accept the price that we've offered.
3 Of course, if we can negotiate something
4 during that time period, you don't have to
5 pay to file suit, even though you're paying
6 20 percent more, let's say, than the
7 appraised value of the property, in the long
8 run that's going to be to your benefit.
9 Because once you accept it, you're not paying
10 any costs. You haven't yet hired an
11 appraiser. You haven't yet hired an engineer
12 or a planner, and you don't have to pay me to
13 draft a complaint and file a suit. You don't
14 have to pay the filing fee, you don't have to
15 pay to serve it, you don't have to pay for my
16 time at an order of taking hearing. And
17 then, of course, you don't have to pay for my
18 time to prepare for a trial. You don't have
19 to pay any extra that a jury might award,
20 just the 20 percent or so that we've given
21 them. And then, of course, you pay, if
22 they've hired an attorney, you pay one
23 third of that 20 percent as an attorney's
24 fee.
25 So the reason I use the 20 percent is I

1 think that's an appropriate figure in most
2 cases as an initial inducement. Once you
3 think they're going to fight it and go to
4 trial or hire an attorney, I think that 20
5 percent is easily much to your benefit to pay
6 that rather than all the other possible
7 things you could have to pay.
8 So I'd kind of like authorization sort
9 of generally. You can't approve an
10 individual settlement until I bring it to
11 you, but I'd kind of like to know when I'm
12 talking to other attorneys or property owners
13 that, yes, Council is very likely to approve
14 this. And I think a 20 percent figure is a
15 real good one plus, of course, one third of
16 any increase as an attorney's fee. Any costs
17 they've already incurred. But I'd put a cap
18 on that: 20 percent up to $30,000. So if
19 it's a $200,000 appraisal that we've got, I'd
20 only offer 30,000 more, even though 20
21 percent would be 40,000.
22 At some point also in these cases, like
23 after I've served them and 120 days later, I
24 can do what's called an offer of judgment.
25 Some of you know what that is, some of you

1 don't. It means I file it with them, I serve
2 it on them, and I offer to pay so much. This
3 is what the City's willing to settle for. If
4 they accept it, the case is over. If they
5 don't accept it within 30 days, at that point
6 we're not liable for any more costs they've
7 incurred. So if they haven't yet hired an
8 engineer, if their appraiser hasn't yet done
9 his report, of course, we don't have to pay
10 for them to come and testify. I think that
11 that's -- it's a small sanction for not
12 accepting the offer, but it's something that
13 the property owners have to consider then.
14 Also, if we make an offer of judgment for
15 20 percent more than our appraised value, the
16 attorney now has to decide, gee, do I want to
17 accept, talk my client into taking this and
18 then I accept a fee of one third of that 20
19 percent difference? Or I go to trial and
20 take the risk and I get nothing.
21 Because if you go to trial and I can
22 convince a jury that our appraiser was
23 absolutely right, the attorney on the other
24 side does not get paid, the property owner's
25 attorney. He only gets paid for anything in

1 a settlement or a judgment above our last
2 written offer.
3 So I would like authorization from
4 Council to make offers of judgment in the
5 filed cases, once I get to that 120 day
6 period so that it's there on the record and
7 they really have to think about it. And they
8 know if they incur costs after that, they're
9 never going to get those costs reimbursed.
10 And, you know, 20 percent is a lot better
11 than risking no increase or something less
12 than that.
13 And it kind of depends on how big an
14 exaggerator their appraiser is, how good he
15 can testify to outrageous values, you know,
16 and justify it. Some of the attorneys who do
17 a lot of condemnation work are not going to
18 settle at that 20 percent figure. They never
19 will. And in those cases I'll have to, you
20 know, do some discovery, see what their
21 appraisers testify to, see whether he used,
22 you know, whether they made a lot of mistakes
23 or erroneous calculations or just totally
24 outrageous arguments justifying a higher
25 value.

1 And I'll bring it to you, and by the
2 way, some of these will go to mediation also.
3 If we don't settle them, I'll need somebody
4 from Council to attend mediations. That's
5 probably what we'll do with most of them
6 where we have an attorney that's real
7 experienced in condemnation. But I would
8 like authorization in all these condemnation
9 cases, once I get to the 120-day period, to
10 make an offer of judgment.
11 And some of them, the 20 percent figure
12 doesn't make a lot of sense, because we have
13 cases right now, for example, where we're
14 condemning utility easements for $16,150.
15 That's our appraised value. In some cases,
16 $700 for a small easement. So 20 percent of
17 that is not a whole lot.
18 I'd like authorization, I guess, to put
19 in a stated policy once an attorney is hired
20 and I know that they're not going to accept
21 what we've offered and, for example, today I
22 delivered a complaint to an attorney
23 representing the Estate of Benjamin Mobley.
24 We're suing them for a utility easement. And
25 he told me today, well, we're very likely

1 just going to accept your offer. So
2 obviously I won't make any higher offer on
3 this one. I'll just wait and see what
4 they're going to do. If they file an answer
5 and we start going forward, then I'll make
6 some offer.
7 But once an attorney is hired and it
8 seems like they're not going to accept what
9 we offer, I'd like authorization to offer
10 them 20 percent increase over our appraised
11 value up to $30,000, which includes also
12 attorney's fees of one-third of that
13 increased amount, and any costs that they've
14 incurred to that point, which at that, you
15 know, early stage in litigation will not be
16 many.
17 Now, if our appraisal's under $1,000
18 just, I mean, it costs you a lot for me to
19 just file suit and go to an order of taking
20 hearing. So I'd like authorization in those
21 cases to offer a 40 percent increase over
22 what our appraisal is. For example, we have
23 one with Mr. Sasser where it was appraised,
24 the easement we wanted was $700, and a
25 temporary construction easement of $100. So

1 that's $800 total I'd like to be able to
2 offer him, 40 percent of that increase, which
3 is $320 more just so you don't have to pay me
4 $500 to file the lawsuit. And, of course, if
5 they have an attorney, again, it's one third
6 of that as a fee.
7 To get an attorney to talk his client
8 into taking these offers, if they've gone to
9 an attorney and it's a small appraisal like
10 that, under $1,000, the attorney's going to
11 tell them, hey, don't accept 40 percent
12 because it will cost them more than that to
13 have their attorney go to an Order of Taking
14 hearing and file the pleadings and prepare
15 for a trial.
16 And so in those cases, and plus the fee
17 for the attorney on the statutory formula,
18 let's say, for Mr. Sasser, I offer him $320
19 more than our appraisal, the fee for the
20 attorney is $103.33. I'd like to be able to
21 offer a $500 fee for the attorney when the
22 appraisal is less than $1,000. That's an
23 incentive for the attorney to tell his
24 client, yes, just take the money. You're not
25 going to get a whole lot more anyway,

1 probably.
2 And then if it's -- if our appraisal is
3 a thousand to ten thousand, somewhere in that
4 range, I'd like to be able to offer that 40
5 percent on the first thousand dollars,
6 which would be $400, plus 20 percent on
7 everything if our appraisal is over $1,000.
8 Because, again, $400 to settle, you know, to
9 take a $1,000 appraisal, the attorney's going
10 to tell them, wait, it'll cost them more than
11 $400 to file suit. So in those cases, I'd
12 like to offer $400 plus 20 percent over
13 $1,000, up to $10,000 appraised value, and
14 $1,000 attorney's fee, which is incentive
15 for the attorney to tell his client to settle
16 it.
17 Now, without having a specific
18 settlement, you can't approve any settlement
19 today. But I'd like to know that I have sort
20 of direction to make those offers and know
21 that when I bring them back to Council that
22 they'll be accepted and I can pretty much
23 tell an attorney you'll probably do that.
24 And then in terms of offers of judgment,
25 I would like the authority to make those

1 offers of judgment and not have to have a
2 closed session every single time because
3 we're going to have a lot more condemnation
4 cases coming soon, too.
5 And by the way, all but four of these are
6 being paid for by LandMar. They're paying my
7 fees, they're paying all the City's costs to
8 do it. They're paying the amount we have to
9 pay for the easement. But then, of course,
10 they get transportation impact fee credits or
11 utility impact fee credits for utility
12 easements.
13 COUNCIL MEMBER WEVER: Where are these?
14 MR. LaCROIX: What stage are they?
15 COUNCIL MEMBER WEVER: No, where? The
16 location. Where are these?
17 MR. LaCROIX: Where are they? Well, the
18 four that are not LandMar's are for the
19 frontage road. And the rest of them are
20 along Mobley Road, Wiscon Road. They're
21 right of way for the north/south road that
22 LandMar has to build. They are some more
23 coming that will be right of way for that
24 road on the southern extension of it, going
25 down to Powell.

1 And I don't know how many there will be
2 total. But just to give you an example of
3 what this policy would mean in terms of the
4 pending cases that we have, Brocato is a part
5 of the north, south road right of way. Our
6 appraisal was for $50,000. If I offered a 20
7 percent increase over that to settle it, that
8 would be $10,000. And then the attorney's
9 fee to pay on that would be $3,333, and then
10 we would pay any costs that they had
11 reasonably incurred to this point. That
12 would be much better for the City than us
13 going to trial and paying for my time to do a
14 trial and taking the risk of paying much
15 more.
16 Mendez, which is another one on the
17 north, south road, our appraisal was
18 $106,800. Twenty percent over that would be
19 $21,360 that I could offer to settle it. And
20 then the attorney's fee on that that we would
21 pay or LandMar would pay, $7,120, and we'd
22 still pay whatever costs they reasonably
23 incurred.
24 By the way, if it goes to trial,
25 particularly with these attorneys who do lots

of condemnation work, we'll pay $10,000 in costs for the time to prepare for trial with all those experts and then the time sitting around and testifying. We'll pay much less than that if we settle.

Estate of Benjamin Mobley -- is that pronounced Mobley or Mobley?

COUNCIL MEMBER STAIB: Mobley.

MR. LaCROIX: Mobley? That's a utility easement. Our appraisal was $16,155, plus twenty-five fifty for a three-year temporary construction easement. Twenty percent, if I could offer it, would be $3,680 over that. The attorney's fee we would pay on that would be $1,226.67, and then, again, costs.

Sasser, that's the $700 utility easement, plus $100 temporary construction easement, for a total of $800. If I could offer the 40 percent on that, $320 offer to settle it. The fee on that would be $53.33 if there's an attorney involved. I'd like to make that $500 by the policy I suggested to get the attorney to urge the client to accept it.

COUNCIL MEMBER WEVER: Which Sasser is

1 that?
2 MR. LaCROIX: Pardon me?
3 COUNCIL MEMBER WEVER: Which Sasser?
4 MR. LaCROIX: Charles.
5 COUNCIL MEMBER WEVER: Charles?
6 MR. LaCROIX: Um-hum. We haven't -- we
7 sent him a presuit negotiation letter.
8 Haven't heard anything back from him yet.
9 Mobley, we did hear something back and we
10 sent them all the things they requested and
11 they didn't want to make any counteroffer, so
12 we filed that suit today. Sasser, we won't
13 be able to file until another two weeks, I
14 think.
15 COUNCIL MEMBER WEVER: Let me talk to
16 Charlie before you do something.
17 MR. LaCROIX: Absolutely. Absolutely.
18 Ask him first if he's retained an attorney.
19 COUNCIL MEMBER WEVER: Smitty talked with
20 him about the easement on Wiscon, and he told
21 Smitty he'd give it to us, so I think we
22 could -- how big is this one? Short
23 distance?
24 MR. LaCROIX: I don't have the details.
25 It's not very big, for $700.

1 COUNCIL MEMBER JOHNSTON: Can't be for
2 $700.
3 COUNCIL MEMBER WEVER: Let me see if I
4 can get with him tomorrow.
5 MR. LaCROIX: Okay. Before you talk
6 with him, ask him if he's retained an
7 attorney first on the condemnation the City
8 wrote him about. If he's retained an
9 attorney, we can't talk to him. We have to
10 talk to his attorney.
11 COUNCIL MEMBER WEVER: Okay.
12 MR. LaCROIX: Okay. Some of the other
13 utility easements, one is for Harford, and
14 that was appraised at $62,225 for the utility
15 easement and $9,700 for the three-year
16 temporary construction easement. This is a
17 much longer piece of property, obviously. So
18 if I can offer the 20 percent on that, it
19 would be $14,385. And the attorney's fee,
20 one-third of that, would be forty-seven
21 ninety-five.
22 There's another one in the same ball
23 park. The four that we have on the frontage
24 road situation, of course, we're getting fee
25 simple interest on that, that's commercial

1 properties. They're taking quite a bit --
2 having some remainder damages because we
3 split a couple parcels.
4 MS. PHILLIPS: Excuse me. Are those the
5 ones that are the City's responsibility?
6 MR. LaCROIX: Yes. So for the highest
7 one is appraised at 230,395. So if I offer
8 20 percent to settle that, it would be more
9 than the 30,000, so I would just offer the
10 30,000 extra to settle it. And then the
11 attorney's fee on that would be $10,000.
12 COUNCIL MEMBER PUGH: And approximately
13 where is that located, that parcel?
14 MR. LaCROIX: Those are the ones that I
15 did the last resolution on.
16 COUNCIL MEMBER PUGH: Okay. That's on
17 the north?
18 MR. LaCROIX: Providence Road where Sims
19 Furniture is, and it goes back there.
20 COUNCIL MEMBER PUGH: Oh, okay.
21 MR. LaCROIX: Those four parcels.
22 COUNCIL MEMBER PUGH: I keep thinking of
23 the frontage road, north/south frontage road.
24 Okay.
25 MR. LaCROIX: So that's all I have to

1 ask you, and to see if I have sort of a
2 consensus.
3 COUNCIL MEMBER JOHNSTON: Do you need a
4 consensus or a motion or --
5 MR. LaCROIX: Well, you can't really
6 decide anything tonight in a closed meeting.
7 If we were going to vote on something, we'd
8 have to end this session and go in a public
9 meeting and vote on it. And I don't want to
10 publicly have you say this is what we're
11 willing to settle condemnation cases for.
12 COUNCIL MEMBER PUGH: Right. I think on
13 some of these, because they're north/south
14 collector road, you say you haven't seen what
15 their attorney, I think a lot of it's going
16 to be used as far as relocation of that road.
17 You know, say, hey, look, they had every
18 opportunity to put it on their parcel and
19 they did more damage to us. We don't know
20 what they'll come up with, like you said.
21 MR. LaCROIX: Yes, those are ones where,
22 you know, because it's a higher value,
23 they're going to go to a condemnation
24 specialist. They'll come up with all kinds
25 of --

1 COUNCIL MEMBER PUGH: I'm saying that's
2 some of the arguments they'll use.
3 MR. LaCROIX: Yes, and the sooner we can
4 get that offer out there on those, before
5 they even hire an appraiser, before they even
6 get a planner or engineer, the better, I
7 think.
8 COUNCIL MEMBER PUGH: So I think David's
9 plan as far as trying to do it now and get
10 something out there is a good one. It will
11 save us money if they don't take it to trial.
12 We haven't lost anything.
13 COUNCIL MEMBER JOHNSTON: Like you said,
14 it doesn't sound like it's saving us money,
15 but it really does. Condemnation suits are
16 just tricky as far as being on the
17 governmental side of things. You're pretty
18 much stuck with all the costs and all the
19 expenses and everything else. Like you say,
20 appraisers will inflate the values of the
21 property that's being taken, no matter what
22 it is. I think it does make sense to proceed
23 quicker.
24 MR. LaCROIX: And juries also have a
25 tendency to punish us for taking people's

1 property.
2 COUNCIL MEMBER PUGH: Absolutely.
3 COUNCIL MEMBER STAIB: Right.
4 MR. LaCROIX: As much as the judge tells
5 them, all you're trying to do is determine
6 the fair market value of this property, the
7 jury is silently going, "Screw you."
8 COUNCIL MEMBER JOHNSTON: It's the
9 government. You got all sorts of money
10 laying around.
11 MR. LaCROIX: They forget it's their tax
12 money.
13 COUNCIL MEMBER STAIB: Right.
14 COUNCIL MEMBER BURNETT: And the key
15 thing --
16 COUNCIL MEMBER WEVER: David needs to do
17 what needs to be done.
18 MR. LaCROIX: Not hearing any
19 objections, then I'll just take that as sort
20 of direction.
21 COUNCIL MEMBER BURNETT: Because the key
22 thing, like you said, and I have been
23 involved in many of those cases, that jury,
24 usually they do not have any understanding.
25 All they're doing is hearing and here's the

government trying to take these people's things and they put all other kind of issues in it, and you end up losing most of the cases that I have seen brought before judges.

COUNCIL MEMBER STAIB: They bring it on a personal level.

COUNCIL MEMBER WEVER: LandMar, are they agreeable?

MR. LaCROIX: Yes. This proposal is acceptable to Jim Harvey.

COUNCIL MEMBER PUGH: Also, I did speak with Bill Geiger last week. Our client on the -- used to be called Donto Plaza, that area, is willing to help with the process. And I know I was going to get with Bill this week and try and show him the plans, as far as trying to replat that whole area. He's willing to help out as much as possible. Like I told Bill, I said I don't know, if it meets all the codes and everything, then might as well just get it back in here and try and get that property for free.

But I'll ask him the same thing. If he hasn't retained an attorney, maybe he'll talk to me and we'll try and get that portion and

1 try and save a little bit of money. Because
2 there is something that he needs. Like I
3 told Bill, we can't offer him anything,
4 anything that's outside of what we have, what
5 we can do for him, but --
6 MR. LaCROIX: On those four, we haven't
7 yet sent him the presuit negotiation letter
8 because the surveyor is still messing around
9 with getting us these surveys. So -- but on
10 those four, I plan, once we send out the
11 letter and the acting city manager signs that
12 to send it out, I plan on calling those
13 property owners right away and saying, hey,
14 look, before you get, you know, before you go
15 off hiring an attorney, if you haven't yet, I
16 want to tell you, you know, the City is
17 willing to pay you more than the appraised
18 value. Let's sit down and talk.
19 COUNCIL MEMBER JOHNSTON: Anything else
20 for David on this matter?
21 MS. PHILLIPS: The Southern Hills portion
22 or Hampton Ridge, are they going to be paid
23 directly by them? Everything's going to be
24 handled by them? We're not involved in that
25 part at all?

1 MR. LaCROIX: No. They'll reimburse the
2 City for my fees and for court costs I incur.
3 They pay directly the appraiser, the
4 engineer, the surveyor. They pay the amount
5 that's necessary to get the property at the
6 order of taking hearing. We don't put out
7 any cash on that.
8 MS. PHILLIPS: I had a question. What's
9 the estimated timeline for this?
10 MR. LaCROIX: Oh, these drag out
11 sometimes. We get an order of taking here
12 quickly, within a couple of months, and then
13 we own the property. Then the property owner
14 then withdraws the amount of our appraisal,
15 so they and their attorneys are in no hurry
16 unless the attorney's got a slow month, you
17 know, and needs some fees coming in.
18 Usually it waits until the Court
19 schedules it for a case management conference
20 and then everybody starts running around
21 doing everything, getting ready for trial.
22 But we just had a case management conference
23 in Brocato last month, and the Court couldn't
24 even schedule that for trial until next June.
25 That was the first available trial date, so.

1 MS. PHILLIPS: And these proceedings are
2 then closed until the very last one is done,
3 or until you make a determination?
4 MR. LaCROIX: No, this record that the
5 court reporter is preparing, I'm going to
6 send her tomorrow the names of these nine
7 cases and this will be sealed until the last
8 of those cases is resolved. And then it will
9 become public knowledge.
10 Obviously, we'll have some more come up
11 later and we'll have some new Council members
12 in October, so probably I'll have another
13 closed meeting after we get some new Council
14 members and go through this again and make
15 sure I'm still, you know, I still have
16 blessing of Council to do that with regard to
17 any new cases.
18 COUNCIL MEMBER PUGH: And I think like
19 you said, you mentioned earlier, David,
20 Southern Hills is paying for it. But
21 ultimately they're getting transportation
22 impact fee credits, which would be used
23 throughout the City. So it's in the best
24 interest of everybody in the City to try and
25 eliminate the costs on these, whatever means

1 possible, so.
2 MR. LaCROIX: Yes, and Jim Harvey has
3 been holding down everything as much as he
4 can. I had talked to him six months ago
5 about making an offer of judgment on these
6 first two we filed, and he said, no, no, no,
7 wait until they make the first offer. And
8 they've never made an offer. So finally he
9 says, okay, go ahead and do the 20 percent.
10 COUNCIL MEMBER PUGH: Well, the good
11 thing is, like you said, property values are
12 going down.
13 MR. LaCROIX: He ultimately gets the
14 money back in transportation impact fee
15 credits, but he has to put it out now. And
16 they've put out so much money on that
17 project, he's trying to hold it down as much
18 as possible. So I don't think that's an
19 issue. Plus, they're not a party to the
20 case. Any ultimate settlement agreement has
21 to come back to Council and be approved by
22 Council.
23 MAYOR JOHNSTON: Anything else for this
24 executive session? If not, we'll go ahead
25 and adjourn the executive session. Let

1 the people know to come back in.
2 (Proceedings concluded.)
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1 STATE OF FLORIDA)
2 COUNTY OF HERNANDO)
3 I, CARLA GAIL DONATO, Registered Professional
4 Reporter, certify that I was authorized to and did
5 stenographically report the foregoing proceedings
6 and that the transcript is a true record of said
7 proceedings.
8 Dated this 2nd day of February, 2014.
9
10 Carla Gail Donato
11 CARLA GAIL DONATO, RPR
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AGENDA ITEM NO. C-1
8/21/06

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

August 7, 2006 7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor David Pugh, Council Members Frankie Burnett, Mary A. Staib and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney, Karen M. Phillips, Interim City Manager/Director of Administration; Janice L. Peters, Acting City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Emory Pierce, Director of Public Works; Boyce E. Tincher, Brooksville Police Dept; Fire Chief Tim Mossgrove, Brooksville Fire Dept. Members of the Hernando Times were also present.

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

CONSENT AGENDA

Minutes

Regular Meeting - July 17, 2006
Special Meeting - July 28, 2006

The First Tee of Brooksville - Grant from Bright House Networks
Acceptance of Bright House Networks' Airtime Grant with a value of $10,000.

Southwest Florida Water Management District (SWFWMD) REUSE Cooperative Funding Agreement Second Amendment
Approval of second amendment increasing funding (to $385,650) for larger reuse lines and allowing the reimbursement to be up to 60%.

SWFWMD Cooperative Funding for Parsons Brook/GNT, School Street Waste Water Treatment Plant & Griffin Prairie Property
Consideration of declining previously accepted grant in the amount of $150,000 (w/$50,000 match) to design and permit at this time due to revised project costs and unknown future construction date.

City Manager Contract ***Moved to Regular Agenda for Discussion***
Consideration of proposed employment agreement with Richard E. Anderson effective September 1, 2006 to March 13, 2008.

Waiver of Fees - United Way
Consideration of waiver of fees in the amount of $265 for the use of JBCC for the United Way's annual kick-off meeting with Publix on August 31, 2006.

*WRPC Professional Services Contract Project - EAR
Acceptance of the Withlacoochee Regional Planning Council (WRPC) proposal and authorize staff to initiate a purchase order for the Scope of Work for Technical Assistance to complete the City's Evaluation and Appraisal

*Addendum Items C-7, F-6a&b

APPROVED BY BROOKSVILLE CITY COUNCIL w/corr
ON 8/21/06 INITIALS JLP

Report (EAR)-Based Comprehensive Plan Amendments(as mandated by State Law) in an estimated amount not to exceed $34,049. Funds are available in the Community Development Department "Other Contractual Services" Line Item (#001-015-515-53400).

Mayor Johnston indicated a request was made to add Florida League of Cities "City Spirit Award" recommendation to the Consent Agenda.

Motion:
Council Member Staib moved to approve the addition; seconded by Vice Mayor Pugh. Motion carried 5-0.

Council Member Burnett requested the removal of Item C-5 to the regular agenda for the purpose of clarification and discussion.

Council Member Wever indicated that on the minutes of July 17, page 9, 5th paragraph, the date should be August not October.

He also asked if the First Tee is now designated as a 501C. Mayor Johnston stated the designation has been applied for and the entity has been incorporated. Interim City Manager Phillips ~~City~~* added that the City had applied for the grant, which does not carry any true monetary donation and it will all be for advertising. Council Member Wever asked how much it costs to do the promotional material, which Interim City Manager Phillips presumed would be the $10,000 applied for. Council Member Wever referenced a requirement that promotional material be in VHS or BETA format. Director of Parks and Recreation Mike Walker indicated that portion of the production cost will come out of the grant.
* JP corrected 08/22/06

Council Member Wever asked if the agreement for Item C3 needs to be signed by landmar. Director of Public Works Emory Pierce indicated it did not.

Motion:
Vice Mayor Pugh moved for approval as amended; seconded by Council Member Staib. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Veteran's Day Parade
Consideration of request to waive insurance requirements and associated fees for annual Veteran's Day Parade November 11, 2006.

Anna Liisa Covell, Event Organizer, addressed Council for the waiver of associated fees and insurance associated with the parade and requested Police Department assistance if possible. She referenced the American Legion, of which members were also present, indicating their help with the event planning as well.

Motion:
Council Member Burnett moved for approval; seconded by Council Member Staib. Motion carried 5-0.

PUBLIC HEARING

Ordinance No. 720 - Wesley Harris Property Annexation
Consideration of annexation of approximately 5.73 acres ± that is partially located on the north side of Cortez Blvd. and the west side of Hale Avenue.
[First Reading 07/17/06]

*Addendum Items C-7, F-6a&b

Acting City Clerk Peters read Ordinance No. 720 by headnote as follows:

> AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

There was no public input.

Motion:
Council Member Wever moved for approval of the second and final reading of Ordinance No. 720; seconded by Council Member Staib. Motion carried 5-0 upon roll call vote as follows:

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Ordinance No. 721 - Sanitation Rate Adjustment

Consideration of Ordinance setting minimum solid waste charges for shared dumpster users.
[First Reading 07/17/06 - Headnote changed pursuant to 07/17/06 direction.]

Department of Public Works Director Pierce indicated the ordinance had been modified as indicated. He stated that there has been a long process to get to this point and a raise in rates was needed to cover all costs. He indicated the shared dumpster issue had been adjusted and that everything else will be handled in the resolution.

Acting City Clerk Peters read Ordinance No. 721 by headnote as follows:

> **AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA AMENDING ARTICLE II, CHAPTER 7, GARBAGE, REFUSE AND LAND CLEARING; PROVIDING FOR MINIMUM CHARGES FOR SHARED DUMPSTER USERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

There was no public input.

Motion:
Council Member Wever moved for approval of the second and final reading of Ordinance No. 721; seconded by Council Member Staib. Motion carried 4-1 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Nay
Mayor Johnston	Aye

REGULAR AGENDA

Resolution 2006-19 New Sanitation Rates

Consideration of Resolution rescinding prior Resolution No. 2004-18 and

restating charges and rates for solid waste collection services, including addition of new subsection to provide for shared dumpster rates. [Note: Subject to adoption of Ordinance No. 721 above.]

Director Pierce reviewed the proposed rate changes set forth in the resolution. Mayor Johnston indicated he as confused about the reference numbers on pages 4 and 5 referring to fees and asked for clarification on which paragraph it refers to. Item numbers to be clarified by staff if adopted.

Vice Mayor Pugh asked what citizens are getting for their buck when the boom truck costs are also going up. Director Pierce indicated customers will still get 2 cy picked up once a month at no cost to the customer plus a small amount twice a week, even though the resolution says once a week.

Vice Mayor Pugh did not feel a good enough job had been done with the budget in lowering the ad valorem rate to be raising rates, pointing out that the same ordeal had just happened with the water.

Acting City Clerk Peters read the resolution by headnote:

RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA RESCINDING PRIOR SOLID WASTE COLLECTION FEE RESOLUTION; RESTATING AND ESTABLISHING SERVICE CHARGES AND RATES FOR SOLID WASTE COLLECTION SERVICES; PROVIDING FOR SEVERABILITY AND CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

Motion:
Council Member Wever moved to approve; seconded by Council Member Staib. Motion carried 3-2 upon roll call vote as follows:

Council Member Wever	Aye
Council Member Staib	Aye
Council Member Burnett	Nay
Vice Mayor Pugh	Aye
Mayor Johnston	Nay

Hernando County Master Planning Project for Fire and Rescue Services

Consideration of invitation to participate in county-wide master planning project being undertaken by Hernando County Audit Services Planning and Priorities Committee (ASPPC) at no cost to the city.

Hernando County Clerk of the Courts Karen Nicolai elaborated on the item up for discussion, requesting the City be a part of their plan and authorize Chief Mossgrove to be a part of the process. She indicated the County's intent was to move up the Hernando County Fire for an efficiency effectiveness audit and to hire a consultant.

Interim City Manager Phillips asked who would be included in the process to select the consultant. Ms. Nicolai indicated the Fire Chiefs, who are the stakeholders, as well as the Audit Services Planning Priority Committee, who will do the voting to choose a consultant.

Vice Mayor Pugh indicated he thought it was a good idea.

Council Member Staib, as well as Council Member Burnett concurred, as long as the City's Fire Department stays in the City of Brooksville.

Ms. Nicolai indicated there were no ulterior motives for including the City in the process and hoped the process would be a non-political process with the best interests of the City and the County's Fire and Rescue Services being addressed.

Mayor Johnston asked Fire Chief Mossgrove to elaborate on his ideas about the issue. He indicated he attended the August 1 meeting and felt it could help the City of Brooksville to actually show the Citizens what a top notch facility they have in the City. He also indicated the City had a master plan already, which he would share with the committee. He elaborated on possible situations in which a master plan could be helpful and welcomes the plan.

The consensus of council was to participate.

Building Department Service Agreement

Approval of agreement with PDCS, LLC to provide all Building Department Management and Administration, Code Plan Reviews, Inspections and Related Services, effective 10/01/06 (or as specified therein) at a rate of 80% of permit fee revenues generated (or as set forth in the agreement for special services).

Director of Community Development Geiger reviewed the agreement with PDCS, LLC, which will replace the agreement with Hernando County which is currently in place. He also reviewed the duties PDCS will perform and their responsibilities. He indicated PDCS is currently looking at buildings for lease and will be responsible for all staff.

Acting City Manager Phillips gave kudos to Director Geiger for a great contract negotiation.

Mayor Johnston questioned that the City would be purchasing the software for startup, annual upgrades and reimburse the contractor for the cost to train on the software, and asked for clarification. Director Geiger elaborated. He also indicated that Grant Tolbert had set in on the bid award process and recommended this firm.

Council Member Wever asked that on the agreement the company name be consistent throughout the contract. Director Geiger indicated he would clarify.

Council Member Wever also referenced page 3, which states that the contractor will perform a fee study and make a recommendation and asked if that would include impact fees? Director Geiger indicated no, that the contract evaluates permitting fees currently in place to determine if they are adequate. Council Member Wever also referenced page 4, which indicates fee structures may be revised only by written amendment agreed to by both parties. His question was to clarify that if the City wanted to change the fees they would have to consult with PDCS. Director Geiger indicated that was the case and that it protects both entities since their payment is based on fees.

Director Geiger also indicated the contract could be terminated with a 30-day letter of intent from either party without cause.

City Attorney LaCroix indicated that Council has the legislative authority to change the fees but that, under the contract, it would have to be agreeable to PDCS.

Vice Mayor Pugh asked if the fees are comparable to what the County is charging currently. Director Geiger indicated it is comparable. He also asked if PDCS would be charging additional fees to the city for citizen meetings and the like.

Director Geiger stated only if it is above and beyond what is expected of a permitting department, with the intent being to cover special projects such as abatements.

Vice Mayor Pugh then asked if homeowners would still be able to pull permits for work they intend do themself and he further inquired who the County retains for this process? Director Geiger indicated there are statutory provisions for homeowners wishing to pull permits. Discussion as to PDCS's bid history with the County followed.

Council Member Burnett asked if licensed contractors already licensed with the County would be able to be grandfathered into the program or will they have to reapply. Director Geiger indicated if they are registered with the County they would be able to work in the City as well, as the City does not issue contractor licenses.

Motion:
Council Member Staib moved for approval; seconded by Council Member Wever. Motion carried 4-1, with Vice Mayor Pugh in opposition.

Traffic Volume & Speed Data Study

a) Whiteway Drive Traffic Calming Device
Consideration of petition to install three devices on Whiteway Drive.

Department of Public Works Director Pierce updated Council on the speed study of Whiteway Drive, indicating the County had actually done the study. He recommended the City not install the speed humps at this time but to continue with enforcement of the speed limit.

Croom Road Traffic Calming Device
Consideration of petition to install three devices on Croom Road at a cost of between $780 - $865 each, depending on the cost of asphalt. Funds available in the Street Department Repair and Maintenance Account #001-019-541-55223.

Director Pierce also reviewed the results of the speed study and traffic problems for Croom Road and elaborated on the plans for installing three devices on Croom Road. He indicated the results of the speed study would allow the speed limit to be raised to 35 mph but recommended leaving it at 25 mph.

The time of the speed study was questioned and Council Member Wever indicated he would like to see the results of a study on Whiteway Drive done during school session.

Vice Mayor Pugh asked about the staffing of the Police Department for enforcement purposes. Chief Tincher indicated he is up to par but expects two vacancies shortly. He felt the school age children were the big problem on Whiteway and expected to deal with the problem. He also indicated he would be willing to do another speed study at the end of September, which he felt would produce a more realistic result when done during school session.

Mayor Johnston asked if Croom Road was eligible for speed humps being a collector road. Director Pierce elaborated that it was appropriate. Vice Mayor Pugh indicated the County considers Croom East of 41 to be somewhat of a collector road.

Director Pierce indicated signage will be installed before the speed humps are installed.

Motion:
Council Member Wever moved for removal of consideration fo speed humps on Whiteway for further study approval; seconded by Council Member Burnett. Motion carried 5-0.

Motion:
Vice Mayor Pugh moved for approval of speed humps on Croom Road; seconded by Council Member Staib. Motion carried 5-0.

FLC Legislative Council Representation

Consideration of appointing at least one Council Member on four Legislative Action Planning Committees, who would each be required to attend at least four meetings during the year, all of which are in Orlando.

Interim City Manager Phillips reviewed the request, indicating it is a major commitment. Council Member Wever recommended postponing till December with Mayor Pugh indicating only one meeting was scheduled for after December. He also indicated committees had always been voluntary. Phillips indicated they are looking for elected officials but will consider staff. Discussion followed. Deadline is August 18, 2006.

Vice Mayor Pugh indicated he would volunteer for one committee.

* 2006 Charter Amendments

a) Ordinance 287-E Changes to the Charter for Ballot
Consideration of approval of Ordinance for Charter Amendments to be included on the November 7, 2006, Ballot for voter approval.

Interim City Manager Phillips reviewed the Ordinance. City Attorney LaCroix indicated there were a few changes before the second reading and a Resolution would follow.

Vice Mayor Pugh questioned the reemployment of former Council Members. Interim City Manager Philips indicated it could be full employment but not in a supervisory position.

Acting City Clerk Peters read Ordinance No. 287-E by headnote as follows:

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ORDINANCE NO. 287 RELATING TO THE GOVERNMENT OF THE CITY OF BROOKSVILLE; PROMULGATING, ESTABLISHING AND PROVIDING FOR A REVISED CHARTER OF THE CITY OF BROOKSVILLE; PROVIDING FOR A REFERENDUM; AND PROVIDING AN EFFECTIVE DATE.

Motion:
Council Member Staib moved to approve first reading; seconded by Vice Mayor Pugh. Motion carried 3-2 upon roll call vote as follows:

Council Member Burnett	Nay
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Nay
Mayor Johnston	Aye

*Addendum Items C-7, F-6a&b

Interim City Manager Phillips indicated a detailed analysis of the changes will be published for the benefit of the citizens.

b) Ordinance 287-F Ministerial Charter Changes
Consideration of approval of Ordinance for ministerial changes to the Charter.

Acting City Clerk Peters read Ordinance No. 287-F by headnote as follows:

AN ORDINANCE MAKING NONSUBSTANTIVE AND MINISTERIAL REVISIONS TO THE CHARTER OF THE CITY OF BROOKSVILLE; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Interim City Manager Phillips indicated there were additional minor changes made since the original presentation by the Charter Review Committee at the direction of the code company primarily dealing with paragraph numbering format.

Motion:
Council Member Staib moved to approve first reading; seconded by Council Member Wever. Motion carried 5-0 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

City Manager Contract
Consideration of proposed employment agreement with Richard E. Anderson effective September 1, 2006 to March 13, 2008.

Council Member Burnett questioned the circumstances surrounding Richard Anderson's re-employment. He felt that since Mr. Anderson had to resign his position it should be posted and he should have to reapply. He felt it might be a problem to reappoint him as City Manager without due process.

Vice Mayor Pugh referenced other people who had been through the FRS process. He felt some parts of the City Manager's contract needed to be clarified. He asked what Mr. Anderson was being offered in respect to retirement. He also indicated no performance review had been done to date and he did not feel that was right. He went on to elaborate on different issues such as due process of issues to be dealt with, personnel issues, BERT issues and others.

Council Member Staib stated that Mr. Anderson had done a great job and did not feel this to be the time to change administration.

Mayor Johnston indicated the City Manager and Attorney were the only two people the Council has the authority to hire or fire and that he wanted continuity until the new Council is in place.

Council Member Burnett indicated he is questioning the process, not the history of Mr. Anderson's performance. He did not feel the right process was being followed and that the position should be advertised.

City Attorney LaCroix indicated the position could be advertised but there is no legal ramifications if it is advertised or not.

Laureen Busacca, Department of Public Works, referencing the Personnel Policy Sec. 2.03, felt that the first two of his duties, which is to apply equally and fairly all personnel regulations as adopted by the City Council and to foster and develop a program for the improvement and effectiveness and morale has not happened. She then referenced Sec. 1.04 amendment to the rules, noting that the first couple of sentences in that paragraph states that citizens or employees can send requests for amendments. She then made reference to a letter with 30 employee signatures that was submitted to Mr. Anderson in April of 2005 with possible amendments to the policy, adding that it was never given consideration or forwarded to the proper committee.

Paul Lazar addressed Council wanting to understand why Council would want to bring back a city manager that has costed this city over $400,000 in payoffs to women who have filed sexual harassment cases against him, which he reminded Council, had also happened in Florida City and Ft. Lauderdale. He recommended due diligence and felt there were other qualified candidates for the job.

Motion:
Council Member Burnett moved to post the City Manager's position; seconded by Vice Mayor Pugh; Motion failed 2-3 with Council Member Staib, Council Member Wever and Mayor Johnston in opposition.

Vice Mayor Pugh moved to deny the contract in it's entirety; seconded by Council Member Burnett. Motion failed 2-3 with Council Member Staib, Council Member Burnett and Mayor Johnston in opposition.

Council Member Wever recommended amending the contract to delete or adjust the termination verbage on page 6 to reflect that the City Manager can be terminated upon just cause. He noted that on page 5, paragraph 2 would have to be eliminated.

Motion:
Vice Mayor Pugh moved to postpone acceptance of the contract until the August 21 agenda; seconded by Council Member Burnett. Motion carried 5-0

ITEMS BY COUNCIL MEMBERS

Council Member Frankie Burnett

City Manager's Contract
Council Member Burnett reiterated that he was not questioning the ability of Mr. Anderson, only the process, and referenced the Fire Department process of hiring Chief Mossgrove in which the position was posted. It is his concern that due process is not being followed.

Vice Mayor David Pugh

City Manager's Contract
Vice Mayor Pugh indicated that, unlike Council Member Burnett, he is questioning the leadership of Mr. Anderson as City Manager, but also indicated it is not personal.

Police Department Vacancies
He also referenced Chief Tincher's indication that the City may be losing two officers and asked if there was a way to avoid that. Chief Tincher responded that one is relocating and that the other situation is not something he would like to discuss at this time but offered to meet with Vice Mayor Pugh to discuss the issue.

Council Member E.E. "Ernie" Wever, Jr.

Sasser Property
Council Member Wever indicated Director Geiger had referenced the need for Charlie Sasser to open Clinton Blvd. on the West end and that he had problems convincing Mr. Sasser of what needed to be done. He indicated he then visited with Mr. Sasser only to find that he had already cleared an opening for Clinton Blvd. over to what he believes to be a County road. He asked Director Pierce to speak to Mr. Sasser about his current actions and to clarify that the road Mr. Sasser is connecting is still in fact a County road and not his personal road. He also requested Director Pierce remind Mr. Sasser that Director of Community Development Bill Geiger indicated that he has to file a planned plat amendment with the County for any changes he is making.

Council Member Wever indicated that Mr. Sasser was of the belief that the annexation already adopted stopped at the development line on the West side. Director Geiger to clarify.

Personnel Policy Change
Council Member Wever referenced a proposed change in Personnel Policies he had submitted in the past for which he was told that all changes have to go through the Personnel Board. He quoted Section 1.04 of the Personnel Policies which states that Council can make a change without personnel board approval. He requested that his proposed change dated July 17, 2006, in regard to the makeup of the Personnel Board be put on the next agenda for discussion.

Interim City Manager Karen M. Phillips

Florida League of Cities Conference
Interim City Manager Phillips asked for confirmation that Council Member Staib, who is the only Council Member going to the FLC Conference, is the appointed voting delegate for the conference, which was confirmed by consensus.

Code Books
She also informed Council that the new code books had been received and are being reviewed and the adoptive ordinance will be presented shortly.

CITIZENS INPUT

There was none.

ADJOURNMENT

The meeting adjourned at 8:50 p.m.

Acting City Clerk

Attest: _____
Mayor

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*Addendum Items C-7, F-6a&b

AGENDA ITEM NO. C-1
9-18-06

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

August 21, 2006 7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor David Pugh, Council Members Frankie Burnett, Mary A. Staib and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney, Karen M. Phillips, Interim City Manager/Director of Administration; Janice L. Peters, Acting City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Emory Pierce, Director of Public Works; Boyce E. Tincher, Brooksville Police Dept; Fire Chief Tim Mossgrove, Brooksville Fire Dept. Members of the Hernando Times were also present.

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

CONSENT AGENDA

Minutes

Special Meeting - July 31, 2006
Regular Meeting - August 7, 2006

ASCAP Updated License Agreement
Consideration of execution of agreement for annual payment of $280 for permission of use of certain copywrited music.

Storm Debris Clean-Up
Consideration of authorization to proceed for storm debris clean-up as needed, as follows:

a) In the short term to piggy-back on the contract that the County chooses; and

b) Request that the County include the City of Brooksville storm debris clean-up in their bid for long-term contractor services as needed (subject to City staff and legal review).

RFP No. HR2006-13 Section 125 Cafeteria Plan, Accident and Health/Medical Expense Reimbursement Plan
Ratify issuance of RFP for Accident & Health/Medical Expense Reimbursement Plan for 2006/07 Fiscal Year.

Interlocal Agreement between the City of Brooksville, Hernando County and the MPO for Transit Operations
Approval of amended draft 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.

APPROVED BY BROOKSVILLE CITY COUNCIL
ON 09/18/06 INITIALS JLP

Tom Varn Park - Brooksville Blazin' Butts & Brisket Bar-B-Que Competition

a) Waiver of fees and insurance for use of grounds on Walking Trail for event in conjunction with Founder's Week activities October 20-22, 2006.

b) Consideration of request to allow distribution and consumption of beer in designated area in Tom Varn Park during Bar-B-Que Contest in conjunction with Founder's Week Celebration on October 20-21, 2006 and allow overnight parking by team members.

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

Acceptance of FDLE JAG Grant in the amount of $2,286 for the Drug Abuse Resistance Education (D.A.R.E.) Project.

JBCC HOOD SYSTEM

Authorize waiver of purchasing policy for staff to contract installation with Citrus County Sheet Metal to install the hood at the JBCC for an amount not to exceed $8,418 ($6,000 budgeted in the JBCC Capital Acct. #001-025-572-55640 and $2,500 funding commitment from the Jerome Brown Youth Foundation) as a sole source vendor.

Image System

Consideration of authorization for, a)Budget transfer from Reserves to appropriate Administration budget in the amount of $6,900 to purchase necessary components for Image System upgrade; and b) Authorize purchase of image software and installation/maintenance from MCCi; under State contract with total amount not to exceed $10,900.

Interim City Manager Phillips clarified that 6-B should read alcoholic beverages, not beer.

Mayor Johnston clarified that it is intended that there will be a beer sponsored distributor, Budweiser, at the BBQ but the cook teams themselves may have beverages for themselves or their recipes and that police and fire should be there.

Vice Mayor Pugh asked if item C-9 is an item that had been cut out of the budget. Interim City Manager indicated it was not, that it was the portable recording system that had been cut.

Council Member Wever indicated the minutes of July 31st on page 3, 2nd paragraph, 2nd line, should read Vice Mayor Pugh or Mayor Johnston.

He also pointed out that in the minutes of August 7th, page 2, paragraph 6, third line, the second "City" in the sentence should be removed.

Motion:
Council Member Burnett moved to approve with corrections; seconded by Council Member Staib. Motion carried 5-0.

PUBLIC HEARING

Alcoholic Beverage Location Permit Application - 711 S. Broad St.

Consideration of approval of Alcoholic Beverage Location Permit for John's Corner Family Restaurant.

The Mundreanu family were not in attendance and there was no citizen input.

Motion:
Council Member Staib moved to approve; seconded by Council Member Wever. Motion carried 5-0.

Alcoholic Beverage Location Permit Application - 1242 S. Broad St.
Consideration of approval of Alcoholic Beverage Location Permit for Maria's Family Restaurant.

Chris A. Spirou, owner of Maria's Family Restaurant was in attendance and indicated the restaurant would reopen September 1. There was no citizen input.

Motion:
Council Member Staib moved to approve; seconded by Council Member Wever. Motion carried 5-0.

2006 Charter Amendments

a) Ordinance 287-E Changes to the Charter for Ballot
Consideration of approval of Ordinance for Charter Amendments to be included on the November 7, 2006, Ballot for voter approval.
[First Reading 08/07/06]

City Attorney LaCroix indicated there were a few changes made and recommended it be adopted and to direct the City Clerk to remove the legends.

Interim City Manager Phillips reviewed the changes to the Charter.

Acting City Clerk Peters read Ordinance No. 287-E by headnote as follows:

> **AN ORDINANCE AMENDING CERTAIN SECTIONS OF ORDINANCE NO. 287 RELATING TO THE GOVERNMENT OF THE CITY OF BROOKSVILLE; PROMULGATING, ESTABLISHING AND PROVIDING FOR A REVISED CHARTER OF THE CITY OF BROOKSVILLE; PROVIDING FOR A REFERENDUM; AND PROVIDING AN EFFECTIVE DATE.**

There was no public input.

Motion:
Council Member Staib moved to approve; seconded by Council Member Wever. Motion carried 4-1 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Nay
Mayor Johnston	Aye

b) Ordinance 287-F Ministerial Charter Changes
Consideration of approval of Ordinance for ministerial changes to the Charter.
[First Reading 08/07/06]

Interim City Manager Phillips reviewed the changes to the Charter.

Acting City Clerk Peters read Ordinance No. 287-F by headnote as follows:

> AN ORDINANCE MAKING NONSUBSTANTIVE AND MINISTERIAL REVISIONS TO THE CHARTER OF THE CITY OF BROOKSVILLE; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

There was no public input.

Motion:
Council Member Staib moved to approve; seconded by Council Member Wever. Motion carried 5-0 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

REGULAR AGENDA

City Manager Contract

Consideration of proposed employment agreement with Richard E. Anderson effective September 1, 2006 to March 13, 2008.
[Continued from 08/07/06 Agenda - Proposed agreement includes negotiated modifications with Mr. Anderson]

Interim City Manager Phillips reviewed the changes made to the contract requested by Council Member Wever and indicated Mr. Anderson had requested paragraph 6 be changed to 30 days notice for himself as well.

Council Member Wever indicated he was concerned about the direction the issue was going and reviewed the history of the position. He requested to change and approve the original contract as it was initially presented, without changes he had requested at the last meeting.

Vice Mayor Pugh indicated he is astounded that it seems a blind eye is being turned to the problems of the city.

Mayor Johnston reiterated that he felt the new Council should have the opportunity to pick their own City Manager but also felt it important to have someone in the position that knows what is going on in the City during Council transition.

Motion:
Council Member Wever moved to approve original contract; seconded by Council Member Staib. Motion died 2-3.

Vice Mayor Pugh felt there were questions that needed to be answered in general about Mr. Anderson's performance and the absence of evaluations in his personnel record as well as other items needed to be addressed.

Council Member Staib asked how he felt Mr. Anderson was responsible for what has happened since his departure.

Vice Mayor Pugh felt that Mr. Anderson put things in motion before his departure to be carried out in his absence.

Mayor Johnston passed the gavel to Vice Mayor Pugh.

Motion:
Mayor Johnston motioned that the current amended contract be ratified; seconded by Staib. Motion carried 4-1 with Vice Mayor Pugh voting in opposition.

Hernando County Economic Improvement Plan
Presentation of Hernando County's proposed Economic Improvement Plan

Director of Business Development, Mike McHugh addressed Council for input on Hernando County's Economic Improvement Plan which he reviewed in detail and indicated it is in the draft stage and the County is seeking input and recommendations from the City.

Council Member Staib asked if anyone had considered row houses. Mr. McHugh stated he felt that was a possibility.

Mayor Johnston indicated work-force housing should be emphasized and looked at in depth.

Vice Mayor Pugh questioned apartments being used for work-force housing and Mr. McHugh indicated it was considered work-force housing and some include daycare.

Council Member Burnett felt all citizens and areas should be involved and asked if the south Brooksville area had been included. Mr. McHugh indicated there had been reviews in the paper and channel 19 had ran the issue but was open to any suggestions to reach any areas.

He thanked Council and requested he be contacted with any subsequent input before he finalized the report.

RECESS

Mayor Johnston requested a 5 minute recess at 7:45 at which time he departed, passing the gavel to Vice Mayor Pugh.

Vice Mayor Pugh reconvened the meeting at 7:51

Interlocal Agreement for Public School Facility Planning and School Concurrency Implementation
Consideration of approval and adoption of the August 7, 2006 version of the referenced Interlocal Agreement.

Director Geiger reviewed the final draft of the Interlocal Agreement which Council had seen a draft of in June. He stated revisions had been made and reviewed by the Department of Community Affairs and he recommended consideration and approval.

He indicated the school district had reviewed the agreement at their meeting on August 15th and approved it without revisions and it will be presented to the Board of County Commissioners tomorrow.

Motion:
Council Member Staib moved to approve; seconded by Council Member Wever. Motion carried 4-0.

Specimen tree Removal Authorization Request - Cascades Amenity Center Site - Petitioner: Levitt & Sons

Consideration of authorization and conditional approval of the petitioner's request to remove designated specimen trees from the site as outlined in it's Demolition Plan & Tree Information dated August 3, 2006.

Director Geiger reviewed the issue stating there are numerous specimen trees on the property and that the building is in excess of 53,000 ft. and recommended approval with conditions which he reviewed.

The site plan was reviewed in detail.

Vice Mayor Pugh asked if the specimen trees were being replaced inch for inch. Director Geiger indicated code is being met which does not necessarily call for exact replacement.

Motion:
Council Member Staib moved to approve; seconded by Council Member Wever . Motion carried 4-0.

Generator Installation Bid No. GG2006-07

Award of bid for installation of generators (previously awarded for purchase from CJ's Sales and Service).

a) Recommendation of award of small generator installation plus the SR 50 Lift Station large generator installation to A. L. Covell Electric, Inc. for an amount not to exceed $79,718.

Public Works Director, Emory Pierce reviewed the bid process and his recommendation of the award to A.L. Covell Electric, Inc.

Motion:
Council Member Staib moved to approve; seconded by Council Member Burnett. Motion carried 4-0.

b) Recommendation of award of City Hall large generator installation to MCS of Tampa for an amount not to exceed $43,689.

Director Pierce indicated a new generator would not be installed at the SR50 Lift Station but it would be rewired for a portable generator installation.

Council Member Staib asked if a new grant had to be applied for regarding the window retrofit and Director Pierce indicated the USDA grant for the generators and installation also includes the window retrofit.

She then asked when the window retrofit would be done. Interim City Manager indicated the bid is out at this time and will be presented to Council for award at the meeting on September 18.

Motion:
Council Member Burnett moved to approve; seconded by Council member Staib. Motion carried 4-0.

Advisory Board Appointments

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

a) Police Officer's Pension Trust Fund Board of Trustees
One position to fill a two-year term of office through date of appointment.

Charles W. Price Jr. (New Applicant & City Resident)

b) Firefighters' Pension Trust Fund Board of Trustees
One position to fill the balance of a two year term through 10/31/07.

Paul D. Babcock (New Applicant & City Resident)

c) Parks & Recreation Advisory Board
Two vacancies to fill full terms of office through 08/31/10, one vacancy is an alternate.

Richard D. Gant (Current Board Member)
Toni Maletta (New Applicant as alternate)

d) Personnel Board
Two vacancies, one for the balance of a term of office through 1/31/08, and a three-year term of office through 09/30/09.

Bennie Floyd-Peoples (New Applicant & City Resident)

e) Beautification Board
One vacancy to fill the balance of a term of office through 01/31/08.

Interim City Manager Phillips reviewed the applications for the various boards, noting that no applications had been received for the Beautification Board and it was listed for reference only. A press release will be released for this board.

Discussion followed concerning the applications for Parks & Recreation. Council Member Burnett suggested the new applicant be approved as a full-time member instead of an alternate.

Motion:
Council Member Staib moved to approve items a) Police, b) Fire and d) Personnel Board applications; seconded by Council Member Burnett. Motion carried 4-0.

Concerning the Parks & Recreation Advisory Board, Vice Mayor Pugh recommended keeping Mr. Gant as the full-time board member.

Motion:
Council Member Wever move for approval of item c) Parks & Recreation as listed; seconded by Council Member Staib. Motion carried 3-1 with Council Member Burnett voting in opposition.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS
[NOTE: Proclamation request received late so agenda order was adjusted.]

Leukemia Society Proclamation
Proclamation designating September as "Leukemia, Lymphoma & Myeloma Awareness Month".

Interim City Manager Phillips read the Proclamation in it's entirety, which will be mailed to the Society.

ITEMS TO DISCUSS BY COUNCIL MEMBERS

Council Member E.E. "Ernie" Wever, Jr.

Personnel Policies Amendment
Change membership configuration

Council Member Wever recommended changing the makeup of the Personnel Board and reviewed his recommendations, which he suggested could be presented to the Personnel Board for review after approval. He felt this gave the board more of an employee advantage and that management is represented by the Human Resources Director and the City Attorney as advisors.

Council Member Staib recommended sending to the Personnel Board for recommendation first.

Interim City Manager Phillips indicated that if the recommendations were followed, all the employee representatives could potentially be from Public Works. She also pointed out that the department division heads fall under the same rules and regulations and have no voice in this and management as a whole would have no voting power, thereby making the board too employee-controlled. Council Member Wever indicated it is his intent for the Personnel Board to be an employee-run board.

Interim City Manager Phillips stated that management is not included in the voting process. The alternate and management positions are selected by the City Manager. Council Member Wever stated he does not see a need for an alternate.

Ron Baker indicated there had only been two meetings in the six years he has been here and numerous changes had been made without Personnel Board review.

Motion:
Council Member Burnett moved to send item to the Personnel Board for review; seconded by Council member Staib. Motion carried 3-1 with Council Member Wever voting in opposition.

1999 and 2002 Bond R&R Fund
Consideration of recommendations to meet the $350,000 on the 2002 Bond R&R set by Council.

Council Member Wever referencing the two bond issues out on Utilities indicated the 1999 bond issue is a completely new bond issue with a new resolution with requirements specific to those bonds and proceeded to review the issue.

Council Member Wever recommended restoring the $250,000 to the 2002 Bond R&R Fund and approve the use of extra $100,000 to help fund the deficiency in the Reserve Fund adding that we would then have to come up with about $78,000 more to go into the 99 Reserve Fund. He indicated the interest on all three funds has to be transferred to the General Revenues of Utilities.

Finance Director Baumgartner agreed that the $250,000 needs to be restated to the 2002 Bond Reserve.

Motion:
Council Member Wever moved to direct the Director of Finance Baumgartner to restore $250,000 R&R Fund for the 2002 Bond Issue; seconded by Council Member Burnett. Motion carried 4-0.

Motion:
Council Member Wever moved to approve the transfer of the extra $100,000 from the 2002 R&R Fund to the 1999 Reserve Fund; seconded by Council Member Burnett. Motion carried 4-0.

He also indicated the resolution that sets the funds calls for transfers into the reserve fund and requires any deficiencies be made up in the transfer.

Southern Pines Road Access Issue
He asked if Director Pierce had a chance to see Mr. Sasser and Director Geiger indicated he had not.

Parking Lot at McKethan Park
Council Member Wever then noted the parking area at Mckethan Park is in poor condition and inquired if it would be possible to come up with a cost estimate to repair or rebuild. Director Pierce agreed and stated a 1" overlay is needed which will cost $5-6,000. He will research and report back

Utility Service Agreement Annexation Clause
Council Member Wever asked City Attorney LaCroix to prepare new verbage for annexations an by consensus it was agreed to proceed.

Council Member Frankie Burnett

School Schedule
Council Member Burnett indicated he will be unavailable for meetings on Wednesdays for the next 12 weeks.

Downtown parking
He indicated he had received complaints about parking in the downtown area and asked if there is anything that can be done about that.

Interim City Manager indicated the position had been removed from the budget for next year. Chief Tincher indicated the City needs to look at options for signage and notifications need to be considered. The item will be brought back to Council.

Vice Mayor Pugh stated that care has to be taken for persons visiting.

Council member Burnett asked about re-instating the position

Interim City Manager
Interim City Manager Phillips indicated Donald Varn had withdrawn his candidacy for the Council Member elections.

Vice Mayor David Pugh

Fences
Vice Mayor Pugh indicated a citizen had requested regulations on fences for front yards of a historical nature. Director Geiger stated there are regulations but it does allow for chain link across the front. He offered to come up with some recommendations.

REGULAR CITY COUNCIL MEETING MINUTES - AUGUST 21, 2006

CITIZENS INPUT

Dale Stokely

Noise
Mr. Stokely, who lives on Buena Vista Avenue, indicated he had moved from Tampa last year and had a complaint about loud music from car stereos, noting he had called the police numerous time. He indicated around 5:00 pm to be the most noisy time. He suggested changing the city ordinance to increase the penalty for violations.

Chief Tincher recommended visiting other cities ordinances.

Susan McCrary

Longevity
Ms. McCrary is a Fire Department employee and would like council to revisit longevity pay increases for employees.

David Pugh, Sr.

Downtown Parking
Mr. Pugh pointed out that county employees are the biggest problem for downtown parking.

City Managers Contract
He also indicated he is a friend of Mr. Anderson but felt the City Manager should receive formal evaluations, which is required of normal employees. He indicated Council needed to step up and take the blame for not requiring an evaluation of the City Manager.

Laureen Busacca

Evaluations
Also a City DPW employee, Laureen pointed out that every employee in the City gets evaluated yearly regardless of the raise or not and pointed out that the City Manager's proposed contract calls for an evaluation as it deems necessary.

Alison Jones

Specimen Trees
Ms. Jones asked for clarification of measurement criteria for the replacement of the specimen trees requested by Levitt & Sons.

Paul Boston

Get out the Vote
Mr. Boston indicated that this year they are conducting their annual forum on October 21st at the Frederick Kelly Elk's Lodge to screen candidates and since this year the City Council race will be included he asked for use of the JBCC for the forum if they expect a large crowd. He also requested the City partnership with them.

He also addressed the noise problem with youth and recommended appealing to the community to lower the noise problem first and come up with a campaign to deal with the problem.

Joe Bernardini

City Manager Process
Mr. Bernardini indicated that 12 years ago they were in the process of picking a new City Manager. He agreed with what Council Member Burnett in that there is a vacancy and it should have been advertised.

ADJOURNMENT

The meeting adjourned at 9:45

Acting City Clerk

Attest: _____
Mayor

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AGENDA ITEM NO. C-1
11/6/06

CITY OF BROOKSVILLE
SPECIAL MEETING
FIRST PUBLIC HEARING
FISCAL YEAR 2007 BUDGET

MINUTES

SEPTEMBER 6, 2006 7:00 P.M.

Brooksville City Council met in special session with Mayor Joseph E. Johnston, III, Vice Mayor David Pugh, Mary A. Staib and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, Director of Administration/City Clerk; Janice L. Peters, Deputy City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Emory Pierce, Director of Public Works; and Fire Chief Tim Mossgrove. Members of the Hernando Today and Hernando Times were also present.

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

Mayor Johnston reminded everyone that Council Member Burnett would not be here because of a conflict with school and that the meeting is a Public Hearing, not a workshop as indicated on the exhibits.

PUBLIC HEARING - PRESENTATION OF PROPOSED BUDGET FOR FISCAL YEAR STARTING OCTOBER 1, 2006

Public Announcement - Ad Valorem Tax Rate (TRIM Notice)

> Pursuant to Section 200.069, F.S., "Notice of Proposed Property Taxes" (TRIM NOTICE) the proposed ad valorem rate for the Fiscal Year 2007 was advertised to be a maximum of 8.0000 mills. This millage rate would be a 44.38% increase over the rolled back rate of 5.5408 mills. After reviewing revenue projections and proposed expenditure levels for the 2006-07 Fiscal Year, the General Fund budget is balanced at a proposed rate of 7.5000 mills, which is 35.36% over the rollback rate.

City Clerk Karen Phillips read the Announcement.

Mayor Johnston recommended revisiting the Ad Valorem Tax Rate with Item C-3.

Mayor Johnston referenced a memo received from City Manager Richard Anderson dated September 5, 2006, along with a memo from Finance Director Steve Baumgartner dated August 31, 2006. City Manager Anderson proceeded to give an overview of the budget and changes.

Mayor Johnston, referencing the aforementioned memos, indicated the general budget reserves will increase about $8,200 with changes which were not in the budget at the time it was distributed.

Mayor Johnston recommended each Council Member state the page numbers and issues they had.

Page 43 Line 11
City Clerk Phillips indicated that in the Admin budget the codification project is complete except for $350 and as a result the ~~05/06~~ 06/07 requested budget could be reduced to $6,000 from $13,000. Corrected 11/07/06

APPROVED BY BROOKSVILLE CITY COUNCIL W/CORR.
ON 11/6/06 INITIALS

FISCAL YEAR 2007 BUDGET FIRST PUBLIC HEARING
SEPTEMBER 6, 2005

Mayor Johnston

Mayor Johnston had the following questions/recommendations for changes to the 06/07 Budget:

Page 42

Mayor Johnston asked for clarification on whom the Environmental Specialist is. City Clerk Phillips indicated it is the person who takes care of the cleaning of City Hall, previously budgeted in Public Works.

Page 56

Footnote 2 - The footnote was corrected to read "these account numbers have been moved from individual departments" and should be corrected elsewhere as well.

Page 82

Performance Measures - FY 03/04 & FY04/05 should have actual numbers, not estimated and should be corrected elsewhere as well.

Page 96

Footnote 3 - Should read "Copy Machine."

Under Machinery and Equipment, Capital Outlay, Vice Mayor Pugh asked if two mowers had already been purchased within the last year. Mike Walker, Director of Parks and Recreation, indicated one had been purchased for Parks and one for the Quarry, which are larger mowers that cannot be used at the Cemetery because they will not fit between the headstones.

Vice Mayor Pugh asked if the purchase of one could be deferred, which Director Walker indicated could be done but he doubted the current ones would last. It was agreed that one would be purchased October 1 and the additional one during June or July.

Page 132

Water/Wastewater Division Narrative - To the left at the bottom there are three abbreviations, SHP (Southern Hills Plantation) Blvd., WRF (Waste Reclamation Facility) and WMD (Water Management District or SWFWMD), which should be defined.

Page 165

Public Works, Fleet Maintenance - May 05/06 projected? Director Baumgartner to correct.

Page 176

CRA has negative balances and needs a footnote that states it is a loan.

Vice Mayor Pugh

Vice Mayor Pugh had the following questions/recommendations for changes to the 06/07 Budget:

Page 8

Under the Asteric on the footnote the period should be a comma.

Parks & Recreation Budget - Parks Office Building shows an addition of $192,000? Director Baumgartner to change to $92,000.

Page 43

Line 31 the footnote needs to be deleted.

FISCAL YEAR 2007 BUDGET FIRST PUBLIC HEARING
SEPTEMBER 6, 2005

Page 66
Footnote 1, Line Item 39 - Building Division Consultant Service $190,000. Vice Mayor Pugh asked if that is projected revenue from permits and are they being paid up-front for their services. Director Geiger indicated it is just projections of what was done this year. Director Baumgartner referenced page 16, Building Permits for Total License and Permits, which reflects around $300,000.

Page 84
Can the unscheduled overtime be taken out? Fire Chief Mossgrove said the problem is the call back situation. Baumgartner added that because of FSLA a portion will always be overtime.

Mayor Johnston recommended changing the footnote from consultant services to services.

Fire Department - Unscheduled Overtime - Vice Mayor Pugh recommended removing unscheduled overtime from the budget. City Manager Anderson recommended revisiting during the 1st quarter budget amendments.

Page 166 Line Item 32
In reference to the 2000 Fire Engine Vice Mayor Pugh asked if it was anticipated that a new one would have to be purchased in 2-3 years. Chief Mossgrove indicated the truck had many problems from the time it was built and he does anticipate another purchase in 4-5 years.

Line Item 66
New Ladder Truck - Vice Mayor Pugh indicated it already has two-years in service? Director Baumgartner indicated a full year's reserves is accounted for regardless of when purchased.

Jim Delach indicated it is not a depreciation schedule but a funding schedule.

Vice Mayor Pugh asked for confirmation that 3 new Dodge Chargers are being purchased for the Police Dept and one SUV for the Fire Dept., which was confirmed by Director of Finance Baumgartner.

Page 179
Vice Mayor Pugh indicated the map may be wrong in that Milk-a-way is not listed and Q2 is missing.

Page 180
He asked if the population had only grown by 12 since 2000? Director Pierce said an increase of 40 was recorded for this year.

Page 149 Meter Reader Trucks
Vice Mayor Pugh asked were they not purchased this year? William Smith indicated utility trucks had been purchased.

Mayor Johnston inquired about the reason for converting Damac to automatic reads? William Smith indicated it is the most difficult area to read because most meters are in the back yard and animals are a problem.

Council Member Staib

Mayor Johnston had the following questions/recommendations for changes to the 06/07 Budget:

FISCAL YEAR 2007 BUDGET FIRST PUBLIC HEARING
SEPTEMBER 6, 2005

Page 28 Elevator Project
Council Member Staib asked what the main problem is. City Manager Anderson indicated funds had been building up each year for the purchase of a second elevator but money had been transferred out of the multi-use fund in prior years

Vice Mayor Pugh asked if the 3rd floor contributes to the elevator maintenance. Mr. Anderson indicated it is included in their rent.

Page 29 City Hall Storm Shutters
City Clerk Phillips indicated a technicality is being reviewed and it will be sent to USDA for final approval then to Council.

Council Member Staib indicated that in the margins the figure on staffing wages is being carried down to Holiday Pay in the margins. Director Baumgartner said it will be removed from the final budget.

Page 93 Columbarium Project
Mike said he is just waiting on a permit and it will be ready by the end of the year.

Page 98 JBCC
Programs with YMCA and Girl Scouts - Council Member Staib suggested posting these programs on the door for parents to know they are available.

Item 5 at the bottom of the page states "to provide the community with at lest two motivation speakers for 2007" and should read "at least two motivational".

Item 6 should read substance instead of substman.

Page 123 Footnote
Needs clarification.

Page 180 and 182
Brooksville populations differ on the Census data and Brooksville should be changed to City of Brooksville.

Council Member Wever

Council Member Wever had the following questions/recommendations for changes to the 06/07 Budget:

He indicated the General Fund unallocated reserves needs to be increased $125,000 by eliminating some items.

Page 4
Total financing sources and expenditures should be about equal.

Page 6 Lines 9-13

The totals are $988,000, compared to the total on page 10 for Parks and Recreation at $895,000. Jim Delach indicated the total on page 10 is just for personnel and operating and the total on page 6 includes capital. Finance will review.

FISCAL YEAR 2007 BUDGET FIRST PUBLIC HEARING
SEPTEMBER 6, 2005

Page 10
Council Member Wever indicated Unallocated Reserves are $340,000 and offered suggestions to change the ratio.

Page 16
Occupational Licenses - Council Member Wever asked why the current year figure is so low compared to previous years. Director Baumgartner indicated it is a mistake based on projections for this year and will be reviewed and revised if necessary.

Alcoholic Beverage License - same problems. To be changed.

Occupational License - same problem. To be changed to around $50,000.

Page 19 Lines 28-31
Council Member Wever pointed out that lines 28-31 should be deleted before final budget.

Council Member Wever recommended the commitment for additional fire and police be put on hold for the first quarter, remove $152,000 for vacation and sick leave and defer until mid-year.

Motion:
Council Member Wever motioned to approve, seconded by Vice Mayor Pugh. Motion passed 4-0.

Jim Delach clarified the totals questioned by Council Member Wever on pages six and page 10. The footnote for the police operations packages will be deferred on page 79 also, pending the reinstatement of the commitment for additional fire and police. To confer with Chief Tincher.

Page 23 General Funds Transfers Out
Council Member Wever recommended deferring the transfers out to Capital Project Fund 302, $4,000, Public Facilities Fund 306, $5,000 and the Multi-year Capital Fund 308 of $25,000, which will add $34,000 to the reserves. Council concurred.

Page 24
Council Member Wever recommended all expenditures be taken out. It was decided that the new police car be deferred until mid-year budget review along with the $5,000 transferred out.

Page 36
Council Member Wever recommended the projection on Social Security and the increase on the proposed budget for next year be reviewed. Finance to review and lower.

Page 37 Lines 2 and 16
He indicated three new Council Members should only be one new with two returning for training purposes and recommended reducing line items 2 and 16 to allow for one Council Member training. City Clerk Phillips indicated travel and per diem is based on $300 per person per course. Consensus was to leave as is.

Page 49
MIS position is still vacant and interviews are being done.

FISCAL YEAR 2007 BUDGET FIRST PUBLIC HEARING
SEPTEMBER 6, 2005

Page 111 Public Works Supervisor
Council Member Wever asked if the funds for the position had been moved to Utilities.

Page 113
He indicated the transfer out, line 56, of $32,257 and on page 136 the transfer in is only $23,429. Director Baumgartner indicated that one is incorrect and will be corrected.

Council Member Wever indicated it is past time for Utilities and Sanitation to change from a fixed transfer amount to the General Fund to a percentage of gross or net revenue because of the increasing volume of revenue in those two funds.

City Manager Anderson noted that Finance had just completed a report, which had arrived too late to be distributed with the budget materials. He indicated it addresses these issues and gives some history on the matter, as well as options.

Page 142 Line 27
Reserve for contingencies and connection fees to be split out by Director Baumgartner.

Page 156
Total revenues of $1,257,000 figure is wrong and should be $1,417,000, which Director Baumgartner will fix.

Council Member Wever indicated he had spoken with Jack Sullivan about the possibility of a grant from the Water Supply Board to help the City put in the interconnect at the hospital site and asked Director Pierce to put together information for Mr. Sullivan.

Mayor Johnston indicated the individual departmental budgets for medical reflects almost a 50% increase in health insurance costs but in the memo it says there is a 15% increase. Director Baumgartner elaborated.

He also asked Director of Administration Phillips about the Sanitation Study, who indicated letters were going out this week.

Public Input
Paul Neuhann stated he appreciates the effort by staff and Council on the budget and elaborated on his tax bill for his property. He asked if the City is spending all the tax base increases?

Mayor Johnston indicated new construction is the reason for the 38% increase and indicated revenues have been spent in part on employee benefits. Mr. Neuhann requested a lower millage rate

Council Member Wever offered that increases in employee pay used a lot of it along with increased gasoline prices.

Ad Valorem Tax Rate for Fiscal Year 2007
Consideration of establishing ad valorem tax rate at 7.5000 mills.

Motion:
Council Member Staib moved to approve; seconded by Council Member Wever.

Vice Mayor Pugh reviewed his feelings on the budget process.

Motion carried 4-0.

FISCAL YEAR 2007 BUDGET FIRST PUBLIC HEARING
SEPTEMBER 6, 2005

Ordinance No. 722 - Recommended Budget for Fiscal Year 2007
Consideration of first reading of proposed budget effective October 1, 2006.

City Clerk Phillips read the Ordinance by headnote as follows:

> AN ORDINANCE APPROPRIATING CERTAIN MONIES FOR THE GENERAL OPERATIONS OF THE CITY OF BROOKSVILLE, FLORIDA, FROM ITS SEVERAL FUNDS FOR THE TWELVE MONTH PERIOD BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007.

Mayor Johnston indicated the second reading would be on September 20, 2006 and would be amended to reflect the changes herein.

There was no further public input.

Motion:
Council Member Staib moved to approve; seconded by Council Member Wever. Motion carried 4-0 upon roll call vote as follows:

Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Vice Mayor Pugh thanked the Fire and Police Departments for their response to the recent fire at his rental property.

Director of Administration Phillips indicated qualifying ended Friday at noon for the City Council election. She noted that Joe Bernardini is unopposed for Seat 1 as is Richard Lewis for Seat 5 and Cecil D. Davis IV will be running against Lara Bradburn for Seat 4. She also noted that the ballot will have charter amendments on it as well.

ADJOURNMENT
The meeting adjourned at 8:50 p.m.

City Clerk

Attest: _____
Vice Mayor

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AGENDA ITEM NO. C-1
10/2/06

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

September 18, 2006 **7:00 P.M.**

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor David Pugh, Council Members Frankie Burnett, Mary A. Staib and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk/Director of Administration; Janice L. Peters, Deputy City Clerk; Ron Baker, Human Resources Director; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; William Smith, Superintendent of Utilities; Lt. Rick Hankins Police Dept., and Fire Chief James Daugherty. Members of the Hernando Times were also present.

CONSENT AGENDA

Minutes
Executive Session Minutes - August 26, 2002
Budget Workshop Meeting - July 19, 2006
Regular Council Meeting - August 21, 2006

Founders Week Costumes-Reimbursement
Authorization to reimburse $150 to Pat Jobe for materials and supplies for three complete outfits for Founders Week event inventory.

Lien for Demolition of 141 ACL Avenue
Authorization to execute and record Public Sanitary Nuisance Abatement Special Assessment Lien in the amount of $1,678.38. Demolition of above property was authorized 07/17/06.

Interlocal Agreement - Transit Operations
Approval of amended draft of the Transit Operations Interlocal agreement between the Hernando County Board of County Commissioners, the City of Brooksville and the Hernando County Metropolitan Planning Organization. [Previously approved 08/21/06]

Enterprise Zone Development Agency (EZDA) Membership Appointment/Changes Item removed to Regular Agenda.
Approval of:
a) Removal of 3 resident representative members, Floyd T. Moore, Richard Howell and Isabel Harris;
b) Confirmation of appointment of Blair Henley (Business representative - expires 2006); Dr. Stanley Gannet (Education representative - expires 2006); Sgt. James Terry (Sheriff's Office representative - expires 2008); and James Chris Styler (resident representative - expires 2008); and
c) Authorize EZDA Staff to solicit applications for vacant resident positions.

BlueCross BlueShield of Florida - Employee Medical Insurance. Approval of application for renewal with revisions based on prior changes to the Health Plan and employee contribution amounts.

APPROVED BY BROOKSVILLE CITY COUNCIL w/ corrections
ON 10/2/06 INITIALS

City of Brooksville Workstation Upgrades

Authorization to upgrade 17 computer systems for a total not to exceed $8,500. Funds available in MIS account #001-016-513-555 (Will be adjusted in subsequent year end budget amendment for transfer into appropriate Capital Account.)

Award of Optional Employee Insurance Programs (125 Cafeteria Plan) RFP HR2006-13

Consideration of award to NaviTech, Inc. for supplemental insurance program for employees.

Council Member Wever stated that on the July 19 minutes, page 4 under the heading Page 20-22, City Clerk Phillips needed to be removed from the beginning of the second line; on page 8, under the heading Page 60, "Nature" should be "Neighbor" and in the next paragraph FY06/06 should be "FY05/06".

In Item C-6 on page 21 Council Member Wever referenced a signature that needs to be corrected before the Mayor's signature.

Council Member Burnett asked to have Item C-5 moved to the regular agenda for the purpose of discussion.

Mayor Johnston noted that his name was misspelled on Page 11 of the August 22, 2002, meeting minutes.

Vice Mayor Pugh requested that items like C-2 come to Council before services are provided.

He then asked if all the upgrades to the computer system, item C-7, is in City Hall. City Clerk Phillips indicated they are throughout the system. He then asked if money will be transferred from each department. City Clerk Philips indicated that normally the expense is charged to MIS as a capital purchase. Director of Finance Baumgartner indicated it could be done either way.

Motion:
Council Member Wever moved for approval as amended and excluding Item 5; seconded by Council Member Staib. Motion Carried 5-0.

PUBLIC HEARING

Ordinance No. 718 (Adoption Hearing) - First Large-Scale Comprehensive Plan Amendment for Calendar Year 2006 (Transmittal Public Hearing was held on May 15, 2006).

Future Land Use Map and Text amendments to the Future Land Use, Infrastructure and Capital Improvements Elements **[First Reading 05/15/06]**

Community Development Director Bill Geiger reviewed the Comprehensive Plan and indicated there were no changes being proposed from first reading but that the Objections, Recommendations and Comments Report had been received from the Department of Community Affairs in July, after which there is a 60-day time frame to prepare a response to be brought to Council for consideration to adopt the amendment, to adopt with modifications or not to adopt the amendment. He covered issues the State had and indicated a thorough analysis had been done and that issues had been addressed with Hernando County and the developer as well. Discussion followed.

City Clerk Phillips read Ordinance No. 718 by headnote, as follows:

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

There was no public input.

Motion:
Council Member Burnett moved for approval; seconded by Council Member Staib.

Director Geiger indicated there was a Citizen Courtesy Information List in the back for citizens wishing to receive additional information about the Plan.

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

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

REGULAR AGENDA

Proposed Ordinance No. 723 - Adopting New City Code Book
Consideration of adoption of new Code of Ordinances as published by Municipal Code Corp through Codification process.

City Clerk Phillips read Ordinance No. 723 by headnote, as follows:

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

City Clerk Phillips indicated the Code Book is available in the Clerk's Office for anyone wishing to view it and gave a brief synopsis of the changes made, noting that there will be refinements. She also indicated it can be viewed on the City's website or purchased from MCC.

Motion:
Council Member Wever moved for approval; seconded by Council Member Burnett.
Motion carried 5-0 upon roll call vote as follows:

Council Member Staib	Aye
Council Member Wever	Aye
Council Member Burnett	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Clerk Philips indicated the second and final reading would be on October 2, 2006.

Proposed Ordinance No. 724 - Voluntary Annexation of DeMaria Property

Consideration of annexation of approximately 676 acres ± located East of and adjacent to Hope Hill Road, West of Emerson Road and South of Pinewood Dairy Road.

City Manager Anderson stated that action as indicated on the agenda had been modified recommending that if Council determines to approve annexation on first reading that the second reading will need to be postponed until after staff completes it's economic and infrastructure analysis.

Director Geiger reviewed the Ordinance and the property in question indicating Coastal Engineering was present to represent the owners interest. He indicated the Planning and Zoning Commission found that the petition meets the requirements of Chapter 171 FS for annexation into the City of Brooksville.

He also noted that the Board of County Commissioners had scheduled the ordinance for discussion at last weeks land use hearing and a letter had been received expressing their concerns. Director Geiger also noted that he and the City Manager would be meeting with the County and Planning administrators on Wednesday to address those issues.

Director Geiger indicated the Planning and Zoning commission recommended consideration of the annexation of the property. He referenced the request of the property owner to hunt on the property and noted that, although under city code no firearms are allowed to be discharged within city limits, it is preempted according to State regulations because the property is large enough and as long as it is undeveloped and being used as a residence it is allowed. He covered the conditions of approval recommended by the Planning and Zoning Board.

Council Member Staib asked if this property would involve CSX property. Director Geiger indicated it would include the property around the railroad and explained in detail.

Mayor Johnston asked about two parcels on Application to Annex Application, indicating they were owned by JRZ Suspensions with no Agent of Record Letter. Director Geiger will research and correct before second reading.

Vice Mayor Pugh asked if Majestic Oaks' right-of-way had been annexed. Director Geiger indicated it had been proposed initially and the County had objected to it so it was removed from the annexation ordinance.

Council Member Wever referenced the next to last page indicating the narrative, Item 6, was unclear and needed to be reviewed. Director Geiger indicated it had been pointed out to the representative of the property owner and it is being corrected.

City Clerk Phillips read Ordinance No. 724 by headnote, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE.

Motion:
Council Member Staib moved for approval; seconded by Council Member Wever.

Vice Mayor Pugh asked if the property owner had been contacted concerning the possible postponement of the second reading. City Manager Anderson indicated

they had not because he wanted to meet with the County first.

Joseph Quinn of Coastal Engineering indicated the owners concurred with staff recommendations concerning the annexation. He felt delaying the second reading might be premature since no land use is being indicated at this time.

Vice Mayor Pugh agreed. Attorney LaCroix stated the process could go forward with a continuance if necessary and indicated he could do a memo to Hernando County addressing their concerns. He indicated he felt there were no legitiment legal issues. He also indicated that if someone challenges the annexation it should be made clear that the property owner would be responsible for the legal fees defending the annexation.

Darryl McAteer, representing Mr. DeMaria, reiterated that Mr. DeMaria has no development plans for the property at this time.

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

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Second hearing to be held on October 2, 2006, pending direction from staff.

Proposed Ordinance No. 725 - Voluntary Annexation of Bell Fruit Company Property
Consideration of annexation of approximately 224.59 acres ± located South of State Road 50 between Hope Hill Road and Emerson Road.

Director Geiger reviewed the property in question and again indicated Coastal Engineering, representative for the petitioner was present. He indicated that if the DeMaria property is not annexed, this property cannot be annexed and noted that the same issues brought up by Hernando County also applied to this property. He also indicated the Planning and Zoning commission recommended consideration of the annexation of the property.

Mayor Johnston asked if a portion of the property that goes onto the east side of Emerson is part of a tract or a separate parcel and if it was described separately. Director Geiger indicated it is a part of the property to be annexed and had a complete description.

City Clerk Phillips read Ordinance No. 725 by headnote, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE.

Motion:
Council Member Staib moved for approval; seconded by Council Member Burnett.

Vice Mayor Pugh asked about the citizen confusion of the past concerning who will service the area and brought up joint services he felt the City should address. Attorney LaCroix indicated the City already has an agreement concerning first response and mutual aid. He also indicated that in some parts of the City, the County can respond to faster and felt that to be an area an agreement is needed for first response with compensation.

Vice Mayor Pugh brought up the infrastructure and felt the City should try to eliminate some of these problems when annexing properties.

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

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Proposed Ordinance No. 726 - Zoning Petition No. RZ2006-01 - Levitt & Sons of Hernando County, LLC (Young Parcel)

Request for a Planned Development Project (PDP) zoning with Special Exception Use for a Combined PDP for Residential and Recreational Use for a 3.5 acre ± property that will be integrated into the master plan for the amenity center site for the Cascades Development.

Director Geiger reviewed the property specifications indicating it had been through annexation and is adjacent to the property the Amenities Center will be built on. Development and has not gone through a land use plan amendment but it has been before the BOCC who determined it is consistent with proposed zoning within the City. He indicated the P&Z Commission concurs with staff recommendations with conditions, which he reviewed.

City Clerk Phillips read Ordinance No. 726 by headnote, as follows:

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

Motion:
Council Member Staib moved for approval; seconded by Council Member Burnett. Motion carried 5-0 upon roll call vote as follows:

Council Member Staib	Aye
Council Member Wever	Aye
Council Member Burnett	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Second reading to be October 2, 2006.

Community Development Districts - Southern Hills Plantation (CDD) Amendments to Ordinance Nos. 676, 677 & 678

Consideration of amendment to three CDD's within the Southern Hills Plantation development to modify geographic boundaries.

City Attorney LaCroix reviewed the requested amendments and indicated that they comply with state statutes and asked for approval pending reports indicating that all property owners have been notified with a continuance recommended if information is not received by the second reading.

Mayor Johnston indicated a typographical ownership and encumbrance report is missing.

Vice Mayor Pugh asked for clarification that if the report is obtained and all owners are not included it will not proceed and did not feel comfortable moving forward without it. Discussion of the process followed.

a) **Ordinance No. 676-A** - Southern Hills Plantation I CDD

City Clerk Phillips read Ordinance No. 676-A by headnote, as follows:

> **AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING ORDINANCE NUMBER 676; EXPANDING THE SOUTHERN HILLS PLANTATION I COMMUNITY DEVELOPMENT DISTRICT SO AS TO INCLUDE ADDITIONAL LANDS, PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Motion:
Council Member Staib moved for approval; seconded by Council Member Wever. Motion carried 4-1 upon roll call vote as follows:

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Nay
Mayor Johnston	Aye

b) **Ordinance No. 677-A** - Southern Hills Plantation II CDD

City Clerk Phillips read Ordinance No. 677-A by headnote, as follows:

> **AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING ORDINANCE NUMBER 677; AMENDING THE BOUNDARIES OF THE SOUTHERN HILLS PLANTATION II COMMUNITY DEVELOPMENT DISTRICT SO AS TO BOTH INCLUDE AND EXCLUDE CERTAIN LANDS, PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Motion:
Council Member Staib moved for approval; seconded by Council Member Wever. Motion carried 4-1 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Nay
Mayor Johnston	Aye

c) **Ordinance No. 678-A** - Southern Hills Plantation III CDD

City Clerk Phillips read Ordinance No. 678-A by headnote, as follows:

> **AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING ORDINANCE NUMBER 678; AMENDING THE BOUNDARIES OF THE SOUTHERN HILLS PLANTATION III**

COMMUNITY DEVELOPMENT DISTRICT SO AS TO BOTH INCLUDE AND EXCLUDE CERTAIN LANDS, PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion:
Council Member Staib moved for approval; seconded by Council Member Wever. Motion carried 4-1 upon roll call vote as follows:

Council Member Staib	Aye
Council Member Wever	Aye
Council Member Burnett	Aye
Vice Mayor Pugh	Nay
Mayor Johnston	Aye

Resolution 2006-21 - Election Resolution

Consideration of adoption of resolution setting 11/07/06 municipal ballot and declaring appointment of Joe Bernardini to Group #1 Council Member Seat and Richard E. Lewis to Group #5 Council Member Seat, both for 12/04/06 - 1st meeting in December.

City Clerk Phillips read Resolution No. 2006-21 by headnote, as follows:

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA APPROVING THE BALLOT FOR THE NOVEMBER 7, 2006 MUNICIPAL ELECTION; DECLARING APPOINTMENT OF CERTAIN CANDIDATES TO FILL THE CITY COUNCIL GROUP SEAT NOS. 1 AND 5; AND PROVIDING AN EFFECTIVE DATE.

Motion:
Council Member Staib moved for approval; seconded by Council Member Burnett. Motion carried 5-0 upon roll call vote as follows:

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Resolution 2006-23 - Public Risk Management Auto, Liability and Workman's Comp Insurance

Authorization to renew annual coverage effective October 1, 2006, with option to discontinue October 1, 2007.

Director of Finance Baumgartner reviewed the item in detail.

City Clerk Phillips read Resolution No. 2006-23 by headnote, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, AUTHORIZING NOTIFICATION TO INSURANCE PROVIDER OF POTENTIAL DISCONTINUATION OF PARTICIPATION IN PROGRAM.

City Clerk Phillips reviewed the resolution specifics.

Motion:
Council Member Wever moved for approval; seconded by Council Member Staib. Motion carried 5-0 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Resolution 2006-24 - FY2005/06 Budget Amendments
Authorization of FY2005/06 third quarter budget amendments.

Director Baumgartner indicated there were numerous changes and indicated he was open to questions.

City Clerk Phillips read Resolution No. 2006-24 by headnote, as follows:

A RESOLUTION PROVIDING FOR CERTAIN BUDGET AMENDMENTS FOR FY 2005-06 BUDGET AND SETTING AN EFFECTIVE DATE.

Motion:
Council Member Staib moved for approval; seconded by Council Member Burnett. Motion carried 5-0 upon roll call vote as follows:

Council Member Staib	Aye
Council Member Wever	Aye
Council Member Burnett	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Landmar Account - Water Bill Adjustment
Consideration of request to adjust billing for water used primarily for landscaping irrigation on Southern Hills Boulevard.

City Manager Anderson reviewed the issue indicating meters were installed without proper documentation and notification to the Finance Department. He also indicated Landmar was on hand to answer any questions and is in agreement with the settlement amount. Discussion followed.

Council Member Wever indicated that since two meters are still unaccounted for the amount should be split in half with the developer. Vice Mayor Pugh concurred.

Motion:
Vice Mayor Pugh moved for approval of half the amount ($94467.15) without penalties; seconded by Council Member Wever .

Jim Harvey of Landmar addressed Council for additional consideration of the amount they are required to pay. Vice Mayor Pugh questioned him concerning usage of the meters.

Council Member Burnett asked for clarification of where the problem originated, and recommended approving staff recommendation. Discussion followed in which Vice Mayor Pugh recommended getting to the bottom of the matter. City Manager Anderson indicated the water bill is not in anyone's name, that Landmar is stepping up because it is their property.

Motion failed 2-3 with Council Member Burnett and Council Member Staib and Mayor Johnston voting in opposition.

Motion:
Council Member Burnett moved for approval of staff recommendation; seconded by Council Member Staib.

Motion carried 3-2 with Vice Mayor Pugh and Council Member Wever voting in opposition.

Discussion followed of the rate schedule.

Right-of-Way Acquisition for Providence Blvd.

Consideration of offer of $221,670 plus waiver of $60,000 payment requirement to construct improvements by September 1, 2007 for Sims property.

City Attorney LaCroix reviewed the item and requests of the property owner and recommended Council accept the counter offer. Discussion followed in which Vice Mayor Pugh questioned the total cost of the project, requirement of developers to provide the right-of-ways and the feasibility of abandoning the project.

City Attorney recommended abandoning the project now if it is Council's intent to do so.

Mayor Johnston suggested delaying the process and for the City Attorney to bring back additional information.

Motion:
Vice Mayor Pugh moved to table until next meeting and direct City Attorney LaCroix to bring back information; seconded by Council Member Burnett. Motion carried 5-0

Sewer Rehab Project - Phase II Bid No. UD2006-12 Bid Award

Recommend award to the low bidder, Insituform Technologies, Inc. at unit prices for the estimated amount of $1,188,699.90. Funds available in WAP Grant Fund in the amount of $1,600,000.

Superintendent Smith addressed Council with the recommendation to award the bid to Insituform Technologies who met all the criteria. Discussion followed.

Motion:
Council Member Burnett moved approve staff recommendation; seconded by Council Member Staib. Motion carried 5-0

2006 "Great Brooksvillian of the Year"

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

Robert G. Fincannon (resubmitted from prior nomination)
Joseph E. Johnston, Jr. (resubmitted from prior nomination, together with 1 additional nomination)
Jim Kimbrough (new nominee - non city resident)
Robert G. Martinez (resubmitted from prior nomination, together with 2 additional nominations)
Karen M. Phillips (new nominee - non city resident)

Mayor Johnston reviewed the nominees and citizens were allowed to address Council.

Leland McKeown addressed Council with a recommendation that Joseph E. Johnston, Jr. be considered and reviewed his association with Mr. Johnston.

John Mason addressed Council on behalf of Mr. Johnston as well.

Ramona Ward spoke on behalf of Karen Phillips being nominated.

Tim Mossgrove, speaking as a resident of the City of Brooksville, addressed Council stating that although any one of the nominations would be great but spoke to Council with a recommendation of Robert Fincannon, a 20-year employee of the City of Brooksville.

City Clerk Phillips stated she was pleased with the response. Ballots were marked and the result was in favor of Joseph E. Johnston, Jr.

Sanitation and Utility Management Fees

Review of alternative management fee options for Enterprise Fund Transfer.

Director of Finance Baumgartner along with City Manager Anderson reviewed the recommendation and options.

Council Member Wever asked if the cost of mailing the water bills came from utilities. Director Baumgartner indicated the cost of mailing fees are charged to the utility company and paid by the General Fund. He elaborated on the reasons for keeping it there.

Superintendent Smith added that an alternative had been tried before which had not worked out well and recommended keeping it in Finance due to upcoming changes in the Utility Department. Discussion followed.

Council Member Burnett suggested a workshop to discuss all the options.

Generator/City Hall Window Retrofit Project USDA Grant/Loan

a. Authorization to purchase additional three generators and installation from previously awarded vendors in the approximately total amount of $79,000.

b. Consideration of requesting USDA authorize cost overrun for additional loan funding in the approximate amount of $30,000, at an estimated interest rate of 4.500%, to cover the purchase of previously omitted generators/installation from project.

City Manager Anderson asked that this item be removed for the time being and that the previous decisions made concerning the generators already approved continue, indicating more work needs to be done on the issue.

Item C-5

Enterprise Zone Development Agency (EZDA) Membership Appointment/Changes

Approval of:

a) Removal of 3 resident representative members, Floyd T. Moore, Richard Howell and Isabel Harris; JP Corrected 10/03/06

b) Confirmation of appointment of Blair Hensley (Business representative - expires 2006); Dr. Stanley Gannet (Education representative - expires 2006); Sgt. James Terry (Sheriff's Office representative - expires 2008); and James Chris Styler (resident representative - expires 2008); and

c) Authorize EZDA Staff to solicit applications for vacant resident positions.

Council Member Burnett wanted to make sure that the members removed, Moore, Howell and Harris be replaced with residents of that same area.

Director Geiger concurred that it is a requirement that they live in the Enterprise Zone.

MOTION:
Vice Mayor Pugh moved for the approval of staff recommendation; seconded by Council Member Wever. Motion passed 5-0

ITEMS TO DISCUSS BY COUNCIL MEMBERS

Council Member Frankie Burnett

Employee Job Description
Council Member Burnett reiterated his concern about the job descriptions of employees in that they need to be reviewed.

Council Member Mary A. Staib

Utility Bills
Council Member Staib asked if considerations were being made for persons who have not received their bills. Finance Director Baumgartner indicated he has been conversing with the billing company and that duplicate bills had been mailed and the problem is being investigated, but he does not feel the billing company is at fault.

Mayor Johnston advised relaying to customers that the traditional late charges would not be charged through the end of the month.

Sidewalk at the Library
She indicated she had spoken to Mr. Fagan concerning the matter of extending the sidewalk to the Bandshell and he relayed to her that he will be consulting with Mr. Kuhl about the problem.

Vice Mayor David Pugh

12 Early Street - Tree
Vice Mayor Pugh indicated he had received a call from the homeowner who asked what was being done about the problem.

Mr. Anderson indicated the homeowner's plumber had been contacted and he was told by the plumber that the problem was not the City's but the homeowners.

Vice Mayor Pugh added that the homeowner felt that because the tree was on the City's right-of-way that the root system should be taken care of by the City.

Mr. Anderson stated that her situation is not unlike a large portion of the City wherein a large tree is in the right of way. He indicated that from what the plumber and our own utility employees found when they investigated was that the homeowner had a clay pipe sewer system that had disintegrated over the last 60-70 years and that is what needed to be replaced, which was done. However, now there are roots in the system again but not in the lateral between the street and the clean out in front. The problem is now in the back of the house. Nonetheless, the problem is still being investigated and the plumber will be

calling Mr. Anderson back.

City Clerk Phillips indicated that Progress Energy had agreed to go out and check out the situation as it relates to the branches on the electric lines.

Comprehensive Plan Amendments
Vice Mayor Pugh, referencing the past problems with Hernando County, asked for solutions in coming to terms with the problems. Discussion followed wherein Mayor Johnston indicated the City has initiated plans, such as the first right of refusal area along with other proactive things and does not want to take blame for the County's failure to plan and to do their Comprehensive Plan to adjust for the realities of an urban center.

Director Geiger indicated that it always comes down to who is going to pay for it. He also stated he is working with the Developer, who is supposed to develop to the South and East and have already talked to them about how to plan the area, which will probably go to a consultant because neither the County nor the City has staff in-house available to conduct that magnitude of a study. He suggested having the developers pay in the future for the development process.

Vice Mayor Pugh restated his feelings that it is important for the City to continue to do it's duty in the process.

Council Member E.E. "Ernie" Wever, Jr.

Bill 444
Council Member Wever asked City Manager Anderson if he had gotten a copy of Bill 444, which pertains to monies available to the City.

Mr. Anderson indicated he had and that he is working on getting a copy of the Senate companion bill because apparently it was amended in committee. He indicated he would bring it before Council when he had all the information.

City Attorney LaCroix

Liens on Properties
He referenced a property in which a foreclosure should be initiated and asked Council's view on the process, as well as for other properties in which liens are already in place. Mayor Johnston asked that he send a certified letter to the homeowner stating the foreclosure process will be started and proceed from there.

Council Member Wever suggested looking at each property individually to determine the cost of processing versus the value of the property. Attorney LaCroix indicated it would always be far less than the value of the property. This will be brought back to Council on a case by case basis for authorization, along with a list of the violations and costs, before filing.

City Clerk Karen Phillips

Founders Week Calendar
She indicated the Founder's Week calendar had been distributed and encouraged all to mark the critical dates, which are Saturday, October 14 and Monday, October 16, which will be the Great Brooksvillian and Founding Fathers Dedication and Time Capsule. She asked anyone needing a costume to contact the Clerk's office and encouraged everyone to think about items for the time capsule, which can be dropped off in advance or at the ceremony on Monday the 16th.

Council Member Staib relayed that Frank McDowell advised her that no one should miss the Blazin Butt's and Brisket BBQ contest.

City Manager Richard Anderson

Available Grants
Mr. Anderson advised Council of a grant program available through Homeland Security with no match, with which the City could possibly request an additional infrared imaging system, which normally costs $11-12,000.

He also indicated there is another program for a Mobile Fire Prevention Unit, which is a trailer to put the Fire Department robot and other things in to take to civic locations. There would be a $500 match. He indicated that unless there was objections, these applications would be filed and any awards would be brought back to Council for approval.

CITIZENS INPUT

Richard Lewis

Water Bill Issue
Mr. Lewis indicated he had been told different stories about what had happened to the bills and offered information on what happens to mail at the post office. He stated he had not received the first nor the duplicate bill and felt that the billing company may be at fault.

He also indicated he did not understand why the revenue from the County for fire hydrant use has dropped over 40% over the last couple of years when they use the City's hydrants. He suggested Council look into the matter if the City is looking for extra revenue.

Joe Bernardini

Annexations
Mr. Bernardini made reference to a memo from City Manager Anderson dated September 5, 2006, in which, referring to the 2006/07 budget in respect to annexations and Southern Hills, etc., Mr. Anderson stated that "generally, our operating costs are increasing faster than our revenues". Mr. Bernardini's question was how the two proposed annexations would impact reserves.

Mayor Johnston indicated the impact would be minimal because they are vacant parcels at this time.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:10 p.m.

Deputy City Clerk

Attest:

Mayor

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AGENDA ITEM NO. C-1
11-6-06

CITY OF BROOKSVILLE
SPECIAL MEETING
FINAL PUBLIC HEARING
FISCAL YEAR 2007 BUDGET

AGENDA

SEPTEMBER 20, 2006 7:00 P.M.

Brooksville City Council met in special session with Mayor Joseph E. Johnston, III, Vice Mayor David Pugh, Mary A. Staib and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, Director of Administration/City Clerk; Janice L. Peters, Deputy City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Emory Pierce, Director of Public Works; and Fire Chief Tim Mossgrove. Members of the Hernando Today and Hernando Times were also present.

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

Mayor Johnston adjourned the meeting as City Council and reconvened as the Community Redevelopment Agency Meeting at 7:05 and reconvened the City Council Meeting at 7:15.

PUBLIC HEARING - PRESENTATION OF PROPOSED BUDGET FOR FISCAL YEAR STARTING OCTOBER 1, 2006

Public Announcement - Ad Valorem Tax Rate (TRIM Notice)

> Pursuant to Section 200.069, F.S., "Notice of Proposed Property Taxes" (TRIM NOTICE) the proposed ad valorem rate for the Fiscal Year 2007 was advertised to be a maximum of 8.0000 mills. This millage rate would be a 44.38% increase over the rolled back rate of 5.5408 mills. After reviewing revenue projections and proposed expenditure levels for the 2006-07 Fiscal Year, the General Fund budget is balanced at a proposed rate of 7.5000 mills, which is 35.36% over the rollback rate.

City Clerk Karen Phillips read the Trim Notice into the record.

Public Hearing - Fiscal Year 2006-2007 Proposed Budget

a. Consideration of the Recommended 2006-07 Fiscal Year Budget
Review of balanced budget, together with consideration of additional proposed changes.

Mayor Johnston indicated this being the second public hearing of the budget and referenced a memo from City Manager Anderson dated September 15 concerning adjustments made since the first budget hearing.

Mayor Johnston read a memo from Council Member Burnett, who was absent, saying he concurred with the budget with the exception of the non-funding of the Public Service Aid. His recommendation was to fund the position

Council Member Staib recommended giving stickers to owners of downtown business to park on the street, which Mayor Johnston indicated was not possible.

APPROVED BY BROOKSVILLE CITY COUNCIL w/corr.
ON 11/6/06 INITIALS

SPECIAL MEETING FINAL PUBLIC HEARING
FISCAL YEAR 2007 BUDGET - SEPTEMBER 20, 2006

Lt. Hankins reiterated the main problem with downtown parking was County employees and that downtown businesses are suffering and elaborated on the 90 minute parking in reference to the number of court cases the county processes.

Discussion followed of possible solutions, including the possibility of parking in the Suntrust Bank parking lot. Council Member Wever will contact Suntrust.

Council Member Staib noted that the parking ticket revenue on page 18 reflects a decline over the last year. Lt. Hankins indicated it was because the City's Public Service Aid was out sick most of that time.

Finance Director Baumgartner indicated the City received $61,981.00 in ad valorem taxes for 2004 and 2005 from Bell South resulting from issues that went before a judge who ruled in favor of the County and City.

He also indicated there was an issue with the insurance. The board meeting with the pool was on Friday and the property insurance was understated in the budget. The total insurance cost in the budget is around $750,000 with a cost of $693,000 to the City. He noted that when Autumn did the renewal package to PRM it was prior to the increase to employees approved by Council and the calculations were made on the new rates which may even out during the year. Consensus was to leave as is for now.

Council Member Staib

Page 30
Council Member Staib asked if the date of 2036 for the loan concerning storm shutters was correct. City Clerk Phillips indicated it is a 30-year loan.

Page 37
Council Member Staib asked why City Council Insurance is included when the balance is zero. City Manager Anderson indicated it will be taken out.

Page 82
Council Member Staib asked about the computerized inspection program. Fire Chief Tim Mossgrove gave a brief overview of the process.

Page 138
Council Member Staib asked what the asteric without legends referred to (407 & 408). Director Baumgartner indicated they should not be there and will be taken out.

Page 141
She indicated Public Works water and wastewater numbers are separate and out of line. Jim Delach indicated they were numbers from prior year budgets and a footnote can be added.

Council Member Wever

Council Member Wever indicated it is good to see the General Fund Reserve ratio up ~~by~~ to over 6%. Corrected 11/07/06

Page 124
He asked if the Tops Grant, since discontinued, can that be changed or taken out. Mayor Johnston indicated it has not been completed yet and will be a budget amendment if changed.

SPECIAL MEETING FINAL PUBLIC HEARING
FISCAL YEAR 2007 BUDGET - SEPTEMBER 20, 2006

PUBLIC INPUT

Anna Liisa Covell addressed Council to say she has never come to complain about the taxes and was not present to complain about the millage rate. However, she was not happy about the utility tax added to her electric bill. It is one quarter of the millage rate they pay on the taxes. She indicated taxes would be rising over the next few years and asked Council to consider removing the utility tax. She indicated this is in addition to taxes on her cell phone, cable, etc. and made reference to Progress Energy.

Vice Mayor Pugh referenced capital outlay plans and the memo Council Member Wever submitted indicating not all options were included. He indicated his surprise that more people are not complaining about the utility tax and that he would like to see a review of the tax more often.

Approval of Resolution No. 2006-22 for Fiscal Year 2006-2007
Consideration of proposed resolution levying a General Fund Ad Valorem Millage Rate of 7.5000 mills.
[Note: Restatement of Public Announcement required if millage rate adjustment]

City Clerk Phillips read Resolution No. 2006-22 by headnote as follows:

> **A RESOLUTION LEVYING AN AD VALOREM MILLAGE RATE FOR THE YEAR 2006-2007 FOR THE OPERATION OF THE VARIOUS DEPARTMENTS AND FUNDS OF THE CITY OF BROOKSVILLE, FLORIDA, AND PROVIDING AN EFFECTIVE DATE.**

Motion:
Council Member Staib moved to approve; seconded by Council Member Wever. Motion passed 4-0 upon roll call vote as follows:

Council Member Staib	Aye
Vice Mayor Pugh	Aye
Council Member Wever	Aye
Mayor Johnston	Aye

Ordinance No. 722 - Recommended Budget for Fiscal Year 2006-07 Consideration of second and final reading of proposed budget effective October 1, 2006. [FIRST READING 09/06/06]

City Clerk Phillips read the Ordinance by headnote as follows:

> AN ORDINANCE APPROPRIATING CERTAIN MONIES FOR THE GENERAL OPERATIONS OF THE CITY OF BROOKSVILLE, FLORIDA, FROM ITS SEVERAL FUNDS FOR THE TWELVE MONTH PERIOD BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007.

There was no public input.

Motion:
Council Member Staib moved to approve; seconded by Council Member Wever. Motion carried 4-0 upon roll call vote as follows:

SPECIAL MEETING FINAL PUBLIC HEARING
FISCAL YEAR 2007 BUDGET - SEPTEMBER 20, 2006

Council Member Wever	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

In response to Council Member Staib's reference to the billing company's recent delivery problem, Director Baumgartner indicated it was not his job to defend the billing company but the second billing has been done and postage paid by them. They called all post offices in the area and the main post office to stop the original so customers would not be confused.

Director Baumgartner explained in detail what happened, indicating Customer Service has been inundated with calls and that he did not feel staff was in any way at fault.

Director Geiger updated Council on the meeting with the County indicating they made the counter points which were relayed to staff and a Joint Planning Agency meeting was recommended. He relayed that they had asked the City to delay approval of the annexations until the joint meeting.

City Manager Anderson indicated he had asked the County Administrator to come up with some possible dates for the joint meeting.

Director Geiger will furnish Council with the counter points brought up at the meeting as well as the results and indicated that Gary Kuhl, Ron Pianta and Larry Jennings were present at the meeting.

ADJOURNMENT
The meeting adjourned at 7:50 p.m.

City Clerk

Attest: _____
Vice Mayor

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AGENDA ITEM NO. C-1
11-6-06

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

October 2, 2006 7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor David Pugh, Council Members Frankie Burnett, Mary A. Staib and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Janice L. Peters, Deputy City Clerk; Julie Sherraden, Recording Secretary; Ron Baker, Human Resources Director; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Lt. Rick Hankins Police Dept.; and Fire Chief Tim Mossgrove. Members of the Hernando Today and Hernando Times were also present.

CONSENT AGENDA

Minutes
Regular Council Meeting - September 18, 2006

2007 Annual Holiday and Meeting Schedule
Review and consideration of proposed meeting and holiday schedule for 2007, including tentative budget workshop and public hearing dates, pursuant to City Code & Policy. Dates are consistent with county and school board holiday schedules.

Department of Corrections - Renewal of Work Crew Contract #WS 184
Consideration of Contract Amendment #2 renewing agreement with the Florida Department of Corrections through November 4, 2007 for a City paid prison crew for $55,777, budgeted in Account No. 001-019-541-53400.

Withlacoochee Regional Planning Council (WRPC) - Service Agreement Renewal
Approval of service agreement for FY 2006-07 for planning services as needed throughout the year. Budgeted in Community Development Contractual Services Account No. 001-015-515-53400.
[Note: only changes in Exhibit B - rates]

FDLE Edward Byrne Memorial Justice Assistance Grant
Authorization to accept grant in the amount of $13,464.00 for Regain our Neighborhood II, (R.O.N.) project, to be used for the purpose of reducing crime and improving public safety.

Council Member Staib indicated the copy of the minutes included two pages 13.

Council Member Wever indicated that on page 11 at the bottom, "Henley" should read "Hensley".

He then recommended that on the meeting schedule for next year the February 5 meeting be changed to February 12 and September 17 meeting to September 10.

Vice Mayor Pugh asked about changing the July 4 holiday meeting and Mayor Johnston recommended Council deal with that issue as it draws closer.

APPROVED BY BROOKSVILLE CITY COUNCIL
ON 11/6/06 INITIALS EJ

Motion:
Council Member Staib moved for approval with modifications; seconded by Council Member Burnett. Motion Carried 5-0.

CERTIFICATES PROCLAMATIONS AND PRESENTATIONS

Florida City Government Week
Proclamation recognizing October 15-21, 2006 as Florida City Government Week.

Mayor Johnston read the entire proclamation into the record.

Noise Complaint
Suggestions relating to excess vehicle radio noise.

Lieutenant Rick Hankins of the Brooksville Police Department lead the discussion and provided a slide show of the information the department had collected on the issue, indicating he had used 10 other jurisdictions in his research of the issue.

He reviewed those findings, read the current ordinance concerning disturbing the peace and made recommendations for future enforcement, which included enhanced penalties for violations, posting of signs in areas where violations are more common, penalty enhancement for repeat offenders and impound of vehicle upon third violation.

His recommendation, in addition to the uniform traffic citation of $74.50, is to mandate an ordinance with the following:

1st Offense -	$ 85.00
2nd Offense -	$108.00
3rd Offense -	Impound of vehicle which leaves the owner with a $90.00 towing bill, $125.00 administrative fee to the Police Department along with the uniform traffic citation.

Council Member Burnett suggested ways of getting the word out to the public with a date commencement and recommended the 1st Offense be $250.

Council Member Burnett also referenced the riding of trail bikes and ATVs on public roads and requested this be included in the noise ordinance. Lt. Hankins indicated that currently, when caught on a roadway, the vehicle is confiscated.

Discussion followed.

City Attorney LaCroix requested copies of the ordinances that would be used to model the City's ordinance for review. He recommending raising the first offense to the amount it would cost an owner for the third offense of impoundment, indicating that the due process clause says you cannot deprive people of life, liberty or property without due process of law and recommended giving the owner an immediate notice informing them that they can apply for a hearing within a short amount of time.

Council directed staff to review options and present an ordinance to Council for determination with a request that the 1st Offense be $250, the 2nd Offense be $350 and impoundment for the 3rd offense.

Downtown Parking

Suggestions relating to the downtown parking problems.

Lt. Hankins submitted to Council that there are 107 street parking spaces, 187 additional and a total of 177 on Court House property for a total of 647 places to park, including the Jury duty parking spaces not elaborated on. He elaborated on the issue and discussion followed.

The issue of Hernando High School students parking along Bell Avenue was also discussed with possible solutions to include a meeting with the School Board, as well as the County.

Lt. Hankins indicated Chief Tincher's recommendation is to raise the overtime parking fines from $5 to $15, replace signage, remark spaces and fund the parking position to aggressively pursue compliance.

Joe Bernardini reiterated the problem on Oak and Bell Streets, indicating it also extends to Cherry Street. He felt that if signage is installed, the problem would just move elsewhere. He also noted that the kids who drive to school are being punished for bad grades by not letting them park in the school parking lot, which punishes the residents as well. He agreed that a meeting with the School Board is needed.

Council directed staff to submit a cost analysis to include painting, signage, hiring an employee and budget impact.

Flagstone Pavers Proclamation

Mayor Johnston referenced a last-minute proclamation recognizing Flagstone Pavers for their contribution of the Tom Varn Park sign to the City. He indicated there would be a dedication service on Wednesday at 12:00 noon at Tom Varn Park.

PUBLIC HEARING

Proposed Ordinance No. 723 - Adopting New City Code Book

Consideration of adoption of new Code of Ordinances as published by Municipal Code Corp through Codification process.

Deputy City Clerk Peters read Ordinance No. 723 by headnote, as follows:

> AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

Motion:

Council Member Staib moved for approval; seconded by Council Member Burnett.

Mayor Johnston requested public input.

Joe Bernardini, referencing firearms and farm animals, indicated City Manager Richard Anderson had informed him that those ordinances had been removed from the new code and the City would rely on the State Statute. He indicated that with the removal of those ordinances, no one really knows what the Statute is.

Mayor Johnston indicated that property zoning regulates the types of animals allowed.

City Attorney LaCroix noted that the City's animal control ordinance was removed because the County's ordinance is applicable throughout the entire county.

Director Geiger indicated the nuisance ordinance also covers the issue to the extent that it does not create a nuisance to a neighbor. Concerning the discharging of firearms within the City, he indicated that State Statues preempt the City's ordinance and there are many.

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

Council Member Staib	Aye
Council Member Wever	Aye
Council Member Burnett	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

*Proposed Ordinance No. 726 - Zoning Petition No. RZ2006-01 - Levitt & Sons of Hernando County, LLC (Young Parcel)

Request for a Planned Development Project (PDP) zoning with Special Exception Use for a Combined PDP for Residential and Recreational Use for a 3.5 acre ± property that will be integrated into the master plan for the amenity center site for the Cascades Development.

City Attorney LaCroix reviewed the ordinance, indicating it is a quasi-judicial hearing. He asked if there was anyone wishing to intervene as a party to the hearing. There was no one. He asked if anyone present wished to provide sworn testimony under oath to stand and be sworn in. Director of Community Development Bill Geiger, an expert in land use planning, zoning and development, and Joseph Quinn of Coastal Engineering, the City's land-use planner, were sworn in.

Director Geiger reviewed the project and conditions in detail.

Joseph Quinn of Coastal Engineering indicated he represented the property owner and they concurred with staff recommendation.

Mayor Johnston asked for further public input. There was none.

Deputy City Clerk Peters read Ordinance No. 726 by headnote, as follows:

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

Motion:
Council Member Staib moved for approval; seconded by Council Member Wever. Motion carried 5-0 upon roll call vote as follows:

Council Member Staib	Aye
Council Member Wever	Aye
Council Member Burnett	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Community Development Districts - Southern Hills Plantation (CDD) Amendments to Ordinance Nos. 676, 677 & 678.-A

Consideration of Ordinance No's 676-A, 677-A and 678-A for the three CDD's within the Southern Hills Plantation development to modify geographic boundaries.

City Attorney LaCroix indicated the title opinion or ownership and encumbrance search from the title company had not been received. Therefore, he recommended continuance of the hearings to October 16, 2006 at 7:00 p.m.

Motion:
Council Member Burnett moved for approval of continuance to October 16, 2006 at 7:00 p.m.; seconded by Vice Mayor Pugh. Motion carried 5-0.

Proposed Ordinance No. 724 - Voluntary Annexation of DeMaria Property

Consideration of annexation of approximately 676 acres ± located East of and adjacent to Hope Hill Road, West of Emerson Road and South of Pinewood Dairy Road.

Proposed Ordinance No. 725 - Voluntary Annexation of Bell Fruit Company Property

Consideration of annexation of approximately 224.59 acres ± located South of State Road 50 between Hope Hill Road and Emerson Road.

Mayor Johnston indicated that at the last meeting the DeMaria and Bell Fruit Property annexations were approved pending a meeting with the Board of County Commissioners concerning annexations.

Motion:
Council Member Burnett moved for approval of a continuance to the November 6, 2006 meeting; seconded by Vice Mayor Pugh. Motion carried 4-1, with Council Member Staib voting in opposition.

Director Bill Geiger indicated the motion for the DeMaria & Bell Fruit needed to include approval for the Mayor to respond to the letter from the County concerning annexation, which has been drafted and dated October 2, 2006, but not signed by the Mayor.

Motion:
Council Member Burnett moved for approval; seconded by Vice Mayor Pugh. Motion carried 5-0.

Alcoholic Beverage Location Permit Application - for Southern Hills Plantation located at 4200 Summit View Dr.

Consideration of approval of Alcoholic Beverage Location Permit for the permanent Golf Clubhouse.

Although the application stated the license was being moved from the Spa & Fitness Club to the new Club House, Randy Houseman, General Manager, clarified that this is an additional license for the Club House, that the other license would stay with the Spa & Fitness club.

There was no public input.

Motion:
Council Member Wever moved for approval; seconded by Council Member Burnett. Motion carried 5-0.

REGULAR AGENDA

Proposed Ordinance No. 727 - Voluntary Annexation of Preuss Property

Consideration of annexation of approximately 1.37 acres ± located east of US 41 and south of Southern Hills Boulevard.

Mayor Johnston indicated the City had received a letter from the Planning Director for the County regarding the Preuss property.

Director Geiger reviewed the specifics of the property and recommendation of the Planning and Zoning Committee. Discussion followed.

Deputy City Clerk Peters read Ordinance No. 727 by headnote, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE.

There was no public input.

Motion:
Council Member Wever moved for approval; seconded by Council Member Staib. Motion carried 4-1 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Wever	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Nay
Mayor Johnston	Aye

Proposed Ordinance No. 728 - Voluntary Annexation of Brooksville East Developers, LLC Property

Consideration of annexation of approximately 5 acres ± located north of Powell Road and west of Culbreath Road.

Deputy City Clerk Peters read Ordinance No. 728 by headnote, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE.

There was no public input.

Motion:
Council Member Wever moved for approval; seconded by Council Member Staib. Motion carried 5-0 upon roll call vote as follows:

Council Member Staib	Aye
Council Member Wever	Aye
Council Member Burnett	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Resolution No. 2006-25 - 150th Anniversary

A resolution commemorating the 150th Anniversary of the Founding of the City of Brooksville in celebration of the 2006 Founder's Week Events October 14-21, 2007.

Mayor Johnston read the resolution in its entirety.

Motion:
Council Member Staib moved for approval; seconded by Council Member Burnett. Motion carried 5-0 upon roll call vote as follows:

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Resolution No. 2006-26 - Brooksville Founding Fathers Dedication

A resolution honoring the original Founding Fathers of the City of Brooksville commemorating the 150th Anniversary of the Founding of the City of Brooksville in celebration of the 2006 Founder's Week Events October 14-21, 2007.

Mayor Johnston read the resolution in its entirety.

Motion:
Council Member Wever moved for approval; seconded by Council Member Staib. Motion carried 5-0 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Wever	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Providence Blvd.- Status Report

Consideration of offer of $221,670 plus waiver of $60,000 payment requirement to construct improvements by September 1, 2007 for Sims property tabled from 9/18/06 and report on options for the frontage road project.

Director of Community Development Geiger reviewed the history of TOPS Grant and the status of the project. He indicated the total of the TOPS Grant is $980,000, of that the City has expended $110,850 for The Bus, the balance of funds expended, including The Bus, is $307,836 for design, engineering, appraisals, surveys, etc. This leaves a balance of $641,521 for actual construction work. He elaborated on the appraisals and indicated on the Sims property proposed agreement.

Director Geiger recommended three alternatives for consideration by the City Council.

a) Continue with the acquisition process and project as is, noting that a formal commitment from the state to extend the project to December 31, 2007 had been received. He noted that even if the City spends close to $1,000,000 in total acquisition fees and costs plus construction dollars it still will not construct the whole project.

b) The second alternative would be to discontinue the project and coordinate with the DOT on grant close out obligations, which would include paying back all the fees that have been spent for engineering, design, appraisals and survey work.

Director Geiger recommended adopting the plans currently completed.

c) The third alternative would be to reduce the scope of the project to address a key link or segment as suggested above. He referenced the City Managers memo, which suggested contacting the owners of parcels 2 and 5 about donating the right-of-ways within 30 days in exchange for the City construction of the road between Jefferson Street and Whitfield Avenue.

Director Geiger indicated that if the project is limited to just building a key area the City could proceed with just the right-of-way acquisitions at the appraised cost, get the one key link built and at least be able to accomplish that with the funding available, which would reduce the City's obligation significantly if only one parcel is being acquired.

Discussion followed of the Grace Tabernacle Church property and the options presented by Director Geiger.

Mayor Johnston and Council Member Wever were in agreement that the City adopt the frontage road plans as part of the long-range plans for that area and to send a request to the County that they incorporate that into their frontage road process so that it extends to those properties along the road that are in the County's jurisdiction.

Director of Public Works, Emory Pierce, recommended that if and when the developer plans come to fruition, to have them put in the necessary utilities.

Niel Zierdon one of the owners of the Grace Tabernacle Church property addressed Council with his concerns of the City having spent so much money on the project to now not complete it. Discussion followed.

Motion:
Council Member Wever motioned to adopt the engineering plans, right-of-way development map, etc., as related to drainage areas as shown on exhibit 2A; seconded by Council Member Burnett. Motion carried 5-0.

ITEMS TO DISCUSS BY COUNCIL MEMBERS

Council Member Mary A. Staib

Sidewalk at the Library
Council Member Staib indicated she still did not have an answer from Mr. Fagan concerning this matter.

Council Member E.E. "Ernie" Wever, Jr.

Ad Valorem Millage
Council Member Wever indicated he was trying to answer another question for Paul Neumann concerning why 95% is used in the budget.

He referenced line item 6 on a schedule he had produced, which showed the actual percentage rate for the last three budget years for actual collected/gross tax. He then noted that line item 8 shows the percentage in relation to the actual

collected plus delinquent collections, which on average is 95%. However, it does not answer Mr. Neuhanns other question as to where the difference is.

City Manager Anderson referenced a memo from the Director of Finance Steve Baumgartner, which answers that question. He recommended bringing the item back to Council at the next meeting so Council has time to review the memo from the Finance Director.

N/S Road Naming
Council Member Wever asked if there was any sort of contest in the 150th Anniversary program for naming the N/S Collector road?

City Manager Anderson indicated it had been discussed but no action taken to date.

Council Member Wever noted he was in favor of naming it Governor Blvd. recognizing Governor Jennings.

Polk County Fallen Deputy
Council Member Wever indicated that Tuesday, October 3 is the date of the funeral for the Polk County fallen Deputy and asked Lt. Rick Hankins if any officers were being sent. Lt. Hankins indicated yes. Council Member Wever suggested lowering of the flags to half-staff on Tuesday in honor of the Deputy.

Deputy City Clerk Janice Peters

150th Anniversary Quilt
Deputy City Clerk Peters indicated the quilt has been displayed in the hallway and is available for purchase by the public for $40.00.

Ginny Brown-Waite Medal Ceremony
She also indicated the Ginny Brown-Waite Medal Ceremony is tomorrow, October 3 at 1:00 p.m. for anyone wishing to attend.

City Manager Richard E. Anderson

Brooksville East Developers, LLC, Annexation
City Manager Anderson referenced item F-2 in which the owner's signature references Landmar Group, and asked for clarification of that before second reading.

Mayor Joseph E. Johnston, III

New Building Department
Mayor Johnston reminded everyone that the new Building Department officially opened today at 25 East Liberty Street.

CITIZENS INPUT

Joseph Quinn - Coastal Engineering

Brooksville East Developers, LLC, Annexation
Mr. Quinn, referencing Mr. Anderson's question concerning item F-2, indicated Landmar Group is a managing member of Brooksville East Developers, LLC. He indicated the application would be checked and references made.

DeMaria & Bell Fruit Property Annexations
He encouraged Council, on behalf of the property owners, to stay the course and address the County's concerns as they felt it meets all the requirements for annexation. He also indicated that no development of the properties is being proposed at this time.

Alison Jones

Noise Ordinance
Ms. Jones indicated she is happy to hear that something is being done concerning automobile music but hoped Council would also look at a noise ordinance concerning homes as well.

Bill Geiger - Community Development Director

New Redevelopment Coordinator
Director Geiger introduced the City's new Redevelopment Coordinator, Brian Brijbag, who relayed to Council that the 2006 Cultural Enhancement Award had been received from the Florida Redevelopment Association for the Bandshell Bash.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:30 p.m.

Deputy City Clerk

Attest: _____
Vice Mayor

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AGENDA ITEM NO. C-1
11-6-06

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

October 16, 2006 7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor David Pugh, Council Members Frankie Burnett, Mary A. Staib and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney; Richard E. Anderson, 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; Lt. Rick Hankins, Brooksville Police Dept; & Fire Chief Tim Mossgrove, Brooksville Fire Dept. Members of the Hernando Today and Hernando Times were also present.

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

Mayor Johnston indicated there were three items to be added to the agenda as Items F-6 and F-7 a&b for Street Sweeper repairs and condemnation issues related to the Water and Sewer Construction Project.

MOTION:
Council Member Staib moved for approval; seconded by Council Member Burnett. Motion carried 5-0.

CONSENT AGENDA

Dumpster Purchase

Approval to purchase five - 2 yd dumpsters for $1,615; ten - 4 yd dumpsters for $4,640; eight - 6 yd dumpsters for $4,616; ten - 8 yd dumpsters with and without sliding doors for total of $7,105; various lids totaling $1,117; and ten side doors at $139; for a total purchase cost of $19,232 from Florida Can, Inc. piggybacking on the bid from the City of Tampa and augmented as noted. Funding is budgeted in Sanitation Line Item No. 403-022-534-54317.

Senior Employment Contract - Experience Works

Consideration of contract for FY2006/07 providing assistance to Parks & Recreation Department and authorize execution by the City Manager.

Employee Assistance Program (EAP)

Authorization to enter into a one year contract with UniPsych EAP at a cost not to exceed $244.50 per month and authorize City Manager to execute for comprehensive short-term personal employee counseling, information and referral case management, supervisor training and consultation, internet resource and 24-hour crisis hotline, which would allow 5-visits per employee a month. [Note - would require subsequent budget amendment]

Vehicle Purchase - Police Department

Authorization to (a) purchase two Dodge Police Pursuit Vehicles from the Florida Sheriff's Association (at a cost of $23,477 each, including the extended warranty) and the necessary vehicle safety equipment package (at a cost of $2,183 each), for a total cost of $51,320 (funding available in the Vehicle Replacement Fund and appropriate Department Budget Line Items); and (b) maintain Vehicle Nos. 136 and 137 in service until next year.

APPROVED BY BROOKSVILLE CITY COUNCIL
ON 11/6/06 INITIALS

Motion:
Vice Mayor Pugh motioned to remove C-4 from the consent agenda pending new Council taking office; discussion followed in which other Council Members disagreed with putting off decisions for new Council to decide. Motion died for lack of a second.

Motion:
Council Member Burnett moved for approval; seconded by Council Member Staib. Motion carried 4-1 with Vice Mayor Pugh voting in opposition.

CERTIFICATES PROCLAMATIONS AND PRESENTATIONS

Proclamation in Honor of Returning Troops

Proclamation welcoming home the 116th Field Artillery, Battery B, 2nd Battalion Florida National Guard Members from their deployment to Afghanistan and commending the Members for their service to our Country.

Mayor Johnston read the proclamation in its entirety.

Proclamation on Disability Mentoring

Proclamation designating October 18, 2006 as "Disability Mentoring Day".

Mayor Johnston read the proclamation in its entirety and presented it to Joy Urban, Community Liaison with the Hernando County Disability Mentoring Day. Also in attendance were Sharon Willman with the Pasco Hernando Jobs and Education Partnership and Margaret Timmerman of the Hernando County School Board.

Just Us, Inc. - Candidate Forum

Consideration of waiver of fees ($342.35) and insurance for use of the Jerome Brown Community Center on October 26, 2006 from 4 to 6 pm for a Candidate's Forum.

Council Member Staib indicated the time should be 4 to 9 p.m. with set-up from 4-6 p.m.

Motion:
Council Member Burnett moved to approve; seconded by Council Member Staib. Motion carried 5-0.

Introduction of Louis Chandler
Director of Community Development Bill Geiger reiterated the opening of the City of Brooksville Permitting Department on October 1 and introduced Louis Chandler, Building Official and Office Manager. Mr. Chandler extended an invitation to Council to visit the new office and gave an overview of their process.

PUBLIC HEARING

Proposed Ordinance No. 727 - Voluntary Annexation - Preuss Property

Consideration of annexation of approximately 1.37 acres ± located east of US 41 and south of Southern Hills Boulevard.
[First Reading 10/02/06]

Director Geiger reviewed the property specifications and potential use. Discussion followed.

Mayor Johnston asked for public input. There was none.

City Clerk Philips read Ordinance No. 727 by headnote, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE.

Motion:
Council Member Wever moved for approval of Staff recommendation; seconded by Council Member Staib. Motion carried 5-0 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Proposed Ordinance No. 728 - Voluntary Annexation - Brooksville East Developers, LLC Property

Consideration of annexation of approximately 5 acres ± located north of Powell Road and west of Culbreath Road.
[First Reading 10/02/06]

Director Geiger reviewed the property specifications.

City Clerk Philips read Ordinance No. 728 by headnote, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE.

Mayor Johnston asked for public input. There was none.

Motion:
Council Member Wever moved for approval of Staff recommendation; seconded by Council Member Staib. Motion carried 5-0 upon roll call vote as follows:

Council Member Staib	Aye
Council Member Wever	Aye
Council Member Burnett	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Community Development Districts - Southern Hills Plantation (CDD) Amendments to Ordinance Nos. 676, 677 & 678

Consideration of amendment to three CDD's within the Southern Hills Plantation development to modify geographic boundaries.
a) Ordinance No. 676-A - Southern Hills Plantation I CDD
b) Ordinance No. 677-A - Southern Hills Plantation II CDD
c) Ordinance No. 678-A - Southern Hills Plantation III CDD
[First Reading 09/18/06 - Continued from 10/02/06]

City Attorney LaCroix reviewed the amendments to each CDD, indicating the ownership and encumbrance reports had been received and noted amendments to verbiage for each ordinance, changing the actual acreage. Discussion followed.

a) **Ordinance No. 676-A** - Southern Hills Plantation I CDD

City Clerk Phillips read Ordinance No. 676-A by headnote, as follows:

> **AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING ORDINANCE NUMBER 676; EXPANDING THE SOUTHERN HILLS PLANTATION I COMMUNITY DEVELOPMENT DISTRICT SO AS TO INCLUDE ADDITIONAL LANDS, PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Motion:
Vice Mayor Pugh moved for approval with verbiage amendments; seconded by Council Member Staib. Motion carried 5-0 upon roll call vote as follows:

Mayor Johnston asked for public input. There was none.

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

b) **Ordinance No. 677-A** - Southern Hills Plantation II CDD

City Clerk Phillips read Ordinance No. 677-A by headnote, as follows:

> **AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING ORDINANCE NUMBER 677; AMENDING THE BOUNDARIES OF THE SOUTHERN HILLS PLANTATION II COMMUNITY DEVELOPMENT DISTRICT SO AS TO BOTH INCLUDE AND EXCLUDE CERTAIN LANDS, PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Motion:
Council Member Staib moved for approval with verbiage amendments; seconded by Council Member Wever.

Mayor Johnston asked for public input. There was none.

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

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

c) **Ordinance No. 678-A** - Southern Hills Plantation III CDD

City Clerk Phillips read Ordinance No. 678-A by headnote, as follows:

> **AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING ORDINANCE NUMBER 678; AMENDING THE BOUNDARIES OF THE SOUTHERN HILLS PLANTATION III COMMUNITY DEVELOPMENT DISTRICT SO AS TO BOTH INCLUDE AND EXCLUDE CERTAIN LANDS, PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Motion:
Vice Mayor Pugh moved for approval pending changes; seconded by Council Member Staib.

Mayor Johnston asked for public input. There was none.

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

Council Member Staib	Aye
Council Member Wever	Aye
Council Member Burnett	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

REGULAR AGENDA

Resolution No. 2006-27 - Naming of new North/South Collector Road
Resolution naming the new North/South Collector Road.

Possible names were discussed and general consensus was to name the road Governor Blvd.

Motion:
Council Member Wever moved for approval of Governor Blvd.; seconded by Vice Mayor Pugh. Motion carried 5-0.

City Clerk Phillips read Resolution No. 2006-27 by headnote, as follows:

> **A RESOLUTION NAMING THE NORTH/SOUTH COLLECTOR ROAD TO GOVERNOR BOULEVARD; PROVIDING AUTHORITY; PROVIDING FINDINGS; AND PROVIDING AN EFFECTIVE DATE**

Motion:
Council Member Burnett moved for approval; seconded by Council Member Staib. Motion carried 5-0 upon roll call vote as follows:

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Florida League of Mayors, Inc.

Consideration of membership in the Florida League of Mayors ($250 annual membership dues).

Item deferred by consensus.

Personnel Board Recommendations

Consideration of recommendations submitted from the 09/28/06 meeting of the Personnel Board.

Chairman of the Personnel Board Pat Jobe reviewed the issues at hand. Discussion of each item individually followed.

a) Section 3.00 (b) - Recruiting

Amend section to provide 10 business days for intra-city applications; and provide for intra-city promotion as priority in filling positions.

Motion:
Council Member Burnett moved for approval; seconded by Council Member Wever. Motion carried 5-0.

b) Section 1.08 - Receiving Gifts

Amending section to set value of gift prohibition at $25 or any cash gifts.

The item was deferred pending verbiage amendment recommended by the City Attorney, who will supply for next meeting.

c) Section 2.01 - Personnel Board Member Composition

Removing appointment of alternate member; providing that the three employee members be elected within each of the three funds of the City; specifying that the seventh member be a General Fund employee selected by the three elected employee members; setting the terms for a quorum; and making some terminology changes accordingly. If approved, consideration of continuing existing members' terms pending elections.

Motion:
Vice Mayor Pugh moved for approval with the removal of the alternate member and adding non-voting after ex-officio; seconded by Council Member Burnett. Motion carried 5-0.

d) Section 10.04 - Death of an Employee

City Council review option of adopting a policy on attendance at an employee's visitation and funeral service.

It was Council consensus that the issue not be pursued.

(e) 6 Month Increases for new Hires and Promotions

City Council consider providing for increases for certain probationary or new employees hired between June 22nd and September 31st.

It was Council consensus to acquire more detailed information on the issue and the employees affected from the Human Resources Director.

Cobb Road WRF Status Report
Update on current project schedule.

Emory Pierce, Director of Public Works, gave an update of the schedule, which is that the construction permit has been received to upgrade the plant to 3.0 mgd and the permitted capacity of the plant has been upgraded to 1.9 mgd. Current flows are at about 850,000, .85 mgd but the plant is operating at less than 50% of it's capacity. Director Pierce indicated that since completion of the first phase of sewer rehab, which was completed in June, the average daily flow has dropped by about 100,000 per day.

SR50 Reverse Frontage Road - Providence Blvd.

a) Status on Transportation Outreach Program (TOP) grant funding.

b) Consideration of proposal to construct segments if right-of-way is donated.

Director Geiger discussed the status of the issues and requested Council authorize him to send letters to the property owners requesting they donate property for a right-of-way at no cost to the City so it can proceed to build the infrastructure, which would make their property more valuable.

Motion:
Council Member Staib moved for approval of Staff recommendations; seconded by Council Member Burnett. Motion carried 5-0.

Street Sweeper Repair

Director Pierce indicated major repairs are needed to the street sweeper and presented Council with an estimate of the repairs in the amount of $9,846.50, with funding from the streets budget. Discussion followed.

Motion:
Council Member Wever moved for approval of staff recommendation; seconded by Council Member Burnett. Motion carried 5-0.

Condemnation Resolution No. 2006-28
Authorization to begin acquisition of easements for construction of Landmar water and sewer utility extensions.

City Attorney LaCroix reviewed the resolution.

City Clerk Phillips read Resolution No. 2006-28 by headnote, as follows:

> A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, AUTHORIZING THE ACQUISITION, BY EMINENT DOMAIN, AND IN ADVANCE OF FINAL JUDGEMENT, OF EASEMENTS OVER AND ACROSS LANDS LOCATED IN HERNANDO COUNTY, FLORIDA, WHICH ARE NECESSARY FOR THE CONSTRUCTION OF PUBLIC WATER AND SEWER UTILITIES; ADOPTING A GOOD FAITH ESTIMATE OF VALUE FOR SAID PROPERTIES; AND PROVIDING AN EFFECTIVE DATE.

Motion:
Council Member Staib moved for approval; seconded by Council Member Burnett. Motion carried 5-0 upon roll call vote as follows:

Council Member Burnett Aye

Council Member Wever	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Outside Counsel for Mendez Condemnation
Approval for Jim Harvey to retain as co-council an attorney who specializes in condemnation.

City Attorney LaCroix reviewed the request for outside council, recommending Mark Bentley, Esq., of the Gray Robinson firm, at a rate of $275 per hour, which Landmar will reimburse the cost of to the City. Discussion followed.
Motion:
Council Member Staib moved for approval of recommendation; seconded by Council Member Burnett. Motion carried 5-0.

ITEMS TO DISCUSS BY COUNCIL MEMBERS

Council Member E.E. "Ernie" Wever, Jr.

Condo Project for US 41 Approved by Board of County Commissioners
Council Member Wever referenced a newspaper article wherein the East side of 41 was referenced as the location and the County agenda wherein the West side of 41 was referenced. Director Geiger indicated the property is on the East side of 41 and adjacent to property owned by Hampton Ridge Developers and the Fair Grounds.

Vice Mayor David Pugh

Building Department
Vice Mayor Pugh asked for clarification of the differences in processing time for commercial versus residential permits as stated by Mr. Chandler. Director Geiger elaborated on the process, indicating that once the backlog is finalized, standard commercial permit processing should be in line with Mr. Chandlers prediction of 15-30 days.

Permits submitted to County Building Department
In response to Vice Mayor Pugh's question concerning permit requests submitted to the County before the City's Building Department opened, Director Geiger indicated that those permits would be processed by the County per their agreement.

Vice Mayor Pugh recommended giving the County a courtesy call reminding them of the issue because he had received conflicting information.

Council Member Mary A. Staib

Water Quality Reports
Council Member Staib requested this month's report on all the wells from Emory Pierce.

Council Member Frankie Burnett

Fire Chief Mossgrove
Council Member Burnett commended Chief Mossgrove for a job well done thus far.

City Clerk Karen Phillips

Founders Week Activities
City Clerk Phillips reminded all to check their schedules for remaining Founders Week activities.

Sock Hop
She indicated she still has tickets available for the Sock Hop for anyone interested in attending, which will save the purchaser $2 off the at-the-door price with a 10% discount at Roger's Christmas House with the stub.

Commemorative Throw
She also noted there are a limited number of throws still available for $40 each.

R.L. Lewis Painting
City Clerk Phillips requested Council get creative in finding a way to purchase the painting by Mr. Lewis in which he has depicted Brooksville Avenue with the water tower in the background. She added that all of Mr. Lewis's paintings will be on display during his presentation on Friday at 1:00 and 6:30 p.m. for which wrist bands will be passed out ahead because of limited seating available.

Mayor Johnston recommended some type of fundraiser project whereby we could give prints in exchange for donations to purchase the painting.

Mayor Joseph E. Johnston, III

Great Brooksvillian Ceremony
He thanked all that participated in and were present for the presentation.

November 6, 2006 Council Meeting
Mayor Johnston indicated he would be out of state, therefore not in attendance for the next Council meeting.

Time Capsule
City Clerk Phillips indicated that, because of requests from the public, the sealing of the Time Capsule has been delayed until Friday the 20th following the costume contest.

City Manager Richard Anderson

BBQ
Mr. Anderson reminded all of the upcoming barbeque on Saturday the 21st.

CITIZENS INPUT

Paul Pruess

Cost of Living Raise
As an employee of the City, he asked if there would be a cost of living raise. Director Baker indicated the Mercer Plan does not provide for it. City Manager Anderson indicated that once the mid-year budget projections and expenditure reports are complete the issue could be revisited if the City can afford it.

Paula Campbell

Hernando High School Student Parking
She submitted to Council a petition signed by neighbors on Bell, Oak, Alta Vista and Cherry Streets, as well as pictures, concerning student parking on the streets in the neighborhood. She indicated there are problems with traffic congestion, trash and drugs.

Ms. Campbell indicated that Sandra Nicholson from the School Board, along with Ms. Samples came out on Wednesday and witnessed the traffic problem and the School Board was reportedly going to discuss the matter at their meeting on 10/17.

Kelly Touvelle

Bell Avenue Parking by Hernando High School Students
Mr. Touvelle indicated he lives on Oak Street and that they had the same problem in the past and that the problem moved to other streets when it was pursued. He also indicated there is a drug issue as well.

Lt. Rick Hankins indicated he had been reviewing the problem for the last three weeks and could put up signs and enforce parking regulations but that would only cause the problem to move to other streets. He indicated he would continue to work with the School Board on the problem.

Kojack Burnett

R.L. Lewis Painting
He encouraged Council to purchase the painting City Clerk Phillips referred to.

Paul Boston

Candidate Forum
He thanked Council for approving the waiver of fees for the use of the Jerome Brown Community Center and reviewed the forum scheduled there. He indicated they were working on transporting people to the forum.

He also elaborated on the problem with school children parking on the street.

ADJOURNMENT
There being no further business, the meeting adjourned at 9:35.

City Clerk

Attest: _____
~~Mayor~~ Vice Mayor

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AGENDA ITEM NO. C-1
12-18-06

JOINT MEETING
HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS
AND THE BROOKSVILLE CITY COUNCIL

MINUTES

OCTOBER 24, 2006 7:00 P.M.

Brooksville City Council and Hernando County Board of County Commissioners met in a special session with Joseph E. Johnston, III, Mayor, David Pugh, Vice Mayor, and Council Members, Mary A. Staib, Frankie Burnett, and E.E. "Ernie" Wever, Jr., Chairwoman Diane Rowden, Vice Chairperson Nancy Robinson, Jeff Stabins, Second Vice Chairperson, Tom Hogan and Commissioner Christopher Kingsley from the Board of County Commissioners. Also present was David LaCroix, City Attorney; Garth Coller, County Attorney, Jeff Kirk, Assistant County Attorney; Richard E. Anderson, City Manager; Gary Kuhl, County Administrator; Larry Jennings, Deputy County Administrator, and various City and County Department and Division Heads. A representative from the Hernando Today was also in attendance.

CALL TO ORDER

The meeting was called to order by Chairwoman Rowden, followed by an invocation and the pledge of allegiance.

APPROVAL OF AGENDA (Limited to Board and Staff comment only.)
Commissioner Chris Kingsley moved to approve the agenda; seconded by Commissioner Nancy Robinson. Motion carried 5-0.

INTRODUCTIONS

Introductions were made.

RONALD F. PIANTA, PLANNING DIRECTOR

Discussion of Bell & DeMaria Annexation

Ron Pianta, Planning Director indicated the purpose of the meeting was to discuss the process of annexation into the City of Brooksville, specifically the DeMaria and Bell properties and the Joint Planning Interlocal Agreement.

Commissioner Kingsley indicated the joint planning agreement, from the County's standpoint, is not working.

He asked Ron to discuss the 6 points of concern discussed in the letter to Mayor Johnston.

Commissioner Nancy Robinson recommended following the Agenda as authorized in Mr. Pianta's report as issues with the City's Annexations are as follows:

1. The issue of creating pockets or fingers that are not compact and have an adverse effect on services.
2. The annexation of County right of ways of Hope Hill, Mitchell and Emerson Roads.
3. Inconsistency with the County Future Land Use Map's designations of rural areas.

4. Provisions for planning and funding of infrastructure and services.
5. Planning of meetings regarding future land use, indicating the proper planning should occur at an earlier stage of the annexation.

Mr. Pianta indicated that the City has not submitted a Comp Plan Amendment for the County to consider regarding the proposed annexations, believing that the Comp Plan Amendment was the stage at which proper planning was to take place. Mr. Pianta felt that in accordance with the Joint Planning Interlocal Agreement, planning should take place at an earlier stage.

Council Member Wever indicated the Board of County Commissioners needs to realize that Brooksville is no longer rural and the process should be easier to agree upon.

Mayor Johnston indicated that his understanding of the agreement is that it is not a stand-alone document; it creates a picture of what will happen over a 10-15 year period depending on the market. He indicated funding had been discussed, which involves developer input and that the plan is in its early stages at this time and felt the County should be anticipating growth over the next few years as well.

Commissioner Kingsley felt none of the issues deal with the first right of refusal and that the 6 points of concern should be covered before the annexation process.

Mayor Johnston stated that the information was sent to the County two months before they responded and felt the time frames could be more efficient.

Director of Community Development Bill Geiger agreed with Commissioner Kingsley that the discussions should come first. He explained that all annexations stay under the rule of the County and remain rural until the City makes its own comprehensive plan amendments. Director Geiger felt that one solution is the possibility of commissioning an area-wide DRI study and have the developers pay for the study and bring in additional support.

Commissioner Kingsley asked for the standing on the communication thus far and if the issues prior to this meeting are being resolved.

Mayor Johnston indicated that correspondence sent to the County concerning annexations had taken two months for a response to be received and he did not feel the City should be expected to delay action on the issue due to the County's delay in responding to the City. He indicated that a more efficient means of communication was needed, to which Commissioner Kingsley agreed.

Chairwoman Rowden commented that communication seems to be the breakdown in the process and felt staff should be directed to meet every month to talk about issues that are coming up.

County Administrator Gary Kuhl indicated he and Mr. Anderson had met 6 weeks ago to talk about these very issues. Mr. Jennings noted the City and County used to get together once a month but it has not continued and recommended revisiting that agenda.

Mr. Pianta elaborated on the issue of planning and the process as it is currently occurring. He indicated Director Geiger had stated that the City was only seeking to annex the properties at this time and that there would be no land use amendments until proper planning occurred.

Mr. Pianta further indicated the issue of hiring a firm to complete the planning was an option that would need to be discussed between City and County staff.

Commissioner Robinson asked if any of the owners have a concept of the funding source. City Manager Anderson indicated they do and it is necessary for them to participate in the planning to some degree but it had not been discussed in great detail. Director Geiger added that in sector planning you have to look at other areas that may never incorporate, along with ones that will.

Commissioner Robinson indicated she would be comfortable with that process.

Director Geiger indicated the area of concern is the adjacent properties that remain unannexxed and that basically all the annexed properties are compact and do follow the guidelines of the plan. He recommended the Joint Planning Board discuss this in more detail.

Commissioner Robinson asked for a picture of the map to be displayed so all could see what the issue is. It was displayed and it was pointed out that the parcel along Hope Hill Road was the issue.

Discussion followed concerning service to the area and Mr. Geiger pointed out that the land in question is vacant property.

Commissioner Robinson indicated there needed to be planning outside this meeting and that recommendations should be brought back and the process refined before annexation.

Chairwoman Rowden indicated the same problems keep comming up and solutions need to be formalized. Commissioner Kingsley indicated an interlocal would solve some of the problem, to which Vice Mayor Pugh agreed. Vice Mayor Pugh elaborated on the infrastructure (No. 3) issue and indicated the City is willing to work with the County to address this.

Council Member Wever indicted there is a new statute on the books, an interlocal service boundary agreement, which covers these issues and recommended following that statute to solve the current problems should be the next step.

Mr. Kuhl indicated, as he understood it, staff needs monthly meetings to take place to discuss these plans. He recommended staff come up with a list of the different items to be discussed and worked out in the order they need to progress. He also recommended the City come up with an agenda to be followed and that a quarterly update be submitted to the BOCC.

He and Mr. Anderson will meet to set up a schedule. Mayor Johnston recommended the County and City both sign off on the update. Commissioner Robinson recommended staff recommendations be jointly produced with signatures for both entities to sign.

Vice Mayor Pugh indicated he felt direction needed to be given as far as the annexations in question and wants to go forward.

City Attorney David LaCroix indicated the issue is not in annexations but the plan and the City as well as the BOCC should consider a moratorium.

Mayor Johnston, refering to items 3-6, indicated the zoning and plan use would not change and the issues could be worked out before any comp plan amendment is addressed.

Commissioner Robinson asked for clarification of the path to move forward. Mr. Pianta indicated the intent was to establish a scope of work.

At 8:00 p.m. a break was taken and the meeting reconvened at 8:15 p.m.

Mr. Kuhl indicated the County preferred there be a plan in place with everyone in agreement before annexation. He recommended proceeding with the staff meeting to come to terms with a process, and to meet monthly starting soon.

Chairwoman Rowden asked where Southern Hills Plantation is in relation to the proposed annexation and asked what agreement it is under if Southern Hills Plantation ever wants to purchase the property being annexed?

Director Geiger elaborated on the intent of the annexations, stating that annexation does not permit development. In response to Commissioner Stabins question as to why the City has an urgency to finalize annexation on the properties in question, he indicated the owners are the instigators of the annexation and that the City is required to go through two readings. They have already been through one and Council needs to finalize the process.

Discussion followed in regards to the current Development Agreement with Landmar for the Southern Hills Plantation development in relation to the outcome of Landmar purchasing the property, if it occurred.

Vice Mayor Pugh indicated the agreement is not automatic if LandMar or anyone buys an annexed property. He indicated it was his understanding that if annexation proceeded, the City could expect a lawsuit from the County.

Attorney Collier disagreed stating that he would advise the Board of County Commissioners of the case, noting that four of five issues were in violation of a case in Volusia County. City Attorney LaCroix did not agree that the annexations violated case law or Florida Statutes.

Mr. Kuhl reiterated that staff needs to meet and set down a process or base line. Commissioner Robinson asked how long to plan. Mr. Kuhl indicated two weeks at least to meet and discuss issues being raised.

Chairwoman Rowden indicated she did not feel the County was trying to tell the City what to do but to make sure both are on the same page. She recommended going forward with the meeting of staff.

Mayor Johnston felt as long as they are making progress it could be considered to postpone the annexation once again pending review of the staff recommendations and considerations.

Consensus was to move forward immediately.

<u>Discussion of Brooksville Comprehensive Plan Amendment Application (CPAM 2005-LI, Majestic Oaks Mixed-Use Development)</u>

Mr. Pianta indicated the issue is that the City has allocated more entitlements than the existing Tri-Party Agreement between the City, the County and the developer, Majestic Oaks Partners, LLC, allowed for and elaborated on the plan. Director Geiger reviewed the facts associated with the amendment and noted that the City has created a new mixed-use standard and elaborated, referencing the Southern Hill amendments approved by BOCC. He reiterated that the City is not guaranteeing any development above the amount contemplated in the Tri-Party

Agreement. Discussion followed regarding density, transportation and legal issues.

Attorney Jake Varn, representative for the developer addressed the Board, suggesting there had been a misunderstanding as to what is being done. He felt the agreement to be fine but that maybe the verbiage could be clarified, pointing out that the Agreement could not be amended without the developer's concurrence.

After much discussion of the issues, Chairperson Rowden indicated it to be obvious that there are legal differences of opinions which are not going to be settled at this time. It was her understanding that the Board wanted City and County staff to resolve the issue of annexation within two weeks but that the Majestic Oaks issue may take longer.

All were in agreement.

ADJOURNMENT

The meeting adjourned at 9:20 p.m.

City Clerk

Attest: _____
Mayor

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AGENDA ITEM NO. C-1
11-20-06

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

NOVEMBER 6, 2006 7:00 P.M.

Brooksville City Council met in regular session with Vice Mayor David Pugh, Council Members Frankie Burnett, Mary A. Staib and E.E. "Ernie" Wever, Jr. in attendance. Also present were David LaCroix, City Attorney; Richard E. Anderson, 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; Chief Tincher, Brooksville Police Dept; Fire Chief Tim Mossgrove, Brooksville Fire Dept. Shannon Carlton of Joy Hayes Court Reporting, members of the Hernando Today and Hernando Times and Hettie Warner of the Brooksville Belle were also present.

The meeting was called to order by Vice Mayor Pugh, followed by an invocation and pledge of allegiance. Vice Mayor Pugh reminded all that Mayor Johnston was on vacation.

He indicated there had been a request to remove Item F-3 (a-c) from the agenda.

Motion:
Council Member Burnett moved for approval to remove Item F-3 from the agenda; seconded by Council Member Staib. Motion carried 4-0.

Vice Mayor Pugh also indicated that an amendment to Item E-1 had been received.

CONSENT AGENDA

Minutes
- 1st Budget Public Hearing - September 6, 2006
- 2nd Budget Public Hearing - September 20, 2006
- Regular Council Meeting - October 2, 2006
- Regular Council Meeting - October 16, 2006

Quarry Rate Adjustment
Approval of the proposed changes for the Quarry membership rates, driving range plan, member fees and youth fees as recommended by the Parks & Recreation Advisory Board effective 11/7/06.

Tourist Development Council (TDC) Grant
Acceptance of $2,000 grant from the TDC for the 2007 Founder's Week Event advertising.

MIS Division Surplus Equipment
Authorization to declare computer and electronic items surplus and to authorize the City Manager to dispose of accordingly.

Council Member Wever noted the following correction to the minutes:

September 6, 2006, the bottom of the first page, first to last line, "05/06" should read "06/07".

September 20, 2006, the bottom of the second page, the general fund reserve ratio

APPROVED BY BROOKSVILLE CITY COUNCIL
ON 11/20/06 INITIALS SAP

should be "up to".

Motion:
Council Member Burnett moved for approval; seconded by Council Member Staib. Motion carried 4-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Margaret R. Ghiotto Beautification Awards

Commercial Beautification Award
Recognition of improvements to The Antique Sampler Mall property owned by William R. and Mary E. Duncan, Jr., located at 31 S. Main Street

Vice Mayor Pugh reviewed the award. Recipients were not in attendance.

PUBLIC HEARING

Proposed Ordinance No. 724 - Voluntary Annexation of DeMaria Property
Consideration of annexation of approximately 676 acres ± located East of and adjacent to Hope Hill Road, West of Emerson Road and South of Pinewood Dairy Road. *This item includes a Planning Outline pursuant to direction given by the Joint Planning Agency.*
[Continued from 10/02/06 First Reading pending meeting Joint Planning Meeting]

Director Geiger indicated this item had been continued from the 10/02/06 meeting pending a Joint Planning Meeting with the County, which was held on October 24, 2006. He noted that a planning outline had been drawn up as a result of the Joint Staff Planning Meeting and was included as an attachment. Staff recommended continuance to the November 20 meeting, allowing for another joint meeting between the County and the City.

Gary Kuhl, Hernando County Administrator, agreed with Director Geiger in that a good joint meeting had taken place and dates were given to City Manager Anderson for possible future joint meeting dates between the boards. Mr. Kuhl indicated representatives of the developer had met with the County as well to request a continuance. Council consensus was for a continuance pending the next Joint Planning meeting with the County, tentatively set for Monday, November 13 at 5:00 p.m.

Motion:
Council Member Staib moved for approval of continuance to the November 20 meeting at 7:00 pm; seconded by Council Member Wever. Motion carried 4-0.

Proposed Ordinance No. 725 - Voluntary Annexation of Bell Fruit Company Property
Consideration of annexation of approximately 224.59 acres ± located South of State Road 50 between Hope Hill Road and Emerson Road. *This item includes a Planning Outline pursuant to direction given by the Joint Planning Agency.*
[Continued from 10/02/06 First Reading pending meeting Joint Planning Meeting]

As with the previous ordinance, it was recommended this ordinance be continued to the November 20 meeting as well.

Motion:
Council Member Burnett moved for approval of continuance to the November 20 meeting at 7:00 pm; seconded by Council Member Staib. Motion carried 4-0.

Regular Agenda

Ordinance No. 729 - Fence Regulations - Historic District

Consideration of proposed amendment to City Code regarding front yard fence standards in the Historic District.

Director Geiger reviewed the ordinance and specifications proposed, and indicated it would be an amendment to the existing fence code.

City Clerk Phillips read Ordinance No. 729 by headnote, as follows:

> AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING CHAPTER 105, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE V, "FENCES,' BY RENUMBERING SECTIONS 105-146, 105-147 AND 105-148 THEREOF AND BY ADDING THERETO A NEW SECTION 105-146; PROVIDING ADDITIONAL STANDARDS, REQUIREMENTS AND LIMITATIONS FOR FENCES IN THE BROOKSVILLE HISTORICAL CENTRAL BUSINESS/RESIDENTIAL DISTRICT; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR EFFECTIVE DATE.

Motion:
Council Member Staib moved for approval; seconded by Council Member Wever. Motion carried 4-0 upon roll call vote as follows:

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	ABS

USDA RD Wind Protection Retrofit Project

a) City Hall Project
Award of bid to Centurion Security Screen Company, Ltd. in the amount of $135,677 for the Hurricane Protection Barrier Screens for exterior glass windows on all three floors less Alternate #1 deduction of $6,782 for High-Impact Roll Up Wind Screens for the three 1st floor commercial store front doors and adjacent windows for a total bid award of $128,995 with funding through the USDA RD Grant/Loan; waive minor bid specification technicality regarding required certifications.

b) Police Department Alternate Project
Award of bid to Kane Manufacturing Corp. in the amount of $11,000 for the Hurricane Protection Barrier Screens for all existing glass windows and surrounding door structures with High-Impact Roll Up Screens for the entry and garage/sally port doors with funding through the USDA RD Grant/Loan.

City Clerk Phillips reviewed the bids received for the project, indicating the low bidder was Centurion at $128,895 and that the low bidder for the Brooksville Police Dept. portion of the bid was Kane Manufacturing Corp.

City Attorney LaCroix indicated there was an inconsistency in the requirements. Discussion followed.

Arnie Todd from Kane Manufacturing was present and expressed concerns about the Miami/Dade requirements. He pointed out that, although certified by the Florida Building Code, Centurion had not submitted Miami/Dade certification. He referenced the addendum, which specified Miami/Dade and concedes that the Miami/Dade specification goes beyond being a minor technicality and requested the full bid award or allow his firm to resubmit with just requirements for the Florida Building Code specifications. He asked for permission to resubmit his bid, which City Manager Anderson indicated is not allowed.

Vice Mayor Pugh reviewed the issue at hand. City Attorney LaCroix reviewed the options. Discussion followed.

Sheri Meier with Centurion indicated they do meet all Miami/Dade specification and reviewed their product. She indicated the code, relating to the Miami/Dade specification was repealed.

Motion:
Council Member Burnett moved for rejection of all bids and to rebid; seconded by Council Member Staib. Motion carried 4-0.

USDA Bond Closing

Authorization of executive various closing documents for the scheduled Bond Closing on November 15, 2006 (final official effective date 11/17/06).

a) Community Facilities Grant Agreement
Approval of required USDA RD Grant Agreement for Wind Protection Retrofit and Generator Project in the total amount of $544,800 for the various projects.

b) Loan Resolution No. 2006-29
Consideration of Loan Resolution in the amount of $258,800 (Grant Amount $286,000) to correct minor deficiency from previously adopted Resolution.

c) Bond Resolution No. 2006-30
Consideration of Bond Resolution authorizing the issuance of Capital Improvement Revenue Bonds, Series 2006, in the amount of $258,800.

This item was removed from the Agenda.

Cascades at Southern Hills Plantation - Phase One Replat

Review and approval to add 3.5 acres to total of previously approved plat and realigning Cotillion Blvd.

Director Geiger reviewed the request for replat of Phase I of the Cascades subdivision, which will incorporate the 3½ acre tract that was annexed and added to the property. He also indicated there was slight modification to the right-of-way for Cotillion Blvd, the main road through the Cascades development, which will eventually connect to Powell Road.

Motion:
Council Member Burnett moved for approval of Staff recommendation; seconded by Council Member Staib . Motion carried 4-0.

Majestic Oaks Litigation - Proposed Comp Plan Amendment, Planning & Tri-Party Agreements

Status report on litigation filed by Hernando County.

City Attorney LaCroix indicated the City has not been served to date. He also stated that the Joint Planning Agreement states that the agencies will consult with the Joint Planning Board prior to processing and approving Comp Plan Amendments for the joint planning area, and indicated that did not happen. Having said that, he indicated that the City has a potential counter claim in that the City has a tri-party agreement that obligates the City to spend City impact fees outside City limits. However, the County ordinance says that impact fees have to be spent in the impact fee district in which they are collected, or if spent outside the district it has to have a direct benefit to the district in which they were collected. He indicated he was not sure that was the case with the expenditures that were agreed upon outside city limits concerning the Majestic Oaks project.

His suggested to Council that if the suit goes forward the City avail themselves the opportunity to file a counter claim in order to get a declaratory judgement and ask the courts if in fact those expenditures are lawful. Discussion followed.

Consensus of Council was to continue the item to the tentative Joint Planning Meeting of November 13.

Employee Gift Policy

Review of suggested revisions to Personnel Board's recommendations amending Section 1.08 of the Personnel Policies regarding employees receiving gifts.

City Attorney LaCroix elaborated on his recommendation.

Motion:
Council Member Staib moved for approval; seconded by Council Member Burnett. Motion carried 4-0.

Foreclosure of Lot Clearing Lien - Went Property

Consideration of initiating foreclosure procedures for property located at 204 Bayport St.

Attorney LaCroix elaborated on the issue, indicating the lot is again overgrown. He indicated that the certified letter sent to Ms. Went was returned unclaimed and that tax certificates have been sold through the county. Discussion followed in which it was recommended that the search be continued to try to located the owner and to put another lien on the property if necessary.

Majestic Oaks Sewer Line Oversizing Project

a) Sewer Impact Fee Credits Calculations
Consideration of acceptance of bid amounts for offsite water and sewer line work and lift station construction in the amount of $1,556,474.30 for the purpose of granting sewer impact fee credits to the developer.

b) Increase Sewer Line Oversizing
Consideration of authorizing oversizing approximately 8,445 ft. of sewer force main (from 8" to 12") at a cost of $134,824.25.

At the request of the Developer this item was removed prior to the meeting pending clarification of possible litigation.

Southern Hills Plantation Reimbursement and Impact Fee Credits

Director Pierce informed Council that this item is an accounting of work completed to date wherein the Developer is eligible for impact fee credits. He indicated there was a slight typo in the amount on the outline and that the additional amounts being requested to be approved are in the attached Coastal Engineering letter. He also indicated Tom Mountain was present to answer any questions. Discussion followed which included references to typographical errors in the narrative and the request for spreadsheet headings to be printed on each page.
Council Member Wever informed Mr. Mountain that the N/S Road is now Governor Blvd.

a) Reimbursement & Impact Fee Credits Verification Report
Review of Verification Report Submittal #2 prepared on behalf of developer.

Director Pierce indicated the report is for work completed through March 31, 2006. Discussion followed.

Motion:
Council Member Burnett moved for approval of Staff recommendations with modifications; seconded by Council Member Staib. Motion carried 4-0.

b) Water & Sewer Line Oversizing Reimbursement
Consideration of reimbursement of $73,792 for oversizing of approximately 1500 linear feet of water & sewer lines.

Director Pierce indicated the correct oversizing should be 10,000 - 11,000 linear feet.

Motion:
Council Member Burnett moved for approval of Staff recommendations; seconded by Council Member Staib. Motion carried 4-0.

c) Impact Fee Credits
Consideration of authorizing credits totaling $1,088,521.19 for water, sewer and transportation impact fees.

Tom Mountain elaborated on the breakdown of the credits being requested.

Motion:
Council Member Burnett moved for approval of Staff recommendations; seconded by Council Member Staib. Motion carried 4-0.

Probationary Employees
Clarification of pay plan adjustments regarding completion of probationary period.

Human Resources Director Ron Baker reviewed the issue, indicating that no provisions were allowed for 6-month probationary increases or cost of living increases in the Mercer Plan.

Motion:
Council Member Burnett moved for approval of staff recommendation; seconded by Council Member Staib . Motion carried 4-0.

2005-06 Fiscal Year Audit

Consideration of authorizing expanded audit review of control procedures not to exceed $20,000. Proposed budget amendment will be prepared upon final audit.

Mary Beth Gary of Oliver & Co. addressed council concerning the additional costs. City Manager Anderson explained that the additional amount had not been budgeted for and explained the costs. Discussion followed and the billing of the auditing process was explained.

Motion:
Council Member Staib moved for approval; seconded by Council Member Wever. Motion carried 3-1.

ITEMS BY COUNCIL MEMBERS

Council Member E.E. "Ernie" Wever, Jr.

Double Taxation
Council Member Wever elaborated on the issue of double taxation and gave Vice Mayor Pugh information on the subject since he will be representing the City on the Florida League Fiscal Stewardship Committee.

Withlacoochee Water Supply Meeting
He indicated that normally the board does not meet in December but has elected to do so primarily to review a regional water supply report done by Water Resource Associates for the future water board and SWFWMD. Richard Lewis has volunteered to take his place on the board. Council Member Wever elaborated on Bushnell's structure.

Brookhaven Townhomes
Council Member Wever indicated there is no provision for a large enough easement to allow the power company to get to the property.

Police vehicles
Discussion followed as to the purchase of vehicles over the last year and the ones requested at this time. He indicated he had done an analysis of changing from one officer one car to two officers per one car and elaborated on the issue.

PHCC Well
Council Member Wever asked if the well at PHCC had been completed, to which Director Pierce indicated there is one more test to do, which should occur next week and that he has enough bills to apply for reimbursement from Withlacoochee.

Council Member Frankie Burnett

Department Contacts
Council Member Burnett requested a copy of each departments cell phone numbers.

Noise Ordinance
He also requested a followup on the noise ordinance issue.

Hernando High School Parking
He indicated that, providing the student buys a parking permit, the principal is allowing those students to park on campus that had been parking on the streets surrounding the school. Even so, Council Member Burnett indicated he still receives 5-6 calls per day on the issue, indicating the problem still exists. He requested an update on the signage suggested for the area.

Howell Avenue School Zone Inconsistency
Council Member Burnett also requested an update on the problem of the split school zone on Howell Avenue, which has been addressed before but not reported back on.

Council Member Mary A. Staib

Monthly Reports
Council Member Staib indicated the 2001 Withlacoochee Regional Water Supply plan has been updated to 2006.
Development Dept.
She inquired of Director Geiger about the demolition in the amount of $174,620, who indicated he would get back to her on the issue.

Suncoast League Minutes
Council Member Staib indicated there is a lot of important information in the minutes but that David Pugh or Frankie Burnett needs to be corrected as Council Member Burnett is an alternate.

Insurance and Property Tax Force
She recommended E-mailing or writing the Governor or Lt. Governor Jennings on the issue, acknowledging the City's as well as the County's concerns.

Cloverleaf Expansion
Council Member Staib indicated that Cloverleaf may expand phases and asked if they would need another pump? Director Pierce indicated they probably would not.

City Clerk Karen M. Phillips

Purchase of Painting(s)
City Clerk Phillips updated on the status of the Mayor's project to purchase the Highwayman painting on behalf of city and that we may end up with enough donors to be able to purchase the second painting.

Vice Mayor David Pugh

Legal Advertisements for Charter Amendments
Vice Mayor Pugh indicated he was not in agreement with using taxpayer dollars to instruct citizens on how to vote, referencing the charter amendment legal ads, which say "Vote Yes". City Manager Anderson indicated that in 2000 Council authorized charter amendment ads and if there is a problem it can be discontinued. Discussion followed concerning insurance waivers for parades and City residency for committee members.

Joint Planing Interlocal Agreement
Vice Mayor Pugh referencing Sec. 9, Oversight Process, Future Annexation and Joint Study Report, asked if the report had ever been done. Director Geiger indicated that it is the County coordination process being worked on now.

Landmar's Agreement
He asked if an economic analysis had been done. City Manager Anderson indicated it had been done by their consultant and presented to Council.

CITIZENS INPUT

Jane Miller

Parking on Bell and Oak Streets
Ms. Miller indicated that a 4-way stop and traffic calming devices and twice daily patrolling are needed in the area. She referenced an incident in which

three vehicles were broken into as well as a vacant house in which drug activity is taking place. Vice Mayor Pugh indicated a 4-way stop cannot be used for traffic calming and revisited parking by permit only.

Council Member Burnett indicated the public service person needs to be reinstated and that the 90-minute parking signs need to be installed.

Chief Tincher indicated the school has cooperated by letting those with lower grades return to parking on campus, however, those with outstanding fines for books, etc., are not being allowed to park on campus. He indicated that the perpetrators of the burglaries were caught because there were officers in the area. Discussion followed as to towing vehicles and limited parking.

Paula Campbell
Ms. Campbell of Bell Avenue also elaborated on the issue stating that the streets look like a parking lot and the garbage is unbelievable.

Council Member Burnett recommended patrolling the area during the morning while the issue is being worked on.

Chief Tincher indicated the next step is to patrol the area and also to contact the parents of the violators. He will provide an update at the next meeting.

Joe Bernardini
He reiterated that the problem will just move to another street and indicated the gate at the school is the problem.

Vice Mayor Pugh recommended inviting the school officials to the meeting to try to solve the problem.

Council Member Burnett recommended staff meet with school officials.

Richard Howell

Citizen Input
Mr. Howell suggested moving Item H-Citizens Input to before Council Member Comments.

Michell Heights Community
He indicated the people in Mitchell Heights, South Brooksville in general, believe the City's annexation method is not fair and possibly discriminative because it leaves out every African American community in Township 22. He elaborated on the services Mitchell Heights receives and believes Florida Statutes are being violated by creating enclaves which enclave South Brooksville and Mitchell Heights.

South Brooksville Plan
He indicated that industrialism was promised in the establishment of the Enterprise Zone, which was made for that purpose and relayed that the residents of South Brooksville are upset that they are never included in plans for their property.

Property owned by the City
Mr. Howell asked how the city disposes of land owned by the City referencing property acquired in the 80's with a block grant for the purpose of building a park, which was never done, and is now owned by a private individual.

In response to some of Mr. Howell's concerns, Vice Mayor Pugh indicated that all annexations are voluntary and that if citizens want to annex their property they should petition Council to do so. A brief discussion followed.

Lisa Holloway

Harassment by Police Officer
Ms. Holloway wanted it on the record that she has been a victim of racial profiling by a City of Brooksville Police officer and she wants it to stop. She proceeded to detail her concerns and what took place.

She indicated that an appointment had been scheduled with the Chief of Police but she had her days mixed up and missed the appointment.

City Manager Anderson indicated he had spoken with Ms. Holloway and is aware of the situation, indicating he is a part of the process, as City Manager, up until an allegation is made against an individual officer, then it is deferred to the Chief of Police for a structured procedure, which Chief Tincher indicated is the Police Officer's Bill of Rights in the Florida Statutes. Council Member Burnett requested a copy of the procedure.

Chief Tincher reported what he understood had taken place and indicated that a meeting has been set for Wednesday, November 8 at 10:00 a.m., in which Ms. Holloway can address her grievances. He also indicated the meeting will be recorded.

Chief Tincher indicated the allegations of racial profiling is a serious accusation and he will not be reporting back to the City Manager except to tell him that the matter will be looked into. He indicated he has no problem involving the Department of Justice because it is his feeling that she has not been racially profiled. He noted that her complaints will be recorded and/or taken in writing at the end of the meeting which will be shared with the Department of Justice and if it appears that the officer appears to be harassing or racially profiling Ms. Holloway, he has no problem calling in the FBI.

Council Member Burnett requested the outcome of the investigation.

Paul Boston

Mr. Boston indicated he is familiar with Ms. Holloway's case and commented on several of the references made.

Hernando High School Parking Issue

He also discussed the issue with students parking on the streets around Hernando High School. He felt there needed to be more programs that encourage young adults to do better.

South Brooksville Area
He felt there is no connection between the City and the people of South Brooksville because the City does not strive to make that connection. He urged the Council to let the citizens know the benefits of annexing into the City and to encourage them to become a part of the City.

Letter of Appreciation
Mr. Boston presented Council with a Letter of Appreciation on behalf of the Get out the Vote Committee and Just Us, Inc. for use of the JBCC for the Candidate Forum.

He indicated that the problems discussed at this meeting are opportunities for Council to get out and do something and offered their help in dealing with the issues.

Kojack Burnett

Mr. Burnett stated that he felt Item H-Citizen's Input should not be moved and agreed with Vice Mayor Pugh in that if there are concerns or questions about an issue one should be able to ask questions and bring information back to Council if need be.

ADJOURNMENT

The meeting adjourned at 11:10 p.m.

Attest: _____
Mayor

_____
City Clerk

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AGENDA ITEM NO. C-1
12-18-06

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

November 20, 2006 7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor David Pugh, Council Members Frankie Burnett, Mary A. Staib and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney; Richard E. Anderson, 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; Boyce E. Tincher, Brooksville Police Dept; Fire Chief Tim Mossgrove, Brooksville Fire Dept. Members of the Hernando Today and Hernando Times were also present.

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

CONSENT AGENDA

Minutes
Regular Council Meeting - November 6, 2006

Surplus Bicycles - Police Department
Declare twenty (20) stolen, confiscated or found bicycles surplus and authorize disposition by donation.

2007 "Market on Main Street"
Consideration of request from the Brooksville Business Alliance (formerly Brooksville Again) to continue the monthly "Market on Main Street" Program in 2007, including the closing of Main Street between Broad and Liberty Street and utilization of the City parking lot located at 29 S. Main Street from 6:00 am to 3:00 pm on the 3rd Saturday of every month (with the exception of July and August) and waive the requirements for insurance .

Withlacoochee Regional Planning Council (WRPC)Technical Assistance Project
Approval of Scope of Work from WRPC under their General Services Agreement to populate the Dept. of Community Affairs (DCA) Fiscal Impact Analysis Model Software to enable the City to estimate the financial feasibility of comprehensive plans and proposed development projects for an amount not to exceed $7,500, funds budgeted in Community Development Other Contractual Services.

Public School Facility Element (PSFE) Funding
Authorization to participate in joint coordinated project with the County and School Board for proportionately shared technical assistance funding from DCA in the amount of $25,000 for completion of a final draft version of the PSFE, with the County serving as the primary agency.

Replacement Vehicle Purchase - Fire Dept.
Consideration of request to purchase a 4X4 Ford Expedition (SUV) from Duval Ford utilizing Florida Sheriff's Association, Bid No. 06-14-OF21, in the amount of $27,528 (plus $1,620 for a 5-year extended warranty). Funds available in the Internal Service Fund #501.

Mayor Johnston referenced City Manager Anderson's request to add item F-11, Investment of Idle Funds.

Motion:
Council Member Staib moved for approval of adding item F-11; seconded by Council Member Burnett. Motion carried 5-0.

Motion:
Council Member Wever moved for approval of the consent agenda; seconded by Council Member Burnett.

Vice Mayor Pugh inquired of the need of a 4X4 Expedition for the Fire Department. Chief Mossgrove elaborated on the need in relation to all the new development.

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

CERTIFICATES PROCLAMATIONS AND PRESENTATIONS - None

PUBLIC HEARING

Proposed Ordinance No. 724 - Voluntary Annexation of DeMaria Property

Consideration of annexation of approximately 676 acres ± located East of and adjacent to Hope Hill Road, West of Emerson Road and South of Pinewood Dairy Road. This item includes a Planning Outline pursuant to direction given by the Joint Planning Agency.
[First Reading 09/18/06 - Continued from 11/06/06 meeting]

Director Geiger indicated that since the last meeting, the coordination of a planning board meeting with the County had to be rescheduled to sometime in December, after the swearing in of the new Council. He proceeded to review three options concerning the annexation. The first option being to approve the annexation, indicating that additional direction on the issue of right-of-way would be needed, the second option being to continue the annexation pending another joint meeting with the County and the third being to deny. Discussion followed.

Vice Mayor Pugh requested postponement of annexations pending the next Joint Planning Meeting, with questions on the agreement.

City Attorney LaCroix indicated that the Joint Planning Agreement does not have anything to do with annexations, only with comprehensive planning and development. Discussion followed.

City Clerk Phillips read Ordinance No. 724 by title, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE.

Mayor Johnston asked for Public Input.

Darryl McAteer, attorney for the property owner, requested proceeding with the approval of the annexation.

Joseph Quinn with Coastal Engineering concurred with Attorney McAteer.

Motion:
Council Member Staib moved for approval of Ordinance No. 724 with Staff Recommendations to exclude the right-of-ways on Emerson Road and Hope Hill and inclusion of the CSX right-of-way; seconded by Council Member Wever.

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

Council Member Burnett	Aye
Council Member Wever	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Nay
Mayor Johnston	Aye

City Clerk Phillips indicated the first reading was actually approved on 09/18/06, not 10/02/06 as indicated on the agenda for this and the following item.

Proposed Ordinance No. 725 - Voluntary Annexation of Bell Fruit Company Property

Consideration of annexation of approximately 224.59 acres ± located South of State Road 50 between Hope Hill Road and Emerson Road. This item includes a Planning Outline pursuant to direction given by the Joint Planning Agency.
[First Reading 09/18/06 - Continued from 11/06/06 meeting]

Director Geiger reviewed the item, noting that the Bell Fruit annexation is contingent upon the DeMaria annexation and the same issues apply for this annexation.

City Clerk Phillips read Ordinance No. 725 by title, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE.

Mayor Johnston asked for Public Input. There was none.

Motion:
Council Member Staib moved for approval of Ordinance No. 725 with Staff Recommendations to include the additional exclusion of Mitchell Road right-of-way; seconded by Council Member Wever.

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

Council Member Staib	Aye
Council Member Wever	Aye
Council Member Burnett	Aye
Vice Mayor Pugh	Nay
Mayor Johnston	Aye

Ordinance No. 729 - Fence Regulations - Historic District

Consideration of proposed amendment to City Code establishing front yard fence standards in the Historic District.
[First Reading 11/06/06]

Director Geiger reviewed the ordinance specifications, which establishes the types of fences to be allowed in the Historic District, indicating that existing fences would be grand fathered in until the need arises to replace them, at which time they would have to be replaced according to the code.

City Clerk Phillips read Ordinance No. 729 by title, as follows:

> AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING CHAPTER 105, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE V, "FENCES,' BY RENUMBERING SECTIONS 105-146, 105-147 AND 105-148 THEREOF AND BY ADDING THERETO A NEW SECTION 105-146; PROVIDING ADDITIONAL STANDARDS, REQUIREMENTS AND LIMITATIONS FOR FENCES IN THE BROOKSVILLE HISTORICAL CENTRAL BUSINESS/RESIDENTIAL DISTRICT; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR EFFECTIVE DATE.

Mayor Johnston asked for public input.

Joseph Gaddy indicated he thought the fence ordinance is a great idea but was under the impression that there would be an item on the agenda for the rezoning of a property on Mondon Hill. Director Geiger indicated the rezoning request had been passed by the Planning and Zoning Commission and would be on the next agenda.

Motion:
Council Member Staib moved for approval of Ordinance 792; seconded by Vice Mayor Pugh. Motion carried 5-0 upon roll call vote as follows:

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

REGULAR AGENDA

Noise Ordinance No. 730

Consideration of proposed ordinance amending Chapter 82 of the Code relating to Traffic and Vehicles to add Article III, Noise from Vehicles.

City Attorney LaCroix reviewed the ordinance specifications, fines and confiscation of vehicles, which excludes emergency vehicles. Discussion followed.

Council Member Burnett moved to amend the ordinance to allow for a $250 charge on the first offense, $500 for the second offense and $1000 for the third offence, seconded by Council Member Wever. Motion carried 5-0.

City Clerk Phillips read Ordinance No. 730 by title, as follows:

> AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF BROOKSVILLE, FLORIDA, CHAPTER 82, "TRAFFIC AND VEHICLES," BY ADDING THERETO A NEW ARTICLE III, "NOISE FROM VEHICLES;" PROHIBITING; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR EFFECTIVE DATE.

Mayor Johnston asked for public input.

Richard Laramar remarked that discretion and common sense used in writing citations is very important.

Dale Stokley indicated that 25 feet is the average distance from someones front door to the street, young people are aware of the laws and he thanked council for addressing the issue.

Motion:
Council Member Burnett moved for approval; seconded by Council Member Staib. Motion carried 5-0 upon roll call vote as follows:

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Council Member Wever asked that someone look at amending the current ordinance on noise and disturbing the peace.

USDA Bond Closing

Authorization of executive documents for the scheduled Bond Closing on November 28, 2006 (Effective date 12/01/06).

City Attorney LaCroix reviewed the documents, which precede the bond closing. City Clerk Phillips indicated USDA is reviewing the installation of the generators and they have not indicated that the closing will be rescheduled.

Council Member Wever indicated that on page 5 of the grant agreement, the middle of the page, says "diesel generators, see attached descriptions", and there is no attachments. City Manager Anderson indicated the attachments had not been copied but will be distributed.

Director Pierce indicated that 15 generators were purchased.

a) Community Facilities Grant Agreement
Approval of required USDA RD Grant Agreement for Wind Protection Retrofit and Generator Projects in the total amount of $544,800.

Motion:
Council Member Burnett moved for approval; seconded by Council Member Staib. Motion carried 5-0.

b) Loan Resolution No. 2006-29
Consideration of Loan Resolution in the amount of $258,800 (Grant Amount $286,000) correcting previously adopted Resolution.

City Clerk Phillips read Resolution No. 2006-29 by title, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING IMPROVING, AND/OR EXTENDING IT'S CITY HALL IMPROVEMENTS AND GENERATOR FACILITY TO SERVE AN AREA LAWFULLY WITHIN IT'S JURISDICTION TO SERVE.

Motion:
Council Member Burnett moved to approve; seconded by Council Member Staib. Motion carried 5-0 upon roll call vote as follows:

Council Member Staib	Aye
Council Member Wever	Aye
Council Member Burnett	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

c) Bond Resolution No. 2006-30
Consideration of Bond Resolution authorizing the issuance of Capital Improvement Revenue Bonds, Series 2006, in the amount of $258,800.

Motion:
Council Member Burnett moved to approve; seconded by Council Member Staib. Motion carried 5-0 upon roll call vote as follows:

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Resolution No. 2006-31 - Certification of Canvassing Board Results
Consideration of resolution officially declaring the results of the November 7, 2006, Municipal Election of Lara Bradburn as the Group Seat No. 4 City Council Member for a four year term of office from December 4, 2006 through December 2010 and approval of Charter Amendment Nos. 1 and 3, with failure of Charter Amendment No. 2.

Mayor Johnston read Resolution 2006-31 by title, as follows:

RESOLUTION OF THE CITY OF BROOKSVILLE DECLARING OFFICIAL RESULTS OF MUNICIPAL ELECTION; PROVIDING AN EFFECTIVE DATE.

Motion:
Council Member Burnett moved to approve; seconded by Council Member Staib.

Council Member Wever elaborated on the analysis of the results.

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

Council Member Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Parking Issues - Hernando High School Area and Downtown
Status Report.

Chief Tincher reviewed the issue, indicating the area has been seeing improvement and recommended the area be posted for parking 7-3 by permit only, with permits being issued to residents and their guests only. He also indicated the school is working well with the City to try to resolve the problem.

As for downtown parking, Chief Tincher suggested markings be placed at the corners of the streets with 90 minute parking signs and inform the department of transportation for approval prior to establishing. He recommended Council approve for all other streets in the first setting and Hwy. 41 and Jefferson in the second setting.

Council Member Wever stated that previously Jefferson and Broad had 90 minute parking, which has not been cancelled by Council. Chief Tincher relayed that DOT had specified that 41 (Broad St.) is DOT, therefore the City has no jurisdiction to post any signs there without prior approval.

Discussion followed as to notification of residents of the permits.

Council Member Burnett commended Chief Tincher for his efforts to correct the problem.

City Attorney LaCroix recommended two resolutions indicating all restricted parking within the City and increasing of fines and authorization for towing with a certified copy to be sent to DOT. Council agreed with the recommendation.

Traffic Calming Devices

Review of staff recommendations on petitions for traffic calming devices on various City streets, at an approximate cost of $450 each for materials to install, as follows:

a) Whiteway Drive
Consideration of continuing enforcement efforts and authorization for installation of one speed hump at or near the bottom of the hill.

b) Shayne St.
Consideration of removal of the one-way street designation and authorization for installation of appropriate notification signage, together with installation of up to three speed humps, locations to be determined.

c) Bell Ave.
Consideration of authorization for installation of up to three speed humps from the vicinity of Cherry St. north to Oak St. (locations to be determined) once all options regarding parking restrictions have been exhausted.

d) Darby Ln.
Consideration of authorization for installation of up to four speed humps from the racquet ball courts to Candlelight Blvd., locations to be determined.

e) Brockway Ln. and Peach St.
Consideration of authorization for the City Manager to proceed with installation of up to three speed humps each on the above streets (if warranted) upon completion of the required traffic study.

Chief Tincher and Director Geiger reviewed the items and studies conducted. Discussion followed as to the feasibility of putting humps on all the streets requested and the possibility of requiring citizens on those streets to defer some of the cost of installation.

Council Member Burnett recommended a workshop to review the current policy on speed humps with the exception of the request to remove the one-way designation on Shayne Street, which was discussed.

Motion:
Council Member Burnett moved for approval of removing the one-way designation on Shayne Street and to defer a decision on the speed humps for all streets pending a workshop; seconded by Council Member Staib. Motion carried 5-0.

Solid Waste Collection Study

Consideration of service adjustment and contract options.

Director Pierce reviewed the results of the study in which two suppliers conferred with him on the subject. Consensus was that the City will not be saving any money by outsourcing and that the current plan is working and should be kept in-house. Council thanked Director Pierce for his work on the study.

Joint Planning Agency (JPA) Meeting Schedule

Set date for next JPA with Board of County Commissioners.

Council consensus was to postpone the issue pending Council Member schedule confirmations.

Majestic Oaks - Litigation, Proposed Comp Plan Amendment, Planning & Tri-Party Agreement

Status Report.

City Attorney LaCroix indicated the City has still not been served and asked if Council wants him to file a counter claim if served, for declaratory judgement about the validity of that part of the agreement to use City impact fees outside City limits.

Mayor Johnston indicated the issue needs to be clarified as to whether the impact fees given the County is being spent outside City Limits and whether it directly benefits the district where collected. Discussion followed.

Consensus of Council was for City Attorney LaCroix to file a counterclaim upon being served.

Sidewalk/Paving Construction Projects

Clarification of procedures for installation of sidewalks and phased road paving construction.

Director Pierce reviewed the issue, indicating that in Southern Hills sidewalks are constructed when houses are being constructed, which could possibly leave a patchwork of sidewalks for sometime. The developers intent is to construct one continual sidewalk when construction is done.

Cliff Manual of Coastal Engineering elaborated on the issue, requesting Council consider allowing two years for completion of sidewalks extending the date to November 2008. Maps were distributed and discussion followed concerning a sidewalk on one side of a portion of Cotillion Blvd. closest to Southern Hills Plantation Blvd. in the Cascades development, thereby deleting the sidewalk on the East side of Cotillion Blvd. from Ft. King to Pond 7-A and constructing a crosswalk.

Motion:
Vice Mayor Pugh moved for approval of the request to remove the sidewalk on the East side of Cotillion Blvd. and to construct a crosswalk; seconded by Council Member Staib. Motion carried 5-0.

Motion:
Council Member Staib moved for approval of the request to extend the date for completion of the sidewalk project to November 2008; seconded by Council Member Burnett. Motion carried 5-0.

Director Pierce indicated that Southern Hills Plantation Blvd. calls for sidewalks on both sides and the developer is requesting a delay in construction on the North side until there is a better determination of how the commercial parcels on the North side will develop. Discussion followed.

Consensus of Council was for Southern Hills to bond the North side of the East/West road for sidewalk completion and internal sidewalks to be constructed as houses are completed.

Director Pierce indicated that Cascades is requesting the same two year time period to construct the second lift in paving, after the completion of major construction. There is currently a bond for completion of this as well. Discussion followed.

Consensus of Council was to allow Cascades the two year time period and to have Director Pierce submit a policy in which future development would include the two year time period for laying the second lift.

Hampton Ridge - Cobb Rd. Waste Water Reclamation Plant Construction Schedule

Approval of agreement for construction start prior to 10/31/07, requiring Bond for completion by 04/30/09, with impact fee credits at current rates limited to original construction estimate, balance at rate in effect on completion.

This item was removed from the agenda prior to the meeting.

Investment of Idle Funds

Authorization for Finance Department to participate in a ladder schedule of investing some Renewal and Replacement Funds if Suntrust Investment Advisor is in agreement.

Director Baumgartner reviewed the item and requested permission from Council to move forward upon the recommendation of the Suntrust Investment Advisor. Discussion followed.

Council consensus was to consult with the Suntrust Investment Advisor concerning investment of the idle funds.

City Clerk Phillips, referencing Item F2-c the bond resolution, indicated that on page 3, section 4, the date of November 17, 2006 may be in error and requested council re-adopt the resolution and give the City Manager authorization to fill in the date when it is clarified by the Bond Council.

City Attorney LaCroix indicated Council needed a motion to reconsider Resolution No. 2006-30.

Motion:
Council Member Burnett moved to reconsider Bond Resolution No. 2006-30, seconded by Council Member Staib. Motion carried 5-0.

City Attorney LaCroix indicated Council now needed to make a motion to adoption Resolution No. 2006-30 with the amendment recommended by City Clerk Phillips.

Motion:
Council Member Burnett moved to adopt amended Bond Resolution No. 2006-30 with City Manager having authority to fill in the date, seconded by Council Member Staib.

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

Council Member Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

ITEMS BY COUNCIL MEMBERS

Council Member Frankie Burnett

Exiting Council Members
Council Member Burnett expressed his appreciation to the exiting Council Members.

Council Member E.E. "Ernie" Wever, Jr.

DOT Letter
Council Member Wever requested that Mayor Johnston send a letter to DOT inquiring on status of placement of a City Limit sign on 41 North.

Withlacoochee Regional Planning Council Board Appointment
He congratulated Mayor Johnston on his Governor's appointment to the board.

De-Annexation
Council Member Wever distributed a copy of the Florida Statute on de-annexation.

City Clerk Karen Phillips

New Council Member Orientation
City Clerk Phillips indicated there will be a new Council member orientation on Monday, November 27 from 10:00-2:00 in Council Chambers.

Digital Recording
She also informed Council that this is the first meeting in which the new digital recording system is being used and explained some of the benefits.

Imaging System
City Clerk Phillips also indicated the new imaging system will be installed within the next few weeks.

Mayor Joseph E. Johnston, III

Withlacoochee Regional Planning Council Board Appointment
Mayor Johnston indicated he had resigned his City position on the board having been appointed as a Governor's Appointee on the board and stated that whomever is appointed to take his place will be required to bring a dish to the first meeting in December as it is their Christmas Party meeting.

MPO Board
Mayor Johnston also indicated that the MPO Board meets the Thursday after new Council and whomever is elected will only have a couple of days to get oriented.

Granddaughter Elected
He relayed that his granddaughter, who was born when he was first elected to Council was just elected as Secretary of her class in school and is happy that the family's involvement in politics is being carried on.

He remarked on his past 13-year tenure as a Council Member and thanked Council Members and Staff for the opportunity to have worked with them and serve the City.

CITIZENS INPUT

Ray Henderson

Speed Humps on Whiteway
He expressed his disappointment that the requested speed humps for Whiteway had not been installed yet and felt that one would not be enough.

Lara Bradburn
As Council Member Elect, she thanked exiting members Mayor Johnston, Council Member Staib, and Council Member Wever for all their years of public service given to the community and expressed her hope that they would continue to be involved in the community.

ADJOURNMENT

There being no further business the meeting adjourned at 10:05 pm.

Attest: _____
Mayor

_____
City Clerk

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AGENDA ITEM NO. C-1
1-8-07

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

December 4, 2006 7:05 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor David Pugh, Council Members Joe Bernardini, Lara Bradburn, Frankie Burnett, Richard E. Lewis, Mary A. Staib and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney; Richard E. Anderson, 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; Boyce E. Tincher, Brooksville Police Dept; Fire Chief Tim Mossgrove, Brooksville Fire Dept. Judge Donald Scaglione and 5th District Circuit Court Judge Richard Tombrink, Jr. were present as well as Shannon Carlton of Joy Hayes Court Reporting. Members of the Hernando Today and Hernando Times were also present.

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

Council Member Wever made a statement as outgoing Council Member.

OATH OF OFFICE

Swearing in of New Council Members

Swearing in of Joe Bernardini, Group No. 1, Lara Bradburn, Group No. 4 and Richard Lewis, Group No. 5 for terms of office through December 1, 2010.

Oath of Office: Hernando County Judge Donald Scaglione and 5th District Circuit Court Judge Richard Tombrink, Jr.

Judge Donald Scaglione swore in Richard E. Lewis and Joe Bernardini and Judge Richard Tombrink swore in Lara Bradburn.

COUNCIL MEMBER RECOGNITION

Resolutions recognizing years of service, Resolution No. 2006-35 Outgoing Council Member Joseph E. Johnston, III, Resolution No. 2006-36 Outgoing Council Member Mary A. Staib and Resolution No. 2006-37 Outgoing Council Member E.E. "Ernie" Wever, Jr.

City Clerk Phillips read a compilation of Resolution No's 2006-35, 2006-36 and 2006-37 in it's entirety, highlighting the individual years of service of each past member.

Motion:
Council Member Bernardini moved for approval of Resolution No's 2006-35, 2006-36 and 2006-38; seconded by Council Member Burnett. Motion carried 5-0 upon roll call vote, as follows:

APPROVED BY BROOKSVILLE CITY COUNCIL (w/corrections)
ON 1/8/07 INITIALS JRP

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

The Resolutions and a plaque to Joseph E. Johnston, III as Mayor were presented by Vice Mayor Pugh, who indicated it had been an honor to serve with the outgoing Council Members.

SELECTION OF OFFICERS

Selection of Mayor

Motion:
Council Member Bradburn nominated David Pugh as Mayor; seconded by Council Member Bernardini. Motion carried 5-0.

Selection of Vice Mayor

Motion:
Council Member Bernardini nominated Council Member Burnett as Vice Mayor; seconded by Council Member Lewis. Motion carried 5-0.

Joseph E. Johnston, III addressed Council thanking the employees of the City and presented Mayor Pugh with a "survival package".

Council Member Bradburn addressed the attendees of the meeting with a speech, thanking the voters and reiterating her goals as a Council Member, followed by Council Member Lewis.

Meeting recessed at 7:31 p.m.

** RECESS FOR COUNCIL MEMBER RECEPTION **

Meeting reconvened at approximately 7:50 p.m.

The representative of the Underwood property rezoning, Item I-5, requested a continuation of the item until the next meeting on December 18.

Motion:
Council Member Lewis moved for approval, seconded by Vice Mayor Burnett. Motion carried 5-0.

CONSENT AGENDA

Radio Read Water Meter Installation Project

Request approval to piggyback on the City of Melbourne's Water Meter Upgrade/Automation Project with Triton Water Technologies of Florida, less the performance bond amount of 5% ($375), for a total installation cost not to exceed $16,625 with City providing all meters and fittings and waiving Purchasing Policy requirements as noted. Funding available in 401 Fund - Other Contractual Services.

Motion:
Council Member Bernardini moved for approval, subject to receipt of a performance bond; seconded by Vice Mayor Burnett.

Mayor Pugh asked if the auditors had responded concerning the meters. City Manager Anderson indicated they had not but he did not anticipate it would interfere with the installation. Mayor Pugh felt the issue should be postponed until concerns about the audit were answered. Discussion followed with Will Smith, Utilities Supervisor and Laureen Busacca, Project Manager of Public Works answering Council questions concerning the bid.

Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Elks Lodge Free Throw Competition - JBCC Fee Waiver

Consideration of waiver of fees in the amount of $170.00 for the use of JBCC on December 9, 2006, for their annual Hoop-Shoot Competition.

Gordon Flemming, Assistant Director of Youth Activities made the request to Council.

Council Member Bradburn asked if they were covered for liability, which Mr. Flemming indicated they were.

Motion:
Vice Mayor Burnett moved for approval; seconded by Council Member Lewis.

Council Member Bernardini asked if a deposit is required and if the requestee cleans up afterward. Director Walker indicated all fees are normally waived and occasionally staff has to clean up afterward. He recommended bringing back to Council an agreement requiring a deposit for cleanup, which would be returned after the fact.

Motion carried 5-0.

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

Consideration of waiving fees in the amount of $475 and supplemental insurance requirements for the Second Annual Brooksville Blazin' Butts-n-Brisket BBQ Competition to be held October 19-20, 2007, and authorization for beer and wine sales in designated area.

Mike Walker addressed Council and elaborated on the request. At the request of Council Member Bradburn, he gave an overview of the Friends of the Children fund and organization, which City Manager Anderson elaborated on as well.

City Attorney LaCroix discussed the issue of liability.

Motion:
Council Member Lewis moved for approval; seconded by Vice Mayor Burnett. Motion carried 5-0.

PUBLIC HEARING

Noise Ordinance No. 730

Consideration of proposed ordinance amending Chapter 82 of the Code relating to Traffic and Vehicles to add Article III, Noise from Vehicles. **[First Reading 11/20/06 - As Amended]**

City Attorney LaCroix reviewed the ordinance and changes in the amounts of the fines.

Mayor Pugh asked if anything could be done about exhaust noise and motorcycles. Chief Tincher indicated there are statutes that cover those issues. Discussion followed in which Council Member Bradburn indicated she felt the fines should be lowered to $250, $500 and $750. Mayor Pugh recommended going forward and revisiting the ordinance to see how the process is going.

Paul Nazzar addressed Council concerning enforceabilty. Discussion followed in which Chief Tincher elaborated on the issue.

Mayor Pugh asked for public input.

Dale Stokely addressed Council stating that the equipment of the violators is not cheap and therefore he felt the offenders could afford the fines and recommended enforcement of the ordinance at the fines presented.

City Clerk Phillips read Ordinance No. 730 by title, as follows:

> AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF BROOKSVILLE, FLORIDA, CHAPTER 82, "TRAFFIC AND VEHICLES," BY ADDING THERETO A NEW ARTICLE III, "NOISE FROM VEHICLES"; PROHIBITING; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR EFFECTIVE DATE.

Motion:
Council Member Bradburn moved for approval of Ordinance No. 730 with $250, $500 and $750 for each offense and review in 90 days; seconded by Council Member Bernardini. 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

Ordinance No. 731 - Animals & Fowl Regulations

Consideration of proposed ordinance outlining the regulation of animals and fowl within the City Limits.

Director Geiger reviewed the ordinance. Discussion followed recommending current owners of animals be grandfathered in and consideration be made for special events such as 4-H and the fair. corrected 01/18/07

Mayor Pugh recommended increasing the minimum acres from two \to ten.

Council Member Bradburn asked staff if they knew of anyone the changing of this ordinance could potentially effect. Discussion followed. corrected 01/18/07

Council consensus was to return to Staff for clarification.

Mayor Pugh asked for public input.
Doug Meyer felt that there is not a problem in the City concerning animals.

Paul Nazzar also addressed Council with the opinion that the issue needs to be monitored.

Motion:
Vice Mayor Burnett moved to continue Ordinance No. 731 for amendment by Staff; seconded by Council Member Bernardini. Motion carried 5-0.

Ordinance No. 732 - Garden Homes, LLC Annexation

Petition for Voluntary annexation of 3.73 acres ± located on the west side of Hale Avenue approximately 460' south of Dr. M.L. King, Jr. Blvd. West.

Director Geiger reviewed the ordinance stating the Planning and Zoning Commission concurs with staff recommendation for approval, subject to certain conditions. Discussion followed.

City Clerk Phillips read Ordinance No. 732 by title, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE.

Motion:
Vice Mayor Burnett moved for approval of Ordinance No. 732; seconded by Council Member Lewis. 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

Ordinance No. 733 - Public Facilities & Transportation Concurrency

Consideration of ordinance adding a new chapter to the Code of Ordinances regarding adequate public facilities concurrency management and proportionate fair share mitigation for transportation concurrency.

Director Geiger reviewed the ordinance. Discussion followed.

City Clerk Phillips read Ordinance No. 733 by title, as follows:

AN ORDINANCE AMENDING CHAPTER 101, "GENERAL AND ADMINISTRATIVE," OF THE BROOKSVILLE CODE OF ORDINANCES, BY ADDING THERETO A NEW ARTICLE V, "ADEQUATE PUBLIC FACILITIES," REGARDING ADEQUATE PUBLIC FACILITIES AND CONCURRENCY; INCLUDING A PROPORTIONATE FAIR SHARE MITIGATION SECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion:
Vice Mayor Burnett moved for approval of Ordinance No. 732; seconded by Council Member Lewis. 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. 734 - GGW, LLC & BTM, LLC Rezoning *

Request for zoning classification of PDP with special exception use for R-PDP for a single family residential planned development project for approximately 74.6 acres ± located east of US Hwy. 41 South, south of SR50, west of Hope Hill Road and east of the R/W for Governor Blvd. **[Note: Approval of the "Garrison Hall" Master Plan will be scheduled with Final Reading.]**

City Attorney LaCroix indicated this to be a quasi-judicial hearing.

Bill Geiger, Director of Community Development and Joseph Quinn of Coastal were sworn to testify on the issue.

Joseph Quinn of Coastal Engineering indicated he has 18 years of experience in the necessary field.

Director Geiger, indicating he had been sworn, reviewed the issue and requested the staff report be entered into the record in its entirety. He indicated the draft copy issued does not reflect the changes recommended but will be modified for the second reading. Discussion followed in which Mayor Pugh asked if this issue was affected by the Joint Planning Agreement. Director Geiger indicated the County had approved this issue. **corrected 01/18/07**

Council Member Lewis referred to a resolution submitted to Hernando County in 2003, which requested that monies spent by the County in litigation against the city come from taxes paid by residents not in the incorporated City, recommending the City remind them of it at the next joint meeting.

Mayor Pugh recommended requesting an 80' right-of-way.

Joseph Quinn of Coastal Engineering indicated he did not know the time frame for development of the property and that the density requested is 131. He also indicated he felt the 30' right-of-way will be sufficient and that there is still a lot of permitting process to go through.

Discussion followed as to tree preservation, drainage and impact fees.

City Clerk Phillips read Ordinance No. 734 by title, as follows:

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

Motion:
Council Member Lewis moved for approval of Ordinance No. 734 with P&Z Committee recommendations, seconded by Vice Mayor Burnett. 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

Ordinance No. 735 - Ty Underwood Rezoning and Special Exception *

Request for rezoning to PDP and special exception use for R-PDP for approximately 9.33 acres ± located on the south side of North Avenue between Stafford Avenue and Zoller Street for development of approximately 134 townhouses.

It was requested prior to the meeting, by the petitioner, that this item be continued to the 12/18/06 meeting.

Council Member Bradburn indicated there were no signs stating that these rezonings were being heard and requested the properties be posted. Director Geiger indicated the petitioners can be requested to re-post the properties.

Joseph Quinn added that the property owner planned to hold a homeowners meeting.

Ordinance No. 736 - Hometown America (Cloverleaf) Rezoning *

Request for rezoning C-2 (Commercial) to PDP and special exception use for MH-PDP for a mobile home planned development project of 18.8 acres ± located on the south side of Croom Road and west of McIntyre Road for up to 68 mobile home lots.

[Note: Approval of the Master Plan will be scheduled with Final Reading.]

City Attorney LaCroix indicated this item to be quasi-judicial as well and asked for speakers to be sworn in for testimony. Bill Geiger and Joseph Quinn were sworn in.

Director Geiger requested the staff report be entered into the record in its entirety before reviewing the item. He indicated the P&Z Commission concurred with staff recommendations. Discussions followed as to long standing flooding problems and drainage in the area, as well as impact on traffic. It was also noted by Council Member Bradburn that modern tax and fee structures would apply.

JP corrected 01/18/07

Director Geiger indicated the area would be formally platted.

Joseph Quinn indicated the existing park is zoned multi-family with a commercial secondary and that all those issues for this parcel have to be addressed individually from any agreements currently on file with the owner. He also indicated this parcel has always been a part of the owner's property.

Motion:
Council Member Bernardini moved for approval of Ordinance No. 736; seconded by Vice Mayor Burnett.

Mayor Pugh asked for public input.

Mary Evelyn Reid addressed Council indicating the flooding takes place down by Milk-a-Way Farm, not on the parcel in question.

City Clerk Phillips read Ordinance No. 736 by title, as follows:

AN ORDINANCE REZONING CERTAIN PROPERTY FROM C-2 (COMMERCIAL DISTRICT) TO PLANNED DEVELOPMENT PROJECT (PDP) DISTRICT WITH A SPECIAL EXCEPTION USE FOR A MOBILE HOME PLANNED DEVELOPMENT PROJECT (MH-PDP) 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

Resolution No. 2006-32 - Vacation of Right-of-Way - 1st Street & Beulah Avenue

Consideration of petition from the Brooksville Church of Christ for vacation of right-of way for a portion of 1st Street (between Pine Street and Beulah Avenue) and a portion of Beulah Avenue (from 1st Street south to Fort Dade Avenue).

Director Geiger reviewed the resolution, indicating a mistake in subsection three in that it should go into 2006-33 and vice versa, and where "Church" is, landowner should be inserted. He also indicated the vacation is to reserve an easement for the use of utilities. Discussion followed.

Motion:
Council Member Bernardini moved for approval of Resolution No. 2006-32 as revised or amended by City Attorney LaCroix and Director Geiger; seconded by Council Member Burnett.

Council Member Bradburn referenced oaks on the property and requested as many as possible be preserved, which Director Geiger indicated is the norm. Further discussion ensued.

Mayor Pugh asked for public input. There was none.

City Clerk Phillips read Resolution No. 2006-32 by title, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, HERNANDO COUNTY, FLORIDA, CLOSING AND VACATING A PORTION OF 1st STREET AND BEULAH AVENUE.

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

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

Resolution No. 2006-33 - Vacation of Right-of-Way - Olive Street

Consideration of petition from Peter and Deborah DeCellis for vacation of right-of-way for a portion of Olive Street (circular portion to straighten street).

Director Geiger reviewed the resolution and location of the property. He again indicated Section 3 should be exchanged with 2006-32 as indicated previously.

Council Member Bradburn indicated she had problems with the Resolution in that the property had not been posted and the area has considerable drainage problems. She also indicated the adjacent property owners were not informed. Director Geiger indicated all property owners within 150' were sent certified letters informing them of the request for vacation, but he would check file records for any returns.

Motion:
Council Member Bradburn moved for continuance to the December 18 meeting, pending notification of adjacent property owners and posting of the property; seconded by Council Member Bernardini.

Peter and Deborah DeCellis, owners of the property indicated they had applied January 31, 2006, for the vacancy and indicated a sign had been posted the day after received and a list of the property owners had been submitted. Director Geiger explained the lengthy process which involves surveying and utility companies.

Motion carried 3-2 with Vice Mayor Burnett and Mayor Pugh voting in opposition.

Resolution No. 2006-34 - Vacation of Right-of-Way - Fincannon Avenue

Consideration of petition from the First Baptist Church of Brooksville for vacation of right-of-way for a portion of Fincannon Avenue, f/k/a Hill Avenue (from corner of Alta Vista 355' south to Lot 8).

Director Geiger reviewed the resolution. City Attorney LaCroix recommended changing the verbiage "church" in paragraph three to property owner.

Motion:
Council Member Bernardini moved for approval, motion died for lack of a second.

Mayor Pugh asked for public input.

Douglas Beyer stated the road helps ingress and egress in and out of the church and felt it would put demands on Spring Street and Alta Vista.

Nick Nikkinen, representing First Baptist Church, indicated it is not the church's intent to remove the road but to change from a right-of-way to an easement with the intent to build a family center in the future.

Director Geiger indicated an easement does not guarantee the road will not eventually be removed, it just vacates the right-of-way back to the property owner. Discussion followed.

Motion:
Council Member Bradburn moved for denial of Resolution No. 2006-34; seconded by Council Member Bernardini.

City Clerk Phillips read Resolution No. 2006-34 by title, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, HERNANDO COUNTY, FLORIDA, CLOSING AND VACATING A PORTION (FINCANNON) AVENUE, f/k/a HILL AVENUE.

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

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

Resolution No. 2006-38 - F/Y2005-06 Final Budget Amendment

Consideration of proposed Resolution adjusting revenue and expenditure budget amounts.

Director Baumgartner reviewed the resolution indicating an error on 1-B where there should be a period after Flagstone Pavers and elaborated on the amendments.

Motion:
Council Member Bernardini moved for approval of Resolution No. 2006-38; seconded by Vice Mayor Burnett.

City Clerk Phillips read Resolution No. 2006-38 by title, as follows:

A RESOLUTION PROVIDING FOR CERTAIN BUDGET AMENDMENTS FOR FY 2005/06 BUDGET AND SETTING 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

Council Member Bradburn suggested the meeting be adjourned and the rest of the agenda items be continued due to the time, stating a request had been made to not overload the agenda, and that she anticipated some items needing lengthy discussions. Mayor Pugh indicated the need to press on and finish the agenda with possible continuance of some items.

City Clerk Phillips indicated WRPC needed a board appointment for their upcoming meeting.

Motion:
Council Member Lewis moved to proceed with the meeting; seconded by Vice Mayor Burnett. Motion carried 4-1 with Council Member Bradburn voting in opposition.

Transportation Outreach Program (TOP) - SR 50 Reverse Frontage Road and Utility Project

Status Report.

Motion:
Council Member Bernardini moved for continuance to the December 18 meeting; seconded by Council Member Bradburn. Motion carried 3-2 with Vice Mayor Burnett and Council Member Lewis voting in opposition.

Meeting Schedules

Set dates for meetings as identified below:

Joint Planning Agency (JPA) Meeting with Board of County Commissioners.
January 3rd with January 9th as an alternative.

Discussion of possible dates for a meeting ensued.

Consensus was to recommend January 3, 2007 for a meeting with January 9 as an alternative.

Traffic Calming Devices and/or Alternative Option Workshop on Various City Streets.

Consensus was to postpone a decision until the January 8, 2007 meeting.

Joint Meeting with Brooksville Housing Authority (BHA)

Consensus was to readdress at the next meeting on December 18. A brief discussion followed as to a memo received from Mr. Boston.

Intergovernmental, Board Assignments and Organizations - City Council Member Appointments

Appointments to various Boards and Committees.

Board designations were as follows:

City Boards/Committees	Current Council Representative
Beautification Board	Joe Bernardini
Brooksville Cemetery Advisory Board	Richard E. Lewis
CDBG Citizens Task Force	Frankie Burnett
Good Neighbor Trail Advisory Committee	Lara Bradburn
Parks and Recreation Advisory Board	David Pugh

External Boards/Committees	Current Council Representative
Anti Drug Coalition	Richard E. Lewis
Brooksville Again	David Pugh
Committee Against Assault on Law Enforcement Officers	Frankie Burnett
Community Alliance Children's Advocacy	Frankie Burnett
Elder Affairs	Richard E. Lewis
Florida League of Cities	David Pugh
Heart of Florida	David Pugh
& Alternate	Richard E. Anderson-Alt.
Hernando County Fair Association	Joe Bernardini Frankie Burnett
Juvenile Justice Council	Richard E. Lewis
Metropolitan Planning Organization	David Pugh
Sheriff's Department/Community Board	Frankie Burnett
Suncoast League of Municipalities	David Pugh
& Alternate	Frankie Burnett-Alt.
Take Stock in Children	Frankie Burnett
Tourist Development Council	Lara Bradburn
& Alternate	Richard E. Lewis
Withlacoochee Regional Planning Council	David Pugh
Withlacoochee Regional Water Supply	Joe Bernardini
Youth and Family Alternatives	Frankie Burnett

Mayor Pugh requested the Metropolitan Planning Organization Board.

Council Member Bernardini requested the Hernando County Fair Association, Withlacoochee Regional Water Supply and the Beautification Board.
Council Member Bradburn requested the Good Neighbor Trail and the Tourist Development Council along with Council Member Lewis.

Richard E. Lewis requested the Juvenile Justice Council, Elder Affairs, Anti-Drug Coalition and the Brooksville Cemetery Advisory Board.

Vice Mayor Burnett requested the CDBG Citizens Task Force and the Youth and Family Alternatives.

Mayor Pugh requested the Withlacoochee River Planning Council and indicated he would like to remain on the Parks & Recreation Advisory Board.

Council Member Bradburn agreed to the Brooksville Again with Mayor Pugh alternating.

City Clerk Phillips informed members of upcoming meetings.

Hampton Ridge - Cobb Rd. Waste Water Reclamation Plant Construction Schedule

Approval of agreement for construction start prior to 10/31/07, requiring Bond for completion by 04/30/09, with impact fee credits at current rates limited to original construction estimate, balance at rate in effect on completion and establishing limited buyback program.

Motion:
Council Member Bernardini moved for continuance to the next meeting; seconded by Council Member Bradburn. Motion carried 4-1 with Council Member Lewis voting in opposition.

CITIZEN INPUT

Mary Evelyn Reid

She congratulated the new Council Members and urged Council to keep Brooksville moving forward.

ITEMS BY COUNCIL

Vice Mayor Frankie Burnett

Consideration of establishing an Academic Incentive Pay Program.

Ron Baker indicated there were a number of errors in the document stating that it does not fit the uniqueness of the City. Discussion followed on reimbursement to the City and specifics of the policy. It was recommended the item be added to the workshop to be scheduled at the 12/18/06 meeting concerning Traffic Calming Devices with proposals to amend.

Council Member Lara Bradburn

Item Attachments and Agenda Schedule
Council Member Bradburn requested eliminating last minute attachments to the agenda after distribution and setting a firm deadline for adding to the agenda, in which items not meeting the deadline be carried over to the next meeting agenda.

Mayor Pugh recommended an agenda deadline of two Wednesdays prior to the next meeting, allowing him time to review the agenda with the City Manager on Friday with distribution to be the following Monday.

Grant Institute
Council Member Bradburn asked if anyone was being sent to the classes in January and if it is something Council should plan on attending.

City Manager Anderson indicated the information is received regularly and, depending on the issue, people do attend periodically.

Preferred Name
She indicated her preference of being referred to as Miss versus Ms or Mrs.

Underwood Site
She also indicated that while touring the Underwood property she noted an approximately 5' diameter tree on an adjacent property that had been cut and inquired as to whether a permit had been acquired.

Director Geiger indicated he would look into the issue.

She concluded by saying she looked forward to working with everyone, realizing there would be a transition period and welcomed input from staff.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:50 p.m.

City Clerk

Attest:
Mayor

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AGENDA ITEM NO. I-4
12-4-06

City of Brooksville
MEMORANDUM

To: Honorable Mayor & City Council Members
Via: Richard E. Anderson, City Manager
From: Bill Geiger, Community Development Director
Subject: RZ2006-02; Zoning Petition requesting Planned Development Project (PDP) zoning with Special Exception Use Consideration for a Residential PDP for 74.6 acres ± of land; and subsequent Master Plan approval for a Single-Family Residential project
Petitioner(s): GGW, LLC and BTM, LLC (Presented by Coastal Engineering Associates)
Location: East of U. S. Highway 41 South, south of State Road 50 Bypass, west of Hope Hill Road and east of the R/W for the future N/S road (a.k.a. Governor Boulevard)
Date: December 4, 2006 ORD # 734

SUMMARY OF REQUEST - GENERAL INFORMATION

The subject property is 74.6 acres ±, and is located east of U.S. Highway 41 South, south of State Road 50, west of Hope Hill Road and east of the R/W for the future N/S road (a.k.a. Governor Boulevard). The legal description by metes and bounds is given in full in the petition packet. The subject property was annexed in stages with the first being annexed on May 28, 2003 via Ordinance No. 633, the second on December 20, 2004 via Ordinance No. 684, and the third on July 15, 2005 via Ordinance No. 695. Ordinance No. 633, annexing the majority of Hampton Ridge Developer's property, was assigned a land use designation in the City of Suburban Residential (Approximately 61.71 acres of the proposed project area). A Comprehensive Plan amendment petition has been processed in the City for the properties annexed under Ordinance Nos. 684 and 695 (approximatley12.89 acres of the project area). Development of these properties (the 12.89-acres MOL) is currently subject to being consistent with County land use and zoning regulations. On April 12, 2006 the Hernando County Board of County Commissioners (HCBCC) reviewed a report concerning the proposed project and its consistency with the County Comprehensive Plan and Land Development Regulations. The HCBCC determined that the proposed rezoning from Agricultural and Agricultural Residential (County zoning designation) to PDP (Single Family) was not inconsistent with the County Comprehensive Plan and Land Development Regulations, subject to a list of performance conditions.

At this time the petitioner is requesting that the City assign the subject property with a zoning designation of Planned Development Project (PDP), with a special exception use consideration for a Residential Planned Development Project (RPDP), and subsequent approval of the proposed "Garrison Hill" master plan for a single-family residential development.

CURRENT LAND USE/ZONING

Portions (12.89 acres ±) of the subject property have a County land use designation of Rural/Residential and the balance of property (61.71 acres ±) has a City land use designation of Suburban Residential. The whole subject property still has a County zoning classification of Agricultural/Agricultural Residential. Property to the north is zoned MH-PDP & Agricultural; to the south is zoned Combined Planned Development Project (CPDP); to the east is zoned Agricultural (County); and to the west it is zoned MH-PDP & Agricultural.

FACTUAL INFORMATION

1. The property has a current County zoning designation of Rural/Residential. Petitioner is requesting a Planned Development Project zoning designation with a Special Exception Usage for a Residential Planned Development Project (RPDP) with master plan approval.
2. The property for this petition's zoning is approximately 74.6 ± acres.
3. The site is undeveloped.
4. The developer is proposing to construct up to 131 Single Family Residential units, including conservation, drainage and recreation/open space areas.
5. The subject property will have access from Governor Boulevard (slated for construction in 2008) and Hope Hill Road.
6. The on-site soil types include Flemington fine sandy loam, Micanopy loamy fine sand Floridana Varient loamy fine sand and Wauchula fine sand.
7. The property is located in flood zone C (as per the FIRM).
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 the property.
9. A small portion of the southeast corner of the subject property is located within the Hope Hill wellhead protection area.
10. To accommodate this project, the property must be platted in accordance with the City's subdivision regulations.

STAFF DISCUSSION & FINDINGS OF FACT

The petitioner's request is to zone the subject property PDP (Planned Development Project) with a Special Exception Use for a Residential Planned Development Project (R-PDP) and approval of the proposed Master Plan. The petitioner proposes to develop the site with up to 131 single family residential lots, including conservation, drainage and recreation/open space areas. A preliminary engineering review that addresses topography, flood plain, soils, vegetation, access, utilities and a DRI Statement are contained in the rezoning narrative.

1. The detailed development plan for this proposal will be required to reflect and adhere to the standards of the City's Landscaping, Buffer and Tree Protection code (Chapter 109, City Code). This portion of the City code encourages the preservation of existing trees on the site and it is recommended that the developer give due consideration to this in the design and final plan layout.
2. Per Table 1 of the City's Planned Development Project regulations, the following square footage amounts represent the "maximums/minimums" permitted for the acreage involved with this PDP:

a.	Maximum gross floor area permissible	= 974,872.80 square feet
b.	Min. open space required (includes roads & parking)	= 2,437,182 sq. ft. (55.95 acres)
c.	Min. open space required, less roads & parking	= 1,559,796 sq. ft. (35.81 acres)
d.	Min. recreation space that must be provided	= 146,231 sq. ft. (3.36 acres)
e.	Minimum number of parking spaces required	= 262 parking spaces

The petitioner has submitted information related to total gross floor area, square footage of

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

3. It is recommended that the developer incorporate and provide appropriate pedestrian amenities with this plan including sidewalks, cross walks, bike lanes, etc. All facilities constructed are required to be ADA accessible.
4. Traffic - The developer proposes to utilize two (2) access points to a public road network, with the primary access connection to Governor Boulevard (North/South Connector Rd.) and the secondary access connection to Hope Hill Road. A traffic analysis showing the capacity of the road network impacted by this proposed development is to be completed and submitted to the City prior to or in conjunction with preliminary plat submittal.
5. Drainage - This project will be required to be designed to meet all applicable standards established by the Southwest Florida Water Management District and the City of Brooksville.
6. Infrastructure & Services - The developer will be required to negotiate a utility service agreement with the City of Brooksville for water and sewer services. Connection to City water and sewer service will be required.
7. Sanitation solid waste collection services will be provided by the City.
8. City Concurrency Standards - The City requires concurrency review and analysis at the time when a development order/permit application is submitted. Concurrency review and adherence is not required in consideration of a land use or zoning action, as is the case for this petition. The developer will be required to provide a "Statement of Impact - Concurrency Application" with each phase of development for this project that will be reviewed to ensure that level-of-service standards are being maintained within their adopted levels.
9. 131 single family residential lots are the maximum number that may be approved for this project.

The current property owner is required to submit a formal subdivision plat for review and approval in accordance with the City's Land Subdivision Regulations. When development plans are submitted for permitting on each phase 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.

As noted, the subject property has been annexed into the City of Brooksville's jurisdiction. Portions of this property are still subject to being consistent with the County's land use and zoning regulations until the City adopts a Comprehensive Plan Amendment assigning a City land use to this property. As determined by the County, the City's assignment of a PDP City zoning designation and a special exception use for a Residential PDP (RPDP) to the property would not be inconsistent with the County's adopted Hernando County Comprehensive Plan, subject to performance conditions (See County 4/12/06 report enclosed). Assigning a PDP zoning designation with a special exception for a Residential Planned Development Project (RPDP) is also consistent with the City's adopted Comprehensive Plan.

NOTE: The zoning/special exception use amendment 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.

PLANNING & ZONING COMMISSION/STAFF RECOMMENDATION

At a meeting on November 8, 2006, the Planning and Zoning Commission concurred with staff to recommend that City Council approve an ordinance rezoning the property to a PDP (Planned Development Project), with a special exception use approval for a Residential Planned Development Project (R-PDP), and subsequent approval of the "Garrison Hill" zoning master plan (as prepared by CEA with a revision date of 9/2006), subject to the following performance conditions (Strikeout/underline format delineates modifications recommended by the Planning & Zoning Commission to the original staff recommendation):

1. Within ~~one~~ two years of the City Council's approval of the Residential Planned Development Project (R-PDP) zoning, or 6 months after completion of Governor Boulevard (whichever occurs first), the petitioner/developer will need to initiate the subdivision process, providing preliminary plat plans that address infrastructure needs, construction plans that reflect the preliminary plat (once approved) and a final plat (all being consistent with the requirements of the City's subdivision regulations). Otherwise, this SEU approval becomes null and void.
2. The petitioner/developer must obtain all required permits and meet all applicable land development regulations, for construction or use of the property.
3. The maximum number of lots associated with this Zoning/SEU approval is one hundred thirty-one (131) units.
4. Unless specifically addressed to the contrary by conditions referenced herein, City ordinance regulations which apply with regard to zoning district classification shall apply to this PDP as if they are zoned R1B.
5. The minimum residential lot width at the building line is 70 feet; and the minimum yard, principle building setbacks are: 20' Front; 5' Side; and 15' Rear
6. The petitioner shall provide adequate buffers around the perimeter of the property that are consistent with or exceed City adopted standards.
7. Pursuant to an interlocal agreement between the City, County and the Hernando County School Board, the developer is encouraged to coordinate with the Hernando County School

District to determine if adequate school capacity exists for each school level based on the number of residential units to be constructed by the development. If adequate capacity does not exist, the developer may propose and the school district may accept a proportionate share mitigation settlement to address any identified deficiency. School concurrency issues related to a proposed development should be resolved prior to the City taking final action on a PDP final plat.

8. The developer will be required to construct an on-site storm water drainage control system that meets the design and performance standards as specified by the technical requirements for open and closed basins in the *Environmental Resource Permitting Information Manual, latest edition,* as published by the Southwest Florida Water Management District. The proposed stormwater plan associated with this project must comply with all applicable federal, state and local standards. To ensure the maintenance of stable subsurface conditions in areas where ponds or drainage retention areas are located or being proposed, the developer is required to have geophysical/geotechnical investigations conducted and the findings of such shall be incorporated into the final design.
9. The developer will be required to coordinate with the City's Department of Public Works and Community Development to properly plan for and address drainage and pedestrian improvements around the perimeter of the site. Public sidewalks are to be installed along the public rights-of-way and design should provide for crosswalks and underground drainage where appropriate.
10. The developer will be required to successfully negotiate a utility service agreement with the City prior to permitting.
11. The residential community entrances may incorporate appropriate signage, consistent with community standards and subject to approval by the City Manager or the City Manager's designee.
12. The phasing of this project will need to be coordinated with the timing of the construction of Governor Boulevard. Development phasing that may be proposed prior to the construction of Governor Boulevard will be evaluated to ensure that its impact to public road infrastructure does not exceed adopted level-of-service standards.
13. The use or storage of hazardous materials will be monitored/restricted in areas determined to be within the Hope Hill well field's Zone of Influence. The well field protection area must be identified and delineated on all future development plans associated with this project.

The following performance conditions as specified by Hernando County on April 12, 2006, are also incorporated into the City's approval of this project:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The project is approved with single family uses.
3. The project is approved with up to 131 lots, with a minimum lot size of 8,400 square feet.
4. Minimum internal lot setbacks: 20' front, 5' side, 15' rear
5. Minimum setbacks from future north/south collector, future east/west collector and Hope Hill

Road: 25'

6. Minimum perimeter setbacks for all other project lines: 20'
7. The petitioner shall provide 30' of right of way from the centerline of Hope Hill Road, and the ROW as indicated on the plan to the south.
8. The wetland on the north portion of the property is to be preserved. It shall be delineated as conservation on all future plans and plats.
9. The petitioner should be required to conduct the appropriate wildlife surveys as required by FWC.
10. Spacing between the two access (drives) on the north/south roadway shall meet the county LDRs.
11. Access (for the future potential east/west collector road) should be reconfigured to align with Oliver Street.

Enclosures:
1) Zoning Amendment Petition
2) Special Exception Use Petition
3) Master Plan
4) Narrative
5) BCC Meeting Results (4/12/2006)
6) Draft Zoning Ordinance & location exhibit sketch

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AGENDA ITEM NO. I-6
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MEMORANDUM

To: Honorable Mayor & City Council Members
Via: Richard E. Anderson, City Manager
From: Bill Geiger, Community Development Director
Subject: RZ2006-06 - Petitioner is requesting a rezoning from a C-2 (Commercial) zoning classification to Planned Development Project (PDP) with a Special Exception Use for a Mobile Home Planned Development Project (MH-PDP) and Master Plan Approval.
Petitioner: Hometown Cloverleaf, presented by Coastal Engineering Associates, Inc.
Location: South side of Croom Road and west of McIntyre Road
Date: December 4, 2006 ORD# 735

SUMMARY OF REQUEST - GENERAL INFORMATION

The subject property is 18.8 acres ±, and is located on the south side of Croom Road and west of McIntyre Road. The legal description by metes and bounds is given in full in the petition packet. The petitioner is requesting a rezoning from the existing C-2 (Commercial District) zoning designation to PDP (Planned Development Project), with a special exception use consideration for a Mobile Home Planned Development Project (MH-PDP). The petitioner wishes to develop up to 68 mobile home lots. At present, there are 781 mobile home lots and 277 travel trailer spaces in the Cloverleaf mobile home community. With the approval of the additional 68 mobile home lots, there will be a total of 849 mobile home lots in the manufactured/mobile home section of the community, and 277 travel trailer spaces in the Cloverleaf Forest Travel Trailer Park.

STAFF FINDINGS:

CURRENT LAND USE/ZONING

The subject property is zoned C-2 (Commercial District) with a City Comprehensive Plan Future Land Use (FLU) designation of Multi-Family/Mobile Homes. Surrounding property to the north and east are zoned County Agricultural, to the west is City Agricultural and to the south is the existing Cloverleaf community. Property to the north, east and west have a future land use designation of Residential (City and County), and to the south it is Multi-Family/Mobile Homes in the City.

FACTUAL INFORMATION

1. The property is currently zoned C-2 (Commercial) with a FLU designation for Multi-Family/Mobile Homes.
2. The property for this petition's zoning is approximately 18.8± acres.
3. The site is undeveloped.
4. The developer is proposing to construct 68- mobile home lots. The proposed lots meet the minimum standards for a Mobile Home PDP.
5. The subject property will have public road access from existing access points to the Cloverleaf Mobile Home Community (U.S. Highway 41 & McIntyre Road).
6. The on-site soil types include Flemington fine sandy loam, Kendrick fine sand and Nobleton fine sand.
7. The property is located in flood zone C (as per the FIRM).
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 the property.

9. The subject property is not located within any wellhead protection areas.
10. To accommodate this project, the property must be platted in accordance with the City's subdivision regulations.

STAFF DISCUSSION & FINDINGS OF FACT

The petitioner's request is to rezone the subject property from C-2 (Commercial) to PDP with a Special Exception Use for a Mobile Home PDP and receive master plan approval for the proposed development. The petitioner proposes to develop the site with up to 68 mobile home lots. A preliminary engineering review that addresses topography, flood plain, soils, vegetation, access, utilities and a DRI Statement are contained in the rezoning narrative.

1. The detailed development plan for this proposal will be required to reflect and adhere to the standards of the City's Landscaping, Buffer and Tree Protection code (Chapter 9.5, City Code). This portion of the City code encourages the preservation of existing trees on the site and it is recommended that the developer give due consideration to this in the design and final plan layout.
2. It is recommended that the developer incorporate and provide appropriate pedestrian amenities with this plan including sidewalks, cross walks, etc. All facilities constructed are required to be ADA accessible.
3. Drainage - This project will be required to be designed to meet all applicable standards established by the Southwest Florida Water Management District and the City of Brooksville.
4. Infrastructure & Services- The developer will be required to negotiate a utility service agreement with the City of Brooksville for water and sewer services. Connection to City water and sewer service will be required.
5. City Concurrency Standards - The City requires concurrency review and analysis at the time when a development order/permit application is submitted. Concurrency review and adherence is not required in consideration of a land use or zoning action, as is the case for this petition. The developer will be required to provide a "Statement of Impact - Concurrency Application" with each phase of development for this project that will be reviewed to ensure that level-of-service standards are being maintained within their adopted levels.
6. Pursuant to an interlocal agreement between the City, County and the Hernando County School Board, the developer is encouraged to coordinate with the Hernando County School District to determine if adequate school capacity exists for each school level based on the number of residential units to be constructed by the development. If adequate capacity does not exist, the developer may propose and the school district may accept a proportionate share mitigation settlement to address any identified deficiency. School concurrency issues related to a proposed development should be resolved prior to the City taking final action on a PDP final plat.
7. The development will be required to adhere to City Mobile Home Planned Development Project zoning standards.
8. 68 mobile home lots are the maximum number that may be approved for this project.

The current property owner is required to submit a formal subdivision plat for review and approval in accordance with the City's Land Subdivision Regulations. When development plans are submitted

for permitting on each phase 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.

NOTE: The Zoning/Special Exception Use process is a land use determination which does not constitute a permit for either construction on or use of the property. These actions are not considered a Certificate of Concurrency. Prior to use of or construction on the property, the petitioner must receive approval from the appropriate City, 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 any City land use ordinances. Homeowner associations or architectural review committees may require submission of plans for their review and approval. The applicant for this land use request should contact the local association (if there is one) and review the Public Records for all restrictions that may be applicable to this property.

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

PLANNING & ZONING COMMISSION/STAFF RECOMMENDATION

At a meeting on November 8, 2006, the Planning and Zoning Commission concurred with staff to recommend that City Council approve an ordinance rezoning the property to a PDP (Planned Development Project), with a special exception use approval for a Mobile Home PDP (MH-PDP), and subsequently approve the Master Plan titled Clover Leaf Farms Master Plan with a revision date of 11/1/06, with the following performance conditions (Strikeout/underline format delineates modifications recommended by the Planning & Zoning Commission to the original staff recommendation):

1. Within one year of the Council's approval of the (MH) PDP 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).
2. The petitioner/developer must obtain all permits and meet all applicable land development regulations, for construction or use of the property.
3. The maximum number of mobile home lots associated with this Rezoning and Special Exception Use approval is sixty-eight (68). The development is required to adhere to City Mobile Home PDP zoning standards.
4. The petitioner shall provide adequate landscape buffers around the perimeter of the property that are consistent with or exceed City adopted standards.
5. Pursuant to an interlocal agreement between the City, County and the Hernando County School Board, the developer is encouraged to coordinate with the Hernando County School District to determine if adequate school capacity exists for each school level based on the number of residential units to be constructed by the development. If adequate capacity does

not exist, the developer may propose and the school district may accept a proportionate share mitigation settlement to address any identified deficiency. School concurrency issues related to a proposed development should be resolved prior to the City taking final action on a PDP final plat.

6. The developer must incorporate and provide appropriate pedestrian amenities with this plan including sidewalks, cross walks, etc. All facilities constructed are required to be ADA accessible.
7. 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.
8. The developer must provide a secondary access for emergency vehicles. The developer may utilize a breakaway gate to provide an emergency access connection to Croom Road to meet this requirement.

Enclosures:
(1) Rezoning and Special Exception Petitions
(2) Hometown Cloverleaf Phase 7 Narrative
(3) Master Plan
(4) Draft Ordinance

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AGENDA ITEM NO. C-1
3-5-07

JOINT MEETING
HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS
AND THE BROOKSVILLE CITY COUNCIL

MINUTES

DECEMBER 12, 2006 7:00 P.M.

Brooksville City Council and Hernando County Board of County Commissioners met in a special session with David Pugh, Mayor, Frankie Burnett, Vice Mayor and Council Members, ~~Laura*~~ Lara Bradburn, Joe Bernardini and Richard Lewis, Chairwoman Diane Rowden, Jeff Stabins, Second Vice Chairperson, Commissioner Christopher Kingsley and Commissioner Dave Russell, Jr. of the Board of County Commissioners. Also present was David LaCroix, City Attorney; Garth Coller, County Attorney, Jeff Kirk, Assistant County Attorney; Richard E. Anderson, City Manager; Gary Kuhl, County Administrator; Larry Jennings, Deputy County Administrator, and various City and County Department and Division Heads. A representative from the Hernando Today was also in attendance.

*JLL Correction Made 03/06/07

NOTE: Board of County Commission Minutes attached for reference.

CALL TO ORDER

The meeting was called to order by Chairwoman Rowden, followed by an invocation and the pledge of allegiance.

APPROVAL OF AGENDA (Limited to Board and Staff comment only.)

Motion:
Commissioner Chris Kingsley moved to approve the agenda; seconded by Commissioner Nancy Robinson. Motion carried 5-0.

INTRODUCTIONS

Introductions were made.

Chairwoman Rowden expressed appreciation for the City calling the meeting and reviewed a letter sent to the City on November 15, 2006, concerning annexations on 41 wherein it was requested to postpone the Bell and DeMaria properties.

Mayor Pugh indicated the purpose of the meeting was to try to resolve the outstanding issues concerning Majestic Oaks, Demaria and Bell annexations. He indicated the City does not feel there is a problem with Majestic Oaks.

Majestic Oaks

Director Geiger reviewed the issue, stating the Comprehensive Plan Amendment (CPA) adopted by the City had a limit for density and referenced the Tri-Party Agreement between the developer, City and County. He indicated Majestic Oaks would have to go through the County

APPROVED BY BROOKSVILLE CITY COUNCIL w/ corrections
ON 3/5/07 INITIALS JLL

to increase the density stated in the Tri-Party Agreement and that the City believes the language in the Agreement is fine.
Commissioner Kingsley suggested a letter to the County from the Majestic Oaks developer stating what Director Geiger has indicated and to move on. Larry Jennings indicated the concern to be the proposed language, which the County believes should go in the Comprehensive Plan Amendment and the City believes is covered in the Tri-Party Agreement.

Chair Rowden reviewed the density requested and expressed concern that a new developer may interpret the agreement differently. Discussion followed as to densities determined at the local level instead of at the State Level. Director Geiger indicated the number requested is a "not-to-exceed" number.

Council Member Bradburn questioned the feasibility of the City changing the verbiage in the agreement. Director Geiger indicated it to be a redundance and would encompass many staff hours.

City Attorney LaCroix explained the Comprehensive Plan process for maximum densities. His recommendation was to add the language to the Tri-Party Agreement, which would require less time to amend. Director Geiger elaborated on the process and discussion ensued.

Mr. Jennings reviewed the impacts to the County and City, which concerns the concurrency and taxes.

Mr. Coller indicated the only change to the document would need to be a reduction in density, and felt the DCA would probably allow the revision without extensive delay.

Commissioner Kingsley referenced verbiage distributed by the County, which was a clarification of reduction in density, and recommended it be added to the comp plan.

Mr. Kuhl asked if the County and City could meet with the Department of Community Affairs (DCA) and see if it would be a complicated measure to amend.

Council Member Bradburn referenced a letter of intent from DCA concerning amending the comp plan and questioned the alleged violation of the Tri-Party Agreement

Council Member Lewis asked for clarification of why the County wants the Comp Plan amended and not the Tri-Party Agreement. Attorney Coller indicated that if adopted as part of the Comp Plan, litigation is not necessary. Mr. Lewis recommended putting the verbiage in the Tri-Party Agreement, Attorney Coller did not agree.

Extensive discussion ensued.

Attorney LaCroix indicated he does not agree with the verbiage being recommended by the County to be added to the Comp Plan. He felt it incorporates the Tri-Party Agreement into the Comp Plan, which is not desirable. Discussion followed as to concurrency.
Vice Mayor Burnett recommended giving staff a time limit to come up with acceptable verbiage.

Motion:
Council Member Bradburn motioned for staff to come back with amended verbiage within two weeks; seconded by Council Member Bernardini.

Mayor Pugh elaborated on the issue of concurrency and his feelings that there is not a problem. Discussion followed.

He then reminded all that there was a motion on the floor to direct staff to come up with verbiage amending the Comp Plan and removing all references to the Tri-Party Agreement. Council Member Bernardini withdrew his second to the motion pending an answer as to whether the County would accept verbiage that does not reference the Tri-Party Agreement. Discussion followed.

Jake Varn, attorney for Majestic Oaks, addressed Council and indicated he did not think the changes could be made without violating the Tri-Party Agreement and did not believe the verbiage should be added to the Comp Plan Agreement. Discussion followed as to his interpretation of the Tri-Party Agreement and belief that there is no violation.

A 15 minute break was taken at 7:00 and the meeting reconvened at 7:20 p.m.

Council Member Bradburn restated her motion to have staff come up with agreeable verbage within a two week period for the Tri-Party Agreement and/or Comp Plan.

City Clerk Phillips asked for clarification of the change of motion.

Motion:
Council Member Bradburn elaborated on the partnership between the City and County and reiterated her motion for staff and attorneys to come together with verbiage to change the Comp Plan and/or the Tri-Party Agreement within a two week time frame, to include all parties; seconded by Council Member Bernardini as amended. Motion passed 5-0.
Attorney Collier indicated additional language had been considered and was distributed to see if the City concurred. The verbiage was read into the record and reviewed. Extensive discussion followed.

Motion:
Commissioner Russell moved that County staff be instructed to work with City staff to craft language; seconded by Commissioner Kingsley with a January 9 deadline. Motion carried 4-0.

JOINT PLANNING MEETING - DECEMBER 12, 2006

DeMaria & Bell Annexations

Larry Jennings elaborated on the issue of the annexations in that the County believes they are not compact and that they create enclaves in relation to services as well as planning issues. He reiterated that the County had requested the City hold off on annexing the properties in question, which did not happen.

Director Geiger indicated the issues, as related to services, are the same as before the annexations and does not affect services, but agreed that meetings would need to be held with the County before any further development of the areas.

Council Member Bradburn reviewed sections of the Joint Planning Agreement requiring reports and meetings which have not occurred, thereby violating the guidelines of the agreement. She recommended a new Joint Planning Agreement and asked that the County to define how they think the City is out of compliance. She felt the County must respect the City as being the County Seat and recommended a new Joint Planning Agreement be created that can be lived with.

Larry Jennings indicated the Joint Planning Agreement could be restructured and thought it to be a good idea.

Chair Rowden indicated the County asked the City to wait on the annexations, after which discussion followed as to the requirements for filing a challenge to the lawsuit.

Mayor Pugh clarified the serving process for the County to intervene on an annexation and asked what needs to be done to resolve the issue.

Commissioner Kingsley indicated the lawsuit is the only way to resolve the issue of the annexations' legality.

Vice Mayor Burnett asked why the City and County cannot collectively resolve the issue and recommended determining the city limit boundary collectively.

Council Member Lewis elaborated on the issue of the county using city streets daily for services and encouraged the County and City to work together.

Discussion followed as to the process of de-annexation, which City Attorney LaCroix explained.

Mayor Pugh indicated the County does have an option in that it does not have to fight the annexation and touched on the issue of services.

Mayor Pugh asked what rights the County is protecting of the citizens by filing a law suit. Commissioner Russell elaborated on the issue, which for the most part had to do with capacity and concurrency and the Majestic Oaks development.

Director Geiger revisited the Development Agreement and discussion ensued concerning the annexations and whether the current Majestic Oaks Development Agreement would apply if the developer were to purchase the annexed properties in question. Jake Varn indicated only as it relates to recouping impact fees.

Mayor Pugh asked City Attorney LaCroix to clarify that it is not an enclave but possibly a pocket. Lengthy discussion continued concerning the annexations.

Richard E. Lewis referenced a letter sent to former Commissioner Whitehouse in which Resolution 2003-11 was referenced, which requested tax monies collected outside the City limits be used for litigation against the City. He indicated no response was received and no funding mechanism was ever set up. Attorney Coller responded citing Florida Statutes.

Further discussion ensued as to trying to resolve the issues. Larry Jennings indicated working together on these annexations is beyond the point of being able to avoid litigation.

Motion:
Commissioner Russell moved to work with the City to try to resolve the issues; seconded by Commissioner Kingsley. Motion carried 4-0.

Motion:
Council Member Bradburn mirrored Commissioner Russell's motion and volunteered to work with him on new language for the JPA; seconded Council Member Lewis. Motion carried 5-0.

Garden Homes, LLC Annexation

Mayor Pugh asked about the possible problems with the Garden Homes annexation and asked for clarification as to whether there is a problem. County Attorney Coller will consult with Mr. Joben.

PUBLIC COMMENT

There was no public input.

ADJOURNMENT

There being no further business the meeting adjourned at 8:45 p.m.

City Clerk

Attest:

Mayor

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JOINT PLANNING BOARD
HERNANDO COUNTY

REGULAR MEETING
OF
DECEMBER 12, 2006

The Hernando County Joint Planning Board met in Regular Session in the John Law Ayers Room, Government Center, Brooksville, Florida, on Tuesday, December 12, 2006, at 6 p.m. Members of the Board of County Commissioners present were: Diane B. Rowden, Chairperson; and Christopher A. Kingsley, David D. Russell, Jr., and Jeff Stabins, Commissioners. Staff members present were: Garth Coller, County Attorney; Larry Jennings, Deputy County Administrator; Gary Kuhl, County Administrator; Ronald Pianta, Planning Director; and Sherry Crum, Secretary.

Brooksville City Council members present were: David Pugh, Mayor; Frankie Burnett, Vice Mayor; and Joe Bernardini, Lara Bradburn and Richard E. Lewis, Council members. City staff members present were: Richard Anderson, City Manager; Bill Geiger, Community Development Director; and David LaCroix, City Attorney.

The meeting was called to order at 6 p.m. by Chairperson Rowden, who led the Pledge of Allegiance.

City of Brooksville - Majestic Oaks Comprehensive Plan Amendment - City and County Staffs Directed to Jointly Craft Language for Inclusion in City Comprehensive Plan and/or Tri-Party Agreement

City Community Development Director Bill Geiger stated that the City had adopted a Comprehensive (Comp) Plan Amendment (CPAM) for the Majestic Oaks development that set a density limit not to exceed 999 dwelling units. He stated that the Tri-Party Agreement between the City, the County and Majestic Oaks Partners, LLC, specified up to 600 dwelling units and up to 100,000 square feet of commercial or an equivalent thereto. He stressed that even though the CPAM specified higher densities the City had not issued a Development Order to exceed the number of units already approved by the County, because the Tri-Party Agreement required a review process, in which the County would be involved prior to any such approval. He understood that the County did not trust the City to comply with the Tri-Party Agreement, with which he disagreed.

In response to Comm. Kingsley, Deputy County Administrator Larry Jennings stated that the County was concerned with the language in the CPAM because once it became the effective document for guiding development of the property, the CPAM would be the test in regard to a developer arguing the use that should be allowed on the property. He was concerned that the language of the Comp Plan provided the ability for a developer to seek legal action to allow more density than the amount the City and the County agreed was appropriate. He stated that both the City and County staffs agreed with the proposed language to be added to the City's CPAM (Exhibit "A" to City Ordinance No. 718); however, the County believed it should be included in the CPAM and the City believed the Tri-Party Agreement could be amended.

In response to Chairperson Rowden, Mr. Geiger explained stated that the City proposed to determine the

densities locally as opposed to amending the Comp Plan every time there was a slight deviation. He emphasized that the City would adhere to the Tri-Party Agreement when considering future development, including requiring the developer to prove that concurrency could be met when increased density was proposed.

In response to questions posed by City Council Member Lara Bradburn, the City staff discussed the hardship of amending the CPAM and the financial impacts should the County's current appeal of the City's CPAM be upheld.

Mr. Jennings expressed concern because concurrency on a number of surrounding county roads impacted the County, and given how the CPAM was organized, it was possible that other policies in the Comp Plan would not directly apply to future rezoning requests; however, the proposed language allowed the flexibility Mr. Geiger desired while protecting all of the county residents. He stated that the staff did not believe it was onerous to make the CPAM to include the proposed language, but that the language could be incorporated into the Comp Plan without the lengthy CPAM process.

Discussion ensued as to the appropriate document in which the proposed language should be placed and whether a violation of the Tri-Party Agreement existed.

City Attorney David LaCroix did not recommend the proposed language because he believed it would require the City to complete concurrency determinations not only for City roads, but also for State and County road networks, which he advised was not a legal requirement. He continued that the proposed language would incorporate the Tri-Party Agreement into the City's Comp Plan, which he did not feel was necessary.

Mr. Jennings disagreed with Mr. LaCroix that the City only had to address concurrency on City streets because he believed obtaining concurrency on State roads was a legal requirement.

Mr. Geiger pointed out that from a planning perspective the City ensured that concurrency was met for the entire road network.

Motion

Council Member Bradburn moved that the staff come back with some language to amend the Comp Plan with this as a guideline, taking out any reference to a Tri-Party Agreement, because certainly that third party could change at any time and it did not belong in the Comp Plan; seconded by Council Member Bernardini.

Council Member Bradburn felt that any further contention could be avoided by this action. She noted that the City had the opportunity to amend their Comp Plan twice a year and if that party or any other party wished to add another 300 units, the City already had on record that the Department of Community Affairs (DCA) had approved up to 999 units.

Council Member Burnett wished to avoid litigation. He believed that the elected officials should direct their respective staffs as to the action they desired and that a two-day time line should be specified.

Amended Motion

Council Member Bradburn accepted a friendly Amendment for a deadline of two weeks.

Mr. LaCroix believed the staff could meet a two week deadline because the County's concerns could be addressed by adding the following language to the existing CPAM "provided all concurrency requirements are met."

In response to Mayor Pugh, Mr. Jennings explained that concurrency and how to resolve road capacity issues was of concern when the density rose above 600 because it was previously determined that the level of development approved had used all of the concurrency capacity on the affected roadways, and the available funding would only allow improvements to be made and would not allow the four-laning of roadways.

Mayor Pugh pointed out that the traffic study had recommended approximately 920 units; therefore, he believed the issue was money. He questioned the benefit to the capacity in the area from the City's impact fee contribution for realignment of Jasmine Drive and how it would resolve similar issues in the future.

Mr. Jennings stated that some additional capacity would be provided as a result of improvements being made to McIntyre Road and Jasmine Drive; however, multi-lanes would provide more capacity.

Mayor Pugh agreed. He maintained that the City was making an effort to resolve some of the issues and that the Tri-Party Agreement was working.

Discussion ensued.

Attorney Jake Varn, representing Majestic Oaks Partners, LLC, detailed at length why he did not believe that the Tri-Party Agreement had been violated, during which he contended that the developer had the right to develop up to 910 residential units without requiring the joint City/County coordination process. He noted that he had not received an explanation from the County as to why they felt the Tri-Party Agreement had been violated. He felt that placing the language in the Comp Plan would violate the Tri-Party Agreement, and that it was inappropriate to add to the CPAM because it would impose zoning requirements.

Mayor Pugh questioned if adding the language previously suggested by Mr. LaCroix "provided all concurrency requirements are met" would be sufficient.

Council Member Bradburn agreed to hold the Motion in abeyance.

RECESS/RECONVENE

The Board recessed at 7:00 p.m. and reconvened at 7:20 p.m.

County Attorney Garth Coller replied that adding the suggested phrase would not be acceptable to the County. He advised that during the recess, modifications had been made to the proposed language, which he read.

Mr. Coller informed Comm. Russell that the language, if modified as proposed, removed any reference to the Tri-Party Agreement but specified what the meaningful concurrency review would be, and it clearly delineated the equivalence of commercial versus residential if they were exchanged.

Comm. Kingsley agreed with the proposed language.

Mr. LaCroix indicated that his only concern with adding the revised language to the Comp Plan was that the City would be required to meet concurrency for County roads, which would expose them to litigation by any individual who felt they had been adversely affected by a development because the capacity had not been adequately addressed.

Mr. Varn concurred with this language being placed in the Tri-Party Agreement; however, he expressed concern with adding it to the Comp Plan because he believed the language was inconsistent and needed to be refined. He pointed out that the language would no longer apply if, for example, a road was constructed parallel to Mondon Hill Road, creating additional capacity.

Mr. Coller clarified that the language was not a general statement placing restrictions on roads but rather specific density restrictions to this development based on concurrency.

Mr. Varn disagreed because he believed other developments in the area would be impacted based on the determination that there was no additional capacity on Mondon Hill Road.

Amended Motion

Council Member Bradburn amended her Motion to, within two weeks, have the two staffs and the attorneys come together with some agreeable language, and if that meant tweaking the language of the Comp Plan and the Tri-Party Agreement, so be it.

Council Member Bradburn confirmed for Council Member Burnett that the developer, as the third party, would be involved in the process.

Council Member Bernardini seconded the Amended Motion.

A vote was taken on the Amended Motion and it carried unanimously.

Motion

Comm. Russell moved that the County staff be instructed to work in connection and in conjunction with the City staff to craft language to come back before this body within the prescribed period of time for debate and adoption or not adoption thereof; seconded by Comm. Kingsley.

Comm. Kingsley agreed as long as the staff could provide the language to the Board by January 9, 2006, for consideration.

A vote was taken on the Motion and it carried 4-0.

City of Brooksville - Annexation - Discussion of Annexation of James and Deborah DeMaria and Bell Fruit Company Properties/Comm. Russell and Council Member Bradburn to Jointly Work on Issues

Deputy County Administrator Larry Jennings reviewed that the County staff believed there were legal issues associated with the annexation by the City of the James and Deborah DeMaria and Bell Fruit Company properties because they were not reasonably compact and created enclaves, which did not allow for the provision of services through a uniform system by one government. He submitted a Planning Outline for the Southeast Quadrant of the US 41 South Planning Area prepared by the County and City staffs, as well as some of the stakeholders, as previously requested by the Joint Planning Board. He reviewed that the County had requested a Joint Planning Board meeting with the City prior to the City taking action on these annexations; however, that had not occurred and the Board had authorized the Legal Department staff to file a lawsuit.

City Community Development Director Bill Geiger stressed that the same services would be provided in the unincorporated area that was provided prior to these annexations. He agreed that the planning issues would need to be addressed prior to considering any further urbanization and intensification of use of the property; however, they had not yet reached that stage. He advised that the City staff did not believe that the annexations created enclaves; however, a perceived pocket where unincorporated property existed between incorporated areas existed on Hope Hill Road. He believed that an Interlocal Agreement could address the efficiency of providing services; however, he felt that over time, many of the issues may be resolved on their own considering that much of the area would annex into the City because it was in the First Right to Serve Area.

Council Member Bradburn expressed the desire for improved communication between the City and the County so they could improve working cooperatively. She reviewed reasons why she did not feel they were in compliance with the Joint Planning Interlocal Agreement (JPIA), which made it void. She suggested that a new JPIA be created, or that the County specify how they believed the City was not in compliance and suggest corrective action. She asked that the County respect the City as the county seat and recognize that they had specific authority to control their own destiny. She suggested that in order to avoid future conflicts, the City Council and the Board direct their staffs to work together on the

Planning Outline and set firm deadlines.

Mr. Jennings remarked that the County believed some restructuring of the JPIA was needed, as well as modification to the boundaries of the US 41 South Planning Area in order to ensure that joint planning occurred of the areas surrounding the City that were impacted.

Comm. Kingsley believed that this issue of the JPIA should be addressed separately by the City and the County at a later date.

Mayor Pugh believed that the intent of this meeting was to address how to resolve the issues prior to the lawsuit being served on the City.

Comm. Kingsley believed that in order to move forward, the County's only option was to follow through on the lawsuit to determine whether the annexations were illegal, because he felt they would be a burden to the taxpayers and would create a problem with providing services.

Council Member Burnett suggested that the City boundaries be determined and then a plan be created to define the activities that could and could not occur, which would resolve most of the issues.

Comm. Kingsley believed that the First Right to Serve Area addressed that issue. He stated that the problem with these type of annexations were the enclaves that were created. He felt that, historically, the County had worked well with the City.

Council Member Burnett agreed; however, the County had never had a concern with the enclaves that had been in existence for 50 years, which was his concern. He believed it was possible to work cooperatively without the need to litigate.

Council Member Lewis agreed with Mr. Geiger that services did not change after annexation. He discussed the use of City streets by the County. He stressed that the annexed properties were vacant and did not impact services; however, the County continued to receive tax revenues even though they no longer provided services. He felt that the JPIA should be modified. He pointed out that the impact from the Hernando Oaks development had not been addressed with the City.

Council Member Burnett temporarily left the meeting.

In response to Council Member Bradburn, City Attorney Dave LaCroix discussed the issues entailed in de-annexation and the impact litigation would have on the City and the property owners.

Mr. LaCroix questioned what the County would gain by litigating since the properties in the pocket area could not be served without using Hope Hill Road, which was a City street, a fact that would not change with annexation.

Council Member Burnett returned to the meeting.

In response to Mayor Pugh, Comm. Russell expressed concern that the County and the citizens were not properly represented with regard to concurrency and capacity issues, for which the County was liable. He understood that some existing Development Agreements tied future development funds that may not be used outside the City boundaries. He believed an enclave existed because, as defined by law, the areas of contiguity were significantly less than the areas of non-contiguity.

Mayor Pugh disagreed because the JPIA required the City to address concurrency issues with the County, which they did, and he provided an example where the City had contributed impact fees for the construction of the north/south collector road as part of the Southern Hills development.

Lengthy discussion ensued regarding the applicability of the existing Development Agreement for Southern Hills to the Bell and DeMaria properties should developers of Southern Hills purchase the properties in the future.

Comm. Russell understood that the County believed having input regarding planning and any amendments and how they were applied was protecting all of the citizens, which was their concern. He agreed with Council Members Bradburn and Burnett that some definitive agreements were needed, which he believed was the subject of the litigation, considering that concurrency also included water, reuse and schools, etc., which had not been discussed.

Council Member Lewis believed that litigation would occur each time the City approved an annexation. He questioned the County's position regarding the City's written request, dated July 11, 2003, that pursuant to City Resolution No. 2003-11, the County establish a funding mechanism to ensure that the County's cost for litigation against the City was paid for only by the residents and property owners in the unincorporated areas.

County Attorney Garth Coller advised that enforcement of Florida Statutes was one of the County's duties as a sovereign, and the City obeying Florida Statutes benefitted all of the citizens in the county; therefore, he saw no reason why the County would discriminate on a funding mechanism.

Council Member Bradburn questioned if there was an alternative to litigation since she believed the developer would file suit against the City if the City de-annexed the properties.

In response to questioning by Comm. Kingsley, Mr. Jennings stated that the staff was not aware of how a resolution could be reached at this meeting since the issue had gone too far into the process. He believed that in the near future some of the issues could be worked on but it would be up to the City to bring something forward.

Comm. Russell offered to work on this issue with a member of the City Council.

Council Member Bradburn volunteered to represent the City.

Motion

Comm. Russell so moved; seconded by Comm. Kingsley and it carried 4-0.

Motion

Council Member Bradburn moved that the City mirror Comm. Russell's Motion to meet; seconded by Council Member Bernardini and carried unanimously.

City of Brooksville - Annexation - Discussion of Garden Homes, LLC, Annexation

County Attorney Garth Coller informed Mayor Pugh that he was not aware of any specific concern the County had with the annexation petition submitted to the City by Garden Homes, LLC; however, he would inquire if Assistant County Attorney Jon Jouben had requested coverage of statements related to the Bell Fruit Company and James and Deborah DeMaria annexations or the Garden Homes, LLC, annexation.

Public Comment

There was no public input.

ADJOURNMENT

There being no further business to come before the Board at this time, the meeting adjourned at 8:45 p.m.

KAREN NICOLAI, CLERK DIANE B. ROWDEN, CHAIRPERSON

AGENDA ITEM NO. C-1
1-22-07

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

DECEMBER 18, 2006 7:05 P.M.

Brooksville City Council met in regular session with Mayor David Pugh, Vice Mayor Frankie Burnett, Council Members Joe Bernardini, Lara Bradburn and Richard E. Lewis. Also present were David LaCroix, City Attorney; Richard E. Anderson, 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; Police Chief Boyce E. Tincher, Brooksville Police Dept; Fire Chief Tim Mossgrove, Brooksville Fire Dept. Members of the Hernando Today and Hernando Times were also present.

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

CONSENT AGENDA
MINUTES
Joint Planning Meeting - October 24, 2006
Regular Council Meeting - November 20, 2006

Motion:
Council Member Lewis moved for approval, seconded by Council Member Bernardini. Motion Carried 5-0

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS
Margaret R. Ghiotto Beautification Awards

a. Commercial Beautification Award
Recognition of improvements to Creative Porch & Garden property owned by Monique Swan, located at 151 S. Main St.

b. Residential Beautification Award
Recognition of improvements to property owned by Stephanie Richardson located at 410 Hale Ave.

Lou Kavouras reviewed the properties receiving the awards. The owners were not present.

Beautification Board - Holiday Decoration Contest
Recognition of annual decoration contest winners for best Residential and Commercial Displays for the 2006 Holiday Season.
[Note: Winners to be announced at meeting]

The winners of the Holiday Decoration Contest were announced by Lou Kavouras and awards were presented by Mayor Pugh and Ms. Kavouras to Brooksville Healthcare Center of 1114 Chatman Blvd. for the commercial award and Stephen and Tanya Woodward of 140 Estates Avenue for the residential award.

Proclamation - Louise & John Downey
Recognition of CTA Volunteers of the Year and USTA Jr. Team Tennis ALC's of the year Louise & John Downey.

APPROVED BY BROOKSVILLE CITY COUNCIL (w/ AMENDMENT)
ON 1-22-07 INITIALS JP

City Clerk Phillips read the proclamation in it's entirety and Mayor Pugh made the presentation to Mr. and Mrs. Downey.

Mr. and Mrs. Downey thanked Council for the opportunity to work with the City of Brooksville and gave a brief overview of their work.

PUBLIC HEARING

Ordinance No. 732 - Garden Homes, LLC Annexation

Petition for Voluntary annexation of 3.73 acres ± located on the west side of Hale Avenue approximately 460' south of Dr. M.L. King, Jr. Blvd. West. [First Reading 12/04/06]

Director Geiger entered the staff report into the record in its entirety and proceeded to review the annexation and recommendations. Discussion followed.

Mayor Pugh asked for public input. There was none.

A brief discussion followed as to the annexation of right-of-ways, about which City Attorney LaCroix elaborated.

Motion:
Council Member Bradburn moved for approval of Ordinance No. 732; seconded by Council Member Lewis.

City Clerk Phillips read Ordinance No. 732 by title, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; 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. 733 - Public Facilities & Transportation Concurrency

Consideration of ordinance adding a new chapter to the Code of Ordinances regarding adequate public facilities concurrency management and proportionate fair share mitigation for transportation concurrency. [First Reading 12/04/06]

Director Geiger reviewed the Ordinance. Discussion followed.

Mayor Pugh asked for public input. There was none.

Motion:
Council Member Bradburn moved for approval of Ordinance No. 732; seconded by Council Member Lewis.

City Clerk Phillips read Ordinance No. 733 by title, as follows:

> AN ORDINANCE AMENDING CHAPTER 101, "GENERAL AND ADMINISTRATIVE," OF THE BROOKSVILLE CODE OF ORDINANCES, BY ADDING THERETO A NEW ARTICLE V, "ADEQUATE PUBLIC FACILITIES," REGARDING ADEQUATE PUBLIC FACILITIES AND CONCURRENCY; INCLUDING A PROPORTIONATE FAIR SHARE MITIGATION SECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR 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

*Ordinance No. 734 - GGW, LLC & BTM, LLC Rezoning

a) Request for zoning classification of PDP with special exception use for R-PDP for a single family residential planned development project for approximately 74.6 acres ± located east of US Hwy 41 South, south of SR50, west of Hope Hill Road and east of the R/W for Governor Blvd.
[As Amended at First Reading 12/04/06]

City Attorney LaCroix indicated this to be a quasi-judicial hearing and asked if anyone wished to intervene or to present testimony under oath. Director Geiger and Joseph Quinn were sworn in and accepted as witnesses by consensus as experts in the field of land use and development.

Director Geiger reviewed the property specifications, the rezoning request and the amendments requested by Council at the last meeting.

Council Member Bradburn indicated that even though it is the City's issue, an effort has been made to accommodate the County. Different issues within the request, including school concurrency and tree preservation, were discussed.

Council Member Bradburn requested tree surveys be submitted by developers in the future. Director Geiger indicated that it is standard practice to discuss tree preservation in the beginning of a project. City Attorney LaCroix recommended requiring a tree survey before approving Master Plans.

Joseph Quinn indicated concurrence with the staff recommendation and addressed Council concerns.

Mayor Pugh asked for public input.

Gary Mueller asked if Hope Hill Road is in the City Limits and asked what the rezoning would do to benefit Hope Hill Road. He also asked how many units could be built without a rezoning. Director Geiger indicated 1.76 units per acre.

Discussion followed as to access to Hope Hill Road, which Director Geiger and Joseph Quinn elaborated on.

Motion:
Council Member Lewis moved for approval of Ordinance No. 73, with amendment to item 7 in the staff report to include "as per fee schedule"; seconded by Council

Member Bradburn.

City Clerk Phillips read Ordinance No. 734 by title, as follows:

AN ORDINANCE PROVIDING A ZONING CLASSIFICATION OF PDP (PLANNED DEVELOPMENT PROJECT) WITH A SPECIAL EXCEPTION USE FOR A RESIDENTIAL PLANNED DEVELOPMENT PROJECT (RPDP) FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN; 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

b) "Garrison Hill" Master Plan
Consideration of approving "Garrison Hill" Master Plan.

Motion:
Council Member Lewis moved for approval of the Master Plan with conditions; seconded by Council Member Bernardini. Motion carried 5-0.

*Ordinance No. 736 - Hometown America (Cloverleaf) Rezoning

a) Request for rezoning C-2 (Commercial) to PDP and special exception use for MH-PDP for a mobile home planned development project of 18.8 acres ± located on the south side of Croom Road and west of McIntyre Road for up to 68 mobile home lots.
[First Reading 12/04/06]

City Attorney LaCroix indicated this to be a quasi-judicial hearing and asked if anyone wished to intervene or to present testimony under oath. Director Geiger and Joseph Quinn were sworn in.

Director Geiger entered the staff report in it's entirety into the record and elaborated on the rezoning.

Mayor Pugh asked for public input. There was none.

Joseph Quinn indicated concurrence with staff recommendations.

Motion:
Council Member Bradburn moved for approval of Ordinance No. 736; seconded by Council Member Lewis.

City Clerk Phillips read Ordinance No. 736 by title, as follows:

AN ORDINANCE REZONING CERTAIN PROPERTY FROM C-2 (COMMERCIAL DISTRICT) TO PLANNED DEVELOPMENT PROJECT (PDP) DISTRICT WITH A SPECIAL EXCEPTION USE FOR A MOBILE HOME PLANNED DEVELOPMENT PROJECT (MH-PDP) 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

b) Master Plan
Approval of Master Plan.

Motion:
Vice Mayor Burnett moved for approval of the Master Plan; seconded by Council Member Lewis. Motion carried 5-0.

Resolution No. 2006-33 - Vacation of Right-of-Way - Olive Street
Consideration of petition from Peter and Deborah DeCellis for vacation of right-of-way for a portion of Olive Street (circular portion to straighten street).
[Continued and as Amended from 12/04/06]

Director Geiger elaborated on the requested right-of-way.

Mayor Pugh asked for public input.

Todd Pickett indicated there is no turn around in that it is a dead end and if there is no plans to extend the road there will be no turn around once the right-of-way is vacated.

Council Member Bradburn indicated there is no guarantee of development on the property since it is a swampy area and that she did not anticipate the City ever being able to put a road through. Discussion followed as to the path of the stream and the possible use of the easement for drainage in the future.

Motion:
Council Member Bernardini moved for approval of Resolution No. 2006-33; seconded by Council Member Lewis.

City Clerk Phillips read Resolution No. 2006-33 by title, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, HERNANDO COUNTY, FLORIDA, CLOSING AND VACATING A PORTION OF OLIVE STREET.

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

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

REGULAR AGENDA

Stephanie Richardson, recipient of the residential Beautification Award, arrived and the award was presented to her.

It was requested that item F-2 be moved forward.

*Ordinance No. 735 - Ty Underwood Rezoning and Special Exception

Request for rezoning to PDP and special exception use for R-PDP for approximately 9.33 acres ± located on the south side of North Avenue between Stafford Avenue and Zoller Street for development of approximately 134 townhouses.
[Continued from 12/04/06 by Petitioner]

City Attorney LaCroix indicated this to be a quasi-judicial hearing as well and asked if anyone wished to intervene or to present testimony under oath. Director Geiger, Joseph Quinn and Joe Mason were sworn in.

Mayor Pugh reviewed the specifics of the property in question. Director Geiger entered the staff report into the record in it's entirety and elaborated on the rezoning request. Discussion followed as to concurrency, surface water control and services.

Mayor Pugh asked for public input.

Joe Mason addressed Council and reviewed the plans for the property in that townhouses are projected and that the zoning requested is from commercial to residential. Discussion of the zoning categories followed.

Joseph Quinn distributed a more detailed concept on the project and elaborated, as did Mr. Mason.

Paul Nazzar of Pine Street asked how thorough an investigation will be done concerning the schools these townhouses will affect. He asked that Council consider these things.

Ruth Dirienzo of North Avenue addressed Council concerning traffic in the proposed area as well as drainage.

Alison Nazzar elaborated on traffic on North Avenue as well.

Discussion continued as to zoning categories and use, concurrency and impact on schools as well as meetings with the community.

Motion:
Council Member Lewis moved for approval of Ordinance No. 735 with change to staff recommendation to 128 townhouses and the authorization of the City Attorney to work on language as discussed by council; seconded by Vice Mayor Burnett with second and final reading being January 22, 2007.

City Clerk Phillips read Ordinance No. 735 by title, as follows:

AN ORDINANCE REZONING CERTAIN PROPERTY FROM C-4 (COMMERCIAL DISTRICT) TO PLANNED DEVELOPMENT PROJECT (PDP) DISTRICT WITH A SPECIAL EXCEPTION USE FOR A RESIDENTIAL PLANNED DEVELOPMENT PROJECT (RPDP) FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

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

Council Member Bernardini	NAY
Council Member Lewis	AYE
Council Member Bradburn	AYE

Vice Mayor Burnett	AYE
Mayor Pugh	AYE

Ordinance No. 731 - Animals & Fowl Regulations

Consideration of proposed ordinance outlining the regulation of animals and fowl within the City Limits.
[Continued from 12/04/06 and Amended as Directed]

Motion:
Vice Mayor Burnett moved for approval of Ordinance No. 731; seconded by Council Member Lewis.

City Clerk Phillips read Ordinance No. 731 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF BROOKSVILLE, FLORIDA, BY ADDING THERETO A NEW CHAPTER 102, "ANIMALS AND FOWL;" PROVIDING LIMITATIONS, STANDARDS AND REQUIREMENTS FOR THE KEEPING OF ANIMALS AND FOWL ON ANY PROPERTY IN THE CITY; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR 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

Hampton Ridge - Cobb Rd. Waste Water Reclamation Plant Construction Schedule

Approval of agreement to start construction prior to 10/31/07, requiring Bond for completion by 04/30/09, with impact fee credits at current rates limited to original construction estimate, balance at rate in effect on completion and establishing limited buy-back program.
[Continued from 12/04/06]

Director Pierce elaborated on the history of the project to date and the agreement.

Tom Mountain reported on the costs associated with the project in relation to impact fees, bonds, sewer impact rates and the urgency of the issues of costs related to the issuance of purchase orders by the end of the year. He requested approval of the agreement and direction to staff to issue purchase orders once the completion bond is delivered. Mr. Mountain also agreed, on behalf of the developer, to reimburse to the City any costs associated with extending the loan, up to $5,000. JRP **corrected 01/23/07**

Discussion followed as to the extension of the loan associated with this project, if needed.

Motion:
Council Member Lewis moved for approval with developer agreement to pay up to $5,000 in ~~fines~~ costs by the bank to extend the loan if necessary; seconded by Vice Mayor Burnett. JRP **corrected 01/23/07**

Additional discussion followed as to reuse.

Motion carried 5-0.

Transportation Outreach Program (TOP) - SR 50 Reverse Frontage Road Construction and Utility Project - Right-of-Way

Status Report.
[Continued from 12/04/06]

Director Geiger gave a brief overview of the status of the project, as stated in the staff recommendation, which was for staff to use TOP funds to develop the portions of right-of-ways currently owned by the City. He indicated the balance of the grant has to be spent within a year.

Discussion followed as to use of the balance of the grant.

Motion:
Council Member Bradburn moved for approval to proceed with the construction of City-owned right-of-ways and to research possible use for the balance of the grant money; seconded by Vice Mayor Burnett. Motion carried 4-1 with Mayor Pugh voting in opposition.

Condemnation - Utility Easement (McIntyre)

Consideration of rejecting proposed settlement offer in the amount of $134,050.

City Attorney LaCroix reviewed the condemnation and offer, recommending Council accept with specific attorney fees, make a counter offer or reject the offer and take the issue to court. Discussion followed in which Council requested comparables in the future.

Motion:
Council Member Bradburn moved for approval to negotiate; seconded by Council Member Bernardini. Motion carried 5-0.

Foreclosure of Lien - Campbell Property - 204 Bayport Street

Consideration of foreclosure of Lien for unpaid property maintenance costs.

City Attorney LaCroix reviewed the issue, recommending foreclosing the lien as all efforts to find the owner provided no responses.

Motion:
Council Member Bernardini moved for approval; seconded by Council Member Lewis. Motion carried 5-0.

Utility Easement - Hernando County School Board

Consideration of acceptance of easement located along Kelly Street and authorize its execution and recording.

City Attorney LaCroix reviewed the proposed easement, recommending acceptance.

Motion:
Council Member Lewis moved for approval; seconded by Vice Mayor Burnett. Motion carried 5-0.

ITEMS BY COUNCIL

Vice Mayor Frankie Burnett

Council Salary
Consideration of adjusting compensation basis.

Vice Mayor Burnett indicated he would like to remove the item to be scheduled for a workshop. Consensus was to remove item.

Bill Geiger, Community Development Department
He indicated he appreciated all employees in the City but commended Director Geiger for his efforts.

City Attorney LaCroix

Brocato Property Mediation
Attorney La Croix indicated there would be mediation on January 19, 2007, on the Brocato property and that a member of Council will be needed to attend. Consensus was that Council Member Lewis will attend.

City Clerk Karen Phillips
She indicated the Tourist Development Council had given one of their annual Christmas Ornaments to Council for their support, it being the one depicting the City's 150th Anniversary.

Tangerine Time
She also reminded all of the upcoming event.

Council Member Lara Bradburn

Joint Planning Meeting
Council Member Bradburn reiterated that a new Joint Planning Agreement needed to be addressed and steps taken to formally vote out the Joint Planning Agreement under the condition that a new one will be created. Council consensus was to add the item to the January 8, 2006, agenda and notify the county.

Cell Phone
She requested a cell phone to conduct city business with reimbursement to the City for personal use. Consensus of Council was to issue Council Member Bradburn a cell phone.

Mail
She indicated she had sent a memo regarding mail received at City Hall addressed to her requesting it not be opened by staff and that she would be responsible for any records retention issues related to her mail. The current policy will be included on the next agenda for consideration of modification.

Duplication of items and CTN
She indicated a duplication of items and felt the actual copies of items on CTN did not need to be duplicated, council concurred and a new process will be instituted by staff.

File Cabinet

Council Member Bradburn also indicated she had requested a file cabinet to which City Clerk Phillips indicated the locksmith is due in to change the locks.

CITIZEN INPUT

Kojack Burnett

He indicated that next year's parade should have more candy that they ran out of candy by the time they reached City Hall.

ADJOURNMENT

The meeting adjourned at 11:30 p.m.

City Clerk

Attest:

Mayor

G:\WP_WORK\ClerkOffice\MINUTES\2006\12-18-06 Regular Meeting.wpd

AGENDA ITEM NO. E-1
12/18/06

MEMORANDUM

To: Honorable Mayor & City Council Members

Via: Richard E. Anderson, City Manager

From: Bill Geiger, Community Development Director

Subject: AX2006-09 -- Petitioner's are voluntarily requesting annexation of 3.73 acres ±.

Petitioner: Jorge Lopez for Garden Homes, LLC, represented by Nicholson Engineering Associates, Inc.

Location: The property is located on the west side of Hale Avenue approximately 460' south of Dr. M.L. King Jr. Blvd. W. - See attached drawing

Date: December 18, 2006

The subject property contains 3.73 acres ±, and is located on the west side of Hale Avenue approximately 460 feet south of Dr. M.L. King Jr. Blvd. W.. Legal descriptions by metes and bounds are given in full in the petition packet. The petitioner is requesting, through the voluntary annexation process outlined in Chapter 171 Florida Statutes, to be annexed into the City of Brooksville.

CURRENT LAND USE/ZONING

The subject property has a County land use designation of Residential on the Future Land Use Map of the Hernando County Comprehensive Plan. The property is currently zoned C2 (Commercial) and R1C (Residential) in Hernando County. Approximately 3 of the 3.73 acres contain a County SEU designation for a Religious Establishment.

STAFF FINDINGS

The petitioner is seeking to have the subject property annexed into the City of Brooksville. The petition appears to meet all of the requirements of Section 171.044, Florida Statutes, for voluntarily annexing into the City of Brooksville. If the annexation is approved, then the City's Comprehensive Plan Future Land Use Element will need to be amended to reflect the incorporation, and an appropriate land use designation will need to be assigned that is suitable to the property and consistent with the proposed use as approved by the City. Any development proposed prior to the City adopting said Comprehensive Plan Amendment must be consistent with the County's land use and zoning regulations. Prior to processing a plan amendment, it is recommended that a fiscal impact analysis of the proposed development be conducted by the City (at the developer's expense), to further evaluate the estimated impacts and costs that the proposed development would have on related public infrastructure.

It may be noted that future development of 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. Future Land Use and Zoning petitions/applications will be coordinated with the Hernando County School Board and Hernando County Planning Department to solicit input pursuant to and consistent with existing interlocal agreements.

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.

The only action being considered by the City at this time is the petitioner's request for annexation of their property into the City.

PLANNING & ZONING COMMISSION/STAFF RECOMMENDATION

At a meeting on November 8, 2006, the Planning & Zoning Commission concurred with the staff recommendation to find that the annexation of land associated with Petition No. AX2006-09 is in compliance with Chapter 171, Florida Statutes for being integrated into the incorporated area of the City of Brooksville through the voluntary annexation petition process, and recommend that City Council approve the annexation of the 3.73 acres ± tract of land, subject to the following conditions:

1. If development occurs on this parcel prior to the City adopting a Comprehensive Plan Amendment assigning a land use designation to this property, and zoning the property consistent with the land use designation, then said development would be required to comply with Hernando County land use and zoning regulations and be consistent with City of Brooksville performance standards.

2. Annexation shall include the integration of all of the public rights-of-way lying directly adjacent to the annexed property.

At the December 4, 2006 meeting, City Council concurred with the staff and Planning & Zoning Commission recommendation and approved the first reading of Ordinance No. 732, authorizing it to be advertised for second and final reading on December 18, 2006.

Enclosures:
1) Property Area Location Sketch
2) Annexation Petition
3) Annexation Ordinance No. 732

G:\Bgeig\Annexation\cc 12182006 Lopez Annexation 3.73 acres.wpd

AGENDA ITEM NO. E-4(a)
12-18-06

MEMORANDUM

To: Honorable Mayor & City Council Members
Via: Richard E. Anderson, City Manager
From: Bill Geiger, Community Development Director
Subject: RZ2006-06 - Petitioner is requesting a rezoning from a C-2 (Commercial) zoning classification to Planned Development Project (PDP) with a Special Exception Use for a Mobile Home Planned Development Project (MH-PDP) and Master Plan Approval.
Petitioner: Hometown Cloverleaf, presented by Coastal Engineering Associates, Inc.
Location: South side of Croom Road and west of McIntyre Road
Date: December 18, 2006

SUMMARY OF REQUEST - GENERAL INFORMATION

The subject property is 18.8 acres ±, and is located on the south side of Croom Road and west of McIntyre Road. The legal description by metes and bounds is given in full in the petition packet. The petitioner is requesting a rezoning from the existing C-2 (Commercial District) zoning designation to PDP (Planned Development Project), with a special exception use consideration for a Mobile Home Planned Development Project (MH-PDP). The petitioner wishes to develop up to 68 mobile home lots. At present, there are 781 mobile home lots and 277 travel trailer spaces in the Cloverleaf mobile home community. With the approval of the additional 68 mobile home lots, there will be a total of 849 mobile home lots in the manufactured/mobile home section of the community, and 277 travel trailer spaces in the Cloverleaf Forest Travel Trailer Park.

STAFF FINDINGS:

CURRENT LAND USE/ZONING

The subject property is zoned C-2 (Commercial District) with a City Comprehensive Plan Future Land Use (FLU) designation of Multi-Family/Mobile Homes. Surrounding property to the north and east are zoned County Agricultural, to the west is City Agricultural and to the south is the existing Cloverleaf community. Property to the north, east and west have a future land use designation of Residential (City and County), and to the south it is Multi-Family/Mobile Homes in the City.

FACTUAL INFORMATION

1. The property is currently zoned C-2 (Commercial) with a FLU designation for Multi-Family/Mobile Homes.
2. The property for this petition's zoning is approximately 18.8± acres.
3. The site is undeveloped.
4. The developer is proposing to construct 68- mobile home lots. The proposed lots meet the minimum standards for a Mobile Home PDP.
5. The subject property will have public road access from existing access points to the Cloverleaf Mobile Home Community (U.S. Highway 41 & McIntyre Road).
6. The on-site soil types include Flemington fine sandy loam, Kendrick fine sand and Nobleton fine sand.
7. The property is located in flood zone C (as per the FIRM).
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 the property.

9. The subject property is not located within any wellhead protection areas.
10. To accommodate this project, the property must be platted in accordance with the City's subdivision regulations.

STAFF DISCUSSION & FINDINGS OF FACT

The petitioner's request is to rezone the subject property from C-2 (Commercial) to PDP with a Special Exception Use for a Mobile Home PDP and receive master plan approval for the proposed development. The petitioner proposes to develop the site with up to 68 mobile home lots. A preliminary engineering review that addresses topography, flood plain, soils, vegetation, access, utilities and a DRI Statement are contained in the rezoning narrative.

1. The detailed development plan for this proposal will be required to reflect and adhere to the standards of the City's Landscaping, Buffer and Tree Protection code (Chapter 9.5, City Code). This portion of the City code encourages the preservation of existing trees on the site and it is recommended that the developer give due consideration to this in the design and final plan layout.
2. It is recommended that the developer incorporate and provide appropriate pedestrian amenities with this plan including sidewalks, cross walks, etc. All facilities constructed are required to be ADA accessible.
3. Drainage - This project will be required to be designed to meet all applicable standards established by the Southwest Florida Water Management District and the City of Brooksville.
4. Infrastructure & Services- The developer will be required to negotiate a utility service agreement with the City of Brooksville for water and sewer services. Connection to City water and sewer service will be required.
5. City Concurrency Standards - The City requires concurrency review and analysis at the time when a development order/permit application is submitted. Concurrency review and adherence is not required in consideration of a land use or zoning action, as is the case for this petition. The developer will be required to provide a "Statement of Impact - Concurrency Application" with each phase of development for this project that will be reviewed to ensure that level-of-service standards are being maintained within their adopted levels.
6. Pursuant to an interlocal agreement between the City, County and the Hernando County School Board, the developer is encouraged to coordinate with the Hernando County School District to determine if adequate school capacity exists for each school level based on the number of residential units to be constructed by the development. If adequate capacity does not exist, the developer may propose and the school district may accept a proportionate share mitigation settlement to address any identified deficiency. School concurrency issues related to a proposed development should be resolved prior to the City taking final action on a PDP final plat.
7. The development will be required to adhere to City Mobile Home Planned Development Project zoning standards.
8. 68 mobile home lots are the maximum number that may be approved for this project.

The current property owner is required to submit a formal subdivision plat for review and approval in accordance with the City's Land Subdivision Regulations. When development plans are submitted

for permitting on each phase 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.

NOTE: The Zoning/Special Exception Use process is a land use determination which does not constitute a permit for either construction on or use of the property. These actions are not considered a Certificate of Concurrency. Prior to use of or construction on the property, the petitioner must receive approval from the appropriate City, 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 any City land use ordinances. Homeowner associations or architectural review committees may require submission of plans for their review and approval. The applicant for this land use request should contact the local association (if there is one) and review the Public Records for all restrictions that may be applicable to this property.

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

PLANNING & ZONING COMMISSION/STAFF RECOMMENDATION

At a meeting on November 8, 2006, the Planning and Zoning Commission concurred with staff to recommend that City Council approve an ordinance rezoning the property to a PDP (Planned Development Project), with a special exception use approval for a Mobile Home PDP (MH-PDP), and subsequently approve the Master Plan titled Clover Leaf Farms Master Plan with a revision date of 11/1/06, with the following performance conditions (Strikeout/underline format delineates modifications recommended by the Planning & Zoning Commission to the original staff recommendation):

1. Within one year of the Council's approval of the (MH) PDP 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).
2. The petitioner/developer must obtain all permits and meet all applicable land development regulations, for construction or use of the property.
3. The maximum number of mobile home lots associated with this Rezoning and Special Exception Use approval is sixty-eight (68). The development is required to adhere to City Mobile Home PDP zoning standards.
4. The petitioner shall provide adequate landscape buffers around the perimeter of the property that are consistent with or exceed City adopted standards.
5. Pursuant to an interlocal agreement between the City, County and the Hernando County School Board, the developer is encouraged to coordinate with the Hernando County School District to determine if adequate school capacity exists for each school level based on the number of residential units to be constructed by the development. If adequate capacity does

not exist, the developer may propose and the school district may accept a proportionate share mitigation settlement to address any identified deficiency. School concurrency issues related to a proposed development should be resolved prior to the City taking final action on a PDP final plat.

6. The developer must incorporate and provide appropriate pedestrian amenities with this plan including sidewalks, cross walks, etc. All facilities constructed are required to be ADA accessible.
7. 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.
8. The developer must provide a secondary access for emergency vehicles. The developer may utilize a breakaway gate to provide an emergency access connection to Croom Road to meet this requirement.

At the December 4, 2006 meeting, City Council concurred with the staff and Planning & Zoning Commission recommendation, and approved the first reading of Ordinance No. 736, authorizing it to be advertised for second and final reading on December 18, 2006.

Enclosures:
(1) Rezoning and Special Exception Petitions
(2) Hometown Cloverleaf Phase 7 Narrative
(3) Master Plan
(4) Ordinance No. 736

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AGENDA ITEM NO. I·5
12·4·06

MEMORANDUM

To: Honorable Mayor & City Council Members
Via: Richard E. Anderson, City Manager
From: Bill Geiger, Community Development Director
Subject: RZ2006-05 - Petitioner is requesting a rezoning from a C-4 (Commercial) zoning classification to Planned Development Project (PDP) with a Special Exception Usage for a Residential Planned Development Project (R-PDP)
Petitioner: Ty Underwood, represented by Joe Mason, Attorney at Law
Location: South side of North Avenue, between Stafford Avenue and Zoller Street
Date: December 4, 2006 ORD # 735

SUMMARY OF REQUEST - GENERAL INFORMATION

The subject property is 9.33 acres ±, and is located on the south side of North Avenue, between Stafford Avenue and Zoller Street. The legal description by metes and bounds is given in full in the petition packet. The petitioner is requesting a rezoning from the existing C-4 (Commercial District) zoning designation to PDP (Planned Development Project), with a special exception use consideration for a Residential Planned Development Project (R-PDP). The petitioner is proposing to develop up to 134 units, consisting of one, two and three story townhouses with garage and outside parking.

STAFF FINDINGS:

CURRENT LAND USE/ZONING

The subject property is zoned C-4 (Commercial District) with a City Comprehensive Plan Future Land Use (FLU) designation of Multi-Family/Mobile Homes. Properties to the north and south are zoned Residential with a future land use designation of Residential. Property to the east is zoned residential with a SEU for a religious establishment and a future land use designation of Public Facilities and Land. Property to the west is zoned I-1 (Industrial) with a future land use designation of Industrial.

FACTUAL INFORMATION

1. The property is currently zoned C-4 (Commercial) with a FLU designation for Multi-Family/Mobile Homes.
2. The property for this petition's zoning is approximately 9.33± acres.
3. The site is undeveloped.
4. The developer is proposing to construct a 134-unit townhouse complex with related facilities to service the development (proposed density = 14.36 D.U./Acre). The proposed structures are one, two and three stories in height with garages and outside parking.
5. The subject property has potential public access to North and Stafford Avenues, Zoller Street and Jeff-a-Lee Street.
6. The on-site soil types include Flemington fine sandy loam and Micanopy loamy fine sand.
7. The property is located in flood zone C (as per the FIRM).
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 the property.
9. The subject property is not located within any wellhead protection areas.
10. To accommodate the townhouse project, the property must be platted in accordance with the City's subdivision regulations.

STAFF DISCUSSION & FINDINGS OF FACT

The petitioner's request is to rezone the subject property from C-4 (Commercial) to PDP with a Special Exception Use for a residential R-PDP. The petitioner proposes to develop the site with up to 134 units,

consisting of one, two and three story townhouses with garage and outside parking. A preliminary engineering review that addresses topography, flood plain, soils, vegetation, access, utilities and a DRI Statement are contained in the rezoning narrative.

1. The detailed development plan for this proposal will be required to reflect and adhere to the standards of the City's Landscaping, Buffer and Tree Protection code (Chapter 109, City Code). This portion of the City code encourages the preservation of existing trees on the site and it is recommended that the developer give due consideration to this in the design and final plan layout.
2. Per Table 1 of the City's Planned Development Project regulations, the following square footage amounts represent the "maximums/minimums" permitted for the acreage involved with this PDP:

a.	Maximum gross floor area permissible	= 121,925 square feet
b.	Min. open space required (includes roads & parking)	= 304,813 sq. ft. (7.00 acres)
c.	Min. open space required, less roads & parking	= 195,080 sq. ft. (4.48 acres)
d.	Min. recreation space that must be provided	= 18,289 sq. ft. (.42 acres)
e.	Minimum number of parking spaces required	= 268 parking spaces

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

3. It is recommended that the developer incorporate and provide appropriate pedestrian amenities with this plan including sidewalks, cross walks, etc. All facilities constructed are required to be ADA accessible.
4. Traffic - The developer proposes to utilize two (2) entrances; one off of Stafford Avenue and one off of North Avenue. A traffic analysis showing the capacity of the road network impacted by this proposed development is to be completed and submitted to the City prior to or in conjunction with preliminary plat submittal.
5. Drainage - This project will be required to be designed to meet all applicable standards established by the Southwest Florida Water Management District and the City of Brooksville.
6. Infrastructure & Services - The developer will be required to negotiate a utility service agreement with the City of Brooksville for water and sewer services. Connection to City water and sewer service will be required.
7. Solid waste collection (dumpster) services will be provided by the City.
8. City Concurrency Standards - The City requires concurrency review and analysis at the time when a development order/permit application is submitted. Concurrency review and adherence is not required in consideration of a land use or zoning action, as is the case for this petition. The developer will be required to provide a "Statement of Impact - Concurrency Application" with each phase of development for this project that will be reviewed to ensure that level-of-service standards are being maintained within their adopted levels.
9. Pursuant to an interlocal agreement between the City, County and the Hernando County School Board, the developer is encouraged to coordinate with the Hernando County School District to determine if adequate school capacity exists for each school level based on the number of residential units to be constructed by the development. If adequate capacity does not exist, the developer may propose and the school district may accept a proportionate share mitigation settlement to address any identified deficiency. School concurrency issues related to a proposed development should be resolved prior to the City taking final action on a PDP final plat.
10. Unless specifically addressed to the contrary by conditions referenced herein, City ordinance regulations which apply with regard to zoning district classification shall apply to this PDP as if they are zoned R3.
11. 134-town homes are the maximum number of residential units proposed for this project.

The current property owner is required to submit a formal subdivision plat for review and approval in accordance with the City's Land Subdivision Regulations. When development plans are submitted for permitting on each phase 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.

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

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

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

STAFF RECOMMENDATION:
Staff recommend that City Council approve an ordinance rezoning the property to a PDP (Planned Development Project), with a special exception use approval for a Residential PDP (R-PDP), with the following performance conditions:

1. Within one year of the Council's approval of the R-PDP zoning, the petitioner/developer will need to initiate the subdivision process, providing preliminary plat plans that address infrastructure needs, construction plans that reflect the preliminary plat (once approved) and a final plat (all being consistent with the requirements of the City's subdivision regulations). Otherwise, this SEU approval becomes null and void.
2. The petitioner/developer must obtain all permits and meet all applicable land development regulations, for construction or use of the property.
3. The maximum number of units associated with this Zoning/SEU approval is one hundred thirty-four (134) units.
4. The perimeter building setbacks shall be a minimum of 25 feet.
5. Unless specifically addressed to the contrary by conditions referenced herein, City ordinance regulations which apply with regard to zoning district classification shall apply to this PDP as if they are zoned R3.

*6. The petitioner shall provide adequate buffers around the perimeter of the property that are consistent with or are better then City adopted standards.

7. Pursuant to an interlocal agreement between the City, County and the Hernando County School Board, the developer is encouraged to coordinate with the Hernando County School District to determine if adequate school capacity exists for each school level based on the number of residential units to be constructed by the development. If adequate capacity does not exist, the developer may propose and the school district may accept a proportionate share mitigation settlement to address any identified deficiency. School concurrency issues related to a proposed development should be resolved prior to the City taking final action on a PDP final plat.
8. The developer will be required to construct an on-site storm water drainage control system that meets

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

9. The developer will be required to coordinate with the City's Department of Public Works and Community Development to properly plan for and address drainage and pedestrian improvements around the perimeter of the site. Public sidewalks are to be installed along the public rights-of-way and design should provide for crosswalks and underground drainage where appropriate.
10. The developer will be required to successfully negotiate a utility service agreement with the City prior to permitting.
11. The developer will be required to provide a site lighting plan to ensure that the lights do not disturb the neighboring single family residential development adjacent to this project.
12. The residential community entrances may incorporate appropriate signage, consistent with community standards and subject to approval by the City Manager or the City Manager's designee.

* City Council may specify/recommend additional buffers as deemed appropriate.

PLANNING & ZONING COMMISSION RECOMMENDATION:

At their meeting on November 8, 2006, the Planning & Zoning Commission reviewed the petition and staff recommendation, took input from the petitioner and public, and subsequently determined to recommended that the City Council deny approval of the petition, citing concerns that the proposed density was too high for this area and that such density may have a negative impact on the transportation network in this area.

Enclosures:
(1) Rezoning and Special Exception Petitions
(2) Underwood Narrative
(3) Preliminary Plan
(4) Draft Ordinance

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