AGENDA ITEM NO. C-1
2/7/05

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

MINUTES

January 3, 2005 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; Lindsay A. Morgan, Deputy City Clerk; Emory Pierce, Department of Public Works Director; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Ron Baker, Human Resources Director; Rick Hankins, Police Lieutenant; and James Daugherty, Fire Chief. A member 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.

Meeting adjourned at 7:02 p.m. for the Brooksville Fire District and reconvened at 7:04 p.m.

CONSENT AGENDA

Utility Billing Module RFP

Authorization to issue Request for Proposals (RFP) for Utility Billing Module.

FDOT Landscape Improvements

Ratification of submittal of Letter of Interest to Florida Dept. of Transportation (FDOT) for funding of additional landscape improvements on US ~~51~~41 (SR45) from Martin Luther King, Jr. Blvd. to SR50 at an estimated project cost of $150,000.

WRPC Professional Services Contract Project - EAR

Approval of Scope of Work for Technical Assistance to complete the Evaluation and Appraisal Report (EAR) of the City's Comprehensive Plan (required by DCA to be completed by 01/01/06) by the Withlacoochee Regional Planning Council (WRPC) in an estimated amount not to exceed $28,854.90. It should also be noted that if the project reaches the 75% cost threshold, WRPC will initiate a strategy meeting with City staff to evaluate the balance of the project process. Funds are available in the Community Development Department Other Contractual Services Line Item (#001-015-515-534.00).

Council Member Wever pointed out there was a correction to the Consent Agenda, Item C-2, and noted it should be US 41 in lieu of US 51.

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

REGULAR COUNCIL MEETING - JANUARY 3, 2005

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Police Protection Concerns at Brooksville Housing Authority
Presentation of concerns of BHA Board, Executive Director and citizens of the Housing Complex.

City Clerk Phillips reported on her conversation with Police Chief Tincher, by stating in the past he did not have the manpower to provide adequate service to the area. Since he recently has a full staff, he would like to be allowed to bring back a report at a subsequent meeting after meeting with the Brooksville Housing Authority and Sheriff's Department.

Ms. Helen Fleming, on behalf of the Brooksville Housing Authority, voiced her concerns for the area and the community, advising the traffic and drug problems in that specific area are getting out of control. She stated in the past the Sheriff's Department has responded but have not yet been able to solve the problems within the area. Ms. Fleming then requested City Police Officers to help patrol the area at random times of the day and night to possibly help stop the problems that are occurring in the area. She suggested the possibility of getting the City Police Department and Sheriff's Department to work together to enforce the area. Chuck Hinkle, District 3 Commander, Sheriff's Department, explained his departments policies and procedures on behalf of Sheriff Nugent. He advised he would give Hillside Estates as much assistance as his department could. Allan Rhodes, member of Brooksville Housing Authority, expressed his concerns regarding the situation and stated he would like to see something done.

Council Member Burnett suggested the School Board be notified to refresh the bus drivers on the safety issue for the area and children during the joint meeting.

PUBLIC HEARING

Majestic Oaks Development Agreement
Continuation of Second Public Hearing of proposed agreement between the City of Brooksville and Majestic Oaks establishing terms and conditions related to development of approximately 428 acres of land.
[FIRST READING 12/06/04; SECOND READING 12/20/04]

Mayor Johnston announced he is unable to vote on the item since he has a conflict of interest [Attachment A]. Community Development Director Geiger reviewed what happened at the previous meeting. He stated Jake Varn noted there were several inconsistencies in the agreement that needed to be corrected prior to approval. Director Geiger noted a legal notice was published in the Hernando Today for the final public hearing. He also entered his staff report dated January 3, 2005 and a transmittal memorandum also dated January 3, 2005 into the record in its entirety. Director Geiger pointed out the corrections to the number of dwellings and to section 2c. City Attorney La Croix noted an additional typo to page 3, and advised the corrections were agreed upon by himself, Director Geiger and Jake Varn.

Public Input:
Larry Jennings, Hernando County Director of Growth and Development, spoke about the re-zoning issue, concurrency issue and joint planning agreement indicating the County would like to be included in the process.

Jake Varn, Fowler and White Law Firm, advised he agrees with the changes to the agreement and did not see where there were any inconsistent numbers. He stated the concurrency issue is the City's decision to make.

Motion:
Council Member Burnett moved for approval as amended by City Attorney and

Community Development Director; seconded by Council Member Staib. Motion carried 4-0, with Mayor Johnston abstaining.

Ordinance No. 685 - "Minor Subdivisions"

Consideration of establishing an expeditious procedure for subdividing parcels of 10 acres or less into a maximum of 4 lots, subject to conformance with all subdivision requirements.
[FIRST READING 12/20/04]

Community Development Director explained the first reading was approved on December 20, 2004. Council Member Staib questioned the section regarding ten acres or less on the agenda, and stated that on page 2 it read 'no more than 10 acres' to which Director Geiger clarified all zoning requirements would still need to be met.

Public Input:
None at this time.

City Clerk Phillips read Ordinance No. 685 by headnote only, as follows:

AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, PART III, LAND DEVELOPMENT CODE, SUBPART A, LAND SUBDIVISION REGULATIONS, SECTION I, "DEFINITIONS," BY INCLUDING THEREIN DEFINITIONS FOR MAJOR SUBDIVISION AND MINOR SUBDIVISION; SECTION III, PROCEDURES, BY ADDING THERETO A NEW SUBSECTION (G), ENTITLED "MINOR SUBDIVISION REGULATIONS" ESTABLISHING THE PROCEDURES, STANDARDS AND CONDITIONS FOR APPROVAL OF MINOR SUBDIVISIONS; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion:
Council Member Burnett moved for approval of second and final reading of Ordinance No. 685; seconded by Council Member Staib.

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

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

REGULAR AGENDA

Lowe's Home Improvement Center, Inc. Development Zoning Proposal - Ordinance No. 686

Consideration of ordinance zoning property C-2 (Highway Commercial District) for property located near the southwest corner of the intersection of Wiscon Rd. and U.S. Highway 41 (reference Lowe's Home Improvement Store).

Community Development Director Geiger reported the properties were previously annexed by Council on June 2, 2003. He advised staff recommended the approval of the first reading of Ordinance No. 686 to allow for zoning of the property to C-2, incorporating the southwest corner of Wiscon Road and U.S. 41.

City Attorney La Croix announced this was a quasi-judicial, and asked the

audience if there was anyone who wished to intervene and asked if there were any expert witnesses. City Clerk Phillips swore in all witnesses. City Attorney La Croix asked Director Geiger if all previous information was true and correct to the best of his knowledge, to which Director Geiger replied it was and entered his staff expert witness qualifications into the record (Attachment B). Council Member Wever inquired on the square footage which Director Geiger advised there were several places in the document where it stated the amount allowed.

City Clerk Phillips read Ordinance No. 686 by headnote only, as follows:

AN ORDINANCE PROVIDING A ZONING CLASSIFICATION OF C-2 (HIGHWAY COMMERCIAL DISTRICT) FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Motion:
Council Member Staib moved for approval of first reading of Ordinance No. 686 and to schedule the second and final reading for January 24, 2005; 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

Walgreen's Final Plat

Consideration of final plat for Walgreen's located on the southeast corner of U.S. Highway 41S and Cortez Blvd.

Community Development Director Geiger stated the date on the plat would need to be corrected to reflect 2005 in lieu of 2004. He advised Planning and Zoning approved the plat on December 15, 2004 and requested Council's approval. He also advised the plat would need to be recorded within 30 days of approval with the Hernando County Clerk of Circuit Court.

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

Legislative Goals

Consideration of proposals to legislators for upcoming state and federal legislative sessions.

Council Member Wever suggested that David Russell be asked to continue to support and seek help on the reverse frontage road timetable. He also suggested a request to support the comp plan change being proposed to bring change approval back out of Tallahassee down to the regional planning agencies. Mayor Johnston pointed out that WRPC was not necessarily in favor of that. Council Member Wever recommended that a copy of the map of properties that were going to be annexed into the City, along with Community Development Director Geiger's memo that went in with the request for the line of credit identifying the growth that the City was facing, be forwarded to the legislators to make them aware of what is going on in Brooksville. He also pointed out, as it related to federal issues, that the City was still awaiting the approval of the grant application for the fire truck grant. Council Member Wever also suggested consideration of a joint grant

application with the County for funds to take care of drainage, utility and housing improvements that are needed to be made on the south side. He further suggested that the legislators support the bill that was proposed last year by the FLC and the County Association on changing the annexation law, which passed in one of the Houses but did not make it into the other House, which would make negotiations between the City and the County a lot easier. As part of the FLC's Finance & Taxation Report, item No. 200.10 on page 2, Council Member Wever inquired if Counties could impose impact fees now within municipal boundaries, which was confirmed, siting Library fees, regional parks, etc. However, this was sometimes difficult for them to collect on, unless they have the cooperation of the city(s) involved.

CITIZEN INPUT

DAVID AND CHRISTY PRICE, YE OLDE FIRESIDE INN

Mrs. Price expressed her gratitude towards the Brooksville Fire and Police Departments in their efforts during the recent fire at her business.

ITEMS BY COUNCIL

FRANKIE BURNETT, COUNCIL MEMBER

City Logo

Council Member Burnett asked that staff review changing the logo so it would be appropriate to all citizens of the City and bring the item back at the next Council meeting.

E.E. "ERNIE" WEVER, JR., COUNCIL MEMBER

County EMS Report

He asked staff to obtain a copy of the 2004/05 County Budget so it could be added to his report for the next meeting for his analysis to be up-to-date.

DAVID LA CROIX, CITY ATTORNEY

November 29, 2004 Special Meeting - Southern Hills Plantation

City Attorney LaCroix advised, in response to Council Member Wever's request at the Special Meeting held on November 29, 2004 regarding preparing a promissary note, that a current Council cannot obligate any future Council unless funds are budgeted. City Attorney LaCroix reviewed the options with Council relating to the line of credit and noted they could either issue general obligation bonds which must be approved by voters or the courts, or issue revenue bonds pledging service in return for City non-ad valorem income.

KAREN M. PHILLIPS, CMC, CITY CLERK

Joint Meeting - January 10, 2005

She reminded Council the joint meeting with the School Board and Board of County Commissioners would be held on Monday, January 10, 2005 at 1:30 p.m. at the School Board office.

Arbor Day Celebration - January 21, 2005

She informed Council the event would take place on Friday, January 21, 2005 and asked Council to leave their calendars open. Council Member Burnett and Vice Mayor Pugh noted they would not be in attendance since they would be attending the Institute for Elected Municipal Officials in Gainesville.

ADJOURNMENT

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

City Clerk

ATTEST:

Mayor

:lam

G:\WP_WORK\ClerkOffice\MINUTES\2005\01-03-05mtg.wpd

ATTACHMENT A

Rec'd 1-3-05 kmp

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

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Johnston III, Joseph E.	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 / COUNTY Brooksville / Hernando	NAME OF POLITICAL SUBDIVISION: City of Brooksville
DATE ON WHICH VOTE OCCURRED January 3, 2005	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 January 3, 20 05:

(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:

matters regarding Majestic Oaks Partnership, LLC,
I am 33% owner of a corporation which owns 5 units of Majestic Oaks Partnership, LLC

01/03/05
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.

ATTACHMENT B

City Staff Expert Witness Qualifications (12/20/2004)

William Geiger, City of Brooksville Community Development Director - Graduated from Millersville University (Millersville, PA) in 1979 with a BA degree in Political Science and a Minor in Urban Planning and Economics. Initially employed by the City of Brooksville in 1986 as the Planning & Zoning Administrator, and currently has over thirteen years experience in the planning field. Specific planning related experience includes:

- Conducting studies and preparing/presenting reports involving planning, growth management, land use, zoning, etc.
- Staff advisor to various boards and the City Council on regulatory and growth management issues.
- Coordinated the preparation and approval of the City's Comprehensive Plan and subsequent amendments.
- Prepared/presented numerous land use/zoning ordinances for review and approval through public processes.
- Coordinated the City's preparation and adoption of an electronic version of its zoning map.

Additional affiliations include past membership with the Florida Planning & Zoning Association and the Florida Redevelopment Association.

G:\WP_WORK\ClerkOffice\MINUTES\2005\01-03-05mtg.wpd

THE SCHOOL BOARD OF HERNANDO COUNTY, FLORIDA
MINUTES FOR PUBLIC MEETING
JANUARY 10, 2005

AGENDA ITEM NO. C-1
3/7/05

A Public Meeting of the School Board was held on Monday, January 10, 2005, at 1:35 P.M. in the offices of the Superintendent of Schools, 919 North Broad Street, Brooksville, Florida, with Mr. Robert Wiggins, Chairperson, presiding and members, Mr. Pat Fagan, Mr. John Druzbick, Mr. Jim Malcolm and Mrs. Sandra Nicholson, present. Also present were Dr. Wendy Tellone, Superintendent; Mrs. Karen Gaffney, School Board Attorney; the Hernando County Commissioners and the Brooksville City Council; Mr. Paul Quinlan of Hernando Today; Mr. Abhi Raghunathan of the St. Petersburg Times; staff and a few citizens. The format used in the completion of these minutes reflects the original agenda item and the action taken.

I. **Land Issues**

Mr. Wiggins welcomed the County Commissioners and the Brooksville City Council to this meeting on land issues in Hernando County. Dr. Tellone stated that Mr. Druzbick had requested this meeting as soon as possible. Mr. Druzbick requested that everyone put their heads together and try to meet everyone's needs due to the explosive population growth that Hernando County is experiencing. Mr. Druzbick suggested that everyone think outside the box and find solutions to our land and growth issues. One solution he suggested was to possibly share facilities.

Diane Rowden stated that the school system always says that space is available when asked about new houses being built. Mr. Druzbick replied that legally we must provide an education to every child that is in Hernando County. Mrs. Rowden stated that before a development is approved the school system should be sure that they have adequate space.

County Commissioner Nancy Robinson wanted to know if it was permanent or portable. Broward has a unique way to handle all needs. Mrs. Nicholson stated that building schools is not a problem for us, but having to make improvements with sidewalks on streets that do not abut our property is one problem. We need help to get our property site approved.

Mr. Druzbick asked for help to find suitable property sites to build schools on and where we can get approval to build. The process takes six to eight months to actually break ground on a new site. He also asked that property be put aside for schools when large subdivisions are being built.

Jeff Stabins expressed a desire to find a practical way to help the School Board out. The School Board indicates how many students could be accommodated. Mr. Stabins would like to ask the developer at the early stages for help. Mr. Stabins would like the School Board to come up with a dollar figure per student as an impact fee to the developer.

Mr. Chris Kingsley talked about future growth in Hernando County. 36,000 plotted growth right now. There is an impact fee structure in place. With the data that is available, people tell us where schools are going to be built. Planned Development District is a great opportunity for advance planning.

Diane Rowden suggested that the School Board tear down Westside Elementary School, place students in portables, and build a new school three stories high. Nancy Robinson wondered if the School Board could adjust it standards as to what a school structure can be. Karen Gaffney commented that there are a host of statutes that cover building schools. While there is a certain amount of flexibility, there is also a high level of constraints, such as hurricane codes.

Mr. Coller asked if the School Board had the ability to say portables are not acceptable structures to house students. Mrs. Gaffney replied that we do not have the ability to say we will not accept any more students. Mrs. Robinson asked about the School Boards' standard for accommodation for students. She also expressed her concern that we are taking care of history not future school needs.

Mr. Robert Schenck expressed a desire to know what the School Boards' needs are. He would like to know what the School Boards' criteria is for school size and school sites and Mr. Jennings would formulate a list of available property.

Mr. Pat Fagan recommended a few options for the School Board and County:

- look at the future development of recreational units
- Middle Schools and High Schools have athletic facilities that could be shared
- build a library site that could be closed off from the rest of the school
- build a community pool that could be shared with the School Board

Mr. Fagan expressed the thought that it is very important that we cooperate with each other. We need to start sitting down together and being more positive with each other. We need to depend on our staff members to work together to make recommendations to us as elected officials, so that we can make wise decisions about future growth.

Mr. Malcolm remarked that the City had been very quiet and they had two developments that had each achieved the 999 homes. The School Board could be looking at the potential of 2000 more school students. Mr. Malcolm requested information on what we would have to do in order to achieve management legislation, make sure land is set aside, and craft development orders.

Mr. Bill Geiger suggested that the City of Brooksville install language that the developer had to work with the School Board and set aside property for schools. Mr. Malcolm expressed that is a good start where you have language to compel the builders to set aside land in place of paying the impact fees to the School Board. Mr. Coller confirmed that would be one way to charge a developer what he would be responsible for. Mr. Malcolm expressed a concern about the development in Ridge Manor and the 5000 homes that will be built could possibly mean 5000 school students and can we assess the developer for the five schools that we will need. Mr. Jennings expressed his concern that the numbers are not showing a student per house ratio in this county.

Mr. Johnson asked what size parcels are needed for new schools. Mr. Wiggins explained that generally the School Board needs 20 acres for an elementary school, 30 acres for a middle school and 40 acres for a high school. Dr. Tellone explained that the School Board is building two story schools to help relieve some of the overcrowding.

Mr. David LaCroix suggested that the developers ought to cover the cost through impact fees. He suggested that we look at the current figures and make sure numbers are correct for impact fees. Mr. Druzbick suggested that we concentrate on what the School Board needed yesterday and also what is needed with future growth. Mr. Kingsley recommended that there be a cooperative effort from the three groups and let the process start now with everyone willing to help.

Mr. Jennings suggested that additional concerns about some of the cost allocations that the County has gotten, from the School Board, regarding how much money from other sources is put to new capacity.

Mrs. Robinson suggested a Master Planning Process and make identifying available property, building sidewalks and infrastructure a priority in spending. Mrs. Robinson suggested enhancement funds would be available to the School Board for sidewalk projects. She offered her support to make it a priority for sidewalks to be built in the areas the School Board requires them.

Mr. Druzbick suggested that a committee be formed of one School Board member, one County Commissioner and one City Council member. Mr. Malcolm reminded everyone of TWICE, the various sub-committees that were set up to form a cooperative effort. Dr. Tellone offered to set up the meetings with Gary Adams, the County Administrator, and Richard Anderson, the City Manager. Mr. Malcolm volunteered to be the School Board liaison and Mr. Schenck volunteered to be the County Commissioners liaison.

Mrs. Robinson suggested that we meet as a whole group every three months. Mr. Wiggins asked if anyone was opposed to quarterly meetings and no one opposed.

The meeting adjourned at 3:40 P.M.

Robert Wiggins

Robert Wiggins, Chairman

Wendy L. Tellone

Wendy L. Tellone, Ed.D. Secretary and
Superintendent of Schools

Attest: Karen M. Phillips

Karen M. Phillips, CMC
City Clerk

AGENDA ITEM NO. C-1
3/7/05

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

MINUTES

JANUARY 13, 2005 5:30 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; Emory Pierce, Department of Public Works Director; and Bill Geiger, Community Development Director.

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

MAJESTIC OAKS TRI-PARTY AGREEMENT

Review and consideration of proposed tri-party agreement with the Board of County Commissioners and Majestic Oaks Partners, LLC regarding certain development issues for the project.

Mayor Johnston announced he was unable to vote on the item since he has a conflict of interest [Attachment A].

Council Member Burnett asked if all parties involved approved of the agreement, Hernando County Director of Growth Development Services Jennings confirmed County staff was in agreement and the Board of County Commissioners scheduled a special meeting for Tuesday, January 18, 2005 to consider.

As to the stipulations contained in Section 1.B on page 2, Council Member Wever asked for clarification if the developer could design the 400+ acres for the 999 homes, follow the plat for the 600 at the current time and leave the rest of the acreage empty for future development. Director of Community Development Geiger confirmed but it would have to go through various approval processes through the City for future issues. He advised the City has not initiated a comprehensive plan amendment addressing the property and any further increase in density would require an additional comprehensive plan amendment.

City Attorney La Croix stated if the developer plats for 600 units as currently zoned, any undeveloped property must be shown on the map as undeveloped unless they get a comprehensive plan amendment and rezone it for a higher density. He noted they can request this but there would be no guarantees.

Council Member Wever pointed out he was not in favor of the realignment of Jasmine Road to join McIntyre Road. He also noted on page 4, item 6, the City had agreed with DOT to four-lane US 41 north now but nothing would be done with the intersection until DOT designs. Mayor Johnston advised this would be included in the traffic analysis study to gather additional data for future use.

Council Member Wever questioned page 5, item 3.D, asking for an estimate of the impact fee for the 600 homes. Director Geiger explained it would be approximately $1.3 million total for 600 residential plus 100,000 square feet commercial. Council Member Wever inquired how staff arrived at 75%. Director

Geiger advised it was based on the transportation analysis that was previously submitted, stating 75% seemed reasonable and all of the impact fees for the development would impact the study area outlined in this agreement.

Motion:
Council Member Burnett moved for approval of revised agreement; seconded by Council Member Staib. Motion carried 4-0, with Johnston abstaining.

ADJOURNMENT
There being no further business to bring before Council, the meeting adjourned at 5:41 p.m.

City Clerk

ATTEST: _____
Mayor

:lam

G:\WP_WORK\ClerkOffice\MINUTES\2005\01-13-05specialmtg.wpd

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

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Johnston III, Joseph E.	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 01-13-05	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 January 13, 2005:

(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:

matters regarding Majestic Oaks Partnership, LLC,

I am 33% owner of a corporation which owns 5 units of Majestic Oaks Partnership, LLC

01/13/05
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
3/7/05

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

MINUTES

January 24, 2005 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. present. Also present were David LaCroix, City Attorney; Karen M. Phillips, CMC, City Clerk; Lindsay A. Morgan, Deputy City Clerk; Bill Geiger, Community Development Director; Emory Pierce, Department of Public Works Director; Steve Baumgartner, Finance Director; James Daugherty, Fire Chief; Ron Baker, Human Resources Director; Mike Walker, Parks and Recreation Director; and Boyce E. Tincher, Police 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.

CONSENT AGENDA

Voluntary Cooperation and Operational Assistance Mutual Aid Agreement with the Hernando County Sheriff's Department

Consideration of renewal of the Mutual Aid Agreement for law enforcement services.

Capital Purchase - Raid 5 Computer System Servers

a. Consideration of authorization to obtain quotes and purchase a Raid 5 Server Platform for the combined City infrastructure at an estimated cost of $3,000 to replace outdated equipment with funds from General Fund Reserves. This was included in the unfunded FY 2004/05 Capital Outlay Summary.

b. Consideration of authorization to obtain quotes and purchase a Raid 5 Server Platform for the combined Dept. of Public Works Service Work Order System and Pending Utility Billing Module at an estimated cost of $4,000 to replace inadequate and outdated equipment with funding from the Water & Sewer Reserves.

Golf Equipment

Acceptance of approximately $3,200 in golf equipment donation to the First Tee Chapter from Golf Augusta Pro Shops.

Surplus Property

a. Authorization for City Manager to declare certain pieces of the above donated golf related items surplus and offer for retail sale in the pro-shop at competitive market prices, with proceeds transferred to the First Tee Chapter Program.

b. Consideration of declaring 40 holiday street decorations obsolete or damaged and authorizing the City Manager to dispose of accordingly.

Southwest Florida Water Management District (SWFWMD) Grant Application Amendment

Consideration of authorizing (a) expansion of Good Neighbor Trail (GNT) Trailhead Parson's Brooks restoration project; (b) expansion of the target area to include the former School Street Treatment Plant site, City property in Griffin Prairie and the balance of the GNT (to utilize the additional sites as in-kind match for future grant projects); (c) modification of the scope of the project to include recommendations being developed for flood protection and water quality; and (d) delay implementation of FRDAP Grant project pending results of the Bystre Lake Watershed Management Plan.

Council Member Wever was concerned about adding School Street and Griffin Prairie because of drainage problems. Redevelopment Coordinator Hess advised this project does tie into the Bystre Lake study and projects could be merged together. Director of Public Works Pierce stated this would be more acceptable by the Water Management District.

Revision/Acceptance of Florida Department of Law Enforcement (FDLE) Local Law Enforcement Block Grant (LLEBG) Entitlement Funds

Consideration of revision to grant application originally authorized at the October 18, 2004 Regular Meeting to provide for the procurement of surveillance equipment instead of the original intended use for alcohol abuse & awareness, together with acceptance of grant funds in the amount of $7,680.

[Note: No change in funding or match amounts]

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

PUBLIC HEARING

Lowe's Home Improvement Center, Inc. Development Zoning Proposal - Ordinance No. 686

Consideration of ordinance zoning property C-2 (Highway Commercial District) for property located near the southwest corner of the intersection of Wiscon Rd. and U.S. Highway 41 (reference Lowe's Home Improvement Store).

[First Reading 1/3/05]

City Attorney La Croix explained this was a quasi-judicial hearing and advised the parties involved were the City and property owner/applicant for rezoning. He then asked for anyone who wanted to intervene as a party in the audience to stand and be sworn in. City Clerk Phillips swore in the party interveners.

By Council consensus Director Geiger's qualifications were accepted as an expert witness [Attachment I].

Director Geiger entered his staff report dated January 24, 2005 into the record in its entirety [Attachment II]. Council Member Wever questioned about the parking requirement.

Representing the Developer, Ethel Hammer stated nothing additional was necessary to add, but if Council had any other questions, she would be happy to answer.

City Clerk Phillips read Ordinance No. 686 by headnote only, as follows:

AN ORDINANCE PROVIDING A ZONING CLASSIFICATION OF C-2 (HIGHWAY COMMERCIAL DISTRICT) FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Motion:
Council Member Staib moved for approval of second and final reading of Ordinance No. 686; seconded by Council Member Burnett.

Motion carried unanimously 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

Zoning Petition (RZ2004-04)- Southern Pines Condominium Development Zoning Proposal - Ordinance No. 687

Consideration of ordinance to zone property with a Planned Development Project (PDP) zoning with Special Exception Use approval for a Residential PDP for a 31.32 acre ± Property, that will allow for a residential condominium community.

Community Development Director entered his staff report dated January 24, 2005 into record in its entirety [Attachment III].

Council Member Staib inquired if there would be an elevator as well as a staircase, which was confirmed.

Council Member Wever asked if they would still need to follow the County reported Comprehensive Plan approval, in which Director Geiger confirmed and noted they were expecting a Notice of Intent issued on January 27, 2005 from DCA. He stated the City has annexed Mobley Road as a City street but it is maintained as a County street as part of County Collector Road system by Florida Statute. He explained all permits would still be processed through the County.

Council Member Wever noted he was in favor of the ten year limit as recommended in Ordinance No. 619. Council Member Burnett asked for clarification by stating if the Ordinance was approved on the first reading then it would not affect the Comprehensive Plan previously presented, to which Director Geiger agreed.

Vice Mayor Pugh questioned if the County was concerned with site distance, wanting to see the radius larger. Director Geiger confirmed and noted they would like the angle of the curve cut back for better sight visibility.

Charles Sasser, petitioner, presented his plans for the development. He was concerned with the requirement of building a road that goes nowhere in the middle of a flood plain that would have an adverse impact. Mr. Sasser thought the building ordinances allowed for a waiver for environmental purposes. He felt the retention area should not be destroyed to put a frontage road there and also felt to the east of the area would be cost prohibitive. Mr. Sasser explained he hopes to construct a lake in the area. He then advised the approximate cost of the road would be $150,000 without any major drainage work.

Council Member Wever asked if the frontage road would go through his property, which Mr. Sasser confirmed. Then Council Member Wever inquired if the hospital had been required to build a frontage road, to which Director Geiger stated it was his understanding the hospital was required to and it would connect with Lykes Dublin Road to the east of the property.

Council Member Burnett asked the City Attorney if the request was approved by Council would the ordinance have to be changed. City Attorney La Croix pointed out the ordinance does not make any exceptions for environmental areas and does not give Council the authority to make any waivers. He explained if Council wanted to make an exception to waive the frontage road requirement the ordinance would need to be changed first and this zoning ordinance would need to be reconsidered under those circumstances. City Attorney La Croix noted if the road does not get built in ten years then Mr. Sasser's bond would be returned. He stated staff would have to provide what conditions and circumstances they would be considering to approve a waiver.

Motion:
Council Member Burnett moved for approval to amend Ordinance No. 619 to address special needs for environmental areas.

City Attorney La Croix explained it would take three to four months to amend Ordinance No. 619.

Motion withdrawn.

Mr. Sasser advised he was willing to wait but the City Attorney pointed out if the ordinance was amended Council could waive the frontage road requirement on a previously approved project that the circumstances within the ordinance.

Vice Mayor Pugh asked if there were any other projects on the south side of SR 50 for which the County is requiring the Developer to build frontage roads. Director Geiger noted there were two he was aware of; Liax and one directly east of the hospital shown on the conceptional plan, he further stated the City was compelled to install the road if not required by the Developer.

City Clerk Phillips read Ordinance No. 687 by headnote only, as follows:

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

Motion:
Council Member Staib for approval of first reading of Ordinance No. 687 and schedule second and final reading for February 7, 2005; seconded by Council Member Burnett.

Motion carried unanimously 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

Motion:
Council Member Burnett to add discussion of Ordinance No. 619 to the agenda; seconded by Council Member Wever. Motion carried 4-1, with Pugh in opposition.

Motion:
Council Member Wever moved for approval for staff to review Ordinance No. 619 for possible amendment for a waiver for special exceptions; seconded by Council Member Burnett. Motion carried 3-2, with Johnston and Pugh in opposition.

Specimen Tree Removal Permits

a. Specimen Tree Removal Authorization Request (Petition represented by W. Parkinson Myers on behalf of the owners and Engelhardt, Hammer and Associates, Inc.)
Consideration of request to remove specimen trees in conjunction with a site development proposal for property located on the East side of U S Highway 41 South, across the street from Walmart & North of the UPS driveway entrance (Reference - Plantation Plaza). permit application & tree removal and landscape plan.

Community Development Director Geiger entered his staff report dated January 24, 2005 into the record in its entirety [Attachment IV].

Ethel Hammer reported she was representing the developer and noted the developer and the landscape architect have saved as many trees as possible for this project.

Vice Mayor Pugh was concerned about the DRA trees and their survival expectation, and suggested replanting to another location.

Motion:
Council Member Staib moved for approval of staff's recommendation; seconded by Vice Mayor Pugh. Motion carried 5-0.

b. Specimen Tree Removal Authorization Request (Petition represented by Lincks & Associates on behalf of the property owner & Lowe's Home Centers, Inc.)
Consideration of request to remove specimen trees in conjunction with a site development proposal for property located near the southwest corner of the intersection of US 41 & Wiscon Road.

Community Development Director Geiger entered his staff report dated January 24, 2005 into the record in its entirety [Attachment V].

Motion:
Council Member Wever moved for approval of staff's recommendation; seconded by Council Member Staib. Motion carried 5-0.

Resolution No. 2005-1 - Fee Schedule for Minor Subdivision Review
Consideration of resolution to establish a $250 fee for the administrative review process associated with minor subdivisions as defined in Ordinance No. 685.

Community Development Director Geiger presented the resolution adopting a fee structure based on the ordinance that was previously adopted. He noted it would set a $250 application fee and would also provide for the petitioner to pay for any cost for recording the associated documents at the County Clerk's Office.

City Clerk Phillips read Resolution No. 2005-01 by headnote only, as follows:

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA CREATING THE APPLICATION FEE CHARGED FOR MINOR SUBDIVISION REVIEW; AND PROVIDING AN EFFECTIVE DATE.

Motion:
Council Member Staib for approval Resolution No. 2005-01; seconded by Council Member Wever.

Motion carried unanimously 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

Brooksville Housing Authority Security Concerns

Review of Police Chief's analysis and proposal for enhanced security at the Brooksville Housing Authority neighborhood located at Hillside Estates.

Police Chief Tincher briefed Council on the history of the Brooksville Housing Authority neighborhood. He stated back in the 1990's a grant was applied for that funded police assistance within the complex. Chief Tincher advised it would be constant maintenance but it could be done and felt the citizens should not have to bare the costs. He suggested the Housing Authority apply for the necessary grants. Council Member Wever inquired where the grant was available through, to which Chief Tincher noted the grant was through HUD.

Council Member Burnett felt staff should meet with the Sheriff's office and Brooksville Housing Authority to resolve the issue and report back.

Helen Fleming, Brooksville Housing Authority Chair, noted she had a copies of the report from 1997 and the Housing Authority did submit a grant request in the amount of $50,000 but it was rejected. Ms. Fleming noted the Housing Authority has been researching the feasibility to correct the problem and fund a full time police officer, but at the present time there is no HUD grant money available.

Joann Bennett reported she was the project manager at the Brooksville Housing Authority during the last grant application. She explained the grant was based on a point system and noted the funds went to the bigger inner cities.

Allan Rhodes suggested adding additional personnel to the department.

Council consensus was to have staff, the Sheriff's office and Housing Authority meet and report back to Council at an subsequent meeting.

Hazmat Assignment Pay Policy

Consideration of policy revision to Hazmat Assignment Pay Policy.

City Manager Anderson reported at the last meeting staff was directed to report back with additional information on practices and procedures of other jurisdictions in Hernando County.

Council Member Staib felt the regular and the reserve team members should receive the same pay since they would be responding to the same types of calls and in a dangerous situation.

Council Member Wever was in favor of a combination of what was previously recommended plus the additional per instance pay.

Vice Mayor Pugh questioned since the County is so close in distance, could the City not participate. City Manager Anderson advised it was a possibility but City Attorney LaCroix stated the County would probably create an MSTU or MSBU and charge the City.

Captain Tim Mossgrove advised Council of factual information noting there have been times he has received three calls in one day. Vice Mayor Pugh inquired about how many calls the team was called out to last year. Assistant to the City Manager Pomeranke noted there were seven calls for the team.

Vice Mayor Pugh was concerned with the higher rate over Spring Hill.

Mayor Johnston was in favor of a flat fee of $1000 annually.

Motion:
Council Member Wever moved for authorizing each certified team member $35 per pay period plus $50 per emergency response, and reserves receive a flat $50 per emergency response unless supplemented by other resources, effective on the next pay period; seconded by Council Member Burnett. Motion carried 5-0.

Council asked staff to revisit the program in six months to one year to see how it is working.

Hammock Rd. Retention Pond

Exchange of parcels of property and acceptance of ownership to maintain access easement to retention pond associated with Laurel Oaks Subdivision.

Director of Public Works Pierce reported Coastal Engineering Associates requested that the City exchange the easement associated with the retention pond to receive a portion of an existing lot. He explained the City either had to maintain the easement or take over ownership of the pond. Director Pierce felt the City would benefit from the exchange because it would give him access off of Laurel Ridge Court to maintain and make any needed repairs.

Vice Mayor Pugh questioned since it was previously platted, would it have to go through a re-plat process, to which Director Geiger advised it could be done by a deed and survey. He noted it would need to be recorded or it could be handled as a minor subdivision.

Motion:
Council Member Wever moved for approval of staff's recommendation; seconded by Vice Mayor Pugh. Motion carried 5-0.

Water and Sewer Construction Inspector

Consideration of authorizing the position of Resident/Construction Inspector for water and sewer construction and related projects, and transferring $40,000 (for Fiscal Year 04-05) from Water & Sewer Reserves to Personnel service account.

Director of Public Works Pierce requested the position for a Resident/Construction Inspector be reactivated for upcoming projects.

Council Member Wever stated the way the schedule is presented the employee would be needed full-time through 2007, plus for any additional annexation projects.

Council Member Burnett asked if this would affect the budget. Staff advised it would and a budget amendment would need to be done.

Motion:
Council Member Staib moved for approval of staff's recommendation; seconded by Vice Mayor Pugh. Motion carried 5-0.

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. Several current members have not requested reappointment and are not listed]

a. Beautification Board
Two positions to fill full three year terms through 01/31/08:

Marie O'Neill (current member)
Joann Munford (New Applicant - City Employee)
Sarah L. "Sally" Sperling (New Applicant - Current Alternate Parks & Recreation Board Member)

Council Member Burnett stated he would like to see Joann Munford and Sally Sperling be appointed to the Beautification Board. Council Member Staib advised Ms. Munford's past attendance was not acceptable to be appointed to the Board.

Motion:
Council Member Staib moved for re-appointment of Marie O'Neill and appointment of Sally Sperling to the Beautification Board; seconded by Council Member Wever. Motion carried 5-0.

b. Personnel Board
Two positions to fill full three year terms through 01/31/08:

Fran Flannery (current member)
Richard E. Lewis (New Applicant & City Resident)

Motion:
Council Member Staib moved for re-appointment of Fran Flannery and appointment of Richard Lewis to the Personnel Board; seconded by Council Member Burnett. Motion carried 5-0.

c. Planning & Zoning Commission
Two positions to fill full four year terms through 01/31/09:

Charles H. Miller (current permanent member)
Virginia G. Garnett (current alternate member)
Richard E. Lewis (New Applicant & City Resident)

Note: There is one additional alternate position vacancy that

needs to be advertised with resignation of current member, which will be on future agenda for appointment.

Motion:
Council Member Burnett moved for re-appointment of Charles Miller and Virginia Garnett; seconded by Vice Mayor Pugh. Motion carried 5-0.

Capital Improvement Plan

Consideration of proposed Ten-Year Capital Improvement Plan (CIP) for the Fiscal Years 2004/05 through 2013/14 with final adjustments to be made during the next budget cycle for implementation of the FY 2005/06 projects.

City Manager Anderson presented the Capital Improvement Plan.

Council Member Wever pointed out several things that needed to be corrected before being approved.

Staff to bring back revised Capital Improvement Plan during the Budget Workshop or at a special meeting.

CITIZEN INPUT

KOJACK BURNETT
Mr. Burnett suggested switching the order of Items by Council and Citizens Input. Mayor Johnston agreed to the switch, and it would take effect on the February 7, 2005 Council agenda.

ITEMS BY COUNCIL

E. E. "Ernie" Wever, Jr., Council Member - County Emergency Medical Services (EMS)

Analysis of EMS Runs & Revenues.

Council Member Wever stated the County needs the City's money to make the program work. He pointed out the fees vary depending on the area.

USDA - Line of Credit
He inquired on the status of the line of credit. Finance Director Baumgartner reported he had spoken with the Financial Advisor on Friday, January 21, 2005 and she was almost sure they would give the City the approval of the line of credit but USDA were still waiting for the official word. Director Baumgartner advised he tried calling Monday, January 24, 2005 but she was out of the office and agreed to followup on Tuesday on the status of the loan.

Speed Limit Signs
Council Member Wever questioned what the approximate time line was for installation of the approved speed limit street signs on various streets in Candlelight, such as Coachlight, Moonlight, and a portion of Candlelight. Director of Public Works Pierce commented his department would have the signs up by the end of the week.

Sasser Property
He asked Director Pierce if he had spoken with Mr. Sasser regarding the reuse of water for his irrigation system which Director Pierce stated he had not. Council Member Wever suggested Mr. Sasser may need to design his irrigation now before

the reuse is available.

Sheriff Billboard
Council Member Wever pointed out that Sheriff Nugent's billboard was removed on Broad Street.

Joint City/County/School Board Meeting
He noted at the joint meeting the School Board was concerned about land and funds necessary as a direct result of the impact of development. He inquired if it was possible to add the requirement that an area or dollar fund be included in the requirements for a development agreement approval. Community Development Director Geiger noted the School Board has a significant impact fee in place for residential's now. City Attorney LaCroix stated it would be impossible to require, he said you can always ask but can not force.

Charter Review
Council Member Wever advised the City is coming up on their Charter Review process next year, and pointed out some things for Council to think about between now and then. He would like to see the election of new members of Council be changed to where they do not have to run for a specific seat but for a vacant seat at large. He also wanted Council to think about moving the qualification date to the first of December of the year before the election and require candidates to attend all City Council meetings from that time through the election. Council Member Wever felt they would get more exposure to what is taking place and they would gain more knowledge. City Attorney LaCroix stated he would have to research it, but he did not think the City could require any candidate to attend all City Council Meetings. The City Clerk was also concerned about certain statutory requirements that she wanted reviewed with the City Attorney.

Hernando County Building Department
He commented that he read in the newspaper the County Building Department now has to work Saturdays.

Frankie Burnett, Council Member:

a. City Logo Modification
Discussion on possible modifications to the official City logo.

Council Member Burnett stated he would like Council to reconsider the City logo with the possibility of modification. He was concerned the confederate flag did not represent all citizens of Brooksville and felt it should be removed from the City logo. Council Member Burnett stated some citizens may feel that Council was trying to rewrite history but he did not feel that was the case.

Council Member Staib felt the flag should be removed, and both of the soldiers should be in grey uniforms.

Council Member Wever felt during that time in this area, there were no soldiers in blue. He stated the locals had a confederate regiment and there were no other regiments in the area. Council Member Wever presented additional variations for Council discussion. He felt the person who designed the logo was trying to cover up history. He pointed out Florida was part of the Confederate States and felt it was appropriate to have the two confederate soldiers in the logo but was willing to replace the confederate flag with example w.

Council Member Burnett stated he did not mind what was replaced in the logo, as long as the confederate flag was removed so it would represent all citizens of Brooksville.

Richard E. Lewis explained he was not prejudiced, he does not see color, he only sees an individual. He advised he has never seen the confederate flag displayed or flaunted in the City but only in the logo. Mr. Lewis felt the confederate flag represented history and heritage and it was not about prejudice. He noted if the confederate flag was removed it would not represent all the citizens only part of them. Mr. Lewis would like Council to consider putting this item on the ballot as a referendum.

Dan Williams United Sons of Confederate Veterans - Commander of Camp #1437, stated the confederate flag depicted was a military battle flag and does not depict hatred. He pointed out the 3rd Florida Wildcats came from Hernando County. Mr. Williams felt the current logo showed unity and also represented diversity, heritage and honor and not division. He would like to encourage Council in not changing the logo.

Doug Davis suggested appointing a committee to discuss the modification of the logo. He would like to see a public statement be made on what the intent of the logo is and does not want to see the logo changed.

Allen Rhodes commented that the Civil War was not fought over slavery but over state rights. He felt the confederate flag was part of history and needed to be preserved. Mr. Rhodes also felt relations in the City were improving.

Herman Scrivens felt there was a lot of misunderstanding, lack of communication and knowledge. He stated some people when they look at the logo are not looking at it as history as it was meant to be read.

Council Member Burnett suggested delaying a vote and advertise for a public meeting to give the citizens the right to be heard.

Mayor Johnston proposed each Council Member appoint one member to a committee to discuss issues relating to the logo prior to the public meeting. The committee would also be comprised of one staff member. Council Members were directed to get their appointed member's name to the City Clerk by Thursday, January 27, 2005. Council Member Burnett would like to appoint Herman Scrivens to the committee.

b. Shayne and Peach Streets

Discussion on conversion of Shayne and Peach Streets to one-way to help alleviate safety and drug traffic problems in the area.

At the request of Council Member Burnett (9:15 p.m.) the item was moved up on the agenda after the Water and Sewer Construction Inspector item.

Council Member Burnett advised the citizens on Peach Street seemed happy at the present time, and he was withdrawing his request for Peach Street as a one-way street, but he would still like staff to check into the feasibility of making Shayne Street a one-way street. Council Member Burnett stated he did not think about the impact the one-way street option would have against the residents since they do not have efficient parking at this time. He made Council aware of a

recent call from Mrs. Townsend who was concerned with the possibility of making Peach and Shayne Streets one-way since she has a handicapped child and that would make it difficult for her child to catch the bus. Council Member Burnett reiterated he was withdrawing the request for Peach Street and was only requesting staff to check into the feasibility of installing traffic calming devices on Shayne Street to be brought back at a subsequent meeting.

Phillip Townsend, 818 Peach Street, stated he would like for Council to also consider installing the traffic calming devices on his street as well to help regulate the speeding problem.

Council Member Burnett then requested Council's consideration to have staff check into the feasibility of installing traffic calming devices and also lowering the speed limit to the minimum on Peach and Shayne Streets.

Tim Kincade inquired if Cook Street could be added to the feasibility study for installing the traffic calming devices. Mr. Kinkade felt his street had turned into a race track. Mayor Johnston advised staff would look into the whole area and asked staff to bring back a feasibility study of installing traffic calming devices to the area.

Council Member Burnett inquired what the current speed limit was in the area. Police Chief Tincher explained residential areas are set at 30 mph unless otherwise posted. He also noted there are guidelines that must be followed but he was not opposed to looking into the option of reducing the speed limit.

Herman Scrivens asked for clarification on what was actually being proposed. Council Member Burnett restated the request for installation of traffic calming devices and speed limit signs. Mr. Scrivens also asked if it was a possibility to have staff look into the feasibility of upgrading the lighting since it was very dim in the area. Police Chief Tincher requested, when staff is looking into the lighting situation, to check to see if the lighting is bullet resistant.

KAREN M. PHILLIPS, CMC, CITY CLERK

2005 Red Mule Flatlanders Race

She reminded Council on Saturday, January 29, 2005 at 7:30 a.m. the Flatlanders Race would be held in downtown Brooksville and a notice would be available in the newspaper with a listing of the closed streets.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 10:50 p.m.

City Clerk

ATTEST: _____
Mayor

:lam

G:\WP_WORK\ClerkOffice\MINUTES\2005\01-24-05mtg.wpd

ATTACHMENT I

City Staff Expert Witness Qualifications (12/20/2004)

William Geiger, City of Brooksville Community Development Director - Graduated from Millersville University (Millersville, PA) in 1979 with a BA degree in Political Science and a Minor in Urban Planning and Economics. Initially employed by the City of Brooksville in 1986 as the Planning & Zoning Administrator, and currently has over thirteen years experience in the planning field. Specific planning related experience includes:

- Conducting studies and preparing/presenting reports involving planning, growth management, land use, zoning, etc.
- Staff advisor to various boards and the City Council on regulatory and growth management issues.
- Coordinated the preparation and approval of the City's Comprehensive Plan and subsequent amendments.
- Prepared/presented numerous land use/zoning ordinances for review and approval through public processes.
- Coordinated the City's preparation and adoption of an electronic version of its zoning map.

Additional affiliations include past membership with the Florida Planning & Zoning Association and the Florida Redevelopment Association.

ATTACHMENT II

MEMORANDUM

To: Honorable Mayor and Members of the City Council

Via: Richard E. Anderson, City Manager

From: Bill Geiger, Community Development Director

Subject: RZ2004-03; Petitioners - McIntyre and Malicoate (Referenced development - Lowe's Home Improvement Centers, Inc.)

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

Date: January 24, 2005

SUMMARY OF REQUEST - GENERAL INFORMATION

The subject properties are 24.425 acres ± and are located near the southwest corner of the intersection of Wiscon Road and US 41. The subject properties were 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 these properties, with a qualification limiting future development of the properties to not exceed 184,000 square feet of building floor area. City Board action on zoning, variance & special exception use petitions would be dependent on the Department of Community Affairs issuing a Notice of Intent to find the plan amendment in compliance with State law, and the expiration of the subsequent appeal process.

The prospective developer of these properties is proposing to construct 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, with four outparcels on the remaining 6.6 acres.

The subject properties are owned by Joyce Malicoate, and Norman and Sherry McIntyre. Marilyn Mullen Healy, Esquire, Steven Henry (Lincks & Assoc.), Ethel Hammer and Linda Pearson (Engelhardt, Hammer & Assoc.), have been appointed as agents of record to apply for and act as agents on behalf of the owners for Zoning, Variances and Special Exception Use petitions. On December 15, 2004, the City's Planning & Zoning Commission took action on the following petitions:

Zoning:
The petitioners are requesting a zoning designation for all of the property to C-2 (Highway Commercial District).

Variance Requests:

a. **Parking**: Petitioners requested a deviation from the City's parking space requirements as indicated in the City's Land Use/Zoning Regulations, Schedule B "Minimum Automobile off-street Parking Space Requirements." City Code requires 8 spaces per 1, 000 square feet

of building floor area. The petitioner is requesting a variance to allow 415 parking spaces (equivalent to 3.04 spaces per 1,000 square feet of building floor area).

b. **Landscaping**:

1. Petitioners are requested relief from the landscape island requirement that specifies a minimum of one landscaped island for every 10 spaces (Sec. 9.5-8, City Code).

2. Petitioners also requested relief of a fifty (50) foot landscape buffer requirement (Sec. 24.C.a., City Code).

c. **Building Setback**: Petitioners requested a variance to the section of the code which requires that no building be constructed within 125 feet of the rear or side of the building that abuts a road. Two locations on the north side of the building, one being the garden center which is 76.15 feet from the property line and the other being the truck loading dock which is 80 feet from property line (Sec. 24.C., City Code).

d. **Access**: The Code limits access to one vehicular access point per street, not to exceed 40-feet in width; or two vehicular access points not to exceed 24-feet in width each. The petitioners requested three (3) driveways on Wiscon Road (1 @ 48-feet, 1 @ 38-feet and 1 @ 30-feet). Additionally, one of the two right-in/right-out driveways on U.S. 41 is 30-feet in width.

Special Exception Use Request

Petitioners requested a special exception use permit to allow for "Outside Storage and Outside Sales" on the subject property for the proposed Lowe's development. Outside sale and storage areas are common with retail outlets. The Garden Center requires a special exception because it is not located within a fully enclosed building. The sidewalk area in front of the store and garden center is proposed for use to display items for sale. Items such as fencing, lawn mowers, plant materials or other similar objects are proposed for display in these areas. A seasonal outdoor sales area is proposed in the parking lot area in the front of the store. Promotional items would include lawn care items such as mulch, fertilizer and annual plants in the summer. Christmas trees and pumpkins are examples of other seasonal promotional items that may be displayed in this area for limited periods throughout the year. Screened outside storage is also proposed at the rear (west side) of the store where items such as appliances, pallets or building materials may be stored intermittently throughout the year.

STAFF FINDINGS:

CURRENT LAND USE/ZONING

Approximately 20% of the subject property is currently zoned Commercial and the balance has a Residential designation under Hernando County regulation.

Surrounding Zoning	Surrounding Land Uses
North: C2, PDP(MH)	Walmart, Undeveloped
South: AG (County)	Undeveloped

East:	C2 (City), Commercial (Co.)	UPS, Auto Sales, Undeveloped
West:	AG/RES (County)	Undeveloped

FACTUAL INFORMATION

(1) The subject property is currently zoned with Commercial (20%) and Residential (80%) designations.
(2) The subject property is approximately 24.425 acres.
(3) The subject property has access from both Wiscon Road and US 41
(4) The McIntyre-owned portion of the site is undeveloped and the Malicoate-owned portion contains a vacant SFR and ancillary structures.
(5) The subject property has a City Comprehensive Plan Future Land Use designation of Commercial (pending final approval from the State).
(6) The on-site soil types include a mixture of Nobleton Fine Sand, Kendrick Fine Sand, Blichton Loamy Fine Sand and Sparr Fine Sand.
(7) The site is located within Flood Zone C, indicating that the property is not flood prone (Ref. FEMA FIRM CPN 120110 0175 B, Eff. Date 4/17/84).
(8) There is a very small (.2 acre) wetland on the property, which will be subject to meeting the SWFWMD 40D-4 permitting requirements as well as City Comprehensive Plan policies concerning stormwater retention and conveyance.
(9) The subject property is not located within a well head protection area.
(10) The developer will be connecting to City central water and sewer services.
(11) There are adequate public facilities available to serve this property.
(12) The area is characterized as being part of an emerging growth corridor with commercial development serving existing and new residential developments.
(13) The proposed zoning of this parcel with a C2 designation appears to be consistent with the City's Comprehensive Plan and compatible with existing uses in this area.

STAFF DISCUSSION

The prospective developer of these properties is proposing to construct 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, with four outparcels on the remaining 6.6 acres. The commercial intensity of uses permitted on this site, per the City's adopted Comprehensive Plan, are limited to not exceed 184,000 square feet of building floor area. Limiting the intensity of use helps to ensure that the level-of-service for public facilities servicing this property remain within adopted levels. The developer will be required to comply with all applicable C2 performance standards (except those in which the Planning & Zoning Commission approved variances from or a Special Exception Use permit for). The developer proposes to develop the site consistent with the site plan dated 12/08/04 labeled as Lowes of Brooksville, Hernando County, Florida; Project No. L03013.

FINDINGS OF FACT

The properties associated with these petitions are characterized as being located within an emerging growth corridor. Property in the immediate vicinity has been developed as commercial sites. Adequate public facilities are available to serve the proposed development of this property.

The subject properties are designated for Commercial development by the City of Brooksville's adopted Comprehensive Plan (subject to the Department of Community Affairs final review and Notice of Intent to find the City's Comprehensive Plan amendment in compliance with State law, and the subsequent expiration of the appeal period for the same). The zoning of this property as C2 is appropriate within the Commercial land use designation. The intensity for development of these properties is limited to not exceed 184,000 square feet of building floor area. The petitioner's current proposal is to develop a 136,423 square foot home improvement center on 17.825 acres, with four outparcels on the remaining 6.6 acres.

At their meeting on December 15, 2004, the Planning & Zoning Commission took action on the Variance and Special Exception Use petitions, conditioning the approvals of said petitions on City Council's approval of an Ordinance to zone the property as C2. The Commission found that the petition for variances satisfactorily met the conditions as stipulated in City of Brooksville Ordinance No. 629, and approved the same consistent with the site plan dated 12/08/04, and labeled as "Lowes of Brooksville, Hernando County, Florida; Project No. L03013" as follows:

(1) The Lowes home improvement center site must have a minimum of 415 parking spaces (Consistent with the site plan as submitted with the petition packet). Required spaces may be used only for customer/employee parking (i.e., Storage, display or other uses not permitted).

(2) The landscape island requirement for every ten parking spaces and 50 foot landscape buffer requirement along abutting roads were waived, provided the property is developed consistent with the referenced site plan which includes additional landscaping in concentrated portions of the property.

(3) A building setback of not less than 75 feet was approved for the North side of the property.

(4) A maximum of three access points to Wiscon Road and two access points to US 41 were approved, consistent with the above-re ferenced site plan and subject to receiving applicable permits from the FDOT and Hernando County.

Also at their December 15, 2004 meeting, the Planning & Zoning Commission conditionally approved the Special Exception Use permit for outdoor sales and storage areas as follows:

a.) The areas being used for "outdoor sales and storage" are restricted to the areas dedicated for "Outside Display Areas" including the garden center, as per the approved site plan referenced above.

b.) A clear space of at least six feet in width must be maintained at all times on all sidewalks and adjacent to all display areas to ensure adequate access for pedestrian

traffic.

c.) "Outdoor Storage" of items that are not being displayed for retail within the designated "Outdoor Storage" areas as shown on the attached site plan are required to be visually screened by an opaque fence or wall in compliance with City Codes from all sides that may be otherwise visible to the general public, and additional landscaping shall be required in these areas. The screening and landscaping are subject to the approval of the City Manager or the Manager's designee.

d.) Outdoor display or storage areas must be maintained to not impede clear sight visibility for vehicle or pedestrian traffic.

Additionally, on December 15, 2004, the Planning and Zoning Commission recommended that the City Council conditionally approve an ordinance zoning the property as C2; subject to the development of the subject properties being consistent with the site plan dated 12/08/04, and labeled as "Lowes of Brooksville, Hernando County, Florida; Project No. L03013", with the following performance conditions:

(1) The petitioner/developer must obtain all permits and meet all applicable land development regulations, for either construction or use of the property.

(2) Development of the properties shall not exceed 184,000 square feet of building floor area.

(3) The development shall be served by City central water and sewer.

(4) The developer shall provide adequate landscape buffers around the perimeter of the property that meet or exceed adopted City standards.

(5) Specimen trees shall be preserved on the site to the extent possible. Specimen trees that are proposed for removal that are located more than six feet outside of the building footprint, must be approved for removal by the City Council, unless it can be certified by a tree professional that the trees are in declining health and present an imminent danger to public health and safety, and a tree removal permit is obtained from the City.

(6) Buildings shall be designed to incorporate architectural standards that hide from public view air handlers and related equipment and provide an aesthetic appearance that will blend with the community. Building fascia design shall be subject to approval by the City Manager, or the manager's designee.

(7) The four outparcels are subject to meeting all of the applicable performance standards for C2 zoning.

(8) This zoning approval is contingent on the State of Florida Department of Community Affair's (DCA's) final review and Notice of Intent to find the City of Brooksville Comprehensive Plan Amendment (Reference # DCA-04-01) in compliance with State Law, and the subsequent expiration of the appeal period for the same.

In follow-up to a request from City staff, the petitioner has provided a site plan with a revision date of 12/22/04 that is consistent with the site plan dated 12/08/04, that provides for additional landscape islands in the central portion of the Lowes site parking area.

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. Water and Sewer services will need to be addressed via a separate utility service agreement between the City and developer. Police, fire and sanitation collection services will be provided to this development by the City of Brooksville.

NOTE: The rezoning 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'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.

City Council approved the first reading of Ordinance No. 686 on January 3, 2005. Ordinance No. 686 incorporates the Planning & zoning Commission and staff recommendations as follows:

STAFF RECOMMENDATION

Pursuant to the Findings of Fact, the Planning & Zoning Commission recommendation and other details outlined in this report, staff recommends that the City Council approve an ordinance zoning the property as C2, incorporating the recommended performance conditions of the Planning & Zoning Commission into said ordinance as follows:

(1) Development of the subject properties shall be consistent with the application site plan with a revision date of 12/22/04, and labeled as "Lowes of Brooksville, Hernando County, Florida; Project No. L03013"
(2) The petitioner/developer must obtain all permits and meet all applicable land development regulations, for either construction or use of the property.
(3) Development of the properties shall not exceed 184,000 square feet of building floor area.
(4) The development shall be served by City central water and sewer.
(5) The developer shall provide adequate landscape buffers around the perimeter of the property that meet or exceed adopted City standards.
(6) Specimen trees shall be preserved on the site to the extent possible. Specimen trees that are proposed for removal that are located more than six feet outside of the building footprint,

must be approved for removal by the City Council, unless it can be certified by a tree professional that the trees are in declining health and present an imminent danger to public health and safety, and a tree removal permit is obtained from the City.

(7) Buildings shall be designed to incorporate architectural standards that hide from public view air handlers and related equipment and provide an aesthetic appearance that will blend with the community. Building fascia design shall be subject to approval by the City Manager, or the manager's designee.

(8) The four outparcels are subject to meeting all of the applicable performance standards for C2 zoning.

(9) This zoning approval is contingent on the State of Florida Department of Community Affairs (DCA's) final review and Notice of Intent to find the City of Brooksville Comprehensive Plan Amendment (Reference #DCA-04-01) in compliance with State Law, and the subsequent expiration of the appeal period for the same.

Enclosures:
(1) Subject Parcel Sketch
(2) Rezoning Petition
(3) Petitioner's Cover Letter (Explaining petition requests)
(4) Site Plan dated 12/22/04, and labeled as Lowes of Brooksville, Hernando County, Florida; Project No. L03013
(5) Ordinance No. 686

ATTACHMENT III

MEMORANDUM

[redacted]

To: Honorable Mayor & City Council Members

Via: Richard E. Anderson, City Manager

From: Bill Geiger, Community Development Director

Subject: Zoning Petition (RZ2004-04); Petitioner - Charles M. Sasser, Jr., Trustee (Represented by Self); Petitioner's Requesting Planned Development Project (PDP) zoning with Special Exception Use Consideration for a Residential PDP for a 31.32 acre ± Property, that will allow for a residential condominium community

Location: The property is located on the Southwest corner of the Intersection of SR 50 and Mobley Road (metes & bounds description of the property is on file)

Date: January 24, 2004

SUMMARY OF REQUEST - GENERAL INFORMATION

The subject property is 31.32 acres ±, and is located on the Southwest corner of SR 50 and Mobley Road. The legal description by metes and bounds for the subject parcel of this zoning petition is given in full in the petition packet. The petitioner is requesting a zoning designation for the property of Planned Development Project (PDP), with a special exception use consideration for a Residential (R)PDP, and subsequent approval of the preliminary development plat for the PDP. The petitioner is proposing to construct a two-phase condominium project consisting of fourteen 3-story buildings. The bottom floor of each building is proposed exclusively for parking. The second and third floors are proposed for residential units, with a total of 16 units per building ranging from 1,388 to 1,730 square feet in size. 224-residential units are associated with this current application for the first phase of the project. A second phase containing four additional buildings and 64-residential units is being planned, but is not being considered as part of this petition. The plans for the first phase include a drainage design that will meet the requirements of both phases. Part of the wet detention pond on the South end of the planned site encroaches into the second phase area, and will be subject to obtaining approval from the appropriate land use and permitting authorities in conjunction with and in addition to the City's approval of the first phase.

STAFF FINDINGS:

CURRENT LAND USE/ZONING

The subject property was annexed into the City on March 15, 2004. On December 6, 2004, the City adopted a Comprehensive Plan Future Land Use Map designation for the subject property of Multifamily/Mobile Home. The property is currently zoned Agricultural in Hernando County.

Surrounding Zoning	Surrounding Land Uses
North: AG	Undeveloped, DRA
South: AG, AR	Undeveloped, SFR

East:	AG, C2	HCSB Distribution, HCSO/Shelter, Undev.
West:	AG, AR	Undeveloped, SFR

FACTUAL INFORMATION

1. The property is currently zoned in the County with an Agricultural designation.
2. The property for this petition's zoning and master plan is approximately 31.32 acres.
3. The site is undeveloped.
4. The subject property has access from Cortez Boulevard and Mobley Road.
5. The subject property has a City Comprehensive Plan Future Land Use Map designation of Multi-Family/Mobile Home and a County designation of Residential and Rural.
6. The on-site soil types include Blichton loamy fine sand and Nobleton fine sand.
7. The property is located in flood zone C.
8. The subject property contains a .42 acre Class 2 Wetland, but does not contain a Special Protection Area (SPA) and is not located within a Well Head Protection Area (WHPA) according to City and County data resources.
9. The developer will be connecting to City central water and sewer services.
10. There are adequate public facilities available to serve the property.
11. The area is characterized by rural/residential uses, institutional uses and undeveloped land.
12. The petitioner has not requested any deviations from the City's Land Development Regulations.
13. Approximately one year ago, both the County staff and the County Planning & Zoning Commission recommended conditional approval of a petition to zone this property as a PDP(MF). The conceptual plan (for 240 condominium units) related to the County's recommendations was comparable to the petition being considered now by the City.

STAFF DISCUSSION

The petitioner requests to rezone the subject property from AG to a Residential PDP in order to develop the site with a multifamily development with a density of approximately 7.15 units per acre. The petitioner proposes to develop the site with fourteen three-story multifamily buildings containing a total of 224 units and a clubhouse. If the Residential PDP zoning is approved, the developer will need to conform to the performance standards established for Planned Development Projects. Additionally, the development must comply with other performance standards including tree preservation and landscaping, frontage roads and access management, wetland protection, parking, etc. Minimum (R)PDP setback and density standards are established in Table's 1 & 2 of Appendix B of the City's Land Use/Zoning Regulations. The preliminary site plan (dated 12/07/04 and sealed by Sam Stebbins, P.E. - on file) appears to meet the PDP review and performance requirements and standards established for this type of development.

The preliminary site plan displays a fifty-foot wide reservation area along SR 50 to accommodate for

a future frontage road. A footnote indicates that the frontage road is to be installed (by the developer) upon demonstration of need, as per City Ordinance No. 619.

A ten-foot landscape buffer is required along all property lines and streets serving the project. Open space and recreation space must be provided consistent with PDP standards.

The plan does not indicate where signage will be located on the subject property. Signage on the property will be subject to meeting the City's Sign regulations.

Police, fire, solid waste and utility services will be provided by the City of Brooksville.

The petitioner proposes access to the property via Mobley road. During the prior zoning process with Hernando County, the County engineer indicated that there were some issues associated with the angle of the curve on Mobley Road (North of Clinton Blvd.), and that it should be realigned if the zoning proposal was approved. There were no objections for access to the subject site from Cortez Boulevard, although it was noted that the lack of median breaks on SR 50 at this location would limit the access to right-in/right-out.

The subject property contains a Class 2 Wetland, as defined by the County's Comprehensive Plan. The wetland and the conveyance way lie within the Peck Sink basin and eventually drain to the sink complex. As part of the City's amendment to its Comprehensive Plan to provide a land use for this property and to denote the same as being located within the incorporated area, the City specified that: *"The developer will be required to delineate the wetland in accordance with the methodologies described in the 1987 U.S. Army Corps of Engineers (ACOE) Wetland Delineation Manual and in 62-340 F.A.C. (State Unified Wetland Delineation). Pre-development coordination will be required with the Southwest Florida Water Management District (and ACOE, if needed) to confirm an informal jurisdictional determination. Prior to development, the developer will be required to submit a special purpose wetland delineation survey (signed & sealed) to the City. The developer is aware that the wetland delineation must be included on all future plats and construction drawings. Proposed development of the property must be consistent with and adhere to the requirements established by Policies 6-1 and 6-4 of the Infrastructure Element, and Policies 2-6, 2-7 and 3-3 of the Conservation Element, which will serve to protect and maintain the quality of environmentally sensitive areas. Based on preliminary meetings and site plans reviewed with the property owner and developer, it appears that the proposed development of this property will not impact the on-site wetland."*

In conjunction with the prior zoning petition with the County, the School Board representative indicated that elementary school students would be allocated to Moton Elementary School, middle school students to D.S. Parrott Middle School and high school students to Hernando High School. The School Board representative further indicated that the estimated 80 additional students would be accommodated with current permanent capacity or by adding portable classrooms. A copy of the zoning petition packet has been provided to the School Board's representative for consideration of

the current petition.

FINDINGS OF FACT

The area is characterized by rural residential uses, institutional uses and undeveloped parcels. Parcels to the southwest have been developed with single family uses. The Hernando County School Board's warehouse and distribution facilities are located to the east. Parcels to the north, east and south are undeveloped. The County approved a permit for the construction of a hospital on property approximately one mile to the west of the subject property. City and county staffs are of the opinion that the corridor along SR 50 between the hospital and Cobb Road will be changing due to development associated with the new hospital location.

The subject property is located within a multifamily/mobile home land use classification (subject to the Department of Community Affairs (DCA) final review and Notice of Intent to find the City's Comprehensive Plan Amendment in compliance with state law, and the subsequent expiration of the appeal period for the same). The zoning of this property as a (R)PDP is appropriate under this land use classification. The county staff had determined a 240-unit condominium project was an allowable use under the previous County land use designations of residential and rural.

The petitioner proposes 224 multifamily dwelling units on 31.32 acres, at a density of 7.15 du/ac. Planning staff do not object to the proposed density, which is characterized as a multifamily density in the City's Comprehensive Plan. Given the proximity of existing public services and after giving due consideration to the existing land uses in the area of the subject parcel, it appears that the project, as proposed, will be compatible with the surrounding area and is not inconsistent with either the City or the County Comprehensive Plans. The developer will be required to address all applicable performance standards in their construction design plans for this property.

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. Water and Sewer services will need to be addressed via a separate utility service agreement between the City and developer. Police, fire and sanitation collection services will be provided to this development by the City of Brooksville.

NOTE: The rezoning 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'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

The Planning and Zoning Commission reviewed this petition at their January 12, 2005 meeting, and unanimously approved the staff recommendation as follows: Pursuant to the findings of fact outlined in this staff report, it is recommended that City Council approve an ordinance zoning the property as a PDP, with a special exception use approval for a Residential PDP, and subsequently approve the Southern Pines Condominium Development preliminary development plat dated 12/02/04 and sealed 12/7/04 by Sam S. Stebbins, P.E., with the following performance conditions:

1. The petitioner/developer must obtain all permits and meet all applicable land development regulations, for either construction or use of the property.
2. The petitioner shall reserve an area to provide for the rights-of-way for a frontage road across the property, to be constructed at the developer's expense upon the demonstration of need and demand by the City, consistent with City Ordinance No. 619. Pursuant to said Ordinance, if the road is not constructed at the time of site development, the developer is required to furnish to the City funds/bond based on the current cost estimates for the engineering and construction of the frontage road across the property when the City determines that this link in the frontage road system is needed.
3. The maximum number of units associated with this first phase approval is 224.
4. The maximum building height is three (3) stories.
5. A maximum of one access to Cortez Boulevard is approved.
6. A maximum of two access points to Mobley Road are approved.
7. The developer's access management plan shall be subject to the City Public Works Director's approval. Applicable permits must be obtained from the County's engineering office for the proposed access to Mobley Road.
8. The developer shall be required to realign the angle of the curve (north of Clinton Blvd.) on Mobley Road adjacent to the subject property consistent with approvals to be obtained from the City Public Works Department and the County Engineer's office.
9. The perimeter setbacks are approved as follows:

From Cortez Boulevard:	125'
From Mobley Road:	75'
Side:	30'
Rear:	30'

10. The development shall be served by City central water and sewer services.

11. The development may include a clubhouse/recreation facility.
12. The petitioner shall provide adequate landscape buffers around the perimeter of the property that are consistent with or exceed City adopted standards.
13. The wetland shall be delineated and shown on all future plats and construction drawings. The delineated wetland and vegetation within the wetland shall be preserved/protected. Any impact to the wetland pursuant to realigning the angle of the curve on Mobley Road shall be mitigated to the extent provided by law.
14. Within one year of the Council's approval of the (R)PDP zoning and preliminary development plat, the petitioner shall provide a final planned development project plat and construction drawings to the administrative official that are consistent with and substantially conform to the approved preliminary planned development project plat and meet all applicable performance standards. Any substantial plan deviation from the approved preliminary development plat must be approved by the City Council prior to receiving construction approval.

NOTE: Prior to the BCC zoning meeting in 2003, the petitioner requested that the requirement for the frontage road be waived. The petitioner has not submitted any formal request to the City for a waiver of the standard, but has verbalized a request for some concessions in the application of the standard. It is strongly recommended that the rights-of-way for said frontage road be delineated and reserved as part of the current approval, with the stipulation that if the City determines that the road is not needed within ten (10) years from the time a CO is issued for this project, the property owner(s) will not be compelled to design and construct the road. Any action taken to a request to waive the requirements for a Frontage Road would be inconsistent with established policy and should be carefully considered, in that it will set a precedence for future application of Ordinance No. 619.

Enclosures:
1) Zoning Ordinance No._____
2) Zoning Amendment Petition
3. Sasser-to-City of Brooksville letter (12/9/2004)
4. Southern Pines Condominium Preliminary Development Plat Plan - 12/02/04

ATTACHMENT IV

MEMORANDUM

To: Honorable Mayor & City Council

Via: Richard E. Anderson, City Manager

From: Bill Geiger, Community Development Director

Subject: Specimen Tree Removal Authorization Request (Petitioner – Norman & Sherry McIntyre; Agent of Record – W. Parkinson Myers with support from the planning firm of Engelhardt, Hammer and Associates, Inc.)

Location: East side of U S Highway 41 South, across the street from Walmart & North of the UPS driveway entrance

Date: January 24, 2005

GENERAL INFORMATION

The Petitioner (Norman & Sherry McIntyre) is requesting City Council's approval to remove certain specimen trees from the property at the above referenced location. This request is pursuant to and in conjunction with plans to develop the 2.824 +/- acre site. Specifically, the developer is proposing the construction of an 18,500 +/- square foot commercial/retail development.

STAFF FINDINGS

The subject property was previously the site of a botanical garden and nursery. The property slopes moderately from north to south. It is being redeveloped between two existing developed properties. The redevelopment of the site is proposed at a floor area ratio (FAR) of 0.15. The permitted Floor Area Ratio (FAR) in the City's Comprehensive Plan Future Land Use Element for Commercial development is 0.70.

The developer has commissioned a site plan to develop the site while preserving existing trees and vegetation. There were 268 trees identified on the site. Of these, the developer proposes to keep approximately 81 native existing trees on the property, 30 of which are specimen trees that have an average diameter of 27.93 +/- inches. The parking areas and drive aisle have been designed in such a manner as to preserve the greatest number of trees. The current proposal to develop the property as a retail site is consistent with the City's Comprehensive Plan for this area.

The following table is a synopsis of the developer's tree preservation/removal request:

	# of Trees	Total Diameter	Average Diameter
Specimen Trees requiring City Council Approval to remove	8	195"	24.38"
Specimen Trees to be retained/preserved on site	30	838"	27.93"
All Trees retained/preserved on site	81	1,282"	15.83"

Of the specimen trees proposed for removal, five (5) are oaks, one (1) is hickory, one (1) is pine and one (1) is sweetgum.

Of the specimen trees proposed for retention, twenty-three (23) are oaks, one (1) is elm, one (1) is hickory, one (1) is pine, two (2) are palm and two (2) are sweetgum.

The site is mainly wooded with native vegetation. Under Section 9.5-5 of the City's Code, it states, "Trees with a diameter breast height (DBH) of eighteen (18) inches or greater shall be classified as a specimen tree and shall be preserved unless the tree is within six (6) feet of a site approved for a building. The City Council is empowered to make deviations from development regulations or to authorize removal of specimen trees." In the following paragraph, the Code states, "Permit will be issued by the administrative official if A) the remaining trees on the site are sufficient to comply with minimum landscaping requirements, B) the site would be brought into compliance with the minimum requirements, or C) the tree(s) is/are to be replaced by one or more approved trees totaling one hundred fifty (150) percent of the cross sectional area of the tree(s) to be removed. All other permits require City Council approval."

The Developer has submitted a site plan that complies with Section 9.5-1 of the City's Landscape, Buffer and Tree Protection Code. The plan provides for required landscape, buffer, and tree protection consistent with and in addition to City requirements. Variances from the City's Land Use/Zoning Regulations regarding frontage road and parking standards were recently issued to the applicant by the Planning and Zoning Commission. The first variance permitted the developer to provide access through the property to connect with adjoining properties instead of providing a full frontage road. The second variance provided for a reduction in the total number of required parking spaces. The variances allowed the developer to design the parking and vehicular circulation areas around many significant trees. The site design, as proposed, provides landscape/open space area that covers approximately 32 percent of the overall site. Approximately five times the amount of required landscaped area within the off-street parking and vehicular circulation areas was incorporated into the proposed design. In addition to those trees preserved, the developer's plan proposes 51 additional trees specified at twice the caliper size as required by ordinance for planting and installation. One of the Planning & Zoning Commission's conditions in the approval of the variances requires the developer to employ a professional licensed landscape architect to design and

oversee the construction of a tree-root protection system, to better ensure the health and viability of the existing trees to be preserved on the property.

The application fee for this petition is $400 as per City Resolution No. 93-23.

STAFF RECOMMENDATION

Since this request is in concert with a site development plan, and the developer is meeting the intent of the City's tree preservation requirements in its proposed plan, it is recommended that City Council authorize and conditionally approve the petitioner's request to remove designated specimen trees from the site as outlined in its Tree Removal Plan dated January 7, 2005. This authorization should be based on the following conditions:

1) The developer shall (at a minimum) protect all existing trees to be preserved in accordance with City Code.

2) The developer of the property is required to employ a professional licensed landscape architect to design and oversee the construction of a tree-root protection system, to better ensure the health and viability of the existing trees to be preserved on the property.

3) Any trees to be preserved that do not survive the first five years from the date that the project receives a Certificate of Occupancy will be require to be replaced by the developer/property owner. If the developer/property owner is unable to replace the dead tree's total circumference on site, the developer/property owner will be required to pay a market replacement value to the City of Brooksville's Tree Bank, based on the circumference of the tree not replaced on site.

In addition, to the recommended conditions, City Council may provided for further conditions and/or monetary compensation in the consideration of the petitioner's request.

Enclosures:
1) Tree Removal Permit Application (01/03/2005)
2) Hammer-to-Geiger letter (01/07/05)
3) Hammer-to-Geiger letter (01/10/05)
4) Exhibit A: Plantation Plaza Site Plan
5) Exhibit B: Plantation Plaza Site Plan
6) Sheet L-1: Landscape Development Plan
7) Sheet L-2: Landscape Development Plan

ATTACHMENT V

MEMORANDUM

To:	Honorable Mayor & City Council
Via:	Richard E. Anderson, City Manager
From:	Bill Geiger, Community Development Director
Subject:	Specimen Tree Removal Authorization Request (Petitioner – Lincks & Associates on behalf of Lowe's Home Centers, Inc.)
Location:	Near the Southwest Corner of the Intersection of U.S. Hwy. 41 South and Wiscon Road
Date:	**January 24, 2005**

GENERAL INFORMATION

The Petitioner (Lincks & Associates, Inc.), on behalf of Lowe's Home Centers, Inc., is requesting City Council's approval to remove certain specimen trees from the property at the above referenced location. This request is pursuant to and in conjunction with plans to develop the 24.43± acre site. Specifically, the developer is proposing the construction of a 136,415 square foot (Includes 26,568 square foot garden center) Lowe's Home Improvement Store at the subject site. In addition, the developer proposes to reserve four parcels for future development. Three of these parcels front on US Hwy 41 (Outparcel A – 1.40 acres, Outparcel B – 1.53 acres, and Outparcel C – 1.53 acres). The remaining parcel is located south of the Lowe's Building and is 2.44 acres.

This request is for the removal of the specimen trees within the Lowe's development parcel and areas necessary to provide the infrastructure for the future development parcels. The future development parcels may require specimen tree removal permits. This will be determined at the time of development of each parcel.

This report will discuss the trees to be removed necessary to accommodate the Lowe's development and the required infrastructure. The trees to be preserved will only include those within the Lowe's parcel. Specimen trees within the proposed out-parcels are not being petitioned for removal at this time.

STAFF FINDINGS

The eastern portion of the site is mainly wooded with native vegetation. The western portion is cleared pasture. The property is moderately sloping with elevations ranging from 90 feet m.s.l. to 75 feet m.s.l. The drainage generally slopes from east to west.

The developer has retained a Landscape Architect to assist them in the preservation of existing trees and vegetation on the property. To this end, more than 800 trees were identified that are 6

inches DBH or greater. Of these, the developer proposes to keep approximately 48 native existing trees on the Lowe's development parcel, 16 of which are specimen trees that have an

average diameter of 29.12 +/- inches. The current proposal to develop this property as a retail site is consistent with the City's adopted Comprehensive Plan for this area.

The following table is a synopsis of the developer's tree preservation/removal request:

	# of Trees	Total Diameter	Average Diameter
Specimen Trees requiring City Council Approval to remove	53	1,423"	26.85"
Specimen Trees to be retained/preserved on site	16	466"	29.12"
All Trees retained/preserved on site	48	834"	17.38"

Of the specimen trees proposed for removal, 81% are oaks (43), 11% are pine (6), 4% are sweet gum (2), 2% are Australian Pine (1), and 2% are cabbage palm (1).

Of the specimen trees proposed to be retained, 100% are oaks (16).

This is the second significant development proposal being considered on a larger, wooded lot since the City adopted its Landscaping, Buffer and Tree Protection Code in 1993. The Wal-Mart project was the first project to be reviewed and approved under the new landscaping buffer and tree protection code. City Council approved a similar request by Wal-Mart in 2001. Under Section 9.5-5 of the City's Code, it states, "Trees with a diameter breast height (DBH) of eighteen (18) inches or greater shall be classified as a specimen tree and shall be preserved unless the tree is within six (6) feet of a site approved for a building. The City Council is empowered to make deviations from development regulations or to authorize removal of specimen trees." In the following paragraph, the Code states, "A permit will be issued by the administrative official if A) the remaining trees on the site are sufficient to comply with minimum landscaping requirements, B) the site would be brought into compliance with the minimum requirements, or C) the tree(s) is/are to be replaced by one or more approved trees totaling one hundred fifty (150) percent of the cross sectional area of the tree(s) to be removed. All other permits require City Council approval."

The Developer has submitted a site plan that complies with Section 9.5-1 of the City's Landscape, Buffer and Tree Protection Code. The plan provides for required landscape, buffer, and tree protection consistent with and in addition to City requirements. The Developer petitioned the Planning and Zoning Commission for a variance (deviation) from the City's Landscaping, Buffer and Tree Protection Code requirement that stipulates a landscape area between every ten (10) parking spaces (Section 9.5-7 (b), (1)b). The variance request was based on designing the site layout around many significant trees that are located on the property and the subsequent design of the parking layout around the trees to be preserved. Employing this

concept allows the developer to cluster the landscape islands into larger areas immediately adjacent to the preserved trees, thereby providing larger green areas around the preserved trees. Much of the additional green space is in the islands created around the tree preservation areas. The developer has placed an emphasis on preserving trees on the site. In order to meet the landscaped island requirement, they would either lose additional parking or be faced with taking out additional existing trees and replanting with smaller vegetation and smaller individual landscape areas. Given the hardship in meeting this particular standard versus the tree preservation efforts as proposed, the Planning & Zoning Commission approved this variance.

The application fee for this petition is $2,650 as per City Resolution No. 93-23.

STAFF RECOMMENDATION

Since this request is in concert with a site construction plan, and the developer is meeting the intent of the City's tree preservation requirements in its proposed plan, it is recommended that City Council authorize and conditionally approve the petitioner's request to remove designated specimen trees from the site as outlined in its Tree Removal Plan dated January 5, 2005. This authorization should be based on the following conditions:

1) The developer shall (at a minimum) protect all existing trees to be preserved in accordance with City Code.
2) 1The developer of the property is required to employ a professional licensed landscape architect to design and oversee the construction of a tree-root protection system, to better ensure the health and viability of the existing trees to be preserved on the property. Construction plans shall specify planting details, tree & root protection details and maintenance & irrigation details.
3) At least 75% of the replacement trees to be planted must be at least 3-inches at their DBH at the time of planting.
4) Any trees slated to be preserved that do not survive the first five years from the date that the project receives a Certificate of Occupancy will be required to be replaced by the developer/property owner. If the developer/property owner is unable to replace the dead tree's total circumference on site, the developer/property owner will be required to pay a market replacement value to the City of Brooksville's Tree Bank, based on the circumference of the tree not replaced on site.

In addition to the recommended conditions, City Council may provide for further conditions and/or monetary compensation in the consideration of the petitioner's request.

Enclosures:
1) Tree Removal Permit Application
2) Lowe's Tree Removal Plan (Dated January 5, 2005)
3) Lowe's Landscape Plan (Dated January 3, 2005)

*Full size versions of these plans are available for review in the Community Development Department.

AGENDA ITEM NO. C-1
3/7/05

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

MINUTES

February 7, 2005 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; Lindsay A. Morgan, Deputy City Clerk; Emory Pierce, Department of Public Works Director; 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 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

November 15, 2004 Regular City Council Meeting
November 29, 2004 Special City Council Meeting/Public Hearing
January 3, 2005 Regular City Council Meeting

Medical Director Agreement - Robert G. Blackburn

Approval of agreement with Dr. Robert G. Blackburn to provide Medical Director Services to the Brooksville Fire Department at a rate of $499.50 per month (previous contract expired 01/15/05 and has been re-negotiated to meet current department and statutory needs).

Capital Purchases - BERT: Trailer and Computer

Consideration of authorizing purchase of used flatbed trailer ($7,500) and a portable computer ($1,500) for Response Team. Funds to be transferred from General Fund Reserves to appropriate line item expenditure accounts.

United Way Grant

Authorization to apply for a grant for continued funding from the United Way for the Bus Program at the Jerome Brown Community Center (JBCC), tentatively for a 4 day after school program with an effective date of July 1, 2005.
[Note: Amount contingent on United Way funding allocation levels]

Waiver of Fees - Week of Young Child

Authorization to waive fees in the amount of $390 for the Week of the Child event held at the Jerome Brown Center on April 9, 2005.

JBCC - Rental Rate for Youth Sports Organizations

a) Authorize revision to Parks & Recreation Fee and Service Charge rate schedule to provide for a special organized youth league rate of $11 per hour (except when the schedule requires staff to work overtime), with the City retaining concession rights.

b) Direct staff to review the user rates for the Community Activity Section (trails and adjoining area) for potential proration of fees for use of a portion of the section, to be brought back to Council.

Ice Machine Purchase for Concession Stand at Stadium

Authorization to purchase ice machine for an amount not to exceed $1,500 for the concession stand in the Stadium in Tom Varn Park utilizing funds from Parks & Recreation Budgeted Capital Line Item for Machinery & Equipment (anticipated costs to purchase budgeted used lawn mower should come in less).

Pasco-Hernando Community College (PHCC) Wellfield Easement

Acceptance of revised Grant of Easement - Exhibit B to Interlocal Agreement with PHCC for the North Campus Wellfield Project.

Replacement Board Member on Local Law Enforcement Block Grant (LLEBG) Advisory Board

Approval of Assistant State Attorney Lisa Hurndon as replacement Board Member on the LLEBG Advisory Board.

Council Member Staib questioned if the BERT portable computer was one or two machines, to which City Manager Anderson confirmed only one computer would be purchased.

Council Member Wever pointed out on the November 15, 2004 minutes, on page six in the second paragraph, the sixth line down should be 'arbitrage' not arbutrize.

Motion:
Council Member Staib moved for approval of the Consent Agenda with correction to the November 15, 2004 Minutes; seconded by Council Member Burnett. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

City Clerk Phillips advised Congresswoman Brown-Waite read some information regarding the BERT Team members who participated in Hurricane Charley into the Congressional Record and copies were passed along to the Police, Fire and Public Works Department. City Clerk Phillips read Congresswoman Brown-Waite's comments into the record [Attachment A].

Police Chief Tincher felt honored for the recognition but without the blessing of Council and the vision of the City Manager this would not have occurred. He thanked Council for the opportunity to be able to help other communities.

Mayor Johnston read the BERT Team members names who participated into the record. City Manager Anderson noted copies of the Congressional Record would be distributed to all who participated. City Clerk Phillips pointed out this was only for the one event, the rest of the members of the BERT Team participated in the other events.

Margaret Ghiotto Commercial Beautification Award

Recognition of improvements to the Dunkin Donuts/Baskin Robbins store located at 1185 S. Broad Street.

Council Member Staib presented the certificate and plaque to the manager, Mike

Palmer. City Clerk Phillips advised the staff would make arrangements to have a photo taken after the meeting.

Mr. Palmer thanked Brooksville for their support and he noted they plan to be in the community for a long time.

PUBLIC HEARING

Zoning Petition (RZ2004-04)- Southern Pines Condominium Development Zoning Proposal - Ordinance No. 687

Consideration of ordinance to approve Planned Development Project (PDP) zoning, with Special Exception Use for a Residential PDP for a 31.32 acre ± Property, that will allow for a residential condominium community. **[First Reading 01/24/05]**

City Attorney La Croix explained this was a re-zoning petition, RZ2004-04, and advised the parties involved are the property owner/petitioner, Charles M. Sasser, Trustee and the City of Brooksville. He then asked for anyone who wanted to intervene as a party in the audience to stand and be sworn in. City Clerk Phillips swore in the party interveners.

City Attorney La Croix noted Community Development Director Geiger's qualifications were on file in the City Clerk's office, and by Council consensus, they recognized him as a expert witness in areas of land use, planning, development and zoning.

City Clerk Phillips read Ordinance No. 687 by headnote only, as follows:

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

Director Geiger reported Council approved the first reading of the ordinance with the performance conditions that were recommended by staff and the Planning and Zoning Commission at the January 24, 2005 meeting [Attachment B]. He stated Council directed staff follow up and look into the Frontage Road ordinance for options where it relates to certain exemptions. Director Geiger advised the petitioner presented a new site plan after the meeting which reflected the construction of the Frontage Road in conjunction with this project that would align with Clinton Boulevard on the east, travel through the property and exit out the west of the property line that is consistent with the City's ordinance.

Charles Sasser, petitioner, clarified the property boundary by stating it does go all the way across Southern Pines Condominium Development. He also noted he has the final construction drawings of the club house being prepared and he would like to start the procedure. Director Geiger explained Mr. Sasser has four permits for the club house to submit, and added that the City has adopted the Comprehensive Plan amendment for this property and the Department of Community Affairs has found it in compliance. He advised the permits could be submitted as long as the permit application is consistent with the preliminary development plat he submitted. Director Geiger explained the permits could be issued upon Council's approval but a Certificate of Occupancy would not be issued until the construction plans were submitted and they were underway and bonded.

Vice Mayor Pugh inquired if the units were being sold or rented, which Mr. Sasser

responded they were being sold.

Motion:
Council Member Staib moved for approval of second and final reading of Ordinance No. 687; seconded by Vice Mayor Pugh.

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

Resolution No. 2005-02 - Growth Management Issues

Consideration of resolution urging members of the Florida Legislature to support certain growth management issues during the 2005 Legislative Session.

City Manager Anderson reported the City has received an outline from the Florida League of Cities relating to their legislative program for this year and staff had reviewed and added a few additional issues to reflect Council's previous discussions.

Council Member Wever questioned #5 on what the surtax was. City Manager Anderson responded Cities and Counties have developed a tax for infrastructure development, but it was not real clear if it included Districts. Council Member Wever would like the change in the comprehensive plan procedure out of Tallahassee to regional be added.

City Clerk Phillips advised there would also be a minor change in #4 revised to 'revises'.

City Clerk Phillips read Resolution No. 2005-02 by headnote only, as follows:

A RESOLUTION OF THE CITY OF BROOKSVILLE, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT CERTAIN GROWTH MANAGEMENT ISSUES DURING THE 2005 LEGISLATIVE SESSION.

Motion:
Council Member Staib moved for approval of Resolution No. 2005-02 as amended; seconded by Council Member Burnett.

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

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

Mayor Johnston noted copies of the resolution should be forwarded to the Legislation Delegation, including State Senators, the Governor and the Florida League of Cities.

Resolution No. 2005-03 - FDOT Landscape Project Grant

a) Grant Acceptance
Consideration of accepting $150,000 grant from the Florida Department of Transportation (FDOT) and resolution authorizing execution of a Highway Landscape Reimbursement and Maintenance Memorandum of Agreement to continue landscaping improvements along US 41 South from where the project currently ends at the Dr. Martin Luther King Jr. Blvd. intersection to Cortez Blvd. intersection (SR50).
[Note: There is no match but the City would assume maintenance responsibility.

City Manager Anderson reported the City had been successful in obtaining the FDOT grant to extend the landscaping program. He advised it would be for the extension from where Ponce De Leon Boulevard meets Broad Street to Cortez. City Manager Anderson explained the City's match would be a non-cash match which meant it was the City's responsibility for long-term maintenance of the facility. He noted the Public Works Department was in the process of trying to determine the most practical approach to maintain that area but also the downtown area and Broad Street and Ponce De Leon Boulevard.

Vice Mayor Pugh inquired if the City would inherit those landscaped areas in front of Southern Hills, to which Director Geiger advised the development would be maintaining those and the ones along Southern Hill Boulevard.

City Clerk Phillips read Resolution No. 2005-03 by headnote only, as follows:

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA AUTHORIZING EXECUTION OF A HIGHWAY LANDSCAPE REIMBURSEMENT AND MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF BROOKSVILLE AND THE FLORIDA DEPARTMENT OF TRANSPORTATION.

Vice Mayor Pugh questioned if this project was previously designed when the first portion was done. Director Geiger confirmed it was included however he noted there is some additional design work still to be done in the area.

Motion:
Council Member Staib moved for approval of Resolution No. 2005-03; 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

b) Design Consultant & Administrator Agreement
Authorization for staff to negotiate an agreement with RMPK Group as the design consultant and administrator for this project in a monetary amount not to exceed 10% of the grant total (i.e. $15,000) as a continuation of their services agreement for the initial project.

Redevelopment Coordinator Hess reported there had been a modification made which now followed the stipulation set forth in the FDOT grant which states the City could only spend ten percent of the DOT allocated funds towards project design and administration. He felt since they have done approximately half of the design work on this project using them again would be cost effective.

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

Coastal Engineering Associates (CEA) Agreement Addendum - USDA Wellfield Funding

Consideration of Amendment to Continuation of Addendum No. 1 of the Professional Consultant Services Agreement with CEA for the PHCC Wellfield to correct items of concern or provide additional information noted by USDA based on their review of our funding application for the entire Wellfield project, in the amount of $15,050, to be funded via the cancellation of P. O. #03-791 - Hope Hill Wellfield Revised Addendum #3 (balance remaining $60,000) and P. O. #03-793 - PHCC Wellfield Revised Addendum #1 (balance remaining $83,500).

Director of Public Works Pierce reported there has been a change in USDA personnel in the Gainesville and Tavares offices and the staff who verbally approved the previous submittal, are no longer there. He advised the new group requested the engineering report be updated. Director Pierce pointed out during the test well drilling they discovered a cavity that needs further geo-technical investigation. He explained the scope of work includes the cost of drilling the test shaft where the tower would be placed. Director Pierce noted the easement previously obtained reduces the surveying work which is needed and felt the amount could be reduced by $250. He would like the two purchase orders listed on the agenda to be cancelled.

Vice Mayor Pugh inquired when the original application was submitted, which Director Pierce stated was done in parts over a year ago. Vice Mayor Pugh then questioned why the new USDA form was not used by the consultant since it was available. He felt the City should not have to pay again. Director Pierce explained he was not sure. Vice Mayor Pugh asked if bids were accepted yet for the geo-testing, which Director Pierce advised staff would get re-bids but the price would still be close to $9,500.

Vice Mayor Pugh was concerned with approving the item when the old form was used and the new form was available from the beginning for which the City must pay an additional $5,000 for the engineer to correct the problem. City Manager Anderson advised additional information would be distributed to Council.

Motion:
Council Member Staib moved for approval of staff's recommendation; seconded by Council Member Wever. Motion carried 3-2 with Burnett and Pugh in opposition.

Cobb Rd. Wastewater Reclamation Facility (WRF) Expansion Bid Process

Consideration to allow developer to proceed with expansion of the Cobb Rd. WRF via a negotiated bid process with Encore, the original contractor that ~~build~~ built the plant, subject to City approval of construction contract provisions.

Director Pierce reported the City recently entered into an agreement to expand

the Cobb Road Plant in lieu of building a second plant. He recommended using Hartman and Associates for a second engineering opinion since they were part of the original design. Council Member Wever questioned if this was the same firm who was hired to review the project and if so was it part of that contract. Director Pierce stated it was not part of the scope of work.

Mayor Johnston pointed out the City's involvement was limited to the monetary commitment, time and quality of construction. He did not see a problem with initiating on-going discussions with the contractor to proceed with the expansion.
City Manager Anderson inquired if it was eligible for impact fee credits, which Director Pierce advised the amount above the $2.57 million was eligible.

City Manager Anderson asked Council to postpone discussion on hiring an additional engineer until staff receives bid prices.

Vice Mayor Pugh questioned how the City was paying the $2.57 million, which City Manager Anderson replied the City would borrow the money through a bond issue.

Motion:
Council Member Staib moved for approval of moving forward with the developer and staff to bring back recommendations for an engineer in the future; seconded by Council Member Burnett. Motion carried 5-0.

Status Report on Peach, Shayne & Cook Streets Traffic Calming Devices
Presentation of plan of action regarding recent speed bump requests.

Council Member Wever pointed out a clarification to the agenda, it should read speed hump instead of speed bump.

Director Pierce reported he prefers to install the speed humps on Cook Street only. He explained the procedure would be for staff to spray paint the area where the speed humps would be installed, petition forms would then be distributed to residents and staff would report back to Council with their findings. Director Pierce advised he would meet with the Police Chief to finalize the exact locations for the speed humps. He felt Peach and Shayne Streets were too steep and the rainwater would runoff into the residents yards if humps were installed. Council Member Burnett asked why the speed humps would even be considered or installed if staff knew there would be a water problem. Director Pierce explained some residents' felt the speed issue was more important and would not object to the installation of the speed humps even though there would be water runoff into their yards.

Council Member Wever pointed out the speed humps would not be effective unless installed in the middle of the street. Police Chief Tincher strongly supported the installation of speed humps on Cook Street.

Director Pierce stated staff would distribute petitions for Shayne Street and ask for their comments on changing their street into a one-way street from Martin Luther King Jr. Boulevard. He then noted staff would also hand out petitions for Cook Street and question their opinion for the installation of speed humps.

City Clerk Phillips advised staff would bring back a resolution reducing the speed limits on Peach and Shayne Streets to 25 mph for the March 7, 2005 City Council agenda.

Mayor Johnston suggested requesting the State Legislature change wording in Florida Statutes regarding municipalities ability to adjust speed limits on certain streets as they deem appropriate.

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. Firefighters' Pension Trust Fund Board of Trustees
One position to fill full two year term through 02/28/07:

Regina Martin (current member & City Resident)

Motion:
Council Member Staib moved for approval of re-appointment of Regina Martin to the Board; seconded by Council Member Burnett. Motion carried 5-0.

b. Planning & Zoning Commission
One alternate position to fill an unexpired four year term through 01/31/07:

Richard E. Lewis (New Applicant & City Resident)
Donald Charles Varn (New Applicant & City Resident)

Vice Mayor Pugh commented that Mr. Varn's experience would be valuable to the Commission.

Motion:
Council Member Wever moved for approval of appointing Richard E. Lewis to the Commission; seconded by Council Member Staib. Motion carried 5-0.

ITEMS BY COUNCIL

FRANKIE BURNETT, COUNCIL MEMBER

City Logo Modification

Withdrawal of request for possible modifications to the official City logo.

Council Member Burnett withdrew his request to modify the official City logo and had no further comments.

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

MARY A. STAIB, COUNCIL MEMBER

Smoke Testing
She pointed out the dates should have been included on the Public Work's smoke testing notices that were left at hospital. Director Pierce advised there was a phone number on the notice for questions.

Vacant Business Signs
Council Member Staib inquired about the vacant business signage left after a business closes or relocates in order to avoid confusion. Director Geiger proposed that staff could prepare a letter to the property owner advising them to blank out or remove closed signage in lieu of adopting legislation. He noted if it was a non-conforming sign staff could also put the property owner on notice at that time that whatever new business comes in would need to conform to the City sign regulation. Director Geiger felt this procedure would accomplish the intent and purpose of Council Member Staib's request.

E.E. "ERNIE" WEVER, JR., COUNCIL MEMBER

Cable Franchise
He questioned if a letter was sent to Bright House for clarification of the statement on their latest bill to customers that the City has raised the franchise fees. City Manager Anderson advised it would be mailed out after the meeting on Tuesday, February 8, 2005.

State Road 50 West Water and Sewer Line Extension - Phase I, Bid No. UD2005-02
Council Member Wever inquired where the boundaries were. Director Pierce explained the scope was just from the hospital site, along the north side, then across the road to where Mobley Road joins the north side of SR 50. Council Member Wever asked if this bid included Cobb Road, to which Director Pierce advised that would be in Phase II.

Brooksville Regional Hospital Easement
He then inquired if staff had acquired the easement from the hospital yet. City Manager Anderson explained he wrote the hospital a letter which was distributed to Council.

Suncoast League of Cities 2005 Legislative Policies
Council Member Wever passed out pamphlets that the League prepared for the first time. He advised if Council had any comments or suggestions to refer them to Karen or himself. He explained it was for their information only.

Ambulance Service Status Report
Council Member Wever inquired if a copy of his January 14, 2005 analysis had been provided to the County, which was confirmed.

Impact Fees for Transportation
He asked for Council's consideration of requesting that the County pledge 3/4 of any transportation impact fees received from the area of Powell north to the City limits and from US 41 east to the City limits towards the completion of the extension of the connector road at Southern Hills similar to what they requested the City provide for the Mondon Hill and Jasmine project recently approved. Council approved by consensus.

City Manager Anderson advised a letter would be prepared for the Mayor's signature.

Vice Mayor Pugh felt the County is forcing developers to build roads they do not want to build and did not feel the County would be willing to work with the City on this request.

Local National Guard
Council Member Wever would like staff to prepare a resolution of appreciation and

honoring the return of the local National Guard Unit for active service to be presented on the March 7, 2005 City Council agenda. He stated a similar resolution was presented by Council after 9-11 to MacDill.

KAREN M. PHILLIPS, CMC, CITY CLERK/DIRECTOR OF ADMINISTRATION

SunTrust 100th Celebration
She reminded SunTrust's 100th Birthday celebration would be held on February 10th, 2005.

United Way Telethon
City Clerk advised the 2005 United Way Telethon would be held on Saturday, February 12th, 2005 from 10:00 a.m. to 10:00 p.m. She asked if anyone was able to volunteer to please let her know.

Operation PRIDE Cleanup Project
She stated the cleanup project and celebration would be held Saturday, February 12th, with the cleanup from 7:00 to 10:00 a.m. and the celebration held at the Jerome Brown Community Center from 11:00 a.m. to 2:00 p.m. if anyone wanted to participate.

Chamber of Commerce Tallahassee Trip
City Clerk Phillips reminded Council the 2005 annual trip was scheduled for Thursday, March 31, 2005 and the cost would be $30 per participant which included their meals and bus ride. She noted there would be a catered lunch on the top floor of the capitol and the meetings would be held there as well.

RICHARD E. ANDERSON, CITY MANAGER

Suncoast League of Municipalities
He suggested preparing a resolution for issues the City needs addressed by the League at a subsequent meeting. He felt the Heart of Florida League would be issuing a proposal as well.

Fund-Raising on City Property
City Manager Anderson explained he had distributed a background memorandum to Council regarding a series of requests to hold fund-raising events on City Hall property. Council Member Staib and Mayor Johnston felt if the City allowed these groups, how would you restrict other groups. They agreed it was not a good idea, especially since other areas such as the park were available for such use.

CITIZENS INPUT

Tony Covell

Sheriff Substation Project
He advised Council he had removed his name as electrician of record due to personal reasons and the sheriff's inability to uphold the law.

Doug Davis

City Logo Modification
He was sorry to hear Council Member Burnett had withdrawn his request to modify the City logo indicating he had hoped a committee would be able to air out differences and resolve feelings in the future.

Founders' Week/Brotherhood Day
Mr. Davis suggested the Buffalo Soldiers could possibly setup a small re-enactment for next year's event. He hopes all events would help race relations and promote racial reconciliation. Mr. Davis inquired if the event could be held on Park property or would it have to be done on the property across from his business on Martin Luther King Jr. Boulevard. Mayor Johnston explained if he was able to setup an event, he was sure the City could find somewhere on City property to hold the event.

City Clerk Phillips advised she would add Mr. Davis to the committee mailing list for next year's event. Council Member Staib asked if Lara Bradburn could also be added.

Richard E. Lewis

Shayne Street - One Way Street
Mr. Lewis asked Council to keep the U.S. Postal Service informed of any changes of one-way streets, such as Shayne Street, since all mail boxes would have to be moved. He also suggested checking with the residents since the mail boxes would have to be in a central location, and recommended the mail boxes be placed near a power pole to cut down on the possibility of boxes being run over.

Cecil Davis

Speed Humps
Mr. Davis recommended installing speed dips instead of speed humps to eliminate any drainage problems that would be encountered similar to what Gainesville does.

City Logo Modification
He supported the racial reconciliation, and felt there was still tension in today's society. He hopes in the future the community would do more to foster good will but does not want to see the past be forgotten.

Raymond Hess

Bandshell Bash
He passed out tickets to the free Bandshell Bash on Saturday, February 12, 2005 from 4:00-8:00 p.m.

Sandra Newbury

Speed Humps
Ms. Newbury requested the Brooksville Housing Authority/Hillside Estates area has inadequate parking spaces for residents. She pointed out they were getting tickets for trying to park near homes. Ms. Newbury suggested speed humps on Continental Drive as a precaution for the children's protection.

Mayor Johnston advised staff would look into the possibility of installing a speed hump in the area. He also asked staff to contact the Police Department regarding the parking ticket problem.

Kojak Burnett

Council Agenda
He thanked Council for moving the Citizens' Input after Items by Council.

Smoke Testing

Mr. Burnett pointed out the utility bills have the police dispatch number on them so he felt all residents know who to call when they have concerns such as the recent smoke testing notice.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:40 p.m.

ATTEST: _____
Mayor

_____
City Clerk

:lam

G:\WP_WORK\ClerkOffice\MINUTES\2005\02-07-05MTG.wpd

ATTACHMENT A

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

VOLUME 150 September 23, 2004 NUMBER 116

House of Representatives

Congresswoman Brown-Waite (FL-5)
Honors the Brooksville Emergency Response Team (BERT)

MR. SPEAKER, I RISE TO HONOR THE MEMBERS OF THE BROOKSVILLE EMERGENCY RESPONSE TEAM, ALSO KNOWN AS BERT.

IN THE WAKE OF HURRICANE CHARLEY'S DEVASTATING VISIT TO FLORIDA, THESE REMARKABLE INDIVIDUALS ANSWERED THE CALL OF DUTY. ON THE MORNING OF AUGUST 14, 2004 AT 6:45 A.M. THESE BERT OPERATIVES SPRUNG INTO ACTION AND BEGAN TO REBUILD AREAS OF POLK COUNTY LEFT IN SHAMBLES. BECAUSE OF THEIR EFFORTS, THE COMMUNITIES OF POINCIANA, CALOOSE, LAKE VILLAGE, LAKE WALES, BASCON, HIGHLAND PARK, FROSTPROOF, AND LAKE HAMILTON RECEIVED RELIEF AT A CRITICAL TIME OF NEED. THE BERT TEAM WORKED TO RECONSTRUCT POINCIANA'S FIRE DEPARTMENT AND ASSISTED WITH FIREFIGHTING DUTIES FOR THE COMMUNITY. IN ADDITION, THE TEAM WORKED ON DEBRIS CLEAN-UP, DIRECTED TRAFFIC, AND ASSISTED IN DAMAGE ASSESSMENT ACTIVITIES THROUGHOUT THE AREA. IN THE END, THE BERT TEAM ACCOMPLISHMENTS INCLUDED 336 WORK HOURS REMOVING TREES FROM RESIDENCES AND ROADWAYS, 14 HOURS TRAFFIC CONTROL, DELIVERIES OF 1,250 BAGS OF ICE, 450 CASES OF WATER, AND 150 PREPARED MEALS TO HUNGRY CITIZENS.

I WOULD LIKE TO EXPRESS MY GRATITUDE FOR THE BERT TEAM'S SERVICE. THEIR ACTIONS DEMONSTRATED THE DEDICATION, SELFLESSNESS, AND SACRIFICE OF THE HUMAN SPIRIT THAT EMERGES FROM THE RUBBLE OF MOTHER NATURE'S FURY. I AM PROUD TO REPRESENT THE FIFTH CONGRESSIONAL DISTRICT OF FLORIDA, WHERE MEMBERS OF THE HEROIC BROOKSVILLE EMERGENCY RESPONSE TEAM CALL HOME.

MR. SPEAKER, I YIELD BACK THE BALANCE OF MY TIME.

U.S. HOUSE OF REPRESENTATIVES

Ginny Brown-Waite

GINNY BROWN-WAITE
MEMBER OF CONGRESS

ATTACHMENT B

MEMORANDUM

To: Honorable Mayor & City Council Members

Via: Richard E. Anderson, City Manager

From: Bill Geiger, Community Development Director

Subject: Zoning Petition (RZ2004-04); Petitioner - Charles M. Sasser, Jr., Trustee (Represented by Self); Petitioner's Requesting Planned Development Project (PDP) zoning with Special Exception Use Consideration for a Residential PDP for a 31.32 acre ± Property, that will allow for a residential condominium community

Location: The property is located on the Southwest corner of the Intersection of SR 50 and Mobley Road (metes & bounds description of the property is on file)

Date: February 7, 2005

SUMMARY OF REQUEST - GENERAL INFORMATION

The subject property is 31.32 acres ±, and is located on the Southwest corner of SR 50 and Mobley Road. The legal description by metes and bounds for the subject parcel of this zoning petition is given in full in the petition packet. The petitioner is requesting a zoning designation for the property of Planned Development Project (PDP), with a special exception use consideration for a Residential (R)PDP, and subsequent approval of the preliminary development plat for the PDP. The petitioner is proposing to construct a two-phase condominium project consisting of fourteen 3-story buildings. The bottom floor of each building is proposed exclusively for parking. The second and third floors are proposed for residential units, with a total of 16 units per building ranging from 1,388 to 1,730 square feet in size. 224-residential units are associated with this current application for the first phase of the project. A second phase containing four additional buildings and 64-residential units is being planned, but is not being considered as part of this petition. The plans for the first phase include a drainage design that will meet the requirements of both phases. Part of the wet detention pond on the South end of the planned site encroaches into the second phase area, and will be subject to obtaining approval from the appropriate land use and permitting authorities in conjunction with and in addition to the City's approval of the first phase.

STAFF FINDINGS:

CURRENT LAND USE/ZONING

The subject property was annexed into the City on March 15, 2004. On December 6, 2004, the City adopted a Comprehensive Plan Future Land Use Map designation for the subject property of Multifamily/Mobile Home. The property is currently zoned Agricultural in Hernando County.

Surrounding Zoning	Surrounding Land Uses
North: AG	Undeveloped, DRA
South: AG, AR	Undeveloped, SFR

East:	AG, C2	HCSB Distribution, HCSO/Shelter, Undev.
West:	AG, AR	Undeveloped, SFR

FACTUAL INFORMATION

1. The property is currently zoned in the County with an Agricultural designation.
2. The property for this petition's zoning and master plan is approximately 31.32 acres.
3. The site is undeveloped.
4. The subject property has access from Cortez Boulevard and Mobley Road.
5. The subject property has a City Comprehensive Plan Future Land Use Map designation of Multi-Family/Mobile Home and a County designation of Residential and Rural.
6. The on-site soil types include Blichton loamy fine sand and Nobleton fine sand.
7. The property is located in flood zone C.
8. The subject property contains a .42 acre Class 2 Wetland, but does not contain a Special Protection Area (SPA) and is not located within a Well Head Protection Area (WHPA) according to City and County data resources.
9. The developer will be connecting to City central water and sewer services.
10. There are adequate public facilities available to serve the property.
11. The area is characterized by rural/residential uses, institutional uses and undeveloped land.
12. The petitioner has not requested any deviations from the City's Land Development Regulations.
13. Approximately one year ago, both the County staff and the County Planning & Zoning Commission recommended conditional approval of a petition to zone this property as a PDP(MF). The conceptual plan (for 240 condominium units) related to the County's recommendations was comparable to the petition being considered now by the City.

STAFF DISCUSSION

The petitioner requests to rezone the subject property from AG to a Residential PDP in order to develop the site with a multifamily development with a density of approximately 7.15 units per acre. The petitioner proposes to develop the site with fourteen three-story multifamily buildings containing a total of 224 units and a clubhouse. If the Residential PDP zoning is approved, the developer will need to conform to the performance standards established for Planned Development Projects. Additionally, the development must comply with other performance standards including tree preservation and landscaping, frontage roads and access management, wetland protection, parking, etc. Minimum (R)PDP setback and density standards are established in Table's 1 & 2 of Appendix B of the City's Land Use/Zoning Regulations. The preliminary site plan (dated 12/07/04 and sealed by Sam Stebbins, P.E. - on file) appears to meet the PDP review and performance requirements and standards established for this type of development.

The preliminary site plan displays a fifty-foot wide reservation area along SR 50 to accommodate for
a future frontage road. A footnote indicates that the frontage road is to be installed (by the

developer) upon demonstration of need, as per City Ordinance No. 619.

A ten-foot landscape buffer is required along all property lines and streets serving the project. Open space and recreation space must be provided consistent with PDP standards.

The plan does not indicate where signage will be located on the subject property. Signage on the property will be subject to meeting the City's Sign regulations.

Police, fire, solid waste and utility services will be provided by the City of Brooksville.

The petitioner proposes access to the property via Mobley road. During the prior zoning process with Hernando County, the County engineer indicated that there were some issues associated with the angle of the curve on Mobley Road (North of Clinton Blvd.), and that it should be realigned if the zoning proposal was approved. There were no objections for access to the subject site from Cortez Boulevard, although it was noted that the lack of median breaks on SR 50 at this location would limit the access to right-in/right-out.

The subject property contains a Class 2 Wetland, as defined by the County's Comprehensive Plan. The wetland and the conveyance way lie within the Peck Sink basin and eventually drain to the sink complex. As part of the City's amendment to its Comprehensive Plan to provide a land use for this property and to denote the same as being located within the incorporated area, the City specified that: *"The developer will be required to delineate the wetland in accordance with the methodologies described in the 1987 U.S. Army Corps of Engineers (ACOE) Wetland Delineation Manual and in 62-340 F.A.C. (State Unified Wetland Delineation). Pre-development coordination will be required with the Southwest Florida Water Management District (and ACOE, if needed) to confirm an informal jurisdictional determination. Prior to development, the developer will be required to submit a special purpose wetland delineation survey (signed & sealed) to the City. The developer is aware that the wetland delineation must be included on all future plats and construction drawings. Proposed development of the property must be consistent with and adhere to the requirements established by Policies 6-1 and 6-4 of the Infrastructure Element, and Policies 2-6, 2-7 and 3-3 of the Conservation Element, which will serve to protect and maintain the quality of environmentally sensitive areas. Based on preliminary meetings and site plans reviewed with the property owner and developer, it appears that the proposed development of this property will not impact the on-site wetland."*

In conjunction with the prior zoning petition with the County, the School Board representative indicated that elementary school students would be allocated to Moton Elementary School, middle school students to D.S. Parrott Middle School and high school students to Hernando High School. The School Board representative further indicated that the estimated 80 additional students would be accommodated with current permanent capacity or by adding portable classrooms. A copy of the zoning petition packet has been provided to the School Board's representative for consideration of the current petition.

FINDINGS OF FACT

The area is characterized by rural residential uses, institutional uses and undeveloped parcels. Parcels to the southwest have been developed with single family uses. The Hernando County School Board's warehouse and distribution facilities are located to the east. Parcels to the north, east and south are undeveloped. The County approved a permit for the construction of a hospital on property approximately one mile to the west of the subject property. City and county staffs are of the opinion that the corridor along SR 50 between the hospital and Cobb Road will be changing due to development associated with the new hospital location.

The subject property is located within a multifamily/mobile home land use classification (subject to the Department of Community Affairs (DCA) final review and Notice of Intent to find the City's Comprehensive Plan Amendment in compliance with state law, and the subsequent expiration of the appeal period for the same). The zoning of this property as a (R)PDP is appropriate under this land use classification. The county staff had determined a 240-unit condominium project was an allowable use under the previous County land use designations of residential and rural.

The petitioner proposes 224 multifamily dwelling units on 31.32 acres, at a density of 7.15 du/ac. Planning staff do not object to the proposed density, which is characterized as a multifamily density in the City's Comprehensive Plan. Given the proximity of existing public services and after giving due consideration to the existing land uses in the area of the subject parcel, it appears that the project, as proposed, will be compatible with the surrounding area and is not inconsistent with either the City or the County Comprehensive Plans. The developer will be required to address all applicable performance standards in their construction design plans for this property.

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. Water and Sewer services will need to be addressed via a separate utility service agreement between the City and developer. Police, fire and sanitation collection services will be provided to this development by the City of Brooksville.

NOTE: The rezoning 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'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

The Planning and Zoning Commission reviewed this petition at their January 12, 2005 meeting, and unanimously approved the staff recommendation as follows: Pursuant to the findings of fact outlined in this staff report, it is recommended that City Council approve an ordinance zoning the property as a PDP, with a special exception use approval for a Residential PDP, and subsequently approve the Southern Pines Condominium Development preliminary development plat dated 12/02/04 and sealed 12/7/04 by Sam S. Stebbins, P.E., with the following performance conditions:

1. The petitioner/developer must obtain all permits and meet all applicable land development regulations, for either construction or use of the property.
2. The petitioner shall reserve an area to provide for the rights-of-way for a frontage road across the property, to be constructed at the developer's expense upon the demonstration of need and demand by the City, consistent with City Ordinance No. 619. Pursuant to said Ordinance, if the road is not constructed at the time of site development, the developer is required to furnish to the City funds/bond based on the current cost estimates for the engineering and construction of the frontage road across the property when the City determines that this link in the frontage road system is needed.
3. The maximum number of units associated with this first phase approval is 224.
4. The maximum building height is three (3) stories.
5. A maximum of one access to Cortez Boulevard is approved.
6. A maximum of two access points to Mobley Road are approved.
7. The developer's access management plan shall be subject to the City Public Works Director's approval. Applicable permits must be obtained from the County's engineering office for the proposed access to Mobley Road.
8. The developer shall be required to realign the angle of the curve (north of Clinton Blvd.) on Mobley Road adjacent to the subject property consistent with approvals to be obtained from the City Public Works Department and the County Engineer's office.
9. The perimeter setbacks are approved as follows:

From Cortez Boulevard:	125'
From Mobley Road:	75'
Side:	30'
Rear:	30'

10. The development shall be served by City central water and sewer services.
11. The development may include a clubhouse/recreation facility.
12. The petitioner shall provide adequate landscape buffers around the perimeter of the property that are consistent with or exceed City adopted standards.

13. The wetland shall be delineated and shown on all future plats and construction drawings. The delineated wetland and vegetation within the wetland shall be preserved/protected. Any impact to the wetland pursuant to realigning the angle of the curve on Mobley Road shall be mitigated to the extent provided by law.
14. Within one year of the Council's approval of the (R)PDP zoning and preliminary development plat, the petitioner shall provide a final planned development project plat and construction drawings to the administrative official that are consistent with and substantially conform to the approved preliminary planned development project plat and meet all applicable performance standards. Any substantial plan deviation from the approved preliminary development plat must be approved by the City Council prior to receiving construction approval.

City Council Action: At the January 24, 2005 meeting, City Council approved the first reading of Ordinance No. 687, which incorporated the Planning & Zoning Commission and staff recommendations for conditioning the approval of the zoning and preliminary development plat for this property. Additionally, Council directed staff to evaluate options related to providing for exceptions to the regulation requiring the frontage road standard to be addressed with development (i.e., environmental conditions, safety issues, etc.).

On January 26, 2005, Mr. Sasser (the petitioner) met with City staff and submitted a new preliminary development plat that provides for the construction of a frontage road (aligning with Clinton Boulevard on the east and connecting with the western property line) on the subject property as part of the phase 1 development. This revised preliminary development plat addresses the frontage road issue as discussed at the January 26, 2005 meeting. *It is recommended that the City Council take the following action on the second reading of Ordinance No. 687: Approve Ordinance No. 687, zoning the subject property as a PDP, with a special exception use approval for a Residential PDP, and subsequently approve the Southern Pines Condominium Development (Exhibit 2) preliminary development plat dated 12/02/04 with a receipt date of January 26, 2005, prepared by Kimley-Horn and Associates, Inc. (Sam S. Stebbins, P.E.), with the same performance conditions previously recommended by the Planning & Zoning Commission and staff.* **Note:** The reference to the revised preliminary development plat has been incorporated into Ordinance No. 687 using Strikeout/Underline format.

The County ordinance for frontage roads has been reviewed for comparison in addressing the issue of establishing criteria to provide for exceptions to the frontage road standard. The County's frontage road ordinance and standards are similar to the adopted City regulation. The County does not have language in their ordinance that provides for exceptions to the application of the standard. The County ordinance does require the frontage road to be provided at the developer's expense upon the demonstration of need and demand by the County. The City's ordinance has similar language. The only area where the County appears to have regulatory language that suggests an exception to the frontage road standard is in Policy 2.04C(5) of the Transportation Element of the County's

Comprehensive Plan. This policy provides for compelling development to comply with the frontage road ordinance "unless it is determined that wetlands, existing development, or hazardous road conditions make frontage road extension unfeasible." According to the County Planning Director, this provision has only been used in one or two instances where significant water features abutted the arterial road rights-of-way. Language similar to that referenced in the County policy could be amended into the City's land use code or comprehensive plan (or both).

Enclosures:
1) Zoning Ordinance No. 687 (as amended referencing the updated preliminary development plat)
2) Zoning Amendment Petition
3. Sasser-to-City of Brooksville letter (12/9/2004)
4. Southern Pines Condominium Preliminary Development Plat Plan - 12/02/04 with a receipt date of 1/26/2005

G:\WP_WORK\ClerkOffice\MINUTES\2005\02-07-05MTG.wpd

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

MINUTES

March 7, 2005 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; Lindsay A. Morgan, Deputy City Clerk; Kim Harsin, Administrative Assistant; Emory Pierce, Department of Public Works Director; 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 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

January 10, 2005 - Joint Meeting
January 13, 2005 - Special Meeting
January 24, 2005 - Regular Meeting
February 7, 2005 - Regular Meeting

Council Member Wever pointed out a correction to the February 7, 2005 minutes on page 6, in the first sentence. He noted it should just be rephrased.

Mayor Johnston noted the School Board had left out the "t" in his last name in the January 10, 2005 joint meeting minutes.

SR 50 West Water and Sewer Line Extension - Phase I - Award of Bid No. UD2005-02

Award of bid to Coastal Underground Services, Inc. from Crystal River, Florida at unit prices in an amount not to exceed $719,143. Costs appropriated in pending Line of Credit Funding and project contingent on receipt of all appropriate permits.

Vice Mayor Pugh questioned why the City was not piggybacking off the County's contract. He felt it would be a cost savings to city and suggested purchasing the pipe and materials since it would save on sales tax. Director Pierce stated it would be a possibility to negotiate with low bidder but would probably create a liability to the City. City Attorney La Croix stated this would be in conflict with the City's purchasing policy. Vice Mayor Pugh explained that other cities do this and the City's purchasing policy may need to be changed for future projects. City Attorney La Croix also pointed out if the materials were installed wrong the manufacturer would put the blame on the contractor and the contractor would put the blame on materials ~~not~~ being defective, there would be no proof. Vice Mayor Pugh asked about the warranty, to which City Attorney La Croix stated it would not be upheld since the materials were being purchased by the City. Mayor Johnston asked staff to review to see if it would be worth doing. Amended 03/21/05

Good Neighbor Trail Advisory Committee

Appointment of Mike Hannigan as a voting Alternate Museum Association Representative to serve on committee in the absence of current member Virginia Jackson as necessary.

Bandshell Bash - Loan of City Equipment

Authorization to allow the Bandshell Bash Committee to use City equipment (tent, tables, chairs, P.A. system) for the monthly concert series.

Surplus Vehicles - Police Department

Consideration of declaring 1996 Ford Crown Victoria (F/A #154, City ID Vehicle #126) and 1997 Ford Crown Victoria (F/A #149, City Vehicle ID #129) surplus and authorizing disposal.

Council Member Wever suggested adding the Police Department's parking ticket vehicle to the surplus list.

Vice Mayor Pugh questioned when the vehicles at the Public Works compound would be disposed of. City Manager Anderson explained with the storms from last year staff was behind but would be taking care of them at this time.

Quarry Golf Course Grant Applications

Request to submit non-matching grant applications for quality instructions and life skills training at the First Tee of Brooksville facility at the Quarry to (a) Florida Sports Foundation Junior Golf Grant Program in the amount of $25,000 for a 1 year program; and, (b) Nicklaus/PGA of America Grant Program in the amount of $5,000 for a 2 year program.

Hernando County Fair Association - Solid Waste Service Fee Payment

Request that City provide additional dumpster service for the Hernando County Fair (loss of revenue estimated at $1326). If approved authorize transfer of funds from General Fund "Reserves" to Solid Waste Fund "Charges for Services."

Council Member Staib asked if the County was supporting also, to which City Manager Anderson stated they anticipate approval. City Manager Anderson also stated this had been done in the past years.

City Map Project

Consideration of entering into Memo of Understanding with The Map Group, Inc. for production of a City Map Project, which is subsidized by local businesses, with no cost to the City.

Police Dept. Vehicle Purchases

Authorization to purchase four vehicles for the Police Dept. utilizing the Florida Sheriff's Association Bid Award #04-12-0823 (with extended warranties) for the following vehicles: 2-Dodge (Specification #04) = $21,777 each; 1-Chevrolet Tahoe (Specification #17) = $27,237; 1-Ford Expedition (Specification #17) = $25,295. Total $89,713 from Fleet Replacement Fund, $6,155 for extended warranty.

Council Member Wever inquired why there was a difference of $10,000. City Manager Anderson advised $6,000 was for the warranty and the additional amount was to be used towards interest and normal growth, and the budget would need to be corrected.

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

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation Supporting Returning Local Florida Army National Guard Troops

Proclamation supporting the local Florida National Guard 171st Aviation Battalion Troop Members upon their recent return from service during Operation Iraqi Freedom (OIF).

Mayor Johnston read proclamation and presented to the local troops. Major Lacy thanked Council and the community for their support and stated he was proud to live in such a great community.

Retinoblastoma Awareness Month - March 2005

Proclamation supporting the efforts of doctors performing eye pathology screening at birth and well-baby exams to assist in the detection of all ocular diseases in newborns, infants and toddlers.

Mayor Johnston read the proclamation into record, which would be forwarded to the agency.

"Institute for Elected Municipal Officials"

Presentation of Certificates of Completion to Vice Mayor David Pugh and Council Member Frankie Burnett for recent completion of the Florida Institute of Government's and Florida League of Cities' (OFLC) "2005 Institute for Elected Municipal Officials".

Mayor Johnston presented Council Member Burnett and Vice Mayor Pugh with Certificates of Completion for the Institute for Elected Municipal Officials that was held in Gainesville at the end of January.

REGULAR AGENDA

Resolution No. 2005-04 - Reduced Speed Limits

Consideration of Resolution repealing prior Resolution No. 2004-17 and restating streets designated at 25 mph speed limit.

Deputy City Clerk Morgan read Resolution No. 2005-04 by headnote only, as follows:

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA, REPEALING PRIOR RESOLUTION; ESTABLISHING SPEED LIMITS ON CERTAIN STREETS AND AUTHORIZING POSTING OF SIGNS; PROVIDING FOR CONFLICT; AND SETTING AN EFFECTIVE DATE.

Council Member Staib questioned how long it would be before the signs were posted. Director of Public Works Pierce advised no longer than one to two weeks.

Motion:
Council Member Wever moved for approval of Resolution No. 2005-04; 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

Water and Sewer Revenue Notes, Series 2005

a) Resolution No. 2005-05 - Line of Credit
Consideration of Resolution accepting proposal of SunTrust Bank to provide the City with a 3-year tax-exempt Loan not to exceed $2,250,000. The loan will primarily fund the West Cortez water and sewer extensions.

Finance Director Baumgartner reported SunTrust was the low bidder for the line of credit. Council Member Wever explained all of his concerns were corrected prior to the meeting.

City Attorney La Croix advised the Deputy City Clerk did not have to read Resolutions by headnote, only ordinances.

Motion:
Council Member Staib moved for approval of Resolution No. 2005-05; 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

b) Loan Agreement
Requesting approval of $2.25 Loan Agreement between the City and SunTrust Bank effective April 11, 2005. The interest rate is based on 67% of the LIBOR rate plus .50% per annum adjusted and payable quarterly on outstanding balance, principal payable on or before maturity (04/11/2008).

Finance Director Baumgartner explained they chose April 11th to draw down the funds to pay for previous spent engineering fees and the cost of bonds. He explained the City had to draw $50,000 down in order to maintain the tax exempt status.

Motion:
Council Member Wever moved for approval of the loan agreement and note; seconded by Council Member Staib. Motion carried 5-0.

City/County Interlocal Agreement - CDBG Rehabilitation Project
Consideration of an Interlocal Agreement providing for the County to expend CDBG Housing Rehabilitation funds from its current grant inside the incorporated area of Brooksville. (Approved by the Board of County Commissioners on March 1, 2005).

Community Development Director Geiger reported the agreement allows for the County to expend funds in the unincorporated area of Brooksville and advised the purpose of the grant was to stop the slum and blighted areas. Council Member Staib questioned how the County determines what is a blighted area, to which he informed Council the County has requirements already established and they have an advisory committee to help in the process. Council Member Staib inquired if this was a one time grant or can it be applied for annually. Director Geiger advised once the grant has closed, then it could be reapplied for.

Motion:
Council Member Burnett moved for approval of the interlocal agreement with the County; seconded by Council Member Staib. Motion carried 5-0.

Emergency Management Manual

Consideration of updated City of Brooksville Comprehensive Emergency Management Plan.

Police Chief Tincher explained Assistant to the City Manager Pomeranke prepared the manual with the revisions of the City Manager.

Council Member Wever questioned the first page of Ordinance No. 540 where it states the Senior Council Member. City Manager Anderson replied it was intended for experience not oldest. Council Member Staib inquired if the County's Emergency Management Director would be reviewing the City's manual. City Manager confirmed and noted it would also be reviewed by the State.

Council Member Wever suggested City Attorney La Croix review Ordinance No. 540, since it was signed off by a previous attorney, to which the City Attorney advised if there were any problems he would bring back to Council.

Council concurred the Assistant to the City Manager did an excellent job in preparing the manual.

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

Traffic Calming Device Petitions: Cook Avenue (3 Devices); N. Lemon Avenue (3 Devices); Continental Drive (3 Devices) and Union Street (4 Devices)

Consideration of installing traffic calming devices at an estimated cost of $780-$865 each. Funds to be used from Road Maintenance and Supplies (001-019-541-553.00), Asphalt Hot Mix (001-019-541-553.10) and Drainage (001-019-541-553.13).

Director Pierce reported staff had gone out and spray painted the proposed areas and distributed the petitions and notices. He advised he did not have any negative responses on Cook Avenue or Hillside Court. Director Pierce did point out he received one response from 407 N. Lemon Avenue, which area he was deleting from the list.

Linda McGrantham and Michael Kelley stated they were grateful with staff's and Council's decision not to install a traffic calming device in front of their property.

Council Member Burnett suggested leaving a gap in the middle to avoid any future drainage problems, to which Director Pierce agreed.

Motion:
Council Member Burnett moved for approval of staff's recommendation; seconded by Vice Mayor Pugh. Motion carried 5-0.

Columbarium at Cemetery

Authorization to purchase, construct and landscape a 96-niche columbarium and four 4-niche cremation bench project at the Brooksville Cemetery at a cost of approximately $31,500, with a loan from the Cemetery Perpetual Care fund, to be reimbursed with sales from the niches (proposed at $1,000 per niche), as recommended by the Cemetery Advisory Board.

Director of Parks and Recreation Walker reported the funds would be transferred from the Cemetery's Perpetual Care Fund.

Vice Mayor Pugh asked about future expansion. Director Walker advised there was plenty of room for growth.

City Manager Anderson proposed staff proceed with the bid process. Director Baumgartner pointed out the auditors thought the City should repay the interest on the funds used back to the Cemetery Perpetual Care Fund.

Motion:
Council Member Staib moved for approval of staff's recommendation and the interest issue; seconded by Council Member Burnett. Motion carried 5-0.

Designation of Council Member Attendance at Various Functions

a) FLC Legislative Action Day
Council Member participation in the Legislative Action Day in Tallahassee on Tuesday and Wednesday, March 29th & 30th, 2005 at a cost of approximately $160 per participant for hotel, mileage and per diem (no registration fees). Funds available in appropriate City Council Travel & Training line items.

b) Hernando County Chamber of Commerce "Tally Ho to Tallahassee Day"
Council Member participation in the Chamber Legislative Day in Tallahassee on Thursday, March 31st, 2005 at a total cost of $30 per participant (Note: no cost if already in town - Lunch is being organized by Rep. Russell's office with no cost associated). Funds not specifically budgeted but should be available in appropriate City Council Travel & Training line items due to minimum cost involved.

c) 2005 Advanced Institute for Elected Municipal Officials
Participation in Advanced Institute in Tampa (4/15-16/05) or Orlando (11/4-5/05) at a cost of $185 per participant plus applicable hotel, mileage and per diem based on site location. Funds not specifically budgeted, however, funds available in City Council Travel & Training line items but would need to be monitored closely for future travel cost expenditures (event costs could range from $425-$600 depending on location and hotel costs).

Council consensus was to send Vice Mayor Pugh as the City's representative to the FLC Legislative Action Day and the Chamber of Commerce's "Tally Ho to Tallahassee Day" in March; to send Council Member Burnett to the seminar in April for the

Advanced Institute for Elected Municipal Officials; and to send Vice Mayor Pugh to the Advanced Institute for Elected Municipal Officials next year.

City Manager Anderson advised staff would prepare and arrange the necessary travel details.

Suncoast League of Municipalities - Alternate Member

Appointment of Alternate City Council Representative to serve on Board of Directors (Current Member is E.E. "Ernie" Wever, Jr.).

Council Member Burnett advised he would be happy to take on this board. Council Member Wever noted he plans to attend this month's meeting, and he would keep Council informed of his attendance at any future meetings.

Motion:
Council Member Staib moved for approval of ~~the consent agenda~~ appointment of Council Member Burnett as an alternate board member; seconded by Vice Mayor Pugh. Motion carried 5-0. Amended 03/21/05

Sheriff's Dept. Sub-Station Utility Hookup Fees

Request by Sheriff Nugent to waive the utility hookup/connection fees for the proposed Sheriff's Office Sub-Station to be located at 601 E. Dr. Martin Luther King Blvd. in the amount of 3,230.

At the request of Sheriff Nugent, Mayor Johnston moved this item for discussion after CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS.

Sheriff Nugent presented his request to waive the utility fees for the proposed sub-station. Council Member Staib inquired if both the Brooksville Police Department and Sheriff's Office would have full access to the sub-station, to which Sheriff Nugent confirmed.

Motion:
Council Member Wever made a motion to waive the utility fees and the transfer of funds to be included in the 2nd quarter budget amendment; seconded by Council Member Staib. Motion carried 5-0.

ITEMS BY COUNCIL

E.E. "ERNIE" WEVER, JR., COUNCIL MEMBER

Florida Restaurant Guide
Council Member Wever suggested the City send a letter to Farmer John's congratulating them for making it into the guide for 2005.

Jasmine Drive
He inquired about the re-routing of Jasmine Drive, to which Director Geiger explained he was waiting on the County to respond but he had not received a response yet. Director Geiger was informed a formal response would be forthcoming with a presentation to Council.

Council Member Wever asked what could be done to get the County to give the City the right-of-way. Director Geiger felt it was not important for city to own since it was not confirmed where entrance will be placed.

Department of Community Affairs Letter
Council Member Wever inquired about the CDBG-ED grant extension letter from DCA wherein DCA granted a six month extension to the City through July 6, 2005. Director Geiger explained it was unlikely the City would make this deadline since plans were in the review process and the grant may have to be closed out and reapplied for. Council Member Wever suggested sending Representative Russell a copy of the letter so he was aware, to which City Manager Anderson felt it was not necessary to transmit the letter to him at this time.

Sprinkler System - Building Code
He suggested revising the building code to include any new construction or any major remodeling commercial project should have sprinkler systems installed. Council Member Wever noted this would save property owners money on their insurance policies and would like for this to be added on the March 21, 2005 agenda.

DAVID PUGH, VICE MAYOR

Sprinkler System Requirement
Vice Mayor Pugh felt people might shy away from building or establishing a business in the City if the City made the sprinkler system mandatory. He stated he deals a lot with fire code requirements and depending on the size of a building installing a system could become costly for the business owner. Vice Mayor Pugh noted the County does it but they have provisions within the requirement. He felt this item should be discussed and was open for Council discussion at the next meeting.

First Right to Serve
He inquired how the communication was with the City and County regarding the land comprehensive plan amendment and the First Right to Serve. Director Geiger advised the County was in the process of implementing their EAR based amendments and proposal to adopt. Director Geiger stated a joint meeting would be necessary and advised a meeting would be scheduled for the end of March or April.

Jasmine Drive
Vice Mayor Pugh asked if there were any potential concurrency issues the City would be facing. Director Geiger explained the preliminary design plans were almost complete but no date or analysis on concurrency which falls back to tables. He noted traffic counts were periodically being done and they would be sending out counters to collect additional data. Director Geiger advised there were no big change in numbers and people would continue to travel in that direction.

Mayor Johnston asked if Council could get copies of the future land use map. Director Geiger advised when he received a complete document, he would be distributing to Council.

FRANKIE BURNETT, COUNCIL MEMBER

CDBG Grant Funds
Council Member Burnett liked the idea of the CDBG Housing Grant but felt it was not a good idea to do it in conjunction with the County. He suggested holding a special workshop to discuss future grants.

He also mentioned there were still funds available in reserves from the previous City CDBG Grant. Council Member Burnett would like to discuss the possibility

of utilizing those funds for a summer youth program to purchase clothes and school supplies for low to moderate income families at the March 21, 2005 meeting.

Mayor Johnston thought those funds were used for the Kennedy Youth Park. City Manager Anderson advised there was approximately $3000 leftover and staff would appropriate as Council desires.

JOSEPH E. JOHNSTON, III, MAYOR

Red Mule Runners - Flatlander's Challenge
He advised the City had received a plaque from the Red Mule Runners in recognition of support for the 26th Annual Flatlander's Challenge on January 29, 2005.

Council Member Wever suggested displaying the plaque downstairs in lieu of the Council Office. Mayor Johnston felt that hanging all the plaques downstairs would take away from the art gallery.

CITIZENS INPUT
None at this time.

ADJOURNMENT
There being no further business to bring before Council, the meeting adjourned at 8:21 p.m.

Lindsay A. Morgan
Deputy City Clerk

ATTEST:_____
Mayor

:lam

G:\WP_WORK\ClerkOffice\MINUTES\2005\03-07-05MTG.wpd

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

MINUTES

MARCH 21, 2005 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; Kim Harsin, Administrative Assistant; Emory Pierce, Department of Public Works Director; 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.

CONSENT

Minutes
December 20, 2004 - Regular Meeting
March 7, 2005 - Regular Meeting

Enterprise Zone Board Membership Appointments
Consideration of concurring with the Board of County Commissioners and the EZDA Board appointment of Patricia Crowley representative of the Chamber of Commerce and reappointments of Sgt. Cinda Moore, representing the Sheriff's Office, Mark Caskie, representing Code Enforcement, and **authorizing solicitation of replacement** ~~Steven Emerson representative of~~ finance and insurance **representative**.

Personnel Policy Amendments
Consideration of amendments to clarify and incorporate state and federal requirements for: (a) Exempt (salaried) employees (Chapter XII, Section 12.10); and (b) Military Leave (Chapter VI, Section 6.04)

Council Member Wever pointed out there were two corrections that needed to be made on the March 7, 2005 minutes, page one in the last paragraph should be "materials being defective" and on page seven the motion stated "moved for approval of the consent agenda" but should read "appointment of Council Member Burnett as an alternate board member".

Motion:
Council Member Burnett moved for approval of the consent agenda with two revisions to the March 7, 2005 minutes; seconded by Council Member Staib. Motion carried 5-0.

APPROVED BY BROOKSVILLE CITY COUNCIL

ON 4/18/05 INITIALS

PUBLIC HEARING

Ordinance No. 675-A - Levitt & Sons, LLC - "The Cascades"

Consideration of proposed Ordinance amending Zoning Ordinance No. 675 to reduce the typical single family lot size from 6,600 square feet to 6,120 square feet and to allow a reduction of the minimum lot width of 75' at the building line to 51'.

Community Development Director Geiger entered his staff report dated March 21, 2005 into the record in its entirety [Attachment A].

Council Member Wever questioned the reasoning for amending the ordinance in lieu of making it an exception. Director Geiger reported the ordinance provides for specific zoning conditions and would be the appropriate way to handle.

Vice Mayor Pugh clarified the developer planned to go from 55' to 51' foot in reduction of the lot size and not the 75' stated in the letter. He asked if there were any guarantees this development would remain a retirement facility, to which Director Geiger replied no.

Mayor Johnston was concerned with the reduction of the lot size, since it would increase green open space as identified on the preliminary plat.

City Clerk Phillips read Ordinance No. 675-A by headnote only, as follows:

AN ORDINANCE AMENDING SUB-SECTION 1.2.H. OF ORDINANCE NO. 675, MODIFYING "THE CASCADES" RESIDENTIAL PLANNED DEVELOPMENT PROJECT'S MINIMUM LOT SIZE STANDARD TO BE 6,120 SQUARE FEET AND PROVIDING FOR THE MINIMUM LOT WIDTH AT THE BUILDING LINE STANDARD TO BE FIFTY-ONE FEET; AND PROVIDING AN EFFECTIVE DATE.

Public Input:

Don Lacy, Coastal Engineering Associates, Inc., pointed out the green open space would be lakes. He explained the 51' lots were to keep the green open space and lakes within the development. Mr. Lacy advised the desire of the residents is to keep the lots small and noted Levitt and Sons are geared towards retirees.

Motion:
Council Member Staib moved for approval of the first reading of Ordinance No. 675-A; 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

REGULAR AGENDA

Levitt & Sons of Hernando County, LLC - "The Cascades" Preliminary Plat

Review of Proposed Preliminary Plat for Phase I and IA of the Cascades at Southern Hills Plantation for a 14-lot model center with 2 temporary sales trailers, 171 single family residential lots, an activity center,

collector roadway, gatehouse, open space and drainage of approximately 99.8 acres.

Director Geiger reported the developer plans to make slight modifications to the preliminary plat which would result in an increase of two-three lots to this phase of the project. He pointed out since the developer was increasing lot size to the preliminary plat it would have to go back to the Planning and Zoning Commission for their review and approval and finally back to Council in conjunction with the zoning of the property to consider the conditional plat. [corrected 4/18/05]

Vice Mayor Pugh clarified the preliminary plat would be changed, /to which Director Geiger advised it would be by adding an additional four ~~5~~/ 51 lots. Vice Mayor Pugh would like to see the development have open green space and DRA's.

Resolution No. 2005-06 - First Quarter Budget Amendment

Consideration of proposed Resolution adjusting revenue and expenditure budget amounts.

Finance Director Baumgartner presented the first quarter budget amendments noting the majority have been discussed during previous Council meetings.

Council Member Wever requested staff provide a revised schedule to Council in the future. Director Baumgartner advised Council will be receiving shortly the entire cash position of the City on a monthly basis.

Director Baumgartner noted the audit would be distributed to Council by March 31, 2005.

City Clerk Phillips read Resolution No. 2005-06 by headnote only, as follows:

A RESOLUTION PROVIDING FOR CERTAIN BUDGET AMENDMENTS FOR FY 2004-05 BUDGET AND SETTING AN EFFECTIVE DATE.

Motion:
Council Member Burnett moved for approval of Resolution No. 2005-06; 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. 2005-07 - Regional Planning Council (RPC) Boundaries

Consideration of proposed Resolution opposing boundary changes without approval of members of the impacted RPC.

Mayor Johnston advised he serves on the WRPC and explained the proposed legislature would eliminate current existing planning councils and those members would be absorbed into larger areas. He pointed out Hernando County would be combined into the Tampa Bay Regional Planning Council.

Council Member Wever reported on the recent WRWSA meeting regarding this discussion on the Planning Council's, which was voted on by the Planning

[corrected 4/18/05]

Council's Executive Director/ and the vote looked very close. He noted there was some concern because the governor could change the boundaries without the legislature but cannot eliminate a planning council.

Vice Mayor Pugh commented on the rural county boundaries and felt the City would be better suited with Tampa Bay. Mayor Johnston pointed out that Brooksville is second largest City in district after Ocala and felt the current planning council allows the City to be in a little more control.

Council Member Burnett recommended Council support the resolution.

City Clerk Phillips read Resolution No. 2005-07 by headnote only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF BROOKSVILLE, FLORIDA, ESTABLISHING CERTAIN CRITERIA RELATED TO REALIGNMENT OF REGIONAL PLANNING COUNCILS AND REGIONAL PLANNING COUNCIL BOUNDARIES; AND SETTING AN EFFECTIVE DATE.

Motion:
Council Member Staib moved for approval of Resolution No. 2005-07; 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

Emergency Medical Services (EMS)

Consideration of preliminary proposal to provide EMS in the City effective October 1, 2005 by American Medical Response.

City Manager Anderson reviewed background information relating to ongoing discussion that Council initiated last Spring during the Budget process in connection with changes to the millage levy that was previously adopted by the County and potential future increases. Staff was requested to continue to monitor and determine whether there were any alternatives. Subsequently, staff received a request from a private company that provides those services through a contract. As requested, that option was now presented to Council for review and direction as to whether to continue negotiating to bring back a formal agreement. The schedule made it necessary to apply for a Certificate of Public Convenience and Necessity in a timely manner. If Council desires to switch from the County to the private company the contract would not go into effect until next October. City Manager Anderson advised the Certificate would need to be in place, formal consideration of the details of the actual contract be discussed, and the County would need to be notified before the end of April. Staff requested direction from Council on whether to proceed and if so, authorize permission of the application to the County for a Certificate.

Council Member Staib pointed out the deadline is April 18, 2005.

City Manager Anderson replied in order to make the October 1st deadline, the application would have to be submitted as soon as possible, and noted the

application is primarily a questionnaire that would have to be reviewed by the County Commission for approval.

Council Member Wever stated he would like to see a proposed contract and have a presentation from the company prior to making any final decisions, to which Council Member Burnett agreed.

Council Member Burnett pointed out there would be a cost savings of approximately $180,000 but asked if it would really be a cost savings compared to the benefits received. He explained he has had bad experiences with private contractors noting they tell you one thing and then they do something else.

Vice Mayor Pugh agreed with the cost savings to the citizens, but stated that a significant change "may" not result in a higher level of service and he would not want to find out the higher level of service was not provided.

Council Member Wever requested letters of recommendation from current cities for comparison.

Mayor Johnston stated the company is in existence in a few other cities and small towns and agreed staff should proceed as directed by setting up a workshop to have the company present information on the other cities they serve along with a sample contract. He felt these items must be reviewed to verify if there was a cost savings and to see if the level of service was there.

Council Member Burnett also suggested a presentation was needed with our current provider to compare level of service. City Attorney La Croix advised the County now provides the service and citizens pay for the service through special assessment taxes. He suggested the City apply for the Certificate of Convenience and Necessity at this time, and if plans fell through, the application could be withdrawn even if it was approved. City Attorney La Croix noted a contract and ordinance would need to be approved by Council by the end of April. He explained the ordinance would revoke the approval of the .6700 mill assessment.

Mayor Johnston stated Council needed to make a motion authorizing staff to proceed with submitting the application for the Certificate of Convenience and Necessity.

Vice Mayor Pugh asked how the new company would be paid, to which City Manager Anderson replied the contract would provide housing for a medical unit in the City's Fire Station and the company would use the same fee schedule as County's current rate structure directly to the user to offset costs.

City Attorney La Croix stated a bond required by the contract would protect the City from any damages should the company default on providing services to the City. He stated it would allow the City to hire a private ambulance service since there would be no arrangement in place with the County to provide the service. The company may also be credited for use of City facilities and it would possibly save the City money by cutting overtime and other staff expenses.

Public Input

Diane Rowden noted she was here as a parent not as County Commissioner and explained she has had a bad experience with private ambulance services. She thanked Council Member Burnett for recognizing parents that have lost children and also for recognizing that lives are more important than money. She pointed

out Hernando County was serviced by a private company, Florida Ambulance Service, in 1993. Ms. Rowden informed Council on July 30, 1993, her 11-year old son had a swimming accident at her home in River Country. When the ambulance responded, her son was transported to the hospital and was there approximately two hours before the helicopter was called in from All Children's Hospital where her son, Jared, was transported to. She pointed out at no time did her son have brain damage from the swimming accident. He was put into a self-induced coma since he had taken in so much water. The chlorine was eating the inside of his lungs and there was nothing they could do for him. After about three days at All Children's Hospital, he was flown to Miami Children's Hospital where they did an experimental process for him. Jared died after eighteen days. A couple weeks after his funeral, employees from Florida Ambulance Service called her to let her know the reason her son was transported and not immediately airlifted was because they were paid to transport, not if the helicopter arrived. She felt the Council's responsibility was to look after the lives of the people in this City, not the bottom dollar.

Mike Nickerson, Fire Chief of the Hernando County Fire and Rescue, thanked Council for allowing the County's fire department to serve the City residents for last five years as provider of EMS. But he was not sure of the statement of "may result in a higher level of service" when there may only be a minimum of one ambulance on duty. He advised the County operates five full-time ambulances and one part-time ambulance along with six engines and three quick response vehicles and one daytime transport ambulance, which is a total of fifteen AOS units, nine of which are within five minutes of the City limits. Chief Nickerson pointed out even though it is a life saving business, Hernando County Fire and Rescue has a business relationship with the City and hoped before Council decided to move into a business relationship with another entity, he asked they extend the courtesy of negotiation and restructuring. He explained AMR is planning to use the same rate as the County, however, AMR's proposal is $145 per transport higher, noting mileage is proposed at $9.99 with the County at $7. Chief Nickerson felt the savings for taxpayers would be a relatively small fee once a year, but the ambulance call bill would be much larger than the .67 mills assessment. He stated if the County was not the best business choice for the City, he would understand Council's decision to change and stated it was not beyond the County's ability to look at the rate structure in lieu of the property assessment tax.

City Manager Anderson advised that on the information presented by the Chief was based on the initial presentation AMR made to the City. He explained that what was now being considered would not have taxpayers paying a higher rate than the County's. He advised those were all subject to negotiation. City Manager Anderson noted AMR recognized that it would be necessary for them to operate within the County's rate structure.

John Crowley, Vice President of Hernando County Professional Fire Fighters Union Local 3760, was opposed to the City contracting out their EMS services. He spoke not only as a firefighter and paramedic who now responds to calls within City limits but also as a citizen who works within the private industry in the City part-time. He felt by working within the City he would be affected by the services provided. Mr. Crowley noted while encouraged to contract out EMS services with most weight being taxes, a for-profit company such as AMR would have the same level of care or same dedication as emergency workers who live within this County have towards our neighbors and community; constantly exploring new and better ways to treat our citizens in their time of crisis. He pointed out according to City Manager Anderson's letter, AMR proposed to provide one equipped ALS unit at the central fire station with one EMT and one paramedic.

They would be cross-trained as a private sector firefighter. Mr. Crowley asked how does one unit compare to what the County currently provides to the City residents when the County currently has one ALS ambulance, one paramedic and one EMT firefighter in addition to an ALS engine, a paramedic and an EMT firefighter as a backup within the City limits at all times. There are two paramedics and two EMT's doubling what AMR is currently offering. In addition to normal business hours during the workweek they have two more quick response ALS vehicles which would be the Rescue Chief and Training Chief that are right within the City limits; totaling four paramedics within the City during most business times. In addition, two rescue trucks with four trained firefighters work with the City firefighters under the current mutual aid agreement at no cost to the City. That is an additional two more firefighters than the current proposal. Each would be operating under two different medical directors. This potentially leaves two different levels of care. There is no way they are proposing a "higher level of care". There are many times when there is more than one simultaneous call or a car wreck with multiple patients requiring more than one ambulance. Mr. Crowley questioned how one ALS unit in a central fire station was going to handle this problem. What if the unit is committed to a fire call, how does AMR then become able to protect the City's citizens if another emergency call occurs in the City limits, with as many nursing facilities that need ALS protection every third day. Approximately six months ago, the Council sent a letter to the County Commissioners indicating that based on the current level of service, it did not wish AMR to come in. He asked why the sudden change? Hernando County professional firefighters are proud to serve the City residents and want to continue to be its provider.

Mary Ellen Reid stated the County tax assessment of .6700 has made the rescue bill $156.68 this year, stating there are a lot of retired citizens who cannot afford this. She noted insurance companies will pay for the ambulance service costs. Ms. Reid advised if the cost of services keeps increasing, she cannot afford to stay in Hernando County.

Richard Lewis stated he was glad Council was considering changing to AMR and felt the workshop was a good idea. He stated previously when this proposal was brought before City Council there was a price citizens would pay. He pointed out when the County ambulance service was first started there was approximately $750,000 plus taken out of the General Fund, advising this was the first time the citizens paid for ambulance service. The second time was when the EMS millage was on the tax bill and the third time was when ambulance service was called. When there is a proposal from a company that can provide a better service for less money, Council is obligated to listen to a proposal. Mr. Lewis stated there are two hospitals that serve this community so there is a choice and reducing millage should be considered. Council has asked the County many times about how funds are commingled between Hernando County fire funds for fire assessments and the Emergency Medical funds. He stated per Florida Statute, EMS money cannot be used for anything else except for emergency medical service, and when that money is being spent to "train" firefighters/paramedics, that money is being misused.

Motion:
Council Member Staib moved for approval of setting up a workshop for EMS services and starting the process by applying for the Certificate of Convenience and Necessity to provide for advanced life support services; seconded by Council Member Wever. Motion carried 5-0.

Mayor Johnston stated the first and second readings of the ordinance would have to be done in regular session. A workshop could be done because there would be no action taken.

City Clerk Phillips inquired if the Ordinance process would start on April 4th to acknowledge the Certificate of Necessity timing. Mayor Johnston replied in the affirmative and stated it will be ready if necessary within the time frame should we make that decision. It will be determined at the workshop whether it will go on April 4th agenda.

Council Member Wever requested a transcript from this part of meeting be prepared for the workshop.

City Manager Anderson stated he was not sure how long it will take for the County to consider and act on a Certificate.

CDBG-ED Grant Closeout/Application

a) Consideration of closeout of existing CDBG-ED Grant for the reverse frontage road and utilities project along the southeast corner of the Intersection of SR 50 (Cortez Blvd.) and SR 50-A (W. Jefferson St. to the existing providence Blvd. area;

b) Authorize our current consultant (Berryman & Hennigar) to prepare a new CDBG-ED Grant Application (at no cost to the City) in the amount of $500,000 to complete the project utilizing the Sims Furniture Company as the participating business partner.

Director Geiger reported DCA strongly recommended closing out the existing grant which would result in the City returning of a portion of the inspection and engineering costs that have already been incurred. Director Geiger felt if the grant was closed out at this time, the timing would be perfect since the City could reapply now. He noted the difference in cost would be approximately $6500, and suggested the money could be covered by the TOPS funding or impact fees. Director Geiger felt it should not have any impact on the budget. He advised Berryman and Hennigar would provide full and free support in applying for the new grant, and pointed out if the City was successful in obtaining the grant, the City would have to go through the bid process to select a new administrator and engineering consultant as well as the construction process.

Council Member Wever asked what effect it would ~~it~~/ have [corrected 4/18/05] on Sims commitment to pay for the realignment. Director Geiger explained the current agreement with Sims provided for if they do not construct or create jobs at that point they are responsible to pay $60,000 payment clause.

Director Geiger proposed setting up a new budget with time lines that would establish the project and close out the existing grant by the end of 2005. He explained at the very least the City needed to finish the portion of the project that connects Providence Boulevard to Jefferson Street. Director Geiger advised the plans for behind the post office have been initiated by the engineer and are only 30% complete.

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

Resolution No. 2005-08 - Community Redevelopment Agency (CRA) Legislation Opposition

Consideration of opposition of proposed legislation dealing with CRA delegation of powers, county project approval and acquisition of property.

Director Geiger recommended Council support this resolution and send a letter to the local legislators asking for their support.

City Clerk Phillips read Resolution No. 2005-08 by headnote only, as follows:

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA, URGING THE LEGISLATURE TO VOTE AGAINST HB 1521, SB 2060, and SB 2300 IN THAT THIS LEGISLATION WOULD AMEND PART III, CHAPTER 163, FLORIDA STATUTES, WITH THE EFFECT OF SEVERELY REDUCING THE ABILITY OF COMMUNITY REDEVELOPMENT AGENCIES TO ACCOMPLISH THEIR STATUTORY REDEVELOPMENT TASKS.

Council Member Wever noted a few years back he had sent a letter to legislators objecting to any change in the legislation's current status at that time, then Senator Ginny Brown-Waite responded by advising the money belonged to the Counties, to which Council Member Wever felt the tax money coming to the CRA's were taxes paid by the property owners in the CRA's to the Counties and should come back to the CRA's. Council Member Wever would like this item be considered.

Motion:
Council Member Staib moved for approval of Resolution No. 2005-08 as presented by Director Geiger; 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. 2005-09 - Southern Hills Condemnation - Bracato Property

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

City Attorney Lacroix presented the item, advising approval of Resolution No. 2005-09 was necessary in order to start the condemnation process and authorize the acquisition of a piece of land needed for the North-South connector road that Southern Hills is obligated to construct by the Development Agreement. He distributed two maps showing the property in question.

Vice Mayor Pugh inquired if Landmar would incur the costs of the condemnation, to which City Attorney La Croix responded yes plus what the City paid for the property. Vice Mayor Pugh then questioned if Landmar would be reimbursed in

transportation impact fees. City Attorney La Croix explained the agreement provides for a portion of the cost could be impact fee eligible.

Vice Mayor Pugh also questioned why the City was taking the 4.11 acre parcel and not just going up the west boundary line to use Hampton Ridge property. City Attorney La Croix pointed out on the second map distributed, everything to the west of the boundary line would be the water retention area.

Vice Mayor Pugh asked if an alignment study has ever been done to see if this was the best location for the access road. Mr. Lacy advised CEA had met with FDOT, the County Engineering Department, County Planning Department, and City staff and chose the best route possible. Mayor Johnston brought up the fact that the County negatively assisted the City in the efforts by vacating the proposed reverse frontage road on the church property in the past.

Vice Mayor Pugh inquired if the City was in contact with the County prior to this proposed condemnation Resolution, to which Director Geiger advised the City has been speaking with the County Administrator Office's Public Land Committee.

Mr. Lacy explained the County has been notified regarding the condemnations on various properties but he would contact Mr. Adam's office tomorrow morning.

City Clerk Phillips read Resolution No. 2005-09 by headnote only, 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 LAND LOCATED IN HERNANDO COUNTY, FLORIDA, WHICH IS NECESSARY FOR ROAD AND STORMWATER DRAINAGE PURPOSES; ADOPTING A GOOD FAITH ESTIMATE OF VALUE FOR SAID PROPERTIES; AND PROVIDING AN EFFECTIVE DATE.

Motion:
Council Member Wever moved for approval of Resolution No. 2005-09; 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

ITEMS BY COUNCIL

E. E. "Ernie" Wever, Jr., Council Member - Fire Sprinkler Code
Discussion on code modification to require fire sprinkler systems in building construction and major renovations.

Council Member Wever suggested including in the building code for new commercial buildings and major renovations the requirement of fire sprinkler systems.

Captain/Inspector Tim Mossgrove reported on his research. Once the ordinance is approved, it must go to State to get passed but would take approximately six to eight months. He felt residential's should be included as well.

Captain Mossgrove advised a threshold of 7500 square feet would be a good cut off since the life safety code was 12,000 square feet.
Consensus of Council was to have the Fire Department draft the code revision for new commercial constructions and major renovations and also check into requiring a fire extinguisher in all homes.

Candlelight Townhouse Parking
He thought the current two parking spaces per unit was not enough since visitors block the road and driveways and suggested bringing back the item for any future construction of condo's, townhouses, or apartments to require at least three to four spaces per unit.

Southern Pines Condominium - Ordinance No. 687
Council Member Wever would like, staff to readdress "Condition H" of the Ordinance, regarding the developer requirement to realign Mobley Road at the April 4, 2005 meeting. He felt it was the County's mistake and they should have readdressed the problem when the Sheriff's Department and School Board District Warehouse was built and it should not be the developer's problem.

County Water Line at Wiscon Road
He noticed the County installed two fire hydrants on the water line. He also noticed the line from Wiscon Road to the hospital was inside the hospital property line and not in the road R-O-W and inquired if staff had discussed this with the County Administrator. City Manager Anderson stated an easement was obtained from the hospital to run the line on the property. Council Member Wever suggested amending the interlocal agreement by defining the dividing line since it is the center of a roadway.

Vice Mayor Pugh provided input on his involvement on the property plans. He stated the County did not intend to service any of the area in the South and felt there was nothing preventing the City from installing a line besides the County's.

Tallahassee Trip - March 31, 2005
He advised the Suncoast League of Cities was hosting a bus trip to Legislative Day in Tallahassee and he forwarded information to Vice Mayor Pugh if he was interested in riding up with them.

Suncoast League of Cities
Council Member Wever stated the Suncoast League of Cities is having their 50th Anniversary this year and planning to celebrate during the annual mini-conference. He noted the League was collecting photographs of area Council Members from 1955. City Clerk Phillips advised staff would check with Bob Martinez and Virginia Jackson to see if any photographs were available.

He also noted they are in the process of creating a new directory and would like a photograph of City Hall, to which City Clerk Phillips reported she had already transmitted it.

Police Vehicle Purchase
He pointed out the Chevrolet Tahoe had one of the worst safety ratings on the market and suggested staff look into it prior to making the final purchase.

Traffic Signals

Council Member Wever asked staff to check into a recent newspaper article stating individuals could purchase a remote control device that would allow them the ability to change the traffic signals.

Withlacoochee Regional Water Supply Authority Advisory Board

He noted the Board met last week and will be sending out notices of the new grant funding. Council Member Wever explained the grant would be on a 50-50 basis with a maximum $100,000 and asked a copy be forwarded to Superintendent of Utilities Smith. He noted the Board Attorney advised reuse funding would become available in the near future.

Survey on Services

Council Member Wever distributed copies of a contract regarding a new detailed survey on water supply availability in Hernando, Citrus, Sumter and Marion Counties. He was advised Superintendent of Utilities Smith had not been attending the PACT meetings and felt it was important for him to start attending in the future with the City's input and the Board not just receiving the County's input.

Darby Lane

He noticed the pit wall on Darby Lane was caving in, to which Director Pierce advised it was eroding away and staff was working on the repairs.

Legislative Bills

Council Member Wever explained he had been reviewing some legislative bills and had sat through a few conference calls with the Florida League of Cities regarding annexation issues. He noted one legislative bill would require Counties to use their impact fees to directly benefit a new development and City's would be required that their impact fees must be spent within the city's limits. He advised John Smith was working on changing the language to expand the use of funds.

He explained another legislative bill would be to amend annexation laws requiring local governments to create interlocal service boundary agreements and the provisions to be included in the comprehensive plan. Council Member Wever also noted the bill would authorize that Cities could annex properties that were not contiguous.

He asked copies of the legislative bills be forwarded to the City Attorney for his review.

DAVID PUGH, VICE MAYOR

Monthly Reports

Vice Mayor Pugh inquired why the Fire Department Hazmat response calls were not available on the monthly reports. Staff pointed out unless there was a Hazmat call for the month the statistics would not show up on the report.

Council Agenda Preparation

He felt there should not be any items added to the agenda after the eleventh hour on Wednesday's cut off date.

FRANKIE BURNETT, COUNCIL MEMBER

CDBG Funds

Council Member Burnett would like to get the approval of utilizing the funds and to bring back the item on a future agenda. Finance Director Baumgartner advised there was approximately $3400 available and inactive at the present time but suggested the money be appropriated to the General Fund Reserves.

JOSEPH E. JOHNSTON, III, MAYOR

Strobe Lights
He was concerned with the safety issue of strobe lights and if they were against building codes in commercial building windows, to which City Manager Anderson advised Code Enforcement would look into the situation.

Summit Meeting
Mayor Johnston advised he had to cover at the office and would not be able to make the meeting. Staff explained the rest of the Council would be in attendance.

CITIZENS INPUT

None at this time.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:17 p.m.

City Clerk

ATTEST: _____
Mayor

:lam

G:\WP_WORK\ClerkOffice\MINUTES\2005\03-21-05MTG.wpd

ATTACHMENT A

MEMORANDUM

To: Honorable Mayor and Member of the City Council

Via: Richard E. Anderson, City Manager

From: Bill Geiger, Community Development Director

Subject: The Cascades - Levitt and Sons of Hernando County, LLC - Request to amend Section 1.2.H & C of Zoning Ordinance No. 675; and Preliminary Plat Phase I & IA - (Represented by Coastal Engineering Associates).

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: March 21, 2005

SUMMARY OF REQUEST - GENERAL INFORMATION

The subject property's parent tract is 1,600 acres ±, 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 (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. The petitioner is requesting that section 1.2.H. of Ordinance No. 675 be amended to reduce the typical single family lot size from 6,600 square feet to 6,120 square feet and to amend condition 1.2.C. to allow a reduction of the minimum lot width of 75-feet at the building line to 51-feet at the building line. The petitioner is also requesting Phase I and IA Preliminary Plat approval for a 14-lot model center with 2 temporary sales trailers, 171 single family residential lots, a major amenity center, collector roadway, gatehouse, open space and drainage on approximately 99.8 acres.

The City's Planning & Zoning Commission initially reviewed the parent tract property owner's petitions for annexation and zoning (Combined PDP/Mixed Use) on January 16, 2002. At that time the Commission recommended that the City Council approve the annexation of the property, adopt a comprehensive plan amendment with appropriate mixed land use policies and designations and approve a Combined Planned Development Project zoning category for the middle portion of the property, giving consideration to various land use and design specifications (listed in the report at that time).

ATTACHMENT A

The City Council approved the 1st reading of the annexation ordinance on January 28, 2002, and provided for the consideration of the final adoption of the annexation ordinance to occur at the same time as when a development agreement (being negotiated between the developer and the City at that time) for this property was ready for public hearing consideration. Additionally, the City Council determined to hold the zoning determination in abeyance until after a comprehensive plan amendment was officially adopted for the property. On May 28, 2003 the City Council approved the annexation of the property, a development agreement providing for specific considerations related to portions of the property and the Evaluation & Appraisal Report (EAR)-based Comprehensive Plan Amendment that included the incorporation and land use policies and designations for the Hampton Ridge Developers LLC property. In June 2003, Hernando County filed a lawsuit against the City regarding the annexation, development agreement and comprehensive plan amendment. On July 23, 2003 the State Department of Community Affairs (DCA) found the City's EAR-based Comprehensive Plan Amendment in compliance, except for four large scale amendments and the text amendments (as it related to issues concerning the large scale amendments). The DCA cited concerns on items that included transportation, capital improvements, the environment and population projections. The City opted to negotiate a compliance agreement with the DCA to address their issues. Hernando County intervened as a party in this process (filed August 8, 2003). On November 12, 2003, the City and County entered into a Joint Planning Interlocal Agreement and a Supplemental Interlocal Agreement that specifically addressed the Hampton Ridge Property. The County subsequently dropped its lawsuit against the City. On February 24, 2004, the DCA, the City and the County (as an intervening party) entered into a Stipulated Settlement Agreement concerning the City's EAR-based Comprehensive Plan Amendment. On March 15, 2004 the City adopted a remedial Comprehensive Plan Amendment to implement the Stipulated Settlement Agreement. The DCA found the City's EAR-based Comprehensive Plan Amendment in compliance on April 22, 2004.

In response to the State's review of the City's comprehensive plan amendment for the 411 acres ± that is the subject property for this petition, the City changed the property from a proposed single-family residential land use to a new category called suburban residential. The suburban residential category limits residential densities to a maximum of 2.5 dwelling units per gross acre, allowing for clustering through the Planned Development Project approval process. This new category addressed issues the DCA had concerning maximum development potential of the property under the single family residential category which allows for up to 7-units per acre.

At its May 12, 2004 meeting, the Planning & Zoning Commission postponed taking action on the zoning petition until the June 9, 2004 meeting at 6:30 p.m., to provide additional time for the developer to interface with city and county staff to address the private versus public road issue for the Powell Road Connector road that was being proposed in conjunction with the petition. On June

9, 2004 the Planning & Zoning Commission adopted the staff recommendation in advising the City Council to approve the petition for the requested zoning and master plan subject to specified conditions.

On June 21, 2004 the City Council approved the first reading of Ordinance No. 675, to zone the property as a Planned Development Project district with a Special Exception Use for a Residential Planned Development Project with specified conditions of approval, and authorized the advertisement for a public hearing and second and final reading of Ordinance No. 675 to take place on July 12, 2004 at 7:00 pm in the City Council chambers. The City Council took action on July 12, 2004 to continue the public hearing for the second & final reading to August 16, 2004. On August 16, 2004, the City Council continued the public hearing to September 13, 2004, at which time they continued the public hearing to October 18, 2004. The continuations of the public hearing were to allow time for the City, the Developer and the County to negotiate modifications to existing agreements to reflect the direction discussed at the August 5, 2004 Joint Planning Board meeting. On October 14, 2004 City Council held second and final reading of Ordinance No. 675 approving the zoning classification of PDP (Planned Development Project) with a special exception usage for a RPDP (Residential Planned Development Project), including a recreation complex and model homes center for the Levitt & Sons, LLC property.

On March 9, 2005, the Planning and Zoning Commission reviewed the petitioner's requests for amending the zoning ordinance and the phase I & IA preliminary plat, and subsequently approved staff recommendations to recommend that the City Council approve the zoning modifications and conditionally approve the phase I & IA preliminary plat.

STAFF FINDINGS:

CURRENT LAND USE/ZONING

In the City's adopted Comprehensive Plan, the subject property is designated with a new land use classification identified as Suburban Residential. As per Policy 1-5 of the City's Plan, Suburban Residential is defined as a district where, "Permissible densities shall be limited to a maximum of [2.5] dwelling units per gross acre. However, provisions for clustering will be available through the Planned Development Project review process." The property is zoned as a PDP with master plan approval for a Residential PDP.

FACTUAL INFORMATION

1. The subject property is currently zoned PDP (Planned Development Project) with a special exception use approval for a RPDP (Residential Planned Development Project).
2. The subject property for this petition's zoning and master plan is approximately 411 acres.
3. The site is undeveloped, with a significant portion being used for pasture land.

ATTACHMENT A

4. The subject property is within the boundaries of the 1,600 acre ± parcel that was owned by Hampton Ridge Developers, LLC and annexed into the City on May 28, 2003.
5. The subject property has a Comprehensive Plan Future Land Use map designation of Suburban Residential.
6. As per Policy 1-5 of the Future Land Use Element of the City's Comprehensive Plan, Suburban Residential is defined as a district where, "Permissible densities shall be limited to a maximum of [2.5] dwelling units per gross acre. However, provisions for clustering will be available through the Planned Development Project review process." The maximum number of residential dwelling units is 925.
7. The subject property will have access to US 41 from a planned four-lane road (to be built by Hampton Ridge Developers LLC and dedicated to the public during Phase I of the Southern Hills Plantation [SHP] development). Additional access will be provided to SR50 via a proposed road designed for four lanes with the first two lanes to be built by Hampton Ridge Developers LLC by May 30, 2008, or prior to the issuance of a Certificate of Occupancy being issued for the 400th dwelling unit for the SHP project, whichever occurs first. The SR 50 connector road will also be dedicated to the public.
8. The petitioner is proposing the construction of a private collector road providing access through its community to both Powell Road on the south and the east-west connector road being built in conjunction with the SHP development on the north.
9. The City's Transportation Element of its Comprehensive Plan calls for a future collector road to be built through the subject property as part of the 2015 future traffic circulation system road network. Early in the planning process for the Hampton Ridge property, the City anticipated the future need for public road connectivity from SR 50 to Powell Road, which is why the full north-south road segment was included in the City's Comprehensive Plan.
10. The supplemental agreement (dated 11/12/2003) between Hernando County and the City of Brooksville calls for the City to compel the construction of said connector road (ref. as the "Powell Road Connection") by the owners of the property at such time as when development approval has been given to 50% or more of the property or when the 400th residential certificate of occupancy is issued for said area, whichever occurs first. The supplemental agreement does not address the issue of whether the connector road be private or public.
11. On April 22, 2004, the petitioner submitted a transportation analysis (through the year 2030) to the City and County that evaluates the impacts of a private versus public north-south road south of the east-west road. The analysis indicates a negligible impact if the road is private as opposed to public, with the studied links continuing to operate at an acceptable level-of-service (LOS C).
12. The zoning of a PDP (Residential Category), and the master plan is consistent with the City of Brooksville's Comprehensive Plan as adopted on March 15, 2004.
13. Water and Sewer infrastructure being provided pursuant to the City's development agreement with Hampton Ridge Developers, LLC will be available for connection/extension

to serve this project. The developer of this project will be required to enter into a utility service agreement with the City to obtain this connection.

14. Section III of the Phase I and IA Conditional Plat Narrative provides a Preliminary Engineering Report that addresses topography, flood plain, soils, drainage, vegetation, wetlands, wildlife and historical/archaeological summary information pertaining to the property. Based on site visits and review of supporting documentation, the summary documentation appears to accurately portray existing conditions.
15. The Phase I and IA preliminary plat includes 14 model center lots with 2 temporary sales trailers, 171 single family residential lots, a major amenity center, roadways, gatehouse, drainage and open space.
16. Existing and planned public facilities will adequately serve the planned development consistent with adopted City level-of-service standards.
17. The subject property is not located within any well head protection area.

STAFF DISCUSSION

The Developer is constructing a residential development that includes a private residential retirement community featuring a recreation center and model home center areas. The master plan for the site provides an overview of the area to be zoned including the distribution of planned uses and features. Each phase of the development will need to be evaluated to ensure compliance with City residential intensity standards. Ordinance No. 675 designated a zoning classification for the 411-acre $\pm$ property of PDP (Planned Development Project), with a special exception use authorization for a RPDP (Residential Planned Development Project, including a recreation complex and model center, and accepted the Master Plan for Levitt & Sons as submitted by Coastal Engineering Associates, Inc. (Dated 10/14/04), subject to the following conditions:

A. The developer is required to construct a collector road from Powell Road north to the East/West road (a.k.a. Southern Hills Plantation Boulevard). The road will have a minimum rights-of-way width of 80 feet and be constructed to meet all applicable City construction standards for a public collector road. Residential driveways will not be permitted on this collector road.

B. This collector road may be maintained by the developer as a private road facility within the community, subject to the conditions of the Development Agreement dated May 28, 2003 between the City and Hampton Ridge Developers, LLC, as amended. This road must be constructed prior to the issuance of the 400th residential Certificate of Occupancy (CO) for this property. If the road is not constructed by the time the 400th residential unit's CO is issued, permit activity for new development in the community will cease until such time as when the internal collector road connection to Powell Road is completed.

ATTACHMENT A

**C. Unless specifically addressed to the contrary by conditions referenced herein, City ordinance regulations which apply with regard to zoning district classification shall apply to residential areas within this PDP as if they are zoned R3.

D. The maximum number of residential dwelling units is 925.

E. Cul-de-sacs may be approved up to a length of 1,300 feet as part of the subdivision platting process, provided said cul-de-sacs have a right-of-way diameter of 110 feet and a paved area of 80 feet, and all other safety issues or concerns are addressed, including "NO PARKING" zones being enforced along the streets and cul-de-sacs.

F. The residential community entrance may incorporate appropriate signage and gating, consistent with community standards and subject to approval by the City Manager or the City Manager's designee.

G. Perimeter buffers around the property may consist of a 25-foot building setback, including a fifteen-foot vegetative (natural or planted) buffer. Opacity determinations on the buffer may be determined by the Administrative Official giving consideration to adjoining uses.

**H. Typical single family lot sizes shall not be less than 6,600 square feet and principle structure setbacks shall be a minimum 20-foot front setback, 5-foot side setback and 15-foot rear setback. In areas where the fire flow design is less than 1,500 gpm, the minimum side setback shall be 5.5 feet.

I. The maximum height for residential buildings shall be 45-feet, measured from the highest point on the property at which the building meets the ground.

J. With the exception of the collector roadway from Powell Road to the E-W connector (A.K.A. Southern Hills Boulevard), all roa ds within the Project shall be considered residential roadways and may be fronted by residential lots. A minimum Fifty-foot wide rights-of-way with two ten-foot lanes and five-foot sidewalks will be provided on all residential roadways.

K. Streets within the project area of the subdivision (behind the gates) are proposed to be privately owned and maintained. All streets must be built consistent with the provisions of this zoning approval and meet City construction standards.

L. Uses or infrastructure for this project that may not be not specifically addressed by existing code standards will be brought to the City Council for consideration. Council action on such items may be considered either independently or as a part of the subdivision review process for each phase of this development.

M. 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.

N. 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.

O. Central water and sewer services for this development will need to be addressed via a separate utility service agreement between the City and the developer.

P. Development of this property will be subject to meeting all applicable federal, state and local agency permitting requirements.

Q. The developer is required to provide the City with three original copies of the approved master plan signed, dated and sealed by a Florida registered professional engineer.

** The petitioner is requesting an amendment to Sections 1.2.H. and 1.2.C. of Ordinance No. 675 to reduce the typical single family lot size from 6,600 square feet to 6,120 square feet, and to reduce the minimum lot width at the building line from 75 feet to 51 feet. The petitioner has indicated that approximately 75% of the 925 planned lots would be at the 51 foot typical lot size width and the balance would be at the typical 75 foot width (reference "Typical Lots" diagram on the preliminary plat). The petitioner has further indicated that the planned house size and living area would not be affected by the lot size change, but the open space, common area for the project would be increased and the lot area to be maintained by the property owner would be decreased. The 6,120 square foot lot size is larger than what the City requires in the R1C zoning district (which is 6,000 square feet). In response to the petitioner's request, the City may consider modifying Section 1.2.H. of Ordinance No. 675 before approval of Final Plat to read as follows (Using strikeout/underline format):

2.H. Typical single family lot sizes shall not be less than ~~6,600~~ 6,120 square feet and the minimum lot width at the building line shall be 51 feet. ~~p~~Principle structure setbacks shall be a minimum 20-foot front setback, 5-foot side setback and 15-foot rear setback. In areas where the fire flow design is less than 1,500 gpm, the minimum side setback shall be 5.5 feet.

Section 1.2.C. of Ordinance No. 675 does not need to be modified.

Performance condition 1.2.E. of Ordinance No. 675 requires cul-de-sac's to have a right-of-way diameter of 110 feet. The preliminary plat only reflects a 100 foot right-of-way diameter. The developer has been advised to make the adjustment to be in compliance with the performance condition.

The proposed development is for a fifty-five and older retirement community, so the impact on school facilities would be negligible.

ATTACHMENT A

The original 1,600-acre Hampton Ridge Developers LLC property, when fully developed may have as many as 2,650 dwelling units, a population of approximately 5,830 and supporting commercial development. In planning for this development, it was determined that north-south road connectivity between SR 50 and Powell Road would be needed to support growth in this and the surrounding area. The questions were, when will the road be needed and how will it be constructed? Per its development agreement with the City, Hampton Ridge Developers LLC will be building the east-west portion of the road in 2004-2005, and the section north to SR 50 by mid-2008, in conjunction with the Southern Hills Plantation Planned Development. Although the section now known as the Powell Road Connector was discussed when the development agreement was being negotiated, it was unknown at the time as to what entity would be developing this property. Consideration on when and how the road would be built was deferred, anticipating that it would be accomplished as a development exaction in consideration of zoning/subdivision review for a futu re planned development. Levitt & Sons, Inc. approached the City in conjunction with zoning the southerly 411-acre parcel for a private, gated residential community, and was agreeable to constructing a private road built to City collector road standards in conjunction with their development (that would serve as the "Powell Road Connector" for their development). Connection improvements of the Powell Road connector to Powell Road must be coordinated with and approved by both the City of Brooksville and Hernando County.

FINDINGS OF FACT

The subject property is located adjacent to the US 41 emerging growth corridor. Hernando Oaks, a developing mixed use subdivision (predominantly a single-family residential golf course community similar in size to the proposed Levitt & Sons, Inc. project) is located on the west side of US 41. A mix of single family residential (standard house and mobile home construction) and agricultural uses are located to the north of the subject site. The property is bordered on the east by the planned SHP PDP. The CSX rail line borders the property along its southeastern section. The subject site has approximately 1,750 feet of frontage along Powell Road to the south. A mixture of single family/mobile home, agricultural and rural development exists south/southwest of the subject site.

In the City's adopted Comprehensive Plan, the subject property is designated with a new land use classification identified as a Suburban Residential District (gross density not to exceed 2.5 units per acre but allows for residential clustering). The subject property was part of the 1,600 acre $\pm$ parent tract owned by Hampton Ridge Developers LLC that was annexed into the City May 28, 2003. The balance of the 1,600 acre parent tract of land that was annexed into the City was ascribed with land use designations of Southern Hills Plantation Mixed Use District, Suburban Residential and commercial along the northerly US 41 frontage area. The subject property is currently zoneed PDP

(Planned Development Project) with a special exception usage of RPDP (Residential Planned Development Project).

The planned development of up to 925 dwelling units on this 411-acre tract is consistent with the City land use plan.

The Phase I and IA Preliminary Plat meets the minimum City code standards for preliminary plat approval.

To address subsurface conditions in areas where ponds or drainage retention areas are located or being proposed, the developer should be required to have geophysical/geotechnical investigations conducted and the findings of such incorporated into the final design so as to minimize stormwater discharge to the aquifer.

Streets within the project area of the subdivision (behind the gates) are proposed to be privately owned and maintained. Said streets must be built consistent with the provisions of the zoning approval and meet City construction standards. The developer is required to construct a collector road from Powell Road north to the East/West road (a.k.a. Southern Hills Plantation Boulevard). At the City Council's discretion, this collector road may be maintained by the developer as a private road facility within the community. The road must have a minimum rights-of-way width of 80 feet and be constructed to meet all applicable City construction standards for a public collector road.

The petitioner is requesting an amendment to sections 1.2.H. and 1.2.C. of Ordinance No. 675 to reduce the typical single family lot size from 6,600 square feet to 6,120 square feet, and to reduce the minimum lot width at the building line from 75 feet to 51 feet. The petitioner has indicated that approximately 75% of the 925 planned lots would be at the 51 foot typical lot size width and the balance would be at the typical 75 foot width (reference "Typical Lots" diagram on the preliminary plat). The petitioner has further indicated that the planned house size and living area would not be affected by the lot size change, but the open space, common area for the project would be increased and the lot area to be maintained by the property owner would be decreased. The 6,120 square foot lot size is larger than what the City requires in the R1C zoning district (which is 6,000 square feet). In response to the petitioner's request, the City may consider modifying Section 1.2.H. of Ordinance No. 675 before approval of Final Plat to read as follows (Using strikeout/underline format):

2.H. Typical single family lot sizes shall not be less than ~~6,600~~ 6,120 square feet and the minimum lot width at the building line shall be 51 feet. ~~p~~Principle structure setbacks shall be a minimum 20-foot front setback, 5-foot side setback and 15-foot rear setback. In areas where the fire flow design is less than 1,500 gpm, the minimum side setback shall be 5.5 feet.

ATTACHMENT A

In making the above-referenced amendment to the Ordinance, Section 1.2.C. of Ordinance No. 675 does not need to be modified.

Performance condition 1.2.E. of Ordinance No. 675 requires cul-de-sac's to have a right-of-way diameter of 110 feet. The preliminary plat only reflects a 100 foot right-of-way diameter. The developer has been advised to make the adjustment to be in compliance with the performance condition.

Provisions must be made as part of the platting process to provide easements for ingress and egress to allow for emergency services access and maintenance of the water and sewer facilities that the City will own and operate. For water and sewer easements that are outside of road rights-of-ways, a minimum 15' wide easement must be provided for all single lines and 30' for parallel pipe runs along with the right of ingress and egress across the properties the easements are located within.

The preliminary plat must be signed and sealed by a Florida licensed land surveyor.

In areas where side lot setbacks are 5', the developer will be required to design the potable water system to support 1,500 gpm.

Phased development and construction plans for this property will be analyzed for impact to roads, utilities, drainage, public services, the environment and all other applicable land use criteria, and will be subject to meeting all federal, state and local agency permitting requirements. Water and Sewer services will need to be addressed via a separate utility service agreement between the City and developer. Police, fire and sanitation collection services will be provided to this development by the City of Brooksville.

NOTE: The preliminary plat review/approval and zoning amendment process is a land use determination which does not constitute a permit for either construction on or use of the property. Nor are these actions considered a Certificate of Concurrency. Prior to use of or construction on the property, the petitioner must receive construction plan 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.

ATTACHMENT A

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:

ORDINANCE NO. 675 AMENDMENTS AND PHASE I & IA PRELIMINARY PLAT

At their March 9, 2005 meeting, the Planning & Zoning Commission recommended that City Council approve a proposed amendatory Ordinance No. 675-A, which will modify Section 1.2.H. of the original ordinance to read as follows:

2.H. Typical single family lot sizes shall not be less than ~~6,600~~ 6,120 square feet and the minimum lot width at the building line shall be 51 feet. ~~p~~Principle structure setbacks .
. .

Following the approval of Ordinance No. 675-A, the Planning & Zoning Commission recommended that the City Council approve the preliminary plat plan labeled Preliminary Plat Phase I and IA - the Cascades at Southern Hills Plantation, as submitted by Coastal Engineering Associates, Inc., signed and sealed by Clifford Manuel, P.E. and dated January 26, 2005 (with a receipt date of 01/027/05), subject to meeting the requirements of Ordinance No. 675, as amended, and the following conditions and statements:

1. 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
2. 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
3. The developer will need to coordinate proposed street names for the areas to be platted with the Hernando County Property Appraiser's office and the City's Community Development Department.
4. The scale on the preliminary plat needs to be corrected to 1 inch = 200 feet (The scale bar itself currently reflects a 1 inch = 400 foot scale even though it is labeled properly as a 200 foot scale).

ATTACHMENT A

5. The cul-de-sac's on the preliminary plat must be corrected to reflect a 110 foot right-of-way diameter.
6. Construction plans must be submitted within 90 days and final plat plans (including all required supporting documentation) must be submitted within six months of the of the preliminary plat approval date, otherwise the preliminary plat approval shall be considered null and void.
7. The developer is required to provide the City with three original copies of the approved "The Cascades at Southern Hills Plantation Phase I & IA Preliminary Plat" that is signed, dated and sealed by a Florida registered Land Surveyor, along with a legal description and survey sketch for the 99.8 acre ± preliminary plat area.

Staff recommends that one additional condition be included that reads as follows:

8. The developer is required to design and construct the internal road network as an urban section with provisions for curb and sidewalk, subject to approval by the City's Public Works Director.

RECOMMENDED MOTION: Motion to approve the first reading of Ordinance No. 675-A, and schedule consideration of the second & final reading and and the Phase I & IA preliminary plat for the April 4, 2005 meeting at 7:00 p.m. in the City Council chambers.

Enclosures:
1) Ordinance No. 675-A amending Ordinance No. 675
2. Letter dated January 26, 2005 from Cliff Manuel requesting amendments to Ordinance No. 675
3) The Cascade Phase I & IA Preliminary Plat
4) The Cascade Phase I & IA Preliminary Plat Narrative
5) Coastal letter dated January 31, 2005 - Levitt & Sons name change

G:\WP_WORK\ClerkOffice\MINUTES\2005\03-21-05MTG.wpd

AGENDA ITEM NO. C-1
2/6/06

CITY OF BROOKSVILLE
WORKSHOP
CITY COUNCIL CHAMBERS
201 HOWELL AVENUE

MINUTES

March 24, 2005 5:30 P.M.

Brooksville City Council met in workshop 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; James Daugherty, Fire Chief; Steve Baumgartner, Finance Director; and Theresa Pomeranke, Assistant to the City Manager. A member of the Hernando Times was also present.

The meeting was called to order by Mayor Johnston.

EMERGENCY MEDICAL SERVICES (EMS)

1. Review public vs private sector contracting for EMS services.
2. Consideration of preliminary proposal effective October 1, 2005 by American Medical Response.

Tom Diez, American Medical Response (AMR), Tampa, FL, passed out a sample Certificate of Public Convenience and Necessity application (COPCN) which he indicated they would put together for submittal to the County. He also advised that there was no obligation to the City with this submittal. City Manager Anderson stated it was Staff's intention to submit the application to the County, as this step is required before Council could take any action to proceed with a contract with AMR. He explained if the County Commission approved the application it would give the City the right to proceed with a contract. He advised if Council decides to proceed, Staff and AMR will define a formal written contract with appropriate remedies if the contractor defaults on the service to the community. Then the official first reading of the ordinance would be brought forward that would change the existing arrangement with Hernando County to perform the EMS duties for the City pursuant to the current interlocal agreement.

Council Member Wever stated that page 1, item 4 in the COPCN lists the number of vehicles in Hernando County at three and he questioned how many vehicles would actually be in the City only. Mr. Diez replied a starting point was needed and it was determined that initially they would need to provide a supervisory vehicle and backup. He pointed out that normally the number of vehicles listed in the COPCN can be changed once granted. The contract says "in Hernando County" so interfacility transport is possible, which sometimes takes the vehicles outside of the City of Brooksville.

Council Member Wever also asked about the Key West contract and the subsidy referenced. Per Mr. Diez, the subsidy that Key West was paying for the service before they started servicing the city was actually lessened once AMR went in. AMR believes Brooksville could be self sufficient unless more services were wanted or more vehicles would need to be maintained. Council Member Wever asked for clarification if AMR could provide three vehicles without a subsidy, to which Mr. Diez responded that they were not really able to determine that at present since they would need additional information from the City.

APPROVED BY BROOKSVILLE CITY COUNCIL
ON 2/6/06 INITIALS

Council Member Wever asked if AMR would send an ambulance on fire calls. Mr. Diez answered that based on today's activity levels that would not be necessary unless other circumstances were involved since this would tie up their vehicle when it might be needed elsewhere. He reported on some other arrangements made in another location that dealt with that. Council Member Wever further inquired if the City of Brooksville continued with a fire rescue unit, would AMR then need to send the ambulance. Mr. Diez stated that if the City had a full paramedic unit available capable of transporting, it would not need them on the call. City Manager Anderson clarified that the City does have a basic life support unit that it sends out but not a full life support unit.

Council Member Wever asked who makes the decision at the accident scene on when, where and how someone is transported. Mr. Diez reported that normally the patient directs this unless medical directives and administrative protocols are in place that dictate otherwise. The method of transport depends on safety issues, with transportation to local facilities most of the time unless the patient needs to go to a trauma center via a helicopter. The State has laid out areas for the helicopters for St. Joseph's, Tampa General and Bayfront Center. Council Member Wever asked about indigent costs, which Mr. Diez advised is, for most part, the cost of doing business unless the local government has funding available.

Council Member Wever noted AMR would help train the City firefighters to help them move up in their rating. Mr. Diez explained this would be a win-win situation and that the teams would work better together.

Vice Mayor Pugh stated there may be costs involved to the City, and asked if RFP's are required, to which the City Attorney replied no. Vice Mayor Pugh asked who would respond if all the crews were out and another accident happened. Mr. Diez answered in Key West, someone who was Advanced Life Support (ALS) equipped would be in charge at the scene and one of the Key West fireman would drive in if transport was needed. The intent is to always have a safety valve to be able to provide that level of care. Vice Mayor Pugh noted there was only one transport unit, to which Mr. Diez replied he did not foresee having only a single transport unit. Also they have mutual aid agreements in place with the County and Spring Hill. Vice Mayor Pugh asked if firefighters would be certified, to which Mr. Diez replied the aggressive end goal would be to get to the ALS pumper situation, which is paramedic trained on every fire apparatus for training but short of giving the paramedic education which has to be under a college.

Council Member Staib asked who determines the type of vehicle used, the City or AMR. Mr. Diez answered that it can be specified in the agreement but hopefully agreed upon jointly between AMR and the Fire Chief to determine what is appropriate. Council Member Staib asked what the procedure would be if there was a burn victim. Mr. Diez replied trauma cases and burn victims should go to Tampa General Burn Center. Council Member Staib asked how the victim would be sent there. Mr. Diez said that would depend on if the air ambulance can transport safely. If necessary, the helicopter would be met at the nearest emergency room, which would be the preferred approach.

Council Member Burnett asked if AMR believes they can do this cheaper and at a higher level of service than the City is currently receiving based on current information given. Mr. Diez explained they follow national trends and standards but adjustments are made for different needs in different communities. AMR is already doing 12-lead EKGs out in the field. In Key West, paralytics were used, which is being able to anesthetize a head injury victim completely. He stated

there were a high level of head injuries in Key West, due to all the motor scooter riding. If there is a head injury, a lot of the time you cannot gain an airway. Sometimes the only way to do it is to use paralytics. It is very aggressive. Paramedics need to get additional training in doing this and they are one of the services that do it and very successfully. As to cost, he said he does not know if the numbers he was given were gross or net numbers. He needs clarification on the information received before he can answer if this is a great deal or if the City can do better.

Mayor Johnston asked if it was correct that AMR can provide the service at the same rates as Hernando County and Spring Hill without the current millage assessments on taxes. Mr. Diez replied initially they are looking at zero cash outlay from the City and similar rates as current use rates, which appear to be a little higher on the LSI than AMR's customary rates. Mayor Johnston asked how often rates are adjusted and noted Key West's contract had that built in. Mr. Diez replied Key West had a five year contract. He added that a lot of billing issues are due to the way Medicare and Medicaid do payments. Forty percent of AMR's business is Medicare and Medicaid and they set the ground rules, usually yearly, based on cost of living. A cost of living increase of 3% can almost be predicted for the future. He advised it is governed, meaning rate increases need approval of the Council or Commissioners.

Mayor Johnston asked for clarification on the cross training of firefighters for EMS. He asked if AMR is willing to absorb the cost of training up to college. Mr. Diez answered they expect to do joint training with Brooksville Staff so they have personnel available on scene and that is payback.

Mayor Johnston asked what the number of AMR employees per shift would be. Mr. Diez answered they would have a supervisor, who would also be a backup. That would be additional to the Brooksville department. They would not take one AMR person off if someone from Brooksville's department came on the vehicle.

Mayor Johnston asked if there would be a different level or standard or care because there would be a different Medical Director than the County or Spring Hill has. Mr. Diez replied AMR's Medical Director is Joseph Nelson, who has been the Chairman of the EMS Directors for the State of Florida, who is very well respected and has personal knowledge of all the other Medical Directors. He explained compliance with basic national standards for medications given is governed by Advanced Cardiac Life Support (ACLS). Basic trauma life support and advanced trauma life support also have national standards. He added we are more alike than different and differences can be subtle, such as experience level, length of tenure, specialty equipment, additional drugs above and beyond the normal standards, additional competencies of paramedics and additional training.

Mayor Johnston noted in the Key West contract addendum there was an attachment referenced that was not included with the list of cities AMR is presently serving. Mr. Diez advised they are currently serving ten counties, some of those being Hillsborough County, including Plant City, Temple Terrace, Tampa and unincorporated Hillsborough County, Wauchula and all of Hardee County and Pasco County, including New Port Richey. Some were an adjunct to the 911 system for an assistance and some were just interfacility and in some places, AMR was the 911 provider. In Pasco County, AMR is purely interfacility medical transportation and backup to the 911 system. Mayor Johnston asked where they are the primary 911 response, to which Mr. Diez responded Bellglade, Palm Beach, and Key West, adding that some of others are hybrids.

Council Member Wever asked if staff are brought in from some other locations. Mr. Diez answered that traditionally, some staff are brought in and then local staff are hired. Local paramedics were calling to apply to help service the Brooksville contract, though there was no Brooksville contract yet. They are told to apply and AMR would be happy to take them for their other business. AMR becomes a new job provider in many cases.

Vice Mayor Pugh asked if it would be beneficial for the City to go out for RFP's. He wondered how many other companies out there could provide service and it seemed that AMR was the first one to come forward to try to work out a contract. City Attorney LaCroix advised the City would have to come up with a proposal for exactly what it is people would need to submit a proposal on, which is kind of what is being done working on a contract with AMR. He added he does not know of who else is out there to bid on it, possibly Hernando. He clarified an RFP is not a legal requirement, a contract could be negotiated.

City Manager Anderson asked who the competitors were. Mr. Diez replied that there are local competitors. He added a national competitor may not be a likely choice, due to the small size of the stand-alone service area. AMR has shops, dispatch centers and everything else, infrastructure is already built. There may be local small companies who might apply with an RFP. City Manager Anderson advised there is a timeline to deal with and that it was necessary to give the County notice by May 1, 2005. He added if there was a decision to go forward with a more formalized procedure, it would not be effective this coming October and the County would still have to obtain the funding they plan on budget-wise this year. Attorney LaCroix pointed out that without going through a formal RFP process and if a contract is developed with AMR, nothing prohibits the City from going to the County or Spring Hill Fire and Rescue and asking if they can do it for us at the same time or on the same terms.

Vice Mayor Pugh asked if there would be any additional liability to the City if AMR employees are used to do part of the City job. The answer was no, per Attorney LaCroix. Any injury on the job would be covered by workers compensation. Attorney LaCroix added that it was an independent contractor position.

Council Member Burnett recommended the City go ahead and file the application because they were not bound and could always back out. Council Member Staib concurred.

County Fire Chief Nickerson passed out maps indicating the station locations. He explained that the Hernando County Fire Rescue District operates one ALS transport ambulance and one ALS fire engine/tanker 24 hours a day close to the current fire station at 711 Benton Avenue in Brooksville, a temporary location and added that a permanent location is being built. Two staff officers are housed in the administrative office and during the work week they are available within the Brooksville area. Housed outside of Brooksville, but close by, are two additional 24 hour per day ALS ambulances located at Stations 11 and 21. He pointed out on the map that they lie east and west of Brooksville. There is one 40 hour per week ALS transport ambulance located out at the airport at Station 14. They are in the process of training all supervisors as paramedics. There will be two or three ALS certified supervisors on duty 24 hours a day, located at Stations 11, 14 and 21, which are all equipped with ALS non-transport units similar to the supervisor units that are suggested for the City of Brooksville to have by AMR.

He asked Council to consider what they would be getting for the amount of money they would be spending for AMR service. From his understanding of the information, they would have one ALS support ambulance and a spare if that breaks down. He noted the County also has spares housed within the City of Brooksville. He added they would have one ALS supervisor who may or may not be shared with Pasco County.

He asked who would provide coverage during overlapping and multiple EMS calls. He advised the average in the City over the last twelve months was almost six calls per day, not spaced out but usually between 8 a.m. and 6 p.m. in multiple calls. He stressed the close proximity of additional ambulances is very important. He did not believe AMR could reproduce this type of delivery service as outlined on the map he passed out with zero dollars additional over what is billed.

Regarding systematic delivery of EMS, he pointed out that currently with one Medical Director in the County, there is one standardized level of care and one standardized protocol by all agencies. If they call on Spring Hill for mutual aid, they know the level of care is the same as theirs. They know the equipment and the protocols back and forth. He surmised that if they called on AMR in Pasco County for mutual aid, the generalities would be the same, but there would be differences. He noted AMR proposed additional training that Brooksville personnel do not get now. He stated this is already being paid for by the City. The contract with Medical Director Blackburn provides opportunity for training which is provided on a daily basis, it just needs to be asked for. He asked where AMR's Medical Director is located. Medical Director Blackburn has a doctor's office in Spring Hill, lives in Hernando County and is available 24/7, which is an asset.

He spoke of EMS ability being a key issue because private ambulance services have an industry norm of an average of five years in a municipality before moving on. They usually come in with a lower price and leave with a high price and then the municipality goes to someone with a lower price and the cycle continues. In Hernando County, dating back to 1979, there have been five different providers of EMS other than Hernando County Fire Rescue, ongoing since October of 2000, and Spring Hill EMS, ongoing since the early 80's. Four out of five providers were private providers. In each case, the private provider went bankrupt or went out of business. There has been a high turnover rate with private providers for both the County and the City. Spring Hill has offered stability and this is the goal of the County. They retain personnel and have an excellent system. In almost five years, there has been nearly zero turnover, they are fully staffed and the County wants to continue that trend.

Regarding cost containment, Chief Nickerson reminded Council that the current City Ordinance No. 640 has an automatic cancellation clause if the County were to set MSTU rate over 0.67 mils. There had been rumors but no tax increase was planned unless something drastic happened, such as the loss of City tax revenue.

Regarding the COPCN application, he had not seen a copy yet. AMR's last request for the entire County COPCN was denied by unanimous vote including a letter of opposition from City Council. Nothing has changed since that time and he still feels it was the right action. He stated the County offers a system. He pointed out on the map that Brooksville is a hub with all the stations as backup to the City and the City stations are backup for all the others. The County has a response time of less than six minutes for the entire County and less than five minutes from the City of Brooksville. He felt that should be protected and the

people in the County should not be written off. He proposed looking for options with the County if 0.67 mils MSTU was a deal breaker.

Vice Mayor Pugh asked if there would be a benefit having another provider inside the City. Chief Nickerson answered that any benefits would be far outweighed by the immediate loss of revenue to Hernando County. The County could be faced with scale-backs in service or tax increases. As far as a mutual aid agreement goes, he felt that would be a lopsided situation. The County would be sending to the City of Brooksville but AMR only has one ambulance and would be busy. That would not be reciprocating. A fee would probably need to be incorporated for the County to come in roughly 250 times a year while AMR is asked for help ten times. He suspected it would not be a mutual agreement and not without dollars changing hands. He recommended negotiating with the County for a lower tax rate and an increase for user rates.

Attorney LaCroix pointed out if the City has a 24 hour ALS vehicle in the City instead of the County ALS vehicle there now, there would be the same number of ALS vehicles covering the County. Chief Nickerson argued that it would not be possible to run them in a total cooperative effort. A 40 hour transport vehicle exists to do interfacility transports to keep the Rescue in Brooksville and the Rescue close to Oak Hill Hospital quartered and available for emergency calls. Through mutual aid, the County transport vehicle would be expected to be mainly in Brooksville and County taxpayers would be paying for it. With a mutual aid agreement, it could be run that way, but he surmised 70,000 residents would see it differently.

City Attorney LaCroix pointed out the County has an EMS mutual aid agreement with Spring Hill. Chief Nickerson pointed out they help the County as much as the County helps them. Attorney LaCroix asked if the Spring Hill Fire Rescue rate schedule was equivalent to the County's, to which Chief Nickerson replied that Spring Hill has a rate slightly lower. The payor mix is approximately 50% Medicare, so at least half the calls are identical. There are slightly higher rates for the remainder of the calls. Spring Hill has a 2.7 supplement but the Chief said he was not sure what portion of that funds EMS. They are an MSTU and they are allowed to use MSTU for either Fire or EMS. The County is funded by a combination of MSTU for EMS and MSBU for Fire. MSBU special assessments cannot be used for EMS. Roughly 80% of Spring Hill's calls are EMS, staffing is a little heavier on the Fire side. On average, there are two people in the ambulance and three people on the firetruck with an ambulance and firetruck in every station. Their EMS portion of the MSTU assesment is much larger than 0.67.

Vice Mayor Pugh pointed out that residents of the City pay County taxes also and the City needs to do everything possible to save money. Chief Nickerson said they actually protect roughly 75,000 people and that his point was that it would certainly be a bargain for those within Brooksville, yet equally important are the residents outside the City of Brooksville.

Vice Mayor Pugh asked if the County is impacting the City more or vice versa as it relates to overall services. He went on to say he believes more people come into Brooksville from the County than go to the County from Brooksville. Chief Nickerson said he was not sure but there are five full-time ambulances and their busiest ambulance is the one stationed in the City of Brooksville getting 17% of the calls. Some of those calls are transports out of the hospital so when the hospital moves, they may go down.

Council Member Staib asked if the new firehouse would be outside or inside the

City limits. Chief Nickerson stated they are looking at the airport area. He pointed out it would be closer to the fairgrounds annexed area and yet only a mile from the current station. The County hopes to locate the new firehouse somewhere in the southern part of town and that would eliminate the need for the City to develop another station in that area and the City would save money.

Council Member Burnett stated it seems the City is paying to support the County needs if the County is being called 17% of the time but we are paying the same mils as the County. Chief Nickerson responded that the 0.67 mil assessment throughout the County generates approximately $1,600,000. 8.8% of that revenue is contributed by the City of Brooksville, which is $180,000. 17% of our EMS revenue generated from bills comes from the City. Per capita, there is a higher tax base outside the City.

Council Member Wever pointed out transport calls generate revenue also. If you put that in, the percentage of calls is almost washed out by the percentage of revenue. Chief Nickerson responded that neither the City nor the County is subsidizing the other, it is a fair arrangement.

Regarding AMR's request in October of 2004 for the entire County COPCN, Mayor Johnston clarified the City support was of the County's position against AMR serving the entire County at that time and not against AMR as good or bad. Chief Nickerson noted that based on what Council Member Wever read, AMR's COPCN is for them to service the City of Brooksville and the entire Hernando County at this time.

Mayor Johnston also noted there was no option to pay or not pay mils for EMS service, the City was told to pay or be left without service. He asked if there was a State requirement that EMS service have written or unwritten mutual aid agreements for joint participation and support. Chief Nickerson stated there is a statewide mutual aid agreement. Mayor Johnston questioned continuity of service as regards Township 22. Chief Nickerson pointed out from day one, the County has sent four certified firefighters and additional rescue personnel to Township 22 for calls and AMR is proposing two firefighters per ambulance for calls for the City of Brooksville.

Vice Mayor Pugh inquired if the City decides to go with AMR, can the County assess the 0.67 mils that residents outside the City pay. Attorney LaCroix replied no and explained that part of what is being considered in the process is revoking the ordinance approving the assessment. The County cannot assess without the City's consent.

Vice Mayor Pugh asked if the AMR representative, the Medical Director and ALS supervisor are in the area. Mr. Diez replied Dr. Nelson has a backup, Dr. Halvern. Both Medical Directors travel the whole state of Florida. They are also available via Nextel statewide. There is a statewide Medical Officer of the Day (MOD) manned at all times and is available to every unit. Protocols can be matched up to Spring Hill and Hernando County protocols. The training component oversees all training. Regarding oversight, every case is reviewed to certain levels. AMR's MOD program is being considered for use by others to call AMR's Medical Directors for their advice.

Vice Mayor Pugh asked if the parent company was a Canadian company to which Mr. Diez replied the parent company was Laidlaw previously. Now the parent company is U.S. based Onyx Partners. AMR is now a single company with EmCare, which provides physicians to many emergency rooms so they are aligned with the

physician group now. Vice Mayor Pugh stated he read online that Laidlaw had financial troubles but that AMR never did. He recommended having a backup plan if something goes wrong with AMR in future.

Mr. Diez stated he helped write the RFP in Pinellas County and when they went out for a new RFP, AMR was outbid by Paramedics Plus, it had nothing to do with performance or service.

Council Member Wever asked Mr. Diez to clarify if someone was seriously injured where they would be transported. Mr. Diez explained it does not ever make sense to wait longer at a scene that it would take you to get to a hospital, even if it is not the ultimate destination because they have the best equipment and training. The helicopter would prefer to come into a well lit zone. If the patient is ready to go before a helicopter arrives, then it would be best to go to the closest facility.

City Manager Anderson advised he would bring a draft of the agreement and a copy of the actual certificate and the ordinance that would initiate the process to the next meeting.

Vice Mayor Pugh asked if the City was going to give the County an opportunity to respond and negotiate. Attorney LaCroix stated the City has the option to do so and to look at all options. City Manager Anderson added Chief Nickerson and the County Administrator met yesterday and there would be a review. Spring Hill would be invited, too.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 6:59 p.m.

City Clerk

ATTEST: _____
Mayor

:kmp

G:\WP_WORK\ClerkOffice\MINUTES\2005\3-24-05workshopmtg.wpd

AGENDA ITEM NO. C-1
07/12/05

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

MINUTES

April 4, 2005 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; Kim Harsin, Administrative Assistant; Emory Pierce, Department of Public Works Director; 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 and Hernando Today was also present.

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

CONSENT AGENDA

National Junior Tennis League (NJTL) Chapter

Authorization (a) to become a NJTL Chapter under the United States Tennis Association (USTA) utilizing the tennis courts at Bud McKethan Park; and (b) apply for grant funding in the amount of $5,000 from USTA Adopt-A-Court Program to resurface the tennis courts at the park, together with a $5,000 match from the McKethan Fund (current balance $69,000).

~~Waiver of Fees - Jerome Brown Community Center~~

~~Consideration of request to waive fees in the amount of $520 for Damascus Mission Faith Outreach, Inc. for a scholarship award banquet at the JBCC on May 28, 2005.~~

MOVED TO REGULAR AGENDA.

The First Tee - 2005 Grant Acceptance

Acceptance of $25,000 grant from The First Tee Foundation for 2005 Programming at the Quarry Golf Course.
[Note: Match is met with 2004-05 Division Operating Budget]

Local Mitigation Study (LMS)

Authorization to apply to the State (via Hernando County Emergency Management LMS Committee) for a Joint Hazard Mitigation Grant Program (HMGP) grant for the City Hall and Fire Department Building Retrofit (protective window screens and generator).

Council Member Wever inquired if the City was going to be in the EOC building also, to which City Manager Anderson advised staff was looking into it.

Renewal of Valve Replacement Contract

Consideration of extend the contract with Mueller Service Co. for one additional year (through December 10, 2005) for an amount not to exceed $33,022.04.
[Note: $35,000 Budgeted in Capital Improvement Program]

APPROVED BY BROOKSVILLE CITY COUNCIL
ON 7/12/05 INITIALS

~~Fire Department Personnel~~

~~Authorization to submit application to the Dept. of Homeland Security for "Staffing for Adequate Fire and Emergency Response" (SAFER) grant funding for 6 additional firefighters with a match of $16,458 for the first year of the program.~~

MOVED TO REGULAR AGENDA.

Use of JBCC Bus

Consideration of request from the Groundwater Guardians to utilize the JBCC Bus for their workshop at the Sand Hill Boy Scout Reservation on April 21, 2005 from 12:00 pm to 4:00 pm to transport participants to the different stations on site.

[Note: JBCC Center Programs would need to be cancelled; approximate cost - $75]

Motion:

Council Member Wever moved for approval of the consent agenda; seconded by Council Member Staib. Motion carried 4-1, with Council Member Burnett in opposition.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

"Creating a Clean and Sober Tampa Bay Day" - April 7, 2005

Proclamation supporting the efforts to unify the community through compassion, prevention and recovery.

City Clerk Phillips advised the proclamation would be mailed to the organization following the meeting.

National Volunteer Week - April 17-23, 2005

Proclamation supporting volunteers in our community.

City Clerk Phillips noted the City would honor City volunteers on Tuesday, April 19, 2005 at the Jerome Brown Community Center and the proclamation would be presented at that time.

Week of the Young Child - April 3-9, 2005

Proclamation supporting the Week of the Young Child event to be held on April 9th at the Jerome Brown Community Center.

Judy Everett distributed an event flyer and thanked the City for their support and invited all to attend the event.

Mayor Johnston presented the proclamation to committee members Jean Rags, Judy Everett and Gloria West Lawson.

Child Abuse and Neglect Prevention Month - April 2005

Proclamation declaring the Month of April in support of Child Abuse and Neglect Prevention.

Jean Rags stated some alarming facts regarding child abuse and neglect. Ms. Rags distributed blue ribbons to wear during the month of April to support the prevention of child abuse and neglect.

Mayor Johnston presented the proclamation to committee members Jean Rags, Judy Everett and Gloria West Lawson.

PUBLIC HEARING

Ordinance No. 675-A - Levitt & Sons, LLC - "The Cascades"

Consideration of proposed Ordinance amending Zoning Ordinance No. 675 to reduce the typical single family lot size from 6,600 square feet to 6,120 square feet and to allow a reduction of the minimum lot width of 75' at the building line for up to 75% of the planned lots to 51'.
[First Reading 03/21/05]

City Clerk Phillips read Ordinance No. 675-A by headnote only, as follows:

AN ORDINANCE AMENDING SUB-SECTION 1.2.H. OF ORDINANCE NO. 675, MODIFYING "THE CASCADES" RESIDENTIAL PLANNED DEVELOPMENT PROJECT'S MINIMUM LOT SIZE STANDARD TO BE 6,120 SQUARE FEET AND PROVIDING FOR THE MINIMUM LOT WIDTH AT THE BUILDING LINE STANDARD TO BE FIFTY-ONE FEET; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Pugh pointed out that the smaller lot size finished product was a better sell, adding four (4) more lots to the open space. Director Geiger replied the density is not to exceed 925 units regardless of how the lots are figured. He stated there is a modification on the conditional plat, which has not yet been submitted, from a looped road to an intersection which allows for additional space. A table would be submitted for total open space, total wetland area, total number of lots and tracks being created within the development. Don Lacy of Coastal Engineering stated there is more open space than normal in a subdivision on the master plan with 925 houses that should not be used against the developer. Vice Mayor Pugh asked if the density could be achieved without the fifty-one feet in which Mr. Lacy replied in the affirmative by taking out some of the lakes and open space if Council so desires.

Public Input
Bruce Parker, Vice President of Levitt Homes, advised the density can be achieved without the four (4) lots and should have been included in the site plan to the south with back to back lot setups. The current site plan is more marketable giving open space behind each lot.

Motion:
Council Member Burnett moved for approval of the second and final reading of Ordinance No. 675-A; 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

Waiver of Fees - Jerome Brown Community Center

Consideration of request to waive fees in the amount of $520 for Damascus Mission Faith Outreach, Inc. for a scholarship award banquet at the JBCC on May 28, 2005.

Parks and Recreation Director Walker stated this banquet is in recognition of a member of the community's child who was lost in a car accident and they are requesting waiver of fees for use of the Center. Council Member Burnett stated he is a member of the board should anyone have questions. Mayor Johnston stated Outreach is a worthwhile cause but Council committed to only waive fees for community organizations. Council Member Burnett pointed out that the organization involved is the "We Share Hearts Scholarship Foundation" being a different entity from Damascus Mission Faith Outreach. Council Member Staib asked that the City not be responsible for insurance, to which Council Member Burnett replied the young lady is Jerome Brown's niece and recommended that Council approve the waiver and that the insurance is available under Damascus.

Motion:
Council Member Burnett moved for approval of waiver of fees without the waiver of insurance; seconded by Council Member Wever. Motion carried 4-1 with Mayor Johnston in opposition.

Fire Department Personnel

Authorization to submit application to the Dept. of Homeland Security for "Staffing for Adequate Fire and Emergency Response" (SAFER) grant funding for 6 additional firefighters with a match of $16,458 for the first year of the program.

Mayor Johnston recommended that this should be looked at closer before voting because of the cost to the City in the long run.

City Manager Anderson stated the grant is progressively decreasing match grant but the City is anticipating building a second 2-man station further south. This grant would give the City an opportunity to obtain personnel partially paid for by the government. The cost in the early years is minimal, giving training time to personnel. There is a building located on Oliver Street, owned by the Fair Association, available to the City at no cost requiring some renovation work.

Council Member Staib asked how long it would take to train new hires in which Chief Daugherty replied 400 training hours with a one-year probationary period totaling a year and a half. Vice Mayor Pugh felt the City should be sure the Fire District works out before adding personnel and stated they are partially trained coming out of fire college. Chief Daugherty replied applying for the grant would be a lower cost than hiring off the street and additional personnel is needed and revenue from the District would subsidize the cost. Council Member Wever pointed out that after six (6) years, personnel can be cut down by attrition. Vice Mayor Pugh asked if the District is at capacity with staff, to which Chief Daugherty replied that he is down one at the moment but that position should be filled in 12-14 days. Vice Mayor Pugh asked if the existing fire staff on Veterans Avenue gives adequate response time to service the south area, to which Chief Daugherty replied in the negative. Council Member Staib asked how many firemen might be retiring in the next few years, to which Chief Daugherty replied three (3) in the next couple of years. Vice Mayor Pugh asked what would happen if fully staffed when the grant comes through but then the department loses a few people. According to Chief Daugherty he has been fighting that for a long time. City Manager Anderson advised that the City would be required to fill existing positions and cannot use a different position as a substitute. Chief Daugherty pointed out that the positions have to be new and to be able to apply for the grant, all positions must be filled.

Chief Tincher stated that when an employee is hired under a grant, they cannot be hired as a full-time employee until the grant terminates with a 12-month

retention period requiring two (2) years of full funding cycles. Mayor Johnston asked what happens in year three if two (2) of them decide to go elsewhere. Chief Tincher replied that it is allowed to rehire into those grant positions and the amount of time of the vacancy can be extended. City Manager Anderson stated the grant is reimbursable with payroll documentation. Chief Tincher pointed out there is an audit at the end and the money will be subject to reimbursement if there is not proper documentation. Council Member Burnett asked if the grant supplements the cost to the City up to five (5) years, to which Chief Tincher replied the grant requires a decreasing amount of the maximum over a period of time giving the City a lesser burden on the budget. Council Member Burnett stated it is a good idea and the City should be looking to do this for all departments that will be affected by annexations. Vice Mayor Pugh recommended applying for the grant next year. Chief Daugherty did not think the City could hold off and pointed out the need to be able to provide coverage to the south area. Council Member Staib pointed out the grant paperwork is due in May. Council Member Wever asked how long it would take to get people in and train if this is approved. Chief Daugherty replied there are five (5) applications waiting and it would be possible to get six (6) people to fill the positions. Council Member Burnett pointed out that the grant money is not guaranteed if there is no action taken on it.

Motion:
Council Member Staib moved for approval of staff's recommendation; seconded by Council Member Burnett. Motion carried 4-1 with Vice Mayor Pugh in opposition.

Bid No. SD2005-03 - Various Mowing Services - Award of Portions of Bid

a. Utility Mowing Services (Bid Form B-1)
Award of bid to Terry Chapman in an amount not to exceed $21,600 (based on $1,080/15-20 during the year)from Water & Sewer Other Contractual Services Line Item.

b. Code Enforcement Mowing Bid (Bid Form E)
Award of bid to Tree Care by Robert Miller based on rates quoted on bid form on an as-needed basis, subject to reimbursement by property owner via lien process, with funds available from Streets Dept. Other Contractual Services Line Item.

[Note: Mowing Services for Bid Forms A(Cemetery), B-2(Various City Sites) and B-3(Various Ditches) are not being recommended for award at this time]

Director Pierce advised of administrative problems dealing with a couple of contractors. He recommended award of bid to Terry Chapman Bid Form B-1 and Tree Care by Robert Miller Bid Form E.

Motion:
Council Member Wever moved for approval award of bid for both 1a and 1b; seconded by Council Member Burnett. Motion carried 5-0.

Bid No. SD2005-04 - Landscaping Services US41/Median Area and Downtown Bulbout Projects
Consideration of award of bid(s) as identified for portion of project versus upgrade of current vacant employee position.

a. Contractor Award

If to be contracted, award to: (I-Bid Form C) $15,000 to Paff Landscaping for the US 41 & Median Area; (ii-Bid Form D) $44,777 to Tree Care by Robert Miller for Downtown Excavation & annual maintenance. Transfer of funds would be required from General Fund Reserves into Streets Dept Other Contractual Services Line Item in the amount of $59,777.

- OR -

b. New Employee Classification
Conversion of current vacant Worker III position (Pay Grade 22-$8.82/hr) to a new classification of Horticulture Tech (Pay Grade 31-$9.73/hr). Personnel costs to be absorbed in this year's budget if in-house project approved, however, transfer of funds would be required from General Fund Reserves into Streets Dept Other Contractual Services Line Item in the amount of 19,000 to cover the cost of replanting materials in both projects by in-house staff.

Director Pierce stated there have been extensive discussions with potential bidders on this matter and it was recommended to replant the bulb outs and to change to a drip irrigation system, which involves installation of back flow preventers being done by City staff. He proposed as an alternative, upgrade of a current vacant position to do this work with no effect on the budget and provide materials for the US 41 project in the amount of $19,000. Approximately $10,000 of the $29,000 is the cost of labor for replanting of the bulb outs. He stated the FDAP grant money has been accepted for some of the bulb outs and the US 41 areas. The grant administrator is not pleased with the efforts of staff and explained the annual maintenance was underestimated but it will be sorted out shortly. Council Member Wever asked if the hiring of a new employee would help to maintain other properties, which Director Pierce replied in the affirmative and stated he will provide a prison crew or others to help and changing the job title gives clarity to the duties of this person. He stated the County contracts out mowing and has five (5) horticultural technicians taking care of the planting. Council Member Burnett asked if that would be a certified person. Director Pierce replied that he is using the County's job description and he is not sure if certification is required but experience working in a nursery is required. Mayor Johnston stated that having someone on staff to do this and other tasks outweighs the benefits of contracting out. Director Pierce stated a full-time employee with benefits would be approximately $25,000-$26,000 versus $30,000 contracted out. City Clerk Phillips pointed out that during the next budget year, Director Pierce would be asking for replacement of the Worker III position. City Manager Anderson stated it was budgeted at one time.

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

Presentation of FY 2003/2004 Audit
Review of Audit for fiscal year ended September 30, 2004.

Director Baumgartner stated Mary Beth Gary and Misty Price were present for any questions and stated that they have completed the audit by the deadline of March 31st.

Council Member Wever distributed a memo to Council Members and recommended adopting his proposal into the audit by 2 funds, the Vehicle Replacement Fund and the Vehicle Maintenance Fund. The Reserve Fund was created as a savings account

to buy future replacement vehicles and asked why there is such a large amount of money in the Vehicle Maintenance fund.

Mary Beth Gary of Oliver and Company clarified that she never said that there could not be a separate fund. This particular issue has gone from a Capital Projects Fund to an Internal Service Fund and back. A Capital projects fund is not the appropriate type of fund for this activity and the Internal service fund is the best way. She pointed out that these issues raised are valid however they should be controlled internally through accounting. It is possible to overspend in vehicle repairs. The net income before transfer of funds is roughly $91,000 and the annual depreciation expense is $55,000. Good management by Finance, Department Heads and City Council should be able to take care of that. Setting up a separate internal service fund to use solely as a savings account for future replacement is not appropriate and the key to doing it this way is to budget correctly and determine charging user departments an appropriate fee that will cover the cost of the services being rendered to provide enough money to accumulate funds available for replacement.

If Council options to monitor funds for replacement, a couple of other alternatives less accounting intensive might be considered. She cautioned accounts outside the SBA would lose some of the benefit from being in that large pool.

Council Member Wever stated that the fund would be getting bigger because they would be putting utilities funding in as well. He suggested making it a trust fund and appoint City Council as trustees. Attorney LaCroix replied there would be no problem but he did not feel the need for it. Director Baumgartner stated problems with bond covenants and moving R&R money into a separate SBA account within the Internal Service Fund and that could be a solution to concerns of Council. Council Member Wever stated those funds need to be indicated in the total on the expense report as a replacement fund instead of all vehicle maintenance. He is concerned the column heading and expense indicates all funds for Vehicle Maintenance and nothing set aside for replacement.

Mrs. Gary stated that a footnote could be added to clarify by management how much money is set aside and the name of the fund could be changed to Vehicle Maintenance and Replacement fund. Council Member Wever stated if it cannot be separated then the heading needs to be changed and he is concerned with mixing Enterprise Funds into the General Fund. Mrs. Gary replied this fund is not being folded into the General Fund, which is a stand alone major fund and explained if there were more than one Internal Service Fund, those funds have to be evaluated and most likely combined to show activities of the Internal Service Funds.

Council Member Wever stated his concern over the assets of the Utilities fund and mixing revenue into the bond issues. Director Baumgartner replied that has not been done yet because it has not been authorized by Council and asked what would be the predominate fund it represents if statements were combined. Mrs. Gary replied it is a management issue and activities not dictated by bond covenants or law that are chosen to have managed through an internal service fund needs to be evaluated on how it is going to be charged out and monitored to be sure the correct amounts are being charged to cover the costs and the activities between the funds are handled correctly. As for segregating funds within an internal service fund for managerial purposes, that is a footnote general ledger worksheet type of activity. Council Member Wever asked if one of these funds are put into the Utilities Department budget does it have to come out and go into this Internal Service Fund. Mrs. Gary replied if an Internal Service Fund is to be set up to service other City departments, then it does not get reported as part

of the Enterprise Fund. If a piece of that activity is segregated within the Utilities Fund, it will only be servicing the Utility Fund and would remain part of the Utilities Fund as a separate department. City Manager Anderson pointed out that since there are no transactions this year this would not have to be decided at this meeting. Mrs. Gary suggested looking over alternatives for proposals.

Council Member Wever suggested creating a savings fund and a utility fund; then monies from the Internal Service Fund could be put back into the General Fund. Mrs. Gary suggested a meeting with the proposals in order to be sure the alternatives under GASB do not create a problem for next year. Director Baumgartner suggested doing a cover letter from City Council on the make up of the Internal Service Fund stating how many dollars are tied to the Vehicle Replacement and the Maintenance Fund and have it reviewed by the City Manager and Council Member Wever before it is sent. Council Member Wever stated that he would like to come up with things to discuss with GASB staff for review also. Mrs. Gary replied that GASB has had a major change in the appearance of the Financial Statements (terminology, format, detail and footnotes). In order to comply with the general accepted accounting standards as mandated by the Government Accounting Standards Board, City staff and Misty Gray did an admirable job providing information for a difficult transition.

Motion:
Council Member Wever moved for approval of accepting the FY2003/2004 audit; seconded by Council Member Burnett. Motion carried 5-0.

Emergency Medical Services (EMS)

a. American Medical Response (AMR)
Consideration of authorizing contract negotiations with AMR to provide Emergency Medical Services for the City.

City Manager Anderson stated that staff has submitted an application for a Certificate of Convenience and Necessity to the County and are awaiting a response. He recommended Council approve negotiating a contract to bring back to the next meeting, when the appropriate permits should be issued by the County in order to proceed. Council Member Wever stated he would like to see the contract before anything is done including Ordinance #688. City Manager Anderson replied a draft would be ready by the next Council meeting in order to meet the April 30th deadline. The County may require additional time to process the application and he has not received a response if an extension will be granted.

Vice Mayor Pugh asked if the City would be negotiating with the County to lower their rates. City Manager Anderson replied that the County Administrator and the County's EMS Director are interested in revisiting the rates when there is a draft of an agreement. Council Member Wever pointed out that the only thing that the County could do would be to revoke the ad valorem millage tax, including it in the City's budget and then hire them to do the job. City Manager Anderson stated another alternative would be to have a differential rate charging residents of the City a higher rate than they are charging the County since they were not receiving income from the ad valorem portion. Vice Mayor Pugh pointed out that if the one unit provided by AMR is out on another call and the County has to respond then negotiations for an agreement would have to be done. He wondered where that would put the City financially. Council Member Wever asked if it was possible to contract with AMR and use the County as a backup, City Manager Anderson replied there are provisions with the County. Vice Mayor Pugh pointed out that the AMR representatives have stated the contract would be

between the City and the County. City Manager Anderson stated that the Certificate and an ordinance change and/or an extension of the deadline is needed in order to be effective next October and would not be possible to do without an agreement. Council Member Wever would like to see approval of the ordinance at tonight's meeting and asked if there is the option to revoke at the next meeting, to which City Manager Anderson replied in the affirmative.

Public Input

Richard Lewis stated that he attended the workshop and has concerns with the issues; a threat was made to Council from the Hernando County Fire Chief that the Certificate of Convenience and Necessity would be turned down and he asked who the Chief was speaking on behalf of. He stated that he is in favor of AMR providing the service because the level of the services dropped when the County took over the services from Florida Regional. He stated that he attended the March 25th County Commission meeting and Commissioner Robert Schenk, referring to the Fire Service budget, criticized the administration for not being a good custodian with the taxpayers' money. Ever since the County has pulled Township 22 out from underneath the City, the working relationship between the City and the County has been strained. The County Fire Department has not been able to stay within their budget since taking over Township 22 and they told the people that they would be able to do it for less money and maintain it.

Anna Lissa Covell clarified for the record that she is not a resident but a taxpayer. She stated at the workshop Chief Nickerson stated that he has a six minute response time to the entire County for his ambulance service. She stated that she did a study confirming that in Nobleton you cannot drive in six minutes and the average response time for an ambulance and fire rescue for the Nobleton/Istachatta area is 15-17 minutes so his four ambulances with one backup do not cover the entire County equally. She would like Council to carefully look over private versus public. Chief Nickerson's 70%-75% collection rate since 2002 will raise rates on tax bill. Private business should be given a good chance along with other ambulance services.

John Crowley, Vice President of the Hernando County Professional Firefighters Association, stated the Nobleton/Istachatta area is not within the Hernando County Fire District and they are responded to by the Tri-County Fire Department but EMS and first response ALS engine does respond with paramedics on the fire trucks and these resources are strategically placed. The firefighters live within the community and care about the residents and a private company hires personnel outside the area who are unfamiliar with the streets, thus increasing response time. One ambulance is not going to be sufficient with all the approved subdivisions in the southern area and a second one will be needed. The City will be locked into a three to five year contract if that is not included. He stated the Istachatta station is not even staffed anymore and he has responded to many calls in that area working with first response Station #24 ambulance and can assure that it is not fifteen minutes response time.

Chris Dow, Brooksville Fire and Rescue, stated that contracting with AMR is a step toward making the service grow for the Brooksville Fire Department. Other union fire departments use private ambulance service and they get along just fine and it works out for a lot of other cities.

Vice Mayor Pugh asked if the County provided the necessary documentation to AMR as far as calls to base the service needs. City Manager Anderson replied AMR requested a substantial amount of information and records were obtained from the County. Apparently AMR has not requested any additional information at this time

and they are taking into consideration new areas coming on line with the same service.

Motion:
Council Member Wever moved for approval for staff to move forward with negotiations with AMR; seconded by Vice Mayor Pugh. Motion carried 5-0.

b. Ordinance No. 688 - Repealing Inclusion in Municipal Service Taxing Unit
Consideration of proposed ordinance repealing inclusion of the incorporated area of Brooksville into the Hernando County Municipal Service Taxing Unit.

City Clerk Phillips read Ordinance No. 688 by headnote only, as follows:

AN ORDINANCE REPEALING ORDINANCE NOS. 640 AND 640-A; PROVIDING FOR NOTIFICATION TO HERNANDO COUNTY; AND PROVIDING AN EFFECTIVE DATE.

Motion:
Council Member Wever moved for approval of the first reading of Ordinance No. 688 and scheduled the second and final reading for April 18, 2005; 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

Disaster Mitigation Project Funding
Consideration of designating matching fund options for various grant funding applications.

Director Phillips stated there was a detailed memo handed out on the reasons behind the USDA requirements and potential actions for Council consideration to meet their needs. The City has applied to USDA for the grants for the three (3) projects totaling $519,000+. USDA has indicated that there are funds available but 40-55% match is required for a grant. By showing funds available for the match balance, it would be likely granted.

Director Baumgartner stated USDA wants to make sure there are not too many reserves and must show a need for the grant indicating where the money would come from.

Director Phillips stated the potential of leveraging successful funds from one of the other grants and advised that staff is continuing to look for other sources but USDA wants to see some commitment up front from Council with a decision by summer. They anticipate extra FEMA funds available for Hernando County by virtue of other counties not being ready with their grant applications pursuant to the LMS stipulations set forth by the State and the Federal governments.

Council Member Wever suggested not to use line of credit funds and stated that there should be enough in the General fund and the Utilities Reserve funds for the match, making sure to split between the two (2) funds.

Mayor Johnston pointed out that the City can apply for the grants but does not have to accept or make the match should they be awarded.

Vice Mayor Pugh asked if there is a need to proceed should there be space in the EOC center at the Sheriff's Department. Director Phillips replied City Hall still needs retrofitting and records and equipment will be damaged should the windows come out. When the power went down during a storm last year, a temporary generator was set up but staff did experience some problems. Vice Mayor Pugh asked since City Hall will be serving as the EOC center, will it be required to be upgraded any further in the future, to which City Manager Anderson replied in the negative and stated the building was designed as a separate inside shell and most of the windows would just come in but the concern is being able to continue to operate.

Motion:
Council Member Burnett moved for approval of staff applying for grant with matching funds to be taken from General Fund Reserves and Utility Funds Reserves; seconded by Council Member Staib. Motion carried 5-0.

ITEMS BY COUNCIL

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

Southern Pines Development
Consideration of amending zoning stipulations to remove requirement of developer to improve Mobley Rd.

Council Member Wever stated a memo from Emory Pierce County created a problem by moving it. Third of cost through impact fees to make right-of-way. County should correct not developer. Send letter to County stating they created problem and they should correct it.

Mayor Johnston stated the obligation of the owner to correct the problem.

Director Geiger stated County staff report recognized the curve on road is a design hazard. The developer is required to do improvements. The County zoned it and made the requirement a part of zoning. Zoning request was denied.

Consensus of Council was to have Mayor Johnston send a letter to the Chairman of the Board of county Commissioners.

Growth Management and Annexation Bill
He explained the new information included DCA recommended changes. Council Member Wever pointed out they did leave in the bill that cities would be able to annex property not contiguous that creates enclaves and pockets but it has to be done in a growth agreement between the City and the County.

Hernando Youth League Softball Event
Council Member Wever stated the invitation Council received for the softball event was on the same day as the Week of the Young Child and he felt parking may be a problem.

Frankie Burnett, Council Member

Summer Youth Employment Program

Consideration of utilization of prior CDBG Housing Grant program funds in the amount of $3,400 towards summer youth work program at Tom Varn Park.

Council Member Burnett stated it was agreed, at a meeting with the City Manager and the Parks and Recreation Director, to hire two (2) summer workers supplied by the Mary Drake Foundation for a six (6) week period and recommends appropriating funds to the First Tee Program for children who cannot afford the application fee.

Motion:

Council Member Staib moved to approve utilizing funds left over from the CDBG Grant Program towards the Summer Youth Employment Program to be supervised by the Park and Recreation Director and appropriate $300-400 left over from the Summer Program towards children who cannot afford the First Tee Program's application fee; seconded by Vice Mayor Pugh. Motion carried 5-0.

Mary A. Staib, Council Member

Traffic Calming Devices

She received a complaint from the Lutheran Church minister regarding the speed humps on Zoller Street and recommended reducing the speed.

City Manager Anderson advised the speed limit for speed humps is posted at 15 mph but recommended going 10 mph and noted they were designed for 10-15 mph.

Council Member Wever stated the speed humps should be designed for the specific speed limit on that street. Council Member Burnett felt speed humps were designed and installed to decrease speed.

Code Violation

Council Member Staib inquired if the City still enforced the City Code regarding dogs on leashes. She pointed out the corner property on Fort Dade to the right where two dogs were not leashed. City Manager Anderson advised the City Code provided the dogs be under control of the property owner and not necessarily on a leash. He would turn over a report to animal control to look into.

David Pugh, Vice Mayor

Tally Ho to Tallahassee

He noted the trip was very insightful and he had the privilege of hearing from Governor Bush. Vice Mayor Pugh also advised Representative Russell made it very clear the Regional Planning Councils would not be aligned, to which City Clerk Phillips added the Regional Planning Councils would be given additional duties assigned to the Counties and Cities.

Richard E. Anderson, City Manager

Greyhound Bus - BERT

City Manager Anderson advised a greyhound bus was purchased for $2000 from the Federal Government and is currently located at the Fire Department. He reiterated staff has been working on researching grants in efforts to replace the BERT Communications Center RV since it is not as cost effective as it used to be.

Joseph E. Johnston, III, Mayor

Utility Software
Mayor Johnston commented on the March 28, 2005 email from Small Cities Publishing regarding Groveland had cut its utility shut-offs by two-thirds through a new automated telephone service, to which City Manager Anderson advised staff was in the process of researching to see if it would apply to our City.

CITIZENS INPUT

Anna Liisa Covell

Emergency Medical Services - AMR
Mrs. Covell commented on a statement made by a Hernando County Fire Rescue representative stating he was ignorant of the facts. She stated Tri-City does serve Nobelton and Istachatta in addition to Hernando County advising there are no other options for ambulance service. Mrs. Covell explained she was now paying $104 to Hernando County Fire Rescue, and clarified the ALS engine has been in service since 2001. She advised she has an entire year of records from 2002 from Spring Hill dispatch of all call outs and was an average of just less than 17 minutes before the new fire station was built.

James Daugherty, Brooksville Fire Chief

Firefighter Training
Chief Daugherty corrected his previous statement regarding the number of hours required to become a firefighter is 480 hours and not 400 hours.

Richard E. Lewis

Emergency Medical Services - AMR
He commented on the map that was distributed to the City by the County at the workshop to which he stated it contained untrue figures regarding the arrows of mileage and felt ALS engines cannot respond. He also reminded Council that the City firefighters have received no training from the County.

Mr. Lewis reiterated the County did not respond to all calls until the City said we needed them and there was no fire hydrant agreement in place until the City asked.

He also felt the letter to the editor from Mr. Crowley was untruthful and misleading. Mr. Lewis pointed out Mr. Crowley never once stated he was part of the issue.

Kojak Burnett

Traffic Calming Devices - Cook Street
Mr. Burnett stated the recent installation of speed humps on Cook Street does reduce the speed problem as intended.

School Street
He advised Council he was still waiting patiently for School Street to be annexed into the City.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:18 p.m.

City Clerk

ATTEST: _____
Mayor

:kjh/lam

G:\WP_WORK\ClerkOffice\MINUTES\2005\04-04-05mtg.wpd

AGENDA ITEM NO. C-1
6/20/05

REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
201 HOWELL AVENUE

MINUTES

April 18, 2005 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. present. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; Kim Harsin, Acting Deputy City Clerk; Emory Pierce, Director of Public Works; Steve Baumgartner, Finance Director; Bill Geiger, Community Development Director; Ron Baker, Human Resources Director; Rick Hankins, Police Lieutenant; 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.

CONSENT AGENDA

Minutes
September 8, 2004 - FY2004/2005 First Budget Hearing
March 21, 2005 - Regular Meeting

Changes by Council Member Wever on March 21 minutes.

Florida Department of Law Enforcement (FDLE) 2005/06 Edward Byrne Memorial Justice Assistance Grant (JAG)
Authorization to submit grant application to the FDLE in the amount of $12,029 (no match required) towards a "D.A.R.E." education and prevention project at Brooksville Elementary School.

Florida Department of Transportation (FDOT) US 41 South Landscape Project - RMPK Group Agreement
Consideration of proposed Task Order #0104 to the RMPK Group Agreement for design and administration services for the US 41 South Landscape Project not to exceed $15,000 (or 10% of the project total), reimbursable by the FDOT Grant.

Motion:
Council Member Wever moved for approval of consent agenda with corrections to 03/21/05 Minutes; seconded by Council Member Burnett. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

"Tangerine Time" 2006 New Year's Eve Event - December 31, 2005
Appreciation for the City's participation in the 2004 New Year's Eve event and request for waiver of fees and insurance for the use of the JBCC for the 2005 Event.
[Rental Fees - $252.50]

Wayne Vutech, Event Organizer, stated that this is the fourth annual "Tangerine Time" New Year's Eve Event. He pointed out the publicity for the City in the Tampa Tribune, Bay News 9 and Channel 8 News. There is a new in-kind sponsor this year, 3M Corporation from Minneapolis, with 500 bags for goodies and The Florida Citrus Council will sponsor itself along with additional funds.

APPROVED BY BROOKSVILLE CITY COUNCIL
ON 6/20/05 INITIALS

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

Red Mule Runners Association - Flatlanders Race February 4, 2006
Consideration of approval to hold 2006 race in the City of Brooksville.

Chuck Boldt, President, stated the insurance certificate will be forwarded to the City once it is approved. He thanked the City Council, the Police Department and Chief Tincher, the volunteers from Fire and Rescue, the County Sheriff's Department and Karen Phillips for the Brooksville Rotary Club. He pointed out that the Red Mule Runners Association is donating $441 to the City based on what would have been paid to the County for protection and they will review current Sheriff's Department costs to adjust amount to offset costs in the future.

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

PUBLIC HEARING

Ordinance No. 688 - Municipal Service Taxing Unit for Emergency Medical Services
Consideration of withdrawing application to the Board of County Commissioners for Certificate of Public Convenience and Necessity for advanced life support and medical transport services and continue current relationship with Hernando County Emergency Medical Services.
[First Reading 04/04/05]

Council Member Staib stated the EMS millage rate increase is not being proposed this year and asked if the budget was prepared until 2008.

City Manager Anderson replied in the affirmative and stated the commitment was for this year but the City is locked in by Resolution to a maximum of what it is right now. He pointed out that he has met with the County Administrator to determine areas of concern or major issues brought up by staff and the public. They were reduced to a matter of service levels and response times and unexpected expenses for employee certification, as well as training and services of the Medical Director while the City was continuing with ongoing negotiations with AMR. The application that was completed to the County for a Certificate was limited to the City's corporate boundaries.
AMR advised that their initial projections were based on a County-wide Certificate which would necessitate additional negotiations with them. The County advised that they were not in a position statutorily to provide additional time beyond the end of the month for the City to make a decision. AMR has recommended to Council that this would not be sufficient time for a drafted agreement to be brought back to Council. On the basis of the County Administrator's agreement, the issues have been identified and it appears that they can be satisfactorily addressed. The City Manager recommended to Council that the City withdraw its application for a Certificate which is scheduled for County Commission consideration at their meeting tomorrow. Mayor Johnston pointed out that he had several meetings with the County Commission Chairman regarding this matter and both agreed that the Chairman would request from the Commission to extend the deadline but he was advised by his staff attorney that it would not be possible to extend due to Statutory Regulation of a May 1st deadline. He suggested continuing with the process over a period of time to be put into place in October 2006.

Council Member Staib asked for an outline of reasons for the withdrawal.

City Manager Anderson explained there is a fully equipped advanced life support vehicle assigned in the center of the City that could respond to a call on the outlying areas of the central part of the County and the next ambulance available is located on Mondon Hill Road, which would add five (5) to ten (10) minutes to a response. The medical service expenses are for a Medical Director of $5,000 and training and annual re-certification of the City's firefighters. The County has agreed to absorb the cost of providing Medical Director service and training and will relocate their equipment to reduce response times. There were other related procedural areas that included the role of ALS technicians on the site of an emergency. There was a satisfactory conclusion to re-establish the service levels expected by the County.

Council Member Wever pointed out that the AMR representative did not include the County in this project and that all the discussions were between AMR and the City. City Manager Anderson replied AMR's proposal was only to serve the City and if the City had included County-wide transport capabilities in the application for a Certificate, they could service the hospitals in relocating medical patients. It is fairly common that multiple jurisdictions have multiple providers and frequently have separate agreements with hospitals. AMR has an agreement with Oak Hill Hospital to transport to Bayonet Point Regional Hospital*. AMR anticipated additional revenue in their business plan and when they were advised that would not occur they had to revise the contract proposal. Council Member Wever agreed to continue working on and seek alternative sources of service. *Corrected 03/15/06

Council Member Burnett pointed out that the County has failed to train our firefighters and asked for assurance that they would train in the future. Mayor Johnston replied that the City would get an agreement in writing. City Manager Anderson stated there is a memo from the Fire Department to the County Administrator outlining the changes in their procedure to incorporate the suggestions discussed, which will be sufficient should there be a problem with follow through.

Vice Mayor Pugh stated at the last meeting a couple of Hernando County employees stated that AMR wanted to serve the whole County and that was defeated a year ago and asked if there was an estimate of costs. City Manager Anderson replied there was an initial figure of approximately $100,000 for negotiation purposes only. On the other hand, the City had required additional equipment of a second unit and a supervisor. Vice Mayor Pugh stated the concern is that when one (1) unit was out whether Hernando County would respond under State Statute. City Manager Anderson replied there are mandatory arrangements but there is always a question and there are problems with the level of service the City is getting from the County.

There was no public input at this time. Mayor Johnston stated that the staff recommendation is to formerly withdraw the application for the Certificate of Public Convenience and Necessity.

Motion:
Vice Mayor Pugh moved to withdraw COPCN; seconded by Council Member Wever.

Motion:
Council Member Wever moved to discontinue negotiations with AMR and denial of Ordinance; seconded by Vice Mayor Pugh.

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

The City Manager stated that he will get details of the mutual agreement of amendments to the EMS process in the City as pledged by the County.

Community Development Block Grant-Economic Development (CDBG-ED) Grant Closeout & New Application

Closeout Existing CDBG-ED Grant #02DB-89-05-37-02-E47
Consideration of authorization to amend the existing grant and approve the submission of the closeout documents to DCA.

Resolution No. 2005-10 - CDBG-ED Grant Application
Consideration of enabling resolution authorizing submission of a CDBG Economic Development Grant Application to fund infrastructure improvements, including a frontage road, utility lines and related drainage improvements.

Community Development Director Geiger stated a Citizen Advisory Task Force meeting and a public hearing was held relating to the closeout of the existing CDBG-Ed Grant and consideration of the amendment of the existing grant to reflect the current conditions as part of the closeout. There was no public that attended and the Board voted to recommend that the Council proceed with the amendment to be able to closeout the grant and forward the paperwork to the Department of Community Affairs. He stated part B would be to consider the Resolution No. 2005-10 for a new CDBG-ED grant application using Sims Furniture as a business partner. He stated whether the City continues with the concept of building the reverse frontage road where it would interconnect with the north side of existing Providence Boulevard and up to Whitfield Avenue and Jefferson Street. Additionally involved in that project is the installation of needed utilities for water and sewer. Sims has agreed to do what is necessary to complete the application.

Vice Mayor Pugh stated that Mr. Sims had concerns late last week with the application and he wanted to be sure that he was in agreement. Director Geiger replied in the affirmative and stated that Mr. Sims has concerns but he is in a mode of urgency to build a new warehouse facility. Vice Mayor Pugh stated he reviewed the sewer plans for the frontage road and advised of a problem with part of it and recommended that staff review.

Motion:
Council Member Wever moved to close out old grant; seconded by Council Member Burnett.

Motion:
Council Member Wever moved for approval of Resolution to apply for new grant; 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

REGULAR AGENDA

Resolution No. 2005-11 - Radio Read Meter Rates

Consideration of resolution revising charges for the water and sewer service installations and adopting charges for back-flow device installations (as initially set in Resolution No. 2004-01).

Public Works Director Pierce stated this new type of meter will be installed in Southern Hills Plantation and other new subdivisions. The project is budgeted to install the meters in the existing areas but it has been delayed because of workload. The meter readers will have a reading device in their truck to read the meters by driving down the public rights of way. The old style dial reading will remain intact.

Vice Mayor Pugh stated that the above ground back flow devices (RPZ) in subdivisions are not well liked and he would rather see them underground. Director Pierce recommended this type because there are problems with other types. Council Member Wever asked if all future developments would have to have all underground utility lines installed. Director Pierce replied above ground meters that malfunction are charged on the homeowner's side of the meter and will be visible should there be a problem. He stated this is a requirement for reuse water and the potential for cross contimination is extreme. The RPZ goes on the water line to protect the City system. Mayor Johnston asked the cost difference between above and underground installation. Director Pierce replied the RPZ backflow preventer is more expensive but to install underground would require a bigger box so the cost would be about the same. Council Member Wever pointed out the above ground meter would have to be an exception to what has been adopted. Vice Mayor Pugh asked if it could be mandated for underground installation. Mayor Johnston replied the Resolution could be approved for now and then staff could check into the cost and the existing standards for qualifying as part of public utilities and if it has to be underground or if it needs to be modified. He asked if anyone has spoken with the developers about the requirements. Director Pierce replied the reduced pressure zone backflow preventers above ground have been discussed with the developers and they have not raised any objections. City Manager Anderson stated it is not in the contract but part of the Utility Ordinance.

Motion:
Council Member Wever moved to approve Resolution 2005-11 as presented; seconded by Council Member Staib. Upon roll call vote, motion carried 5-0, as follows:

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

Resolution No. 2005-12 - Withlacoochee Regional Water Supply Authority (WRWSA) Grant Application

Consideration of resolution requesting $50,000 matching grant funding from the WRWSA to fund drilling of a production well at the PHCC site for a total project cost estimated at $144,375, with the balance of funding from the Water Connection Fee Fund.
[Note: Balance in Fund as of 12/31/04 is $85,000]

Council Member Wever pointed out that unless the grant includes conservation, it would be placed at the bottom of the list. Mayor Johnston stated that there is approximately $9,000 short and asked if the underground cavern would be resolved at this site before the grant is available. Director Pierce replied in the affirmative. He stated it would cost $50,000 to $60,000 to drop pumps in but the additional flow of chlorine retention time injection would not be adequate. A tank would need to be added or modifications be made to the existing storage tank, which is the most expensive complicated option at $150,000 totaling between $200,000 to $250,000 at Hope Hill. Council Member Wever asked about USDA approval to which Director Pierce replied USDA rejected the application. The USDA does not fund this type of project with a grant. He stated it is more feasible to go by way of the state revolving loan fund. USDA has been difficult to deal with. According to Pierce, we may end up spending more money to have Coastal put together an application and it may not get the City any grant funds. He will come back to Council with an objective comprehensive report on what has been paid to Coastal with hopes of USDA grant money. The engineering report was rejected because of lack of information. Council Member Wever pointed out issuing more debt to comply with the resolutions and USDA's approval. He stated the City is committed to over 5.5 million dollars in about three years. The 5 million dollar debt was added to the 2.25 million dollar line of credit. He stated the application can be made but not go through with it. An analysis would need to be completed to qualify for the bonds for additional debt. There is no choice but to follow through on the applications which will tax the debt service ratio unless there is a substantial increase in revenue in the next three years. Director Pierce stated the additional storage tank can be leased and the City could get another million gallon a day well online at Hope Hill for approximately $250,000. Council Member Wever recommended getting the cost for the project prior to approval and then run an analysis on the debt service ratio, including the 5.5 million.

Motion:
Council Member Staib moved to approve Resolution 2005-12; seconded by Council Member Burnett. Upon roll call vote, motion carried 5-0, as follows:

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

Utility Billing and Cash Receipts Software Services - Award of Bid No. FI2005-01

a) Award of bid to FundBalance Software in the amount of $12,093 from Water, Sewer & Solid Waste Reserve Funds for utility billing and cash receipts software, special reports, maintenance and cash drawer, receipt printer and scanner.

Council Member Staib asked the projected cost of the equipment and stated her concern with the privacy act when using postcards. Director Baumgartner replied the cost is not known and he will get that information back to Council but that

the postcard is less expensive because there is no folding involved. The postcard is limited for information to the public. City Clerk Phillips stated the post office is having problems with postcards and would like to do away with them.

Vice Mayor Pugh asked of the cost of web access to the customers. Mary Cason replied that there are no fees associated with the use of the website for the City. Any fees associated with use by the customer would be between the user and their bank. The advantage to web access is to look at history; not for payments. There are options that she is looking into with a company to include payment of utility bills on the City's website. Clerk Phillips recommended a press release be issued regarding the online website option(s).

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

b) Authorize purchase of laser printer, monitors and necessary licenses in the estimated amount of $2,639 with cost of printer from General Fund Reserves and the balance to be absorbed in the Finance Department general operating budget.

Council Member Wever asked the reason for proposing charging General Fund Reserves for Utility use. Director Baumgartner replied that is part of the management fee that is paid by the Water and Sewer Department to the General Fund.

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

Hernando County Fairgrounds Sewer Line and Regional Water Line Interconnect - Change Order #1 - Linton Excavating

Approval of change order in the amount of $8,600, funding from utility reserves, to add additional fittings and ductile pipe that will accommodate future connections to the water and sewer lines and provides for a 60 day extension, with the Contractor to pay the extra cost of the engineering consultant's services ($3,600 to be deducted from retainage at end of the project), all subject to USDA approval.

Public Works Director Pierce stated this project includes $1,500 for two tie-ins to the County Fairgrounds line. He stated that he authorized the contractor to proceed working on the lift station. Vice Mayor Pugh asked if there are any liquidated damages for this project. Director Pierce replied in the affirmative and stated $500 per day beyond the contract time. The contractor has been cooperative to go around obstacles to accommodate the property owners along the route.

Motion:
Council Member Staib moved to approve change order and transmittal to USDA; seconded by Council Member Burnett. Motion carried 5-0.

Health Reimbursement Account (HRA) Program

Consideration of revisions to the existing HRA to more clearly define the program and bring it in line with current federal legislation and regulations.

Human Resources Director Baker stated he is in agreement with the Finance Director on the good financial standing of the plan.

Council Member Staib referenced page 2 second paragraph, and stated since there is currently no ERISA government programs in effect and she recommended contacting legal or tax counsel or a CPA firm for assistance.

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

Cemetery Advisory Board Appointments

Consideration of applicants to fill three full 4-year terms of office through April 30, 2009.

Applicants:
Charles "Pat" Brewer - current member
Clarke "Doug" Davis - current member
David L. Merritt - current member
Kathleen Hudak - city resident & registered voter

Motion:
Council Member Wever moved to approve reappointment of Brewer, Davis and Merritt; seconded by Vice Mayor Pugh. Motion carried 5-0.

Amendment to Southwest Florida Water Management District (SWFWMD) Cooperative Funding Grant Application - Parsons Brook Path

a) Consideration of increasing project match funds to $50,000 from timber harvest settlement funds (current balance $62,500).

Redevelopment Coordinator Hess stated application for the grant was made in December for $500,000 to restore "Parsons Brook", which is the creek that traverses the Good Neighbor Trail on the corner of Russell and Main Streets. He further stated that the scope of the project is not in line with the district's goals. In February, it was suggested to expand the scope of the project to include the former School Street wastewater treatment facility site and the Griffin Prairie site with a total of 96 acres. The district is now interested because of the watershed plan with the County to alleviate flooding issues. He advised that John Burnett and Charles Mixon agreed that this project is in line with the County's improvement goals for the watershed. The City qualified in November for $40,000 under the Rural Economic Development initiative program to do the design of the creek restoration, which represented 8% of the project cost. The district requires 25% to 75% cost share for rural communities. According to Hess, the district has scaled back this phase of the project from $500,000 to $200,000 for funding of design, engineering, permitting and preparation of construction documents. The District wants to be sure the City can afford the entire project. Additionally, including the County, financial contributions on this project would help implement this plan. The value of the City's land is $2 million of inkind contribution. The increase from $40,000 to $50,000 would meet the 25% match goal by the District.

Council Member Wever asked if the City was included in the county-wide drainage district program. City Manager Anderson replied in the affirmative and stated he is not sure how the drainage projects relate to the watershed project. He stated SWFWMD is looking for a $100,000 match for this $200,000 project. Mayor Johnston stated that is for the second part of the project which would include the County and part one is $50,000 from the City. City Manager Anderson recommended Council not approve $50,000 without the County agreeing with the other $50,000. Mayor Johnston stated that the City would need to approve the

$50,000 match in order for the District to approve the grant. Coordinator Hess stated the District does not want to acknowledge that the City went to the Governor's office for the rule of economic development initiative designation and would not have applied for the grant without it. The District would like to see a partnership evolve between the County and the City.

Motion:
Council Member Wever moved to approve $50,000 City match; seconded by Council Member Burnett. Motion carried 5-0.

b) Authorization to negotiate Interlocal Agreement with Hernando County for an additional $50,000 match towards the project to increase SWFWMD funding chances.

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

ITEMS BY COUNCIL

E. E. "ERNIE" WEVER, JR., COUNCIL MEMBER

Annexation Bill Update
Council Member Wever advised that the proposed bill is still going through committee with no material changes since last notification.

Southern Pines/Sasser - Mobley Road Requirements
Council Member Wever requested if there had been any response from the County yet on the request for reconsideration of the stipulation for the developer to make the improvements on Mobley Road. The City Manager and Mayor reported that there has been no response to date.

Growth Management Bill Update
He reported that there are all kinds of changes being made to the proposed legislation based on the information presented in the latest conference call he participated in.

Impact Fee Legislation
According to Wever, the bill is still being worked on. He advised that as it currently is written, municipalities will be required to follow the same cost basis analysis in determining impact fee rates as the County's are required to do. The City Manager was directed to get with the County's consultant to determine the cost basis they used.

Ft. Dade Avenue Road Condition
Council Member Wever remarked that the dip in the road at Mildred is getting deeper by the manhole. Public Works Director Pierce advised that he has had Bell South check the manhole and they have reported that there are no problems with their infrastructure. Council Member Wever suggested the Mayor send a letter to the County requesting they look into the situation.

DAVID PUGH, VICE MAYOR

Speed Hump on Lemon
Vice Mayor Pugh stated that he had received a call from a citizen complaining that when the humps were first installed there were no speed limit signs posted. Public Works Director Pierce advised that it is the policy to post the sign first and he would check into the matter.

Utility Tax
He had received a call from a local propane vendor stating that he was losing customers who simply go across the City boundaries to purchase their fuel at a rate without the tax. The vendor also advised Vice Mayor Pugh that when Council had first adopted the tax program, they had indicated that they would revisit the program quarterly to determine it's feasibility for continuation of the program. The City Manager indicated that he would schedule this for review on the next agenda.

Items for Consideration by Council
Vice Mayor Pugh agreed with Council Member Burnett's prior request that staff make sure to include all facts are included in a request presentation to Council so they know the entire picture when approving a new program, project or position.

FRANKIE BURNETT, COUNCIL MEMBER

Howell Avenue School Speed Zone
Council Member Burnett reported that he had received several complaints regarding the school speed zone along Howell Ave., agreeing that it appeared to be an entrapment zone. He suggested that the entire strip be classified as a school zone without splitting it into two sections.

Future Urban Development Plan
He suggested the City develop an Urban Development Plan. The City Manager advised that proposed future annexation legislation may require this and staff was monitoring closely, however, it was also pointed out that the water & sewer boundaries set by the "first right of refusal" agreement with the County were interpreted as this general area. It was the consensus that a workshop will be held in the near future to discuss this issue. Council Member Wever recommended that the workshop be held off until the annexation legislation is finalized.

KAREN PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION/CITY CLERK

Mural Society Donation Request
City Clerk Phillips advised that there apparently was some misunderstanding or miscommunication to the Board of County Commissioners for the request for funding from the Mural Society for the next mural on their April 19th agenda. The City Council has not received an official request or taken action to date and the County and Mural Society has been so notified.

Volunteer Reception
She reminded Council of the Reception honoring the City's Volunteers on Tuesday, April 19th from 5:30 to 7:30 at the Jerome Brown Community Center.

Student Tours
The first student tours of the year were scheduled for Tuesday, April 19th beginning at 9:30 am in the Council Chambers and she invited Council, staff and the citizens to attend.

JOSEPH E. JOHNSTON, III, MAYOR

County Chairman Communication
Mayor Johnston advised that he has begun a monthly meeting with County Commission Chairman Robert Schenck, with or without City Manager or County Administrator present, to discuss items of mutual interest to the City and the County, especially in light of the recent EMS situation, to get lines of communication

open.

CITIZENS INPUT

PAT STRICKLAND - LOWE'S PROPERTY DEVELOPMENT

Ms. Strickland indicated her displeasure with the old oak trees that were being taken down by the Lowe's developer for their new store on Wiscon & 41. The City Manager assured her that they had applied for a tree clearing permit for removal of certain trees for the store and parking lot, and asked staff to provide a copy of the plan to Ms. Strickland.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:20 p.m.

City Clerk

ATTEST: _____
Mayor

AGENDA ITEM NO. C-1
6/20/05

REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
201 HOWELL AVENUE

MINUTES

April 18, 2005 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. present. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; Kim Harsin, Acting Deputy City Clerk; Emory Pierce, Director of Public Works; Steve Baumgartner, Finance Director; Bill Geiger, Community Development Director; Ron Baker, Human Resources Director; Rick Hankins, Police Lieutenant; 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.

CONSENT AGENDA

Minutes
September 8, 2004 - FY2004/2005 First Budget Hearing
March 21, 2005 - Regular Meeting

Changes by Council Member Wever on March 21 minutes.

Florida Department of Law Enforcement (FDLE) 2005/06 Edward Byrne Memorial Justice Assistance Grant (JAG)
Authorization to submit grant application to the FDLE in the amount of $12,029 (no match required) towards a "D.A.R.E." education and prevention project at Brooksville Elementary School.

Florida Department of Transportation (FDOT) US 41 South Landscape Project - RMPK Group Agreement
Consideration of proposed Task Order #0104 to the RMPK Group Agreement for design and administration services for the US 41 South Landscape Project not to exceed $15,000 (or 10% of the project total), reimbursable by the FDOT Grant.

Motion:
Council Member Wever moved for approval of consent agenda with corrections to 03/21/05 Minutes; seconded by Council Member Burnett. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

"Tangerine Time" 2006 New Year's Eve Event - December 31, 2005
Appreciation for the City's participation in the 2004 New Year's Eve event and request for waiver of fees and insurance for the use of the JBCC for the 2005 Event.
[Rental Fees - $252.50]

Wayne Vutech, Event Organizer, stated that this is the fourth annual "Tangerine Time" New Year's Eve Event. He pointed out the publicity for the City in the Tampa Tribune, Bay News 9 and Channel 8 News. There is a new in-kind sponsor this year, 3M Corporation from Minneapolis, with 500 bags for goodies and The Florida Citrus Council will sponsor itself along with additional funds.

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

Red Mule Runners Association - Flatlanders Race February 4, 2006
Consideration of approval to hold 2006 race in the City of Brooksville.

Chuck Boldt, President, stated the insurance certificate will be forwarded to the City once it is approved. He thanked the City Council, the Police Department and Chief Tincher, the volunteers from Fire and Rescue, the County Sheriff's Department and Karen Phillips for the Brooksville Rotary Club. He pointed out that the Red Mule Runners Association is donating $441 to the City based on what would have been paid to the County for protection and they will review current Sheriff's Department costs to adjust amount to offset costs in the future.

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

PUBLIC HEARING

Ordinance No. 688 - Municipal Service Taxing Unit for Emergency Medical Services
Consideration of withdrawing application to the Board of County Commissioners for Certificate of Public Convenience and Necessity for advanced life support and medical transport services and continue current relationship with Hernando County Emergency Medical Services.
[First Reading 04/04/05]

Council Member Staib stated the EMS millage rate increase is not being proposed this year and asked if the budget was prepared until 2008.

City Manager Anderson replied in the affirmative and stated the commitment was for this year but the City is locked in by Resolution to a maximum of what it is right now. He pointed out that he has met with the County Administrator to determine areas of concern or major issues brought up by staff and the public. They were reduced to a matter of service levels and response times and unexpected expenses for employee certification, as well as training and services of the Medical Director while the City was continuing with ongoing negotiations with AMR. The application that was completed to the County for a Certificate was limited to the City's corporate boundaries.
AMR advised that their initial projections were based on a County-wide Certificate which would necessitate additional negotiations with them. The County advised that they were not in a position statutorily to provide additional time beyond the end of the month for the City to make a decision. AMR has recommended to Council that this would not be sufficient time for a drafted agreement to be brought back to Council. On the basis of the County Administrator's agreement, the issues have been identified and it appears that they can be satisfactorily addressed. The City Manager recommended to Council that the City withdraw its application for a Certificate which is scheduled for County Commission consideration at their meeting tomorrow. Mayor Johnston pointed out that he had several meetings with the County Commission Chairman regarding this matter and both agreed that the Chairman would request from the Commission to extend the deadline but he was advised by his staff attorney that it would not be possible to extend due to Statutory Regulation of a May 1st deadline. He suggested continuing with the process over a period of time to be put into place in October 2006.

Council Member Staib asked for an outline of reasons for the withdrawal.

City Manager Anderson explained there is a fully equipped advanced life support vehicle assigned in the center of the City that could respond to a call on the outlying areas of the central part of the County and the next ambulance available is located on Mondon Hill Road, which would add five (5) to ten (10) minutes to a response. The medical service expenses are for a Medical Director of $5,000 and training and annual re-certification of the City's firefighters. The County has agreed to absorb the cost of providing Medical Director service and training and will relocate their equipment to reduce response times. There were other related procedural areas that included the role of ALS technicians on the site of an emergency. There was a satisfactory conclusion to re-establish the service levels expected by the County.

Council Member Wever pointed out that the AMR representative did not include the County in this project and that all the discussions were between AMR and the City. City Manager Anderson replied AMR's proposal was only to serve the City and if the City had included County-wide transport capabilities in the application for a Certificate, they could service the hospitals in relocating medical patients. It is fairly common that multiple jurisdictions have multiple providers and frequently have separate agreements with hospitals. AMR has an agreement with Oak Hill Hospital to transport to Bayonet Point. AMR anticipated additional revenue in their business plan and when they were advised that would not occur they had to revise the contract proposal. Council Member Wever agreed to continue working on and seek alternative sources of service.

Council Member Burnett pointed out that the County has failed to train our firefighters and asked for assurance that they would train in the future. Mayor Johnston replied that the City would get an agreement in writing. City Manager Anderson stated there is a memo from the Fire Department to the County Administrator outlining the changes in their procedure to incorporate the suggestions discussed, which will be sufficient should there be a problem with follow through.

Vice Mayor Pugh stated at the last meeting a couple of Hernando County employees stated that AMR wanted to serve the whole County and that was defeated a year ago and asked if there was an estimate of costs. City Manager Anderson replied there was an initial figure of approximately $100,000 for negotiation purposes only. On the other hand, the City had required additional equipment of a second unit and a supervisor. Vice Mayor Pugh stated the concern is that when one (1) unit was out whether Hernando County would respond under State Statute. City Manager Anderson replied there are mandatory arrangements but there is always a question and there are problems with the level of service the City is getting from the County.

There was no public input at this time. Mayor Johnston stated that the staff recommendation is to formerly withdraw the application for the Certificate of Public Convenience and Necessity.

Motion:
Vice Mayor Pugh moved to withdraw COPCN; seconded by Council Member Wever.

Motion:
Council Member Wever moved to discontinue negotiations with AMR and denial of Ordinance; seconded by Vice Mayor Pugh.

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

The City Manager stated that he will get details of the mutual agreement of amendments to the EMS process in the City as pledged by the County.

Community Development Block Grant-Economic Development (CDBG-ED) Grant Closeout & New Application

Closeout Existing CDBG-ED Grant #02DB-89-05-37-02-E47
Consideration of authorization to amend the existing grant and approve the submission of the closeout documents to DCA.

Resolution No. 2005-10 - CDBG-ED Grant Application
Consideration of enabling resolution authorizing submission of a CDBG Economic Development Grant Application to fund infrastructure improvements, including a frontage road, utility lines and related drainage improvements.

Community Development Director Geiger stated a Citizen Advisory Task Force meeting and a public hearing was held relating to the closeout of the existing CDBG-Ed Grant and consideration of the amendment of the existing grant to reflect the current conditions as part of the closeout. There was no public that attended and the Board voted to recommend that the Council proceed with the amendment to be able to closeout the grant and forward the paperwork to the Department of Community Affairs. He stated part B would be to consider the Resolution No. 2005-10 for a new CDBG-ED grant application using Sims Furniture as a business partner. He stated whether the City continues with the concept of building the reverse frontage road where it would interconnect with the north side of existing Providence Boulevard and up to Whitfield Avenue and Jefferson Street. Additionally involved in that project is the installation of needed utilities for water and sewer. Sims has agreed to do what is necessary to complete the application.

Vice Mayor Pugh stated that Mr. Sims had concerns late last week with the application and he wanted to be sure that he was in agreement. Director Geiger replied in the affirmative and stated that Mr. Sims has concerns but he is in a mode of urgency to build a new warehouse facility. Vice Mayor Pugh stated he reviewed the sewer plans for the frontage road and advised of a problem with part of it and recommended that staff review.

Motion:
Council Member Wever moved to close out old grant; seconded by Council Member Burnett.

Motion:
Council Member Wever moved for approval of Resolution to apply for new grant; 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

REGULAR AGENDA

Resolution No. 2005-11 - Radio Read Meter Rates

Consideration of resolution revising charges for the water and sewer service installations and adopting charges for back-flow device installations (as initially set in Resolution No. 2004-01).

Public Works Director Pierce stated this new type of meter will be installed in Southern Hills Plantation and other new subdivisions. The project is budgeted to install the meters in the existing areas but it has been delayed because of workload. The meter readers will have a reading device in their truck to read the meters by driving down the public rights of way. The old style dial reading will remain intact.

Vice Mayor Pugh stated that the above ground back flow devices (RPZ) in subdivisions are not well liked and he would rather see them underground. Director Pierce recommended this type because there are problems with other types. Council Member Wever asked if all future developments would have to have all underground utility lines installed. Director Pierce replied above ground meters that malfunction are charged on the homeowner's side of the meter and will be visible should there be a problem. He stated this is a requirement for reuse water and the potential for cross contimination is extreme. The RPZ goes on the water line to protect the City system. Mayor Johnston asked the cost difference between above and underground installation. Director Pierce replied the RPZ backflow preventer is more expensive but to install underground would require a bigger box so the cost would be about the same. Council Member Wever pointed out the above ground meter would have to be an exception to what has been adopted. Vice Mayor Pugh asked if it could be mandated for underground installation. Mayor Johnston replied the Resolution could be approved for now and then staff could check into the cost and the existing standards for qualifying as part of public utilities and if it has to be underground or if it needs to be modified. He asked if anyone has spoken with the developers about the requirements. Director Pierce replied the reduced pressure zone backflow preventers above ground have been discussed with the developers and they have not raised any objections. City Manager Anderson stated it is not in the contract but part of the Utility Ordinance.

Motion:
Council Member Wever moved to approve Resolution 2005-11 as presented; seconded by Council Member Staib. Upon roll call vote, motion carried 5-0, as follows:

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

Resolution No. 2005-12 - Withlacoochee Regional Water Supply Authority (WRWSA) Grant Application

Consideration of resolution requesting $50,000 matching grant funding from the WRWSA to fund drilling of a production well at the PHCC site for a total project cost estimated at $144,375, with the balance of funding from the Water Connection Fee Fund.
[Note: Balance in Fund as of 12/31/04 is $85,000]

Council Member Wever pointed out that unless the grant includes conservation, it would be placed at the bottom of the list. Mayor Johnston stated that there is approximately $9,000 short and asked if the underground cavern would be resolved at this site before the grant is available. Director Pierce replied in the affirmative. He stated it would cost $50,000 to $60,000 to drop pumps in but the additional flow of chlorine retention time injection would not be adequate. A tank would need to be added or modifications be made to the existing storage tank, which is the most expensive complicated option at $150,000 totaling between $200,000 to $250,000 at Hope Hill. Council Member Wever asked about USDA approval to which Director Pierce replied USDA rejected the application. The USDA does not fund this type of project with a grant. He stated it is more feasible to go by way of the state revolving loan fund. USDA has been difficult to deal with. According to Pierce, we may end up spending more money to have Coastal put together an application and it may not get the City any grant funds. He will come back to Council with an objective comprehensive report on what has been paid to Coastal with hopes of USDA grant money. The engineering report was rejected because of lack of information. Council Member Wever pointed out issuing more debt to comply with the resolutions and USDA's approval. He stated the City is committed to over 5.5 million dollars in about three years. The 5 million dollar debt was added to the 2.25 million dollar line of credit. He stated the application can be made but not go through with it. An analysis would need to be completed to qualify for the bonds for additional debt. There is no choice but to follow through on the applications which will tax the debt service ratio unless there is a substantial increase in revenue in the next three years. Director Pierce stated the additional storage tank can be leased and the City could get another million gallon a day well online at Hope Hill for approximately $250,000. Council Member Wever recommended getting the cost for the project prior to approval and then run an analysis on the debt service ratio, including the 5.5 million.

Motion:
Council Member Staib moved to approve Resolution 2005-12; seconded by Council Member Burnett. Upon roll call vote, motion carried 5-0, as follows:

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

Utility Billing and Cash Receipts Software Services - Award of Bid No. FI2005-01

a) Award of bid to FundBalance Software in the amount of $12,093 from Water, Sewer & Solid Waste Reserve Funds for utility billing and cash receipts software, special reports, maintenance and cash drawer, receipt printer and scanner.

Council Member Staib asked the projected cost of the equipment and stated her concern with the privacy act when using postcards. Director Baumgartner replied the cost is not known and he will get that information back to Council but that

the postcard is less expensive because there is no folding involved. The postcard is limited for information to the public. City Clerk Phillips stated the post office is having problems with postcards and would like to do away with them.
Vice Mayor Pugh asked of the cost of web access to the customers. Mary Cason replied that there are no fees associated with the use of the website for the City. Any fees associated with use by the customer would be between the user and their bank. The advantage to web access is to look at history; not for payments. There are options that she is looking into with a company to include payment of utility bills on the City's website. Clerk Phillips recommended a press release be issued regarding the online website option(s).

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

b) Authorize purchase of laser printer, monitors and necessary licenses in the estimated amount of $2,639 with cost of printer from General Fund Reserves and the balance to be absorbed in the Finance Department general operating budget.

Council Member Wever asked the reason for proposing charging General Fund Reserves for Utility use. Director Baumgartner replied that is part of the management fee that is paid by the Water and Sewer Department to the General Fund.

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

Hernando County Fairgrounds Sewer Line and Regional Water Line Interconnect - Change Order #1 - Linton Excavating

Approval of change order in the amount of $8,600, funding from utility reserves, to add additional fittings and ductile pipe that will accommodate future connections to the water and sewer lines and provides for a 60 day extension, with the Contractor to pay the extra cost of the engineering consultant's services ($3,600 to be deducted from retainage at end of the project), all subject to USDA approval.

Public Works Director Pierce stated this project includes $1,500 for two tie-ins to the County Fairgrounds line. He stated that he authorized the contractor to proceed working on the lift station. Vice Mayor Pugh asked if there are any liquidated damages for this project. Director Pierce replied in the affirmative and stated $500 per day beyond the contract time. The contractor has been cooperative to go around obstacles to accommodate the property owners along the route.

Motion:
Council Member Staib moved to approve change order and transmittal to USDA; seconded by Council Member Burnett. Motion carried 5-0.

Health Reimbursement Account (HRA) Program

Consideration of revisions to the existing HRA to more clearly define the program and bring it in line with current federal legislation and regulations.

Human Resources Director Baker stated he is in agreement with the Finance Director on the good financial standing of the plan.

Council Member Staib referenced page 2 second paragraph, and stated since there is currently no ERISA government programs in effect and she recommended contacting legal or tax counsel or a CPA firm for assistance.

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

Cemetery Advisory Board Appointments

Consideration of applicants to fill three full 4-year terms of office through April 30, 2009.

Applicants:
Charles "Pat" Brewer - current member
Clarke "Doug" Davis - current member
David L. Merritt - current member
Kathleen Hudak - city resident & registered voter

Motion:
Council Member Wever moved to approve reappointment of Brewer, Davis and Merritt; seconded by Vice Mayor Pugh. Motion carried 5-0.

Amendment to Southwest Florida Water Management District (SWFWMD) Cooperative Funding Grant Application - Parsons Brook Path

a) Consideration of increasing project match funds to $50,000 from timber harvest settlement funds (current balance $62,500).

Redevelopment Coordinator Hess stated application for the grant was made in December for $500,000 to restore "Parsons Brook", which is the creek that traverses the Good Neighbor Trail on the corner of Russell and Main Streets. He further stated that the scope of the project is not in line with the district's goals. In February, it was suggested to expand the scope of the project to include the former School Street wastewater treatment facility site and the Griffin Prairie site with a total of 96 acres. The district is now interested because of the watershed plan with the County to alleviate flooding issues. He advised that John Burnett and Charles Mixon agreed that this project is in line with the County's improvement goals for the watershed. The City qualified in November for $40,000 under the Rural Economic Development initiative program to do the design of the creek restoration, which represented 8% of the project cost. The district requires 25% to 75% cost share for rural communities. According to Hess, the district has scaled back this phase of the project from $500,000 to $200,000 for funding of design, engineering, permitting and preparation of construction documents. The District wants to be sure the City can afford the entire project. Additionally, including the County, financial contributions on this project would help implement this plan. The value of the City's land is $2 million of inkind contribution. The increase from $40,000 to $50,000 would meet the 25% match goal by the District.

Council Member Wever asked if the City was included in the county-wide drainage district program. City Manager Anderson replied in the affirmative and stated he is not sure how the drainage projects relate to the watershed project. He stated SWFWMD is looking for a $100,000 match for this $200,000 project. Mayor Johnston stated that is for the second part of the project which would include the County and part one is $50,000 from the City. City Manager Anderson recommended Council not approve $50,000 without the County agreeing with the other $50,000. Mayor Johnston stated that the City would need to approve the

$50,000 match in order for the District to approve the grant. Coordinator Hess stated the District does not want to acknowledge that the City went to the Governor's office for the rule of economic development initiative designation and would not have applied for the grant without it. The District would like to see a partnership evolve between the County and the City.

Motion:
Council Member Wever moved to approve $50,000 City match; seconded by Council Member Burnett. Motion carried 5-0.

b) Authorization to negotiate Interlocal Agreement with Hernando County for an additional $50,000 match towards the project to increase SWFWMD funding chances.

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

ITEMS BY COUNCIL

E. E. "ERNIE" WEVER, JR., COUNCIL MEMBER

Annexation Bill Update
Council Member Wever advised that the proposed bill is still going through committee with no material changes since last notification.

Southern Pines/Sasser - Mobley Road Requirements
Council Member Wever requested if there had been any response from the County yet on the request for reconsideration of the stipulation for the developer to make the improvements on Mobley Road. The City Manager and Mayor reported that there has been no response to date.

Growth Management Bill Update
He reported that there are all kinds of changes being made to the proposed legislation based on the information presented in the latest conference call he participated in.

Impact Fee Legislation
According to Wever, the bill is still being worked on. He advised that as it currently is written, municipalities will be required to follow the same cost basis analysis in determining impact fee rates as the County's are required to do. The City Manager was directed to get with the County's consultant to determine the cost basis they used.

Ft. Dade Avenue Road Condition
Council Member Wever remarked that the dip in the road at Mildred is getting deeper by the manhole. Public Works Director Pierce advised that he has had Bell South check the manhole and they have reported that there are no problems with their infrastructure. Council Member Wever suggested the Mayor send a letter to the County requesting they look into the situation.

DAVID PUGH, VICE MAYOR

Speed Hump on Lemon
Vice Mayor Pugh stated that he had received a call from a citizen complaining that when the humps were first installed there were no speed limit signs posted. Public Works Director Pierce advised that it is the policy to post the sign first and he would check into the matter.

Utility Tax
He had received a call from a local propane vendor stating that he was losing customers who simply go across the City boundaries to purchase their fuel at a rate without the tax. The vendor also advised Vice Mayor Pugh that when Council had first adopted the tax program, they had indicated that they would revisit the program quarterly to determine it's feasibility for continuation of the program. The City Manager indicated that he would schedule this for review on the next agenda.

Items for Consideration by Council
Vice Mayor Pugh agreed with Council Member Burnett's prior request that staff make sure to include all facts are included in a request presentation to Council so they know the entire picture when approving a new program, project or position.

FRANKIE BURNETT, COUNCIL MEMBER

Howell Avenue School Speed Zone
Council Member Burnett reported that he had received several complaints regarding the school speed zone along Howell Ave., agreeing that it appeared to be an entrapment zone. He suggested that the entire strip be classified as a school zone without splitting it into two sections.

Future Urban Development Plan
He suggested the City develop an Urban Development Plan. The City Manager advised that proposed future annexation legislation may require this and staff was monitoring closely, however, it was also pointed out that the water & sewer boundaries set by the "first right of refusal" agreement with the County were interpreted as this general area. It was the consensus that a workshop will be held in the near future to discuss this issue. Council Member Wever recommended that the workshop be held off until the annexation legislation is finalized.

KAREN PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION/CITY CLERK

Mural Society Donation Request
City Clerk Phillips advised that there apparently was some misunderstanding or miscommunication to the Board of County Commissioners for the request for funding from the Mural Society for the next mural on their April 19th agenda. The City Council has not received an official request or taken action to date and the County and Mural Society has been so notified.

Volunteer Reception
She reminded Council of the Reception honoring the City's Volunteers on Tuesday, April 19th from 5:30 to 7:30 at the Jerome Brown Community Center.

Student Tours
The first student tours of the year were scheduled for Tuesday, April 19th beginning at 9:30 am in the Council Chambers and she invited Council, staff and the citizens to attend.

JOSEPH E. JOHNSTON, III, MAYOR

County Chairman Communication
Mayor Johnston advised that he has begun a monthly meeting with County Commission Chairman Robert Schenck, with or without City Manager or County Administrator present, to discuss items of mutual interest to the City and the County, especially in light of the recent EMS situation, to get lines of communication

open.

CITIZENS INPUT

PAT STRICKLAND - LOWE'S PROPERTY DEVELOPMENT

Ms. Strickland indicated her displeasure with the old oak trees that were being taken down by the Lowe's developer for their new store on Wiscon & 41. The City Manager assured her that they had applied for a tree clearing permit for removal of certain trees for the store and parking lot, and asked staff to provide a copy of the plan to Ms. Strickland.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:20 p.m.

ATTEST: _____
Mayor

_____
City Clerk

AGENDA ITEM NO. C-1
5.16.05

REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
201 HOWELL AVENUE

MINUTES

May 2, 2005 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. present. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; Kim Harsin, Acting Deputy City Clerk; William Smith, Utilities Superintendent; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Ron Baker, Human Resources Director; Ed Tincher, Police Chief; and James Daugherty, Fire Chief.

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

CONSENT AGENDA

Fire Dept. Capital Outlay - Hose Tester

Approval to purchase a Fire Hose Tester (not to exceed $1,500). Funds to be transferred from Reserves to Fire Department Capital Budget Item #001-014-522-556.40.

Donation of Surplus Obsolete Fire Dept. Equipment

Consideration of request to donate surplus bunker gear and related items (declared surplus by Council on 11/03/03) to the Harmony Central Volunteer Fire Department in Iuka, Mississippi.

Fire Dept. Surplus Equipment - Copier

Declare Lanier 6725 Copier surplus and authorize disposition.

Bus Shelter

Approval to utilize one parking space for installation of a "bus shelter" and authorization for City Staff to install, with cost of design/permitting and materials to be borne by the County.

Ice Machine

Confirming authorization to purchase ice machine for Tom Varn Stadium, which exceeded Council prior approval of $1,500 (Total actual cost $1,722.06 or a difference of $222.06.

Council Member Staib asked about the disposal of the Fire Department copier which City Clerk Phillips replied it is going into the obsolete bin for auction and/or trash disposal. Council Member Staib pointed out that any damage during delivery with the ice machine being purchased must be noted on the bill of lading prior to acceptance of the equipment.

Vice Mayor Pugh asked about placement of a bus shelter at Fort Dade and Howell Avenues, which City Clerk Phillips stated was concern over removal of parking spaces in the downtown area and lack of sidewalks. He also asked about the bus leak situation, to which City Clerk Phillips replied the County is looking into the matter.

APPROVED AS CORRECTED BY BROOKSVILLE CITY COUNCIL

ON 5/16/05 INITIALS

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

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Civility Month Proclamation - May, 2005
Proclamation encouraging civility among citizens in recognition of Civility Month.

Mayor Johnston read the proclamation into record and City Clerk Phillips noted it would be mailed to the organization.

National Tourism Week Proclamation - May 8-16, 2004
Proclamation recognizing the significance of tourism on our community.

Mayor Johnston read the proclamation into record and presented to TDC Chair Bobbi Mills. A Plaque thanking the City for its support was presented to the City and shirts were distributed to City Council and the City Manager.

"Poppy Days" - May 13 & 14, 2005
Proclamation supporting the annual "Poppy Days" program of the American Legion Auxiliary to benefit veterans and their families.

Mayor Johnston read the proclamation into record and City Clerk Phillips noted it would be mailed to the organization.

REGULAR AGENDA

Amendment to the "Good Neighbor Trail (GNT) to Russell Street Management Plan"
Consideration of adopting changes to the Management Plan, as recommended by the GNT Advisory Committee, to clarify inconsistencies and update certain elements to more accurately reflect the City's current intentions for implementation of the Good Neighbor Trail and Trailhead Project.

Redevelopment Coordinator Hess pointed out the change on page four regarding the legitimacy of the name "Parson's Brook" (map 1899); page seven, fifth paragraph, identifies the standard width of the path; page eight, second paragraph stipulates a parking reduction to twenty vehicles or more; page thirteen, second paragraph from the bottom simplified the slopes of the bank; and the rest are date changes and minor verbiage changes.

Mayor Johnston pointed out on the third line page one of the introduction, the third line, parenthesis should come after complex; and on page nine under permits, the acronyms for SWF and DEP should be defined.

Council Member Burnett commended the Good Neighbor Trail Advisory Committee and Mr. Hess on a splendid job.

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

Specimen Tree Removal PermitM - Levitt & Sons/Cascades Development
Consideration of request to remove certain specimen (over 18" dbh) Oak trees, to be mitigated by planting of certain trees now and placement of a $49,000 surety, with the option for credit at the rate of $1,000 per 6" tree.

Community Development Director Geiger stated a consultant has certified that the trees would survive during the sales center cycle.

Vice Mayor Pugh asked if Code specifies the size of the trees and/or amount to be replanted should they be in poor condition. Director Geiger replied if a tree was certified in poor condition and considered a hazard, Code would allow them to remove it without any other consideration.

City Manager Anderson recommended a three-year time limit be included on the surety portion.

Mayor Johnston asked if the definition of DBH has been changed, which the City Manager replied that it has not.

Don Lacey of Coastal Engineering asked for consideration of more flexibility on condition number one, where staff recommended forty-one 3" trees be replaced on the sales center site. The City Manager suggested structuring with prior and approval of the City.

Motion:
Council Member Staib moved to approve subject to compliance with staff recommendations and modifications by Council.

Atlantic Community Care, Inc. - "Tangerine Cove" Bankruptcy

Consideration of authorizing City Attorney to proceed with appeal process to the U.S. Circuit Court in Tampa for reconsideration of City's claim to approximately $78,000 of 2002-04 "Payment in Lieu of Taxes") due the City, together with estimated legal fees not to exceed $4,000.

City Attorney La Croix stated the proposed purchaser of the property had filed a motion and it had been determined by the bankruptcy court that this is a personal obligation of the corporation, which then entered an order allowing the property be sold free and clear of any obligation of those payments. The Tax Collector's attorney filed a motion for reconsideration and it was denied by the Court. He advised he authorized the Tax Collector's attorney to file a Notice for Appeal, where he can defend but will cost the City between $3,000 to $4,000. He recommended that the City proceed with review of the Tax Collector's attorney's file and additional research to determine if it is feasible to continue or dismiss the appeal without incurring further expenses.

Motion:
Council Member Wever moved to approve authorization to proceed and report back; seconded by Council Member Staib.

ITEMS BY COUNCIL

E. E. "ERNIE" WEVER, JR., COUNCIL MEMBER

Vehicle Renewal & Replacement (R&R) Funds
Council Member Wever proposed ordinances to separate the current Vehicle R&R Fund from the General Fund and create separate Vehicle Funds in the General Fund, Water and Sewer, Solid Waste funds and suggested the City Attorney review the current Solid Waste R&R Fund Ordinance #652 to amend Debt Service levels into Vehicle Replacement Reserves and a Debt Service Reserves.

DAVID PUGH, VICE MAYOR

Sexual Predators and Sexual Offenders
Vice Mayor Pugh stated he has concern on this matter and would like staff and citizens' input. He suggested a link on the City's website.

Council Member Wever had concern with lack of access to the internet for some people but would like to see an ordinance requiring a sign in the front yard of sexual predators and offenders who live in the vicinity of a child.

Council Member Staib agreed with having the signs and also suggested that pictures be distributed in schools to bring home to parents. She also suggested posting notices in shopping centers and churches.

Council Member Burnett agreed that citizen input is needed and suggested that Council develop an ordinance restricting these individuals and suggested setting up a workshop.

Mayor Johnston agreed it is a good idea linking the City's website similar to what the County has in place. He stated it is imperative to notify the citizens and get the lines of communication open.

City Attorney LaCroix suggested inviting an individual who treats sexual offenders to the workshop to get input. He stated this has to be done in a way which does not cause harassment by citizens to these individuals.

Police Chief Tincher stated the number of sexual predators and offenders has increased substantially since 1997. He stated that offenders and predators must be treated the same. Jessica died by an offender, not a predator. Once these individuals are off probation, they are no longer required to stay a mile away from schools. He would like direction from Council in order to take this to the next level.

Dan Mitchell represented himself as a resident and a business owner. He thanked Council for being proactive. Secondly, he reported that Child Sentinel was created to inform the public. This issue is not isolated to our community so moving them out is not the answer. These individuals are directed by counselors to a website where online chats are monitored. It must be pointed out to the neighbors that they are there.

Tim Reed stated he is a business owner in the area. The best tool is to inform the community of these individuals' whereabouts.

Steve Coleman is against putting a sign in front of his property. His son, who lives in his home, is an offender who was with an underage girl. This would hurt the innocent more than it's worth. He suggested the Police Chief go back into his records to see if the individual is on probation. He asked Council to use common sense when considering this ordinance.

Chris Coleman stated that he is the son of Steve Coleman. He understands what he did was wrong and has paid his dues. He stated that he is trying to make a living in this community and made a mistake and does not want to be labeled as a predator.

Robert Yeaton stated that the law needs help and needs to be updated.

Dan Patrick stated that his 11-year old son sleeps with him because he is scared and that any law in place is an improvement.

Art Competition [Corrected 5/16/05]
~~He~~ Vice Mayor Pugh/ commended Mary Alice Querios and showed recognition certificate presented to City Council from Ginny-Brown Waite.

FRANKIE BURNETT, COUNCIL MEMBER

Street Lights on Duke and Ellington
Council Member Burnett recommended looking into feasibility of installing street lights on these streets. The City Manager stated he would bring back report to Council.

Art Competition
He commended students on an amazing job.

JOSEPH E. JOHNSTON, III, MAYOR

Tourist Development Christmas Ornament Contest
Mayor Johnston commended students on their quality work displayed at City Hall and advised that the TDC was going to have students design one of the annual ornaments next year after the competition.

ACS Relay for Life
Parks Director Walker and staff did a great job in getting trails ready and the parks look great.

Streetlight out
He advised that one of the street lights was down on Broad and Main Streets as a result of a drunk driver Friday night.

WILLIAM SMITH, SUPERINTENDENT OF UTILITIES
[Corrected 05/16/05]
~~US~~ S.R./ 50 PROJECT
Superintendent Smith advised Council that the project will proceed with plans in approximately thirty (30) days.

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION/CITY CLERK

Cancer Relay for Life
Clerk Phillips commended Police Chief Tincher for the ACS raising $323 for him to shave his head at the event.

Art Competition
She also announced that the winner for the Art Competition is a Hernando High School student.

CITIZENS INPUT
None at this time.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:35 p.m.

City Clerk

ATTEST: _____
Mayor

G:\WP_WORK\ClerkOffice\MINUTES\2005\05-02-05 minutes.wpd

AGENDA ITEM NO. C-1
8-15-05

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

MINUTES

May 16, 2005 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. present. Also present were David La Croix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; Kim Harsin, Acting Deputy City Clerk; Emory Pierce, Public Works Director; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Rick Hankins, Deputy Police Chief; and James Daugherty, Fire Chief. A member of the Hernando Times was present. Absent were William Smith, Utilities Superintendent and Ron Baker, Human Resources Director.

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

CONSENT AGENDA

Minutes
May 2, 2005 - Regular Meeting

Council Member Wever pointed out correction on page 5, which should be SR 50, Council Member Burnett pointed out on page 5 "He" should be changed to Vice Mayor Pugh.

2005-06 United Way Grant - Jerome Brown Community Center (JBCC) Transportation (Bus) Program
Acceptance of grant from the United Way of Hernando County, Inc. in the amount of $10,000 (together with $2.00 designated gift) payable in monthly installments of $833.50 beginning 07/15/05 for the bus program at the JBCC.

Fire Dept. Capital Outlay - Copy Machine
Approval to purchase a Copy Machine from EGP Copiers in the amount of $5,909.30 under University of Florida Rebid dated 09/25/03. Project included in 2004-05 Capital Outlay Summary and funds to be transferred from Reserves to Fire Department Capital Budget Item #001-014-522-556.40.

2005 Federal Edward Byrne Memorial Justice Assistance Grant (JAG) Program Funds
Authorization for Mayor to execute letter (required as part of grant application) to FDLE approving allocation of grant funds from 2005 Federal Byrne JAG Grant Funds for the City of Brooksville "Regain Our Neighborhoods (RON)" program in the amount of $13,000 and "Drug Abuse Resistence Education (DARE)" program in the amount of $8,000, with approximately $7,000 in total match funds from Law Enforcement Investigative Trust Fund; and concur in grant funding of Adult Drug Court in the amount of $50,000; Sheriff's Office Education Initiative IV in the amount of $10,000; and Drug Task Force III in the amount of $20,258. The total allocation available is $101,258.
(Note: DARE program to supplement initial project approved by Council on 04/18/05 in the amount of $12,029, which is a similar stand alone JAG

grant that did not require a match - formerly known as LLEBG Grant)

Dumpster Purchase
Approval of request to purchase 10-two yard dumpsters ($320 ea); 12-four yard dumpsters ($450 ea); 4-six yard dumpsters ($590 ea); and 4-eight yard dumpsters ($690 ea) for the total amount of $13,720, utilizing the City of Clewiston Bid (dated 1/10/05). Funds available in Sanitation Dept. Line Item 403-022-534-543.17.

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

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Margaret Ghiotto Commercial Beautification Award
Recognition of improvements to property owned by the MCB Properties, d/b/a/ Morrison's Countryside Buffet located at 1177 S. Broad St.

Chairman Lou Kavouras introduced Sally Sperling, a member of the Beautification Board. She stated this site was nominated because there was a big change to the exterior of the building with lots of color added and major enhancements to the parking area.

City Clerk Phillips announced that the award will be mailed to the organization.

Margaret Ghiotto Residential Beautification Award
Recognition of improvements to the residence owned by Jane H. Bussell located at 1221 Candlelight Blvd.

Chairman Lou Kavouras stated this property is located at the three way stop where Darby Lane intersects Candlelight Boulevard and it was nominated in March when there was lots of blooms with improvements to the landscape making it worthy of an award.

City Clerk Phillips announced that the award will be mailed to the owner.

"Advanced Institute for Elected Municipal Officials"
Presentation of Certificate of Completion to Council Member Frankie Burnett for recent completion of the Florida Institute of Government's and Florida League of Cities' "2005 Advanced Institute for Elected Municipal Officials"

Mayor Johnston presented the Certificate of Completion to Council Member Burnett.

REGULAR AGENDA

Ordinance 689 - Annexation of "Q2 Brooksville 191, LLC" Property (formerly known as the Griggs Property)
Consideration of petition for voluntary annexation of properties located near the southeast corner of the intersection of Jasmine Drive and Mondon Hill Road, totaling approximately 191 ± acres, subject to staff and P&Z Commission conditions.

Mayor Johnston announced that his brother represents the owner of the petitioner therefore he will not vote on this and will file the appropriate paperwork with the Clerk as required.

Director Geiger stated the property right on the corner is not part of this annexation but it is the balance of the Griggs property. The Planning and Zoning Commission did review this at their meeting Wednesday, May 11th and agreed with staff recommendation. The petitioner is intending to develop this property as residential in the future. There is no proposal for amending the comprehensive plan with land use designation nor a request for zoning the property at this time. The property is designated residential on the future land use map of the Hernando County Comprehensive Plan, which would allow for consideration for zoning the property to some level of residential development. The property is currently zoned as agricultural in Hernando County.

Council Member Staib stated that the map indicates a neighborhood park and asked where it would go, pointing out that it is very swampy in some areas. Director Geiger replied this is a conceptual site plan that the developer submitted with their petition for potential development options for the property and it could change at any time. He has pointed out to the property owner several main issues to be addressed with the land use including environmental features that exist as well as transportation impacts of any future development.

Council Member Wever asked if Jasmine Drive and Mondon Hill (adjacent to this property) are the right-of-ways for annexing, to which Director Geiger replied in the affirmative, with the exception of Majestic Oaks due to concern by the County. Mayor Johnston stated previously the Majestic Oaks property was on the edge of the City but the road running through it is completely within the City limits.

Council Member Wever asked if the Rails to Trails is part of the property. Director Geiger replied in the negative and stated it is directly adjacent to the northwest corner of the property and being proposed for a County project of the realignment of Jasmine Drive to interconnect with McIntyre Road.

Council Member Staib asked if the article in the newspaper was correct in reporting that the County knows nothing about the Good Neighbor Trail. Director Geiger replied Mr. Dix's statement was concern that Majestic Oaks did not show a footprint of the future Good Neighbor Trail as it goes through that property. He stated that more recent plans show a base footprint and there will soon be additional annexations and proposals for that project.

City Clerk Phillips read Ordinance No. 689 by headnote only, as follows:

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

There was no one present who wished to speak.

Motion:
Council Member Staib moved to approve first reading of ordinance and scheduled second and final reading for 6/6/05; seconded by Vice Mayor Pugh. Motion carried 4-0 with Mayor Johnston abstaining.

Council Member Burnett	AYE
Council Member Staib	AYE
Council Member Wever	AYE
Vice Mayor Pugh	AYE

Ordinance 690 - Annexation of Milk-A-Way Farms Property

Consideration of petition for voluntary annexation of properties located on the northeast corner of Croom Road and U.S. Highway 41 North, totaling approximately 425.16 ± acres, subject to staff and P&Z Commission conditions.

Mayor Johnston announced that his brother represents the owner of the petitioner therefore he will not vote on this and will file the appropriate paperwork with the Clerk as required.

Director Geiger stated this Ordinance was presented to the Planning and Zoning Commission on Wednesday, May 11th and they concurred with the staff recommendation. The petition application was incorrect in referencing 527.7 acres.

Council Member Staib asked that the drainage problem be addressed, to which Director Geiger replied that has been impressed during the developmental meetings and is not addressed on the annexation phase of the development. It would be another eight to twelve months before there will be a proposal to amend the comprehensive plan with more details on these issues. He stated it is important to get feedback from Hernando County because of the issues related to impacts on transportation as well as environmental issues related to drainage through this basin. The property is located in its entirety within the Blue Sink basin and these concerns will be discussed further along. This property is designated for Commercial and Residential development in the Hernando County Comprehensive Plan and the petitioner intends to combine Commercial and Residential development at some point in the future.

Council Member Wever asked if 41 North to the northwest corner of the property is included, to which Director Geiger replied it is to the northeast corner from 41 North to Croom Road. Mr. Geiger further confirmed that Croom Road is already in up to the old WWTP property owned by the City.

Mayor Johnston read Ordinance No. 690 by headnote only, 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 to approve first reading of ordinance and scheduled second and final reading for 6/6/05; seconded by Vice Mayor Pugh. Motion carried 4-0 with Mayor Johnston abstaining.

Council Member Staib	AYE
Council Member Wever	AYE
Council Member Burnett	AYE
Vice Mayor Pugh	AYE

Ordinance No. 691 - Rezoning of 151 S Main Street - Owner: Monique Swann

Consideration of proposed Ordinance rezoning property from Residential (R1B) to Commercial District C-1), subject to staff and P&Z Commission conditions.

Attorney La Croix stated this is not a public hearing and only the first reading of the ordinance but a quasi-judicial decision. He advised it is Council's

decision to take comments and ask questions but it has to be based solely on what is discussed at the public hearing which would be at the second reading of the ordinance.

Director Geiger stated this is a request to rezone property from R1B to C1 which was modified from C2 by the petitioner at the Planning and Zoning Commission meeting on May 11th making it a less intense commercial district. The Commission recommended with a 3-2 vote, being consistent with the City's Comprehensive Plan, that City Council approve zoning the subject parcel as C1 and adopt an ordinance designating the subject parcel with conditions. There are two (2) intervening parties who were recognized during the Planning and Zoning meeting; owners of property directly east on South Brooksville Avenue and to the south of the subject site.

Vice Mayor Pugh asked what the property to the south is being used as. Director Geiger replied it is Mrs. Bell's estate and is vacant all the way to Main Street and is zoned commercial on the future land use map of the Comprehensive Plan.

Council Member Staib stated her concern in keeping with the 1901 historical color of the home, to which Mrs. Swann assured that she would keep the colors subdued.

Mayor Johnston announced that he would allow public to speak at this time even though it is not a public hearing.

Public Input

Joe Mason representing Jane Bell, Trustee property which is located immediately south from Brooksville Avenue to Main Street, is not opposed to the petition and her only interest is to keep the buffer maintained between the two (2) properties.

Allen Waltrous, owner of property to the east, stated if the property cannot meet the commercial zoning requirements for buffers and parking then the variance should not be approved.

City Clerk Phillips read Ordinance No. 691 by headnote only, as follows:

> **AN ORDINANCE REZONING CERTAIN PROPERTY FROM R-1B (SINGLE FAMILY RESIDENTIAL DISTRICT) TO C-1(COMMERCIAL DISTRICT), REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, AND PROVIDING AN EFFECTIVE DATE.**

Motion:
Council Member Wever moved to approve first reading of ordinance and scheduled second reading for 6/6/05 with staff recommendations items 3 a & b including eliminating item #2 special conditions; seconded by Council Member Staib. Motion carried 5-0.

City Clerk Phillips read elimination of recommendation item #2 from the 05/16/05 Staff Report for the record, as follows:

> "Allow City staff the latitude to work with the petitioner in providing for onsite parking, landscape and buffers. The extent of flexibility that may be applied would include an allowance for stabilized grass parking, smaller than standard access aisles and t he installation of buffers that would adequately protect adjoining property and uses, but which may not

meet the strict letter of the code. If a required improvement does not meet the intent of the City code, as determined by the administrative official (Community Development Director, as designated by the City Manager), the property owner would be directed to either increase the level of improvement to meet the code's intent, or apply for a variance from meeting the code standard."

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

Director Geiger stated the requirements specifically addressed parking and buffers and it was a matter of interpreting whether or not the proposal of the petitioner meets the intent of the code versus the straight letter of the code and he wanted to ask Council for the flexibility to work with the property owner in this case. Attorney La Croix pointed out that if they cannot meet the code then they could apply for a variance.

Ordinance No. 692 - Minimum Automobile Off-Street Parking Space Requirements

Consideration of ordinance to revise the current parking standards in the Land Use/Zoning Code for minimum automobile off-street parking space requirements, provide for variances subject to certain conditions and find that the proposed regulation is not inconsistent with the Comprehensive Plan.

Director Geiger stated there have been numerous requests at the Planning and Zoning Commission meetings for relief from the commercial retail-type standard which is .8 for every hundred square feet of building floor area comparing to industry standards closer to .5 or .4, constantly causing consideration of variance requests. This ordinance would bring it closer to acceptable industry standards for both residential and commercial. It provides for a variance from the parking requirements and allows the Board to consider reducing the parking standard with the provision that they reserve at least half of the area required for parking under the standard. If determined in the future that there is not enough parking then it allows requiring the parking up to at least half of the parking requirement and it also provides and requires two (2) parking spaces per unit for single and two-family dwelling units; three (3) or more units with one (1) or two (2) bedrooms would require 1.5 parking spaces per dwelling unit and three (3) or more bedrooms would be required to provide at least two (2) parking spaces per unit. The modification for comparison goods stores, convenience goods stores, second-hand stores and personal services establishments would be decreased from .8 ratio to .5 ratio per a hundred square feet in floor area.

Council Member Staib asked if 1.5 would be a car and a motorcycle, to which Director Geiger replied it is a ratio of one and a half parking spaces per unit that has one (1) or two (2) bedrooms within the unit and with units that are tied together in one building it would be appropriate to reduce the requirement based on the number of bedrooms. This standard was applied to some existing developments in the City and it worked well. There were problems in the past with townhouses on Darby Lane applying a standard two (2) parking spaces per unit.

Council Member Wever recommended two and a half and three parking spaces and stated that there is no room for visitors to park at the Candlelight townhouses

with only two (2) parking spaces with at least half or more cars parking in the street right-of-way. Director Geiger replied there was research and a survey done on other cities and Hernando County and there was only one (1) other city that provided for up to three (3) parking spaces per dwelling unit with four (4) or more bedrooms. The problem with the requirement for additional parking would be giving up landscape, buffers and tree preservation areas for pavement. Mayor Johnston asked if the townhouses on Darby Lane would meet the new code. Director Geiger replied most of them would. Attorney La Croix pointed out that you cannot provide required parking spaces in the right-of-way, to which Director Geiger replied the townhouses meet the existing code which is 1.5 per dwelling of off-street parking.

Vice Mayor Pugh stated there will be more internal parking with access to major roads and a clubhouse in the newer proposed development, providing for more overflow parking. There is always a mechanism for them to come back and ask for a reduction by variance, to which Director Geiger replied in the affirmative and stated the developer would have to prove that their type of development does not need the requirement that the code specifies.

Council Member Burnett stated he agrees with Council Member Wever in that having one (1) parking space to a four (4) bedroom unit is the greatest problem not only on Darby Lane but at Hillside Estates, causing tickets to be issued for street parking and the ordinance needs to be improved.

Vice Mayor Pugh pointed out that there are two (2) different requirements for a clubhouse and the residential units with a reduction in the total parking requirement.

Attorney La Croix stated that the Sasser property is a multi-family development, and townhouses are two (2) different types of properties but this would put them in the single-family category. Three (3) parking spaces would be required for all single-family dwellings. Under this ordinance, the attached single-family on their own separate lots have to have more spaces than a multi-family. If you have a multi-family building with so many parking spaces per unit as an average with shared parking it evens out but if you have individual lots with a unit on it even though it is in one (1) building, they do not share common parking. You have to provide an average for each single lot to meet the minimum parking requirements and this ordinance requires two (2) rather than one (1). Mayor Johnston pointed out that the townhouses on Darby Lane are attached but are on individual lots and under this ordinance, they would be treated as a single-family residence and required to have two (2) parking spaces per unit on each lot. Vice Mayor Pugh asked if single-family homes could be eliminated from this ordinance and it be limited to multi-family. Attorney La Croix replied with multi-family buildings such as apartments or condominiums, all the units share parking spaces because it is on common ground but there is no common ground with attached single-family dwellings so there would have to be an even number of parking spaces for each dwelling unit and the one and a half would have to be increased to two (2). Director Geiger pointed out that the 1.5 multiplier has worked well for apartment complexes and properties with common areas but with property that fronts on an open public street the townhouse standard is applied. There would be a deficiency unless there is at least two (2) parking spaces per unit required. Increasing to three (3) parking spaces per unit would require significant pavement area and with the current developers going with smaller lot sizes it could create some additional issues that may have to be revisited by Council.

Council Member Wever asked the definition of off-street parking. Director Geiger replied a developer is required to provide for parking within the property or within 400' of the property not within the public right-of-way.

City Clerk Phillips read Ordinance No. 692 by headnote only, as follows:

AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, PART III, LAND DEVELOPMENT CODE, SUBPART B, "LAND USE/ZONING REGULATIONS," ARTICLE II, 'GENERAL REGULATIONS," SECTION 25, "GENERAL REGULATIONS FOR VEHICLES," BY ADDING THERETO A NEW SUBSECTION 25.3, ENTITLED "REDUCTION OF REQUIRED PARKING SPACES," BY CHANGING THE REQUIREMENTS OF SCHEDULE B THEREOF FOR SINGLE FAMILY AND MULTI-FAMILY RESIDENTIAL USES AND BY DECREASING THE REQUIREMENTS OF SCHEDULE B THEREOF FOR COMPARISON GOODS STORES, CONVENIENCE GOODS STORES, ANTIQUE STORES, SECONDHAND STORES, AND PERSONAL SERVICE ESTABLISHMENTS, AND BY ADDING A PROVISION FOR GENERAL RETAIL ESTABLISHMENTS; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion:
Vice Mayor Pugh moved to approve staff recommendations increasing to 1.5 and 2 parking spaces per unit and scheduled second and final reading for 6/6/05; seconded by Council Member Staib. Motion carried 3-2 with Council Member Burnett and Council Member Wever in opposition.

Council Member Burnett	NAY
Council Member Staib	AYE
Council Member Wever	NAY
Vice Mayor Pugh	AYE
Mayor Johnston	AYE

Resolution No. 2005-13 - Brokerage Account

Consideration of resolution authorizing the Finance Director to set up an institutional (brokerage) account through SunTrust Capital Markets, Inc. for the $1.5MM Federal Home Loan Bank Security (FHLB) pursuant to Investment Policy No. 3-95A.

Director Baumgartner stated the City settled today with the $1.5MM FHLB which was bought through Vining Sparks, SunTrust Capital Markets requires an investment account with them also.

Council Member Wever pointed out the $25 transaction charge from SunTrust, to which Director Baumgartner replied is charged through the monthly analysis process and stated there is no charge for purchase of the bond. The money was wired out of the SBA on Friday at SunTrust and Vining Sparks is delivering the bonds to SunTrust. They will charge the City's account today. It is a book entry and will be held at SunTrust and the ongoing fees will have to be paid. Council Member Wever suggested Director Baumgartner keep a log of interest payments and compare to SBA and put a memo in the file when they mature to let SunTrust reinvest.

Council Member Wever noted on the Certificate of Authority and Incumbency that "by-laws" should be changed to "codes & policies".

City Clerk Phillips read Resolution No. 2005-13 by headnote only, as follows:

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA AUTHORIZING ADMINISTRATION OF INSTITUTIONAL ACCOUNT; AND PROVIDING AN EFFECTIVE DATE.

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

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

Resolution No. 2005-14 - Investment Account - Vining Sparks IBG, L.P.

City Clerk Phillips read Resolution No. 2005-14 by headnote only, as follows:

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA AUTHORIZING ADMINISTRATION OF INVESTMENT BROKERAGE ACCOUNT; AND PROVIDING AN EFFECTIVE DATE

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

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

Fixed Asset - Policy Amendment

Consideration of revising capitalization threshold from $1,000 to $5,000 with no change to provision of use life of 5 years or more.

Director Baumgartner stated the Government Finance Officers' Association recommends that the level be raised to $5,000. According to Baumgartner, this and makes a lot of sense for record keeping and it would simplify the fixed assets inventory.

Council Member Wever asked if the recommendation is blanket or by size of the city, to which Director Baumgartner replied it appeared to be blanket. He did stress that the equipment still needs to be maintained by the departments but doing a complete inventory on items of $500 value is not necessary. He recommended eliminating assets under $5,000 from the inventory. Three (3) years ago capital was increased from $500 to $1000 with the same process. The future capital expenditures would be considered $5000 or more.

Mayor Johnston pointed out that 60% of the current assets are under that limit and only have a fraction of the total value. Director Baumgartner advised the fixed asset reports confirmed this figure.

Council Member Wever asked who sets the lifetime on the units, to which Director Baumgartner replied it is recommended by the Government Finance Officers and can be adjusted as long as it is justified to auditors. Council Member Wever pointed

out one item under Parks and Recreation Department, the field rake, is listed with a very long life and in his opinion one does not last that long, to which Director Baumgartner replied a schedule is used to determine this but he would certainly take a look at it. Mayor Johnston indicated that he was concerned about eliminating items from the inventory under $5000.

Motion:
Council Member Staib moved to approve threshold increase to $5000; seconded by Council Member Burnett. Motion carried 5-0.

Purchasing Policy Amendment - Requisition Limit Increase

Consideration of revising Section 2-II Requisitioning Procedures, Subsection (A) of the City of Brooksville Purchasing Regulations to increase the Requisition Request limit from $500 to $1,000 and increase certain quotation requirements from $2,000 to $3,000, together with modifications to Subsections D-7 and D-8 accordingly.

Director Baumgartner stated the requisition amount has not been changed for over ten (10) years and this will eliminate a lot of paperwork for all departments. Mayor Johnston pointed out clarifying the amount between $1,000 and $3,000 to $1,001 to $3,000.

Council Member Wever advised modifying item #2 to read "Department Heads may accept written or oral competitive quotes for items costing over $1000.00 through $3,000.00".

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

Atlantic Community Care, Inc. - "Tangerine Cove" Bankruptcy

Update on the appeal process for the 2002-04 PILOT payments.

Attorney La Croix recommended dismissing the appeal for the reasons outlined in his memo. He felt it would be a waste of money for the City to proceed.

Mayor Johnston suggested a draft agreement to provide for future tie-ins to property as recommended.

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

University of South Florida (USF) - "Visual Theme" Project

Consideration of proposal from USF for a summer Promotional Management Class Project to develop a "visual theme" that will capture the City's character and define its' identify.

Redevelopment Coordinator Hess confirmed there would be no charge for this project and the work by the students is for a grade in the class. Professor Carol Osmond thinks her students will put together a good presentation since one of her marketing classes ideas were recently picked up for "Budweiser Select". He will bring back the work by the students to Council to either adopt or give direction to City staff on how to proceed. After the work is presented, the City can either continue to work with the students to design a design/theme into signs or banners or go with a private consulting firm and get the costs associated with

the project. There is a group of four (4) students from the class working together on this project.

Mayor Johnston asked if there would be an agreement with the school to allow us to use the work by the students. Coordinator Hess replied the City can hire that student group to work on the next phase at an agreeable cost or get a written agreement from USF stating the work is the property of the City of Brooksville.

Council Member Wever pointed out that Withlacoochee Water Supply Authority contracted with the University of Florida for a water conservation project and are using some of that material at a cost of $5,000.

Attorney La Croix asked if the recommendation includes authorization for staff to enter into a contract if it does provide that the product of this group becomes property of the City or does the contract come back to Council for approval. City Manager Anderson advised that ideas are presented to Council and upon approval staff would negotiate with USF.

Council Member Burnett would like to include citizen input on this project to which Coordinator Hess stated he would hold a public meeting after the July 7th deadline. Vice Mayor Pugh asked if this could be pushed back to the Fall semester, to which Coordinator Hess replied it cannot be guaranteed since this teacher will not be handling the subject. City Manager Anderson stated he will coordinate Council's concerns with the City Attorney.

Motion:
Council Member Wever moved to approve authorizing the City Attorney to review a proposed contract and if approved, execution by the Mayor; seconded by Council Member Staib. Motion carried 5-0.

ITEMS BY COUNCIL

FRANKIE BURNETT, COUNCIL MEMBER

Sidewalk Installation
Council Member Burnett recommended that Council advise staff to look into the feasibility of installing a sidewalk from the west side of Dr. Martin Luther King Boulevard to Main Street. City Manager Anderson pointed out that there is an existing sidewalk east of Main Street. He stated that there is no sidewalk and some sizeable drainage facilities and ditches along the portion from Main Street to Broad Street and staff will bring back to Council a site overview map and cost. Mayor Johnston stated the possibility of using State and Federal funds as an enhancement fund project since that area is developing.

Timmons Family Reunion
Council Member Burnett requested a Proclamation be presented by a representative from Council at the Timmons Family Reunion on Friday, May 27, 2005. Mayor Johnston stated he has signed the Proclamation and will check his calendar to make the presentation.

Cook Avenue - Speed Humps
Council Member Burnett stated his research has confirmed that Council Member Wever was correct in stating that speed humps must be driveable at the posted speed limit. He further stated that it was not possible to drive 15 mph over the speed humps on Cook Avenue and they need to be redone.

4

DAVID PUGH, VICE MAYOR

Lemon Street and Kelly Street - Signs
Vice Mayor Pugh pointed out that there are no speed limit signs posted on Lemon Street for the speed humps. He also pointed out that there are "Tow Away" signs posted on the City's "No Parking" signs on Kelly Street.

Water Turn-Off Valve
Vice Mayor Pugh stated he received a call from an upset resident who had a water break in his house and the on-call person came from Hudson. He wants to be sure that there is a valve on the resident's side of the property line so that they are able to turn off the water instead of having to call the City. Director Pierce stated he would look into the matter.

Utility Tax Quarterly Review
Vice Mayor Pugh stated it has been six (6) months since the motion was approved to review quarterly and there has been no action taken on it. City Manager Anderson replied a review of monthly reports showed there was no differentiation between no response and those that had turned in a report. He stated that he would compile an overall review of the Utility Tax for the next Council meeting and that the Utility Tax as it applies to propane gas generates just under $30,000 per year in tax revenue.

E.E. "ERNIE" WEVER, JR., COUNCIL MEMBER

Utility Tax
Council Member Wever stated the Utility Tax adoption had committed Council to reduce ad valorem taxes and he suggested dropping the millage down again this year to about 6.5 to offset the income of the Utility Tax.

Annexation Bill
He stated the Legislature did not pass the Annexation Bill. The Senate passed it unanimously but it did not pass in one of the House Committees. He suggested a proposal for a growth annexation plan for the City using the Senate Bill as a guideline. He stated according to Senator Constantine, that Bill would pass next year. He suggested a workshop and then approach the County on adding it to the utility service or combine and include the annexation plan. He will distribute copies of Senate Bill 926 to Council.

Impact Fee Bill
He stated the Impact Fee Bill did not pass in the Senate and it will most likely come back next year. He suggested a workshop and that Council impose Impact Fees in the same manner as the Bill had proposed using the same calculating method as the County. One bad part of the Bill allows these fees to be paid over a twenty (20) year period which could be included in the homeowner's mortgage.

Suncoast League of Cities Annual Conference
He announced the SLC Annual Conference will be held this coming weekend and he is planning on being there on Saturday only. He stated that he will call the Vice President of TBE, Bob Brown, for a copy of the Jasmine Drive plan if it is not received by that time.

Tom Varn Park Softball Field
Council Member Wever suggested planting trees from the tree bank to provide shade for the bleachers.

Rails to Trails
He asked if there are any motorized vehicles allowed on the Rails to Trails, to which Director Geiger replied that only maintenance vehicles are allowed on the trails.

Hospital Easement
He pointed out the need to start the condemnation before the property to the East of the hospital from Cortez to Wiscon Road is given to the County. City Manager Anderson replied that he would get an update back to Council.

Speed Limit Signs
He pointed out that there are still no speed limit signs posted on Coachlight, Candlebrook, Moonlight and those that are missing on Candlelight.

County Agenda - May 17, 2005
He pointed out that the potential acquisition of Peck Sink is on the County agenda for tomorrow. Director Geiger stated that this came up to the County's Environmental Sensitive Lands Committee based on correspondence received from the property owner indicating that Peck Sink and surrounding properties are currently for sale since the County has a program in place to acquire environmentally sensitive lands. They have a priority list and an estimation of the cost to buy the "wish list" of all the properties but this is an important one that they will be looking at. They may use funds set aside from tax dollars already collected and leverage those with additional funds from the Water Management District or other agencies to consider purchasing it for conservation of environmentally sensitive lands.

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION/CITY CLERK

Sexual Predators and Sexual Offenders Workshop - May 23, 2005
Clerk Phillips informed Council that May 23rd is the date set for the workshop. There is one minor conflict with the FDLE representative which staff will try to resolve. She will inform Council by tomorrow if it will be rescheduled. Vice Mayor Pugh pointed out that the County Attorney stated in a newspaper article last week that the Sheriff and Chief of Police of a municipality can decide on signage and postings and asked if that is for elected officials only. Attorney La Croix replied the Statute states that information goes to the Sheriff and he shares the information with the Chief of Police of any municipality in the County and they have the authority to disseminate the information. City Manager Anderson stated the Chief of Police has the authority but he is looking for direction from Council on how to proceed. Attorney La Croix will research and submit a memo to Council on the authority of the Council and the Chief.

JOSEPH E. JOHNSTON, III, MAYOR

County Workshop - Violation appraisal report
Mayor Johnston attended and spoke at the County's workshop and stated their current future land use map shows the property on which the hospital is being constructed as "Rural" as well as the surrounding properties and suggested that they change that. He also mentioned that the property to the east of "Southern Hills" has recently been sold for the purpose of raising cattle and that the rural designation should be changed to residential for the time being.

CITIZENS INPUT

Raymond Hess

Good Neighbor Trail Brochure

Mr. Hess informed Council that the final draft of the Good Neighbor Trail promotional brochure has been distributed to them and encouraged them to look it over for their input. It will fold to 8 ½ x 11 sheets with 4 panels across the top and the bottom. The front side is more text rich and the back side is more graphic rich. With no objections, it will be going to print in approximately a week. Distribution will be funded by Tourism and Development grant in the amount of $1,000 and part of the stipulation is that it needs to be marketed outside of the County. He has spoken with staff at the Withlacoochee State Forest and would like to post a brochure where riders of the trail will have access to it, ideally where the Good Neighbor Trail meets the Withlacoochee State Trail. Also, other special events that target potential and future users and adjacent property owners. Clerk Phillips suggested distribution of the brochure at the interstate promotional brochure space that is leased with the State since it is currently up for renewal.

Kojak Burnett

Mr. Burnett suggested positioning the displays in Chambers in a way that the public is able to view along with Council.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:04 p.m.

ATTEST

Mayor

City Clerk

G:\WP_WORK\ClerkOffice\MINUTES\2005\05-16-05mtg.wpd

5/10/05 Agenda Item #E-1

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

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Johnston III, Joseph E.	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	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 May 16, 20 05:

(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:

matters regarding Q2 Brooksville 191, LLC

my brother, Darryl W. Johnston, has acted as attorney for Q2 Brooksville, LLC, and represented its interest before the City. 191

we are both employed by Johnston and Sasser, P.A. and I have an ownership interest in the corporation which leases offices to said law firm.

5/17/05
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.

5/14/05 Agenda Item # E-2

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

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Johnston III, Joseph E.	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	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 May 16, 20 05;

(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:

matters regarding Q2 Brooksville, LLC

My brother, Darryl W. Johnston, has acted as attorney for Q2 Brooksville, LLC, and represented its interests before the City.

We are both employed by Johnston and Sasser, P.A. and I have an ownership interest in the corporation which leases offices to said law firm.

5/17/05
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
8-1-05

CITY OF BROOKSVILLE
WORKSHOP
COUNCIL CHAMBERS
201 HOWELL AVENUE

MINUTES

MAY 23, 2005 6:00 P.M.

Brooksville City Council met in workshop session with Mayor Joseph E. Johnston, III, Vice Mayor David Pugh, Council Members Frankie Burnett, Mary A. Staib, and E.E. "Ernie" Wever, Jr. present. Also present were David La Croix, City Attorney; Richard E. Anderson, City Manager; Kim Harsin, Acting Deputy City Clerk; Emory Pierce, Public Works Director; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Ron Baker, Human Resources Director; Bill Geiger, Community Development Director; , Boyce E. Tincher, Police Chief; and James Daugherty, Fire Chief. A member of the Hernando Times and Hernando Today was also present.

The meeting was called to order by Mayor Johnston.

COMMUNITY AWARENESS PROGRAM - SEXUAL PREDATOR/OFFENDER

Presentation by Experts

Chief Tincher introduced experts to present information and answer questions. He stated citizens input is very important on this matter along with staff and Council input.

Al Dana, Inspector General, Florida Department of Law Enforcement presented his twenty-five (25) year background in investigating these types of crimes, stating he has been a police officer for thirty-two (32) years. He stated some of these sex offenders are fueled by the publicity and abductions are happening more now. It takes a tragedy with the recent abductions to change the system. In 1992 (1994 in Florida), this registration law became a Federal legislation and was a result of a little girl in New Jersey named Megan who was murdered by a neighbor who was a convicted sex offender and nobody knew about him. They have to register with the FDLE or the local Police or Sheriff's Departments within forty-eight (48) hours when they move into a neighborhood. The law used to be that the police could only notify the public of the predators and could only use certain techniques and now it is up to the jurisdiction as to how the public is notified of where these predators and offenders live. FDLE has a website list of the offenders by zip code or county and a five (5) mile radius of an address. Most jurisdictions use either cable television, flyers, door-to-door, websites, and maps in City Hall and Police and Sheriff Departments.

He advised that there are different types of sex offenders. His specialty for the past twenty-five (25) is child molesters. He has interviewed hundreds and not every sexual offender would re-offend but the odds are that most of the child molesters will. The majority of sex offenders registered in Hernando County are child molesters and the biggest concern is the pedophile. They have a sexual disorder that is incurable and are motivated by an abnormal sex drive with multiple victims simultaneously. There are treatment programs available but it does not always work. In Florida in 1997, a law was passed where a judge can order chemical castration if any sex offender is convicted. It is a synthetic form of a female estrogen injected into the bloodstream that lowers the testosterone levels of a male who is driven by sex but it does not cure them, it only slows them down some. All registered sex offenders must be treated the same when notifying the public because their behavior is unpredictable.

Council Member Staib asked if the chemical castration is self administered. Mr. Dana gave a background on the drug from the late 60's, experimenting with women for birth control. Between 1987 and 1997, doctors testified that one chemical castration is only effective for sex offenders that commit sex crimes based on their sexual needs and it must be administered by a doctor by injection once per week as an outpatient combined with group therapy. A judge can order it but it must be administered under a doctor's advice. There has only been two (2) cases since 1997 in which a judge ordered chemical castration.

Council Member Staib asked why the parents are exempt if they abuse their own children, to which Mr. Dana replied they are not exempt.

Council Member Staib thinks there should be another category for mutual with no force and no date rape drugs used. Mr. Dana replied one of the problems with this registration law is that predators are supposed to be the more serious of the offenders but it does not mean that a sex offender can be worse. Mixed in with the offenders could be a 21-year old boy who goes to a bar and meets a girl who lies about her age. That man could be arrested and charged with a crime and be considered a sex offender. The age of consent law in Florida is sixteen (16) years old and consensual sex is allowed with anyone up to twenty-four (24) years old, then the age of consent goes up to eighteen (18). Council Member Staib asked how to lobby for a legislation change in category, to which Mr. Dana replied there was a tier system at one time but is not sure how it worked. The Jimmy Rice Act is a civil commitment; in 1993 the State of Washington was the first state to adopt a civil trial. The state brings in witnesses to testify in front of a judge to show that this man will re-offend. The judge is to commit him civilly but put him in a secure psychiatric facility indefinitely. Jimmy Rice's parents were attorneys and they pushed for this and changed a lot of laws in Florida. The Jimmy Rice facility is located in Arcadia and is an old prison run by the Department of Children and Families (DCF) with 470 sex offenders in there committed indefinitely or who are waiting to go to trial.

Council Member Staib asked if the website could be coded to show offenders with violent tendencies. Mr. Dana replied the website is generic but police officers have this information and there has been talk in Tallahassee about making it more accurate.

Det. Tom Breedlove of the Hernando County Sheriff's Department stated that he has been in law enforcement for 17 years. Hernando County has a S.P.O.T. program (Sexual Predators/Offenders Tracking) which tracks predators and offenders where they live, on their jobs, who they hang out with, what kind of vehicles they drive, etc. There are two (2) ways to become a predator in the statute effective October 1, 1993; "one is enough" offense and a "second strike" offense (i.e. computer child pornography or a violation of the Florida Obscenity Law) committed after a serious offense. A sexual offender is "Anyone convicted of committing, soliciting or conspiring to commit any of the following offenses who may have been released from their sanctions (i.e. Department of Corrections, probation, or parole) on or after October 1, 1997; kidnaping, false imprisonment, lewd and lascivious on a child under the age of 16 and on an elderly person, enticing minors, etc.

There are over 35,000 sexual offenders and predators registered in Florida after October 1, 1997, but there are a lot more because there are restrictions as to who is on this list. In Hernando County, there are 215 registered sexual offenders and there are 4 sexual predators. The population in Hernando County is 150,000 plus and guarantees that there are more than 215 offenders and no two

are alike. Most of them remain in one place, however, several move on a weekly or monthly basis. Linda Giddens is a sexual predator and has moved on a bi-monthly basis since released from prison a few years ago. Recently she moved from Dade City to Broad Street at Tall Oaks Mobile Home Park and was asked to leave and is now living in an apartment in Masaryktown. The Sheriff's Office (www.hernandosheriff.org) has a website link to the FDLE website (www.fdle.state.fl.us). On the left hand side, click on section "Public Records Search" to sign up for e-lert notification service providing an email from the Sheriff's Office with a link to the FDLE website, providing the name, date of birth, race and sex, and the address they move from and to, every time a sexual offender or predator moves into, out of or within Hernando County. Other pertinent information is also emailed once signed up for e-lert. Postcards are mailed by the Sheriff's Office to everyone within a mile radius of a sexual predator's residence when they move into an area in Hernando County. If you live within 1,000 feet of a predator's residence, a deputy will come to your door and hand you a flyer.

There is also a S.P.O.T. flyer book available at the Sheriff's Office for those without access to the internet or you can make a telephone call directly to Det. Breedlove. Each offender or predator is visited on a regular basis; offenders every 90 days and predators every 30 days. The Sheriff's office does emails and e-lerts, mappings of the offenders houses, crime watch meetings, and press releases.

Vice Mayor Pugh asked if there is anybody on the list who does not meet the criteria to be checked. Det. Breedlove replied in the affirmative and stated the Sheriff's Office has been threatened with lawsuits in the past as they do not go knocking on their door but know where they are. Vice Mayor Pugh asked if that is part of their release conditions. Det. Breedlove replied under those conditions they are not on any type of probation with no supervision or restrictions. These offenders and predators have forty-eight (48) hours to change the address on their driver's license or they commit a felony. There are restrictions placed upon them such as advising the Sheriff's Office if they leave the State or move from one location to another.

Vice Mayor Pugh asked if someone who commits a crime prior to 1997 and leaves the State and comes back, are labeled or do they retain the same status as before they left. Det. Breedlove replied the law varies from state to state. In some states, juveniles are required to register as sex offenders but Florida does not require this. If someone commits a crime in another state and they are required to register there, then they are also required to register in Florida. Some states have sex offense laws that are misdemeanors but Florida does not, so they are still required to register here as any felon would.

Council Member Wever asked if it is correct that they cannot move within 1000 feet from a school campus or day care centers, to which Det. Breedlove replied in the affirmative and stated it is a restriction for offenders or predators still on probation only. Council Member Wever pointed out that the "map it" proximity is not accurate on the FDLE website. Det. Breedlove replied that it is not exact and is only an approximate area of where the house is located but it does give an address and the property appraiser's website will give you the exact location with an aerial view of the residence.

Mayor Johnston asked how long they have to stay registered, to which Det. Breedlove replied currently it is twenty (20) years from the date of conviction but this is under review by the legislature to increase to thirty (30) years.

After twenty (20) years they can apply to be removed from the registry, which one person in Hernando County has been removed.

Vice Mayor Pugh asked if a day care opens within 1000 feet of a predator's residence, is there any provision to move him out of there. Det. Breedlove replied it is up to DOC discretion.

Council Member Staib asked how hard it is for these men to get jobs and what kind of jobs can they hold. Det. Breedlove replied there are all kinds; for example teachers, doctors, nurses, attorneys, police officers, city council members, reporters, plumbers, tree trimmers, landscapers, mechanics, etc. There are limitations in that they cannot hold a job that requires a state license such as police officers, day care workers, teachers, nurses. There are homeless sex offenders that are very hard to keep track of and do get arrested for failing to register properly.

DISCUSSION OF OPTIONS FOR COMMUNITY AWARENESS PROGRAM

Chief Tincher stated there is one sex offender within the city whose wife is adamant that the police should not be on her doorstep when we go to visit to insure the subject is still there. Law enforcement, Council members, DHSMV, Florida Department of Corrections, FDLE is granted certain immunities under the law as long as acting in good faith. It is not required, but allowed, to notify the public where the offenders are. The City of Brooksville has a website link, and there are house-to-house visits on 30-day notices with offenders (there are no predators within the city limits at this time). He has been thinking about placing a sign that says a sexual predator (or offender) resides in this neighborhood and put it in front of their house which would be an extremely good motivation for that person to leave and to find some other community where that is not done. It can be done as long as it is kept within the information that is provided through the public records channel.

Council Member Staib pointed out that they may be living with relatives who are innocent and would be punished and if the neighbor wants to sell their house it could effect a sale. Chief Tincher replied that he would ask Jessica's father and Sarah's parents what is fair. As long as the family member allows them to live with them then the sign stays but if they leave it would be taken down. He has no sympathy and no understanding and no care for these people. There was a case in 1956 or 1957, where the next door neighbor of a little boy had a train set and invited kids over all the time and was caught sodomizing the seven-year-old boy. It has been around forever and who is going to be the next victim. The action Council takes and funds is extremely critical. If the signs get results then that is the benefit of doing it. Council Member Burnett asked if the signs would be placed for all offenders or would it be done on a case-by-case basis. Chief Tincher replied that he is convinced that there are only a couple of offenders or predators that will not re-offend. Vice Mayor Pugh stated he is not in support of the sign but if Council wants this then it would have to include all the predators and offenders because politics would get involved if it was done on a case-by-case basis.

Mayor Johnston stated the biggest problem is people not knowing where the sexual predators and offenders are and better tracking is needed.

Chief Tincher stated while the predator and the offender both have some statutory requirements to register within 48 hours of moving, the Sheriff's office has a good aggressive program but it would be 90 days where an offender was off

supervised probation and no one knows where he has been during that period of time. The placement of a sign has caught a lot of attention because although it is not pleasant to see such a sign in front of a home in beautiful and historic Brooksville, the thought of a child being alive in a plastic bag and being buried is even more offensive and disgusting. He stated there needs to be guidance from Council and the community as to what standard or level to go forward with.

Council Member Staib asked the cost and ease of escape of the tracking bracelet. Chief Tincher replied about $2000 but who is going to pick up the cost for that and it has to be mandated. Mr. Dana replied they can be cut off but it transmits a signal to the alarm company and they contact the probation officer who notifies local law enforcement to let them know the sex offender is out there.

Mr. Dana explained the Jessica Lunsford Act states people who harbor sex offenders on probation can be charged with a felony.

Council Member Wever asked about the education of the public, to which Mr. Dana replied police officers do go to community meetings and visit schools to educate the children.

Chief Tincher stated grant funding was received to educate children in the elementary schools this coming year.

Public Input

Robert Walton lives on Madrid Road moved in 1983 to Big Pine Key. In 1987, two (2) blocks from his home, his wife was attacked, beaten, dragged into the woods, kicked and left for dead. She had 200 stitches in her face and her jaw was broken in 3 places. This man was never caught. Their kids were taken from their home until he was proved innocent. They moved to Brooksville in 1988. In 1997, his 15 year old daughter met a 23 year old man. He would call her at the house and pick her up at school and take her out drinking. He introduced her to his parents and introduced her to other things. They had some type of relationship. He urged her not to tell her parents about him. Mr. Walton found out about it and called the police. The man was arrested. This man did not tell Council that he was charged with 5 counts of lewd and lascivious behavior and pled down to one charge and 4 counts of simple battery and served less than a year in jail and then violated. He also did not tell you that he knew how old she was. It is in his arrest report in his own words. He told the police he knew how old she was. After he introduced her to alcohol and other drugs, Julie never recovered. She turned to drinking alcohol and was too embarrassed to go back to school to face her friends and she dropped out of school. About a year and a half after this happened, she was killed by a drunk driver. The passenger was paralyzed from the neck down. She was the drunk driver. He stated there is no difference between the violent sexual offender who attacked his wife and a non-violent who tore their family to pieces all because he wanted to have a little fun with a 15 year old girl. He was outraged when he saw Chris Coleman on the news telling everybody he did not do anything wrong and that they had a relationship. They had no relationship.

Kathy Truesdale has lived here for about 25 years. She had first hand experience with someone who had been to prison for raping 2 different children and was calling her home and 30 some other parents in Hernando County trying to talk with their children. In 2002, she went to Spring Hill Elementary and informed them that he was living right next door to the school. She found out if they are released, there is no supervision so nobody goes out to see that this man was

living right next to the school. They put it in the newspaper and then he moved. She stated that something needs to be done when anybody in this county comes in. When she called the Sheriff's Department, they stated he lived somewhere else. The information she got showed that the address he lived at was right next to the school so she went by and verified it. Even though they are released, it needs to be verified where they are living by visiting the registered address. If these people know that the county and the city verifies this, they will not so easily come here. If they are not up to anything, then what is the difference if law enforcement stops by and checks on them. When they are released, they know where to go where the law is easy on them. Word is getting out that Hernando County is getting tougher on this. This should be done on a case-by-case basis because every situation is different.

Council Member Staib asked if these prisoners are segregated from the general populous. Chief Tincher replied there is opportunity in the prison setting for the inmates to interchange ideas and share information. Det. Breedlove replied because of safety issues in a prison they are segregated, inmates do have morals of their own where if someone commits multiple murders or someone who breaks into 50 houses while the occupants sleep will not like a child molester. They are generally not liked by any type of society. Sometimes they will be put into general population but they will say that they were convicted of something else.

Vice Mayor Pugh stated there are only 6 inside the city limits but there are so many outside. With the City growing as it is, someone could get lost in the shuffle between the Sheriff's Department and the Police Department. We all agree that awareness is the key. He is thankful for the public input but wished there could have been more. There should be a strong stance decided on this because it is our children's future with 2 children of his own. Council Member Staib agreed with having great grandchildren of her own.

Mayor Johnston stated information is power and the dissemination of that information to the proper people goes a long way towards making things somewhat safer and as Mr. Dana indicated, the City of Brooksville and Hernando County appear to be doing a fairly decent job compared to other areas and should continue with the efforts to provide the information that people need. City Council can provide some guidance to the Police Chief on his efforts.

Chief Tincher thanked Council for approaching this issue. He wants and values the opinions of Council. The City of Brooksville is not what it was and while there are 6 today, there will probably be a whole lot more shortly. Whether it be signs, flyers, milk cartons, billboards, etc., he would like to see support from the community.

Council Member Staib pointed out that the press needs to advertise the workshops better in the future.

Council Member Burnett stated the City of Brooksville and the Hernando County Sheriff's Department has gone beyond the call of duty to get this program to where it is today. He suggested another well publicized workshop no more than 2 months from today at the Jerome Brown Center for public input giving residents of the community an opportunity to speak on this matter.

Council Member Wever stated you would hear the same rations as tonight and he will listen to the opinions but will make a decision based on facts and not political opinions. He suggested taking the facts from tonight and go from there.

Vice Mayor Pugh stated he is in favor of workshops and would like to see something happen either at the next Council meeting or schedule a workshop 3 weeks from this Monday. It might not be exactly what is wanted but a decision needs to be made.

ADJOURNMENT

There being no further business to bring before Council, the workshop adjourned at 7:50 p.m.

ATTEST: _____
Mayor

_____
City Clerk

[G:\WP_WORK\ClerkOffice\MINUTES\2005\05-23-05 Workshop Mtg.wpd]

AGENDA ITEM NO. C-1
1-23-06

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

MINUTES

June 6, 2005 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. present. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; Kim Harsin, Acting Deputy City Clerk; Emory Pierce, Public Works Director; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Boyce E. Tincher, Police Chief; Rick Hankins, Police Lieutenant; and James Daugherty, Fire Chief. A member of the Hernando Times and Hernando Today were present. Absent were William Smith, Utilities Superintendent and Ron Baker, Human Resources Director.

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

CONSENT AGENDA

Mower purchase - Parks and Recreation Department

Authorization to purchase two (2) replacement mowers (252Z Gravely) utilizing state contract #515603-1 ($5,999.25 each). $3,292.94 available in Capital line item for Machinery & Equipment, $8,705.56 to be transferred from General Fund Reserves and the budget amended accordingly.

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

PUBLIC HEARING AGENDA

Ordinance 689 - Annexation of "Q2 Brooksville 191, LLC" Property (formerly known as the Griggs Property)

Consideration of petition for voluntary annexation of properties located near the southeast corner of the intersection of Jasmine Drive and Mondon Hill Road, totaling approximately 191 ± acres, subject to staff and P&Z Commission conditions.
[First Reading 05/16/05]

Mayor Johnston stated he has a conflict of interest and has filed the necessary forms with the Clerk's office, as required.

Director Geiger informed Council that the property is currently zoned agricultural in Hernando County. The Planning & Zoning Commission recommended the annexation. If development is proposed to occur on the property prior to the City adopting a Comprehensive Plan amendment and prior to assigning a land use designation and zoning, then the development would be required to comply with Hernando County land use and zoning regulations and be consistent with City of Brooksville performance standards. Also recommended is that the annexation

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

include the integration of all the public right-of-way lying directly adjacent to the annexed property.

Council Member Wever asked about the access road shown on the conceptual drawing. Director Geiger answered he believes they will propose an access point directly to the re-aligned Jasmine Boulevard.

There was no public input.

City Clerk Phillips read Ordinance No. 689 by headnote only, 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 of Staff recommendation; seconded by Council Member Wever. 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	Abstained

[Note: Form 8-B attached]

Ordinance 690 - Annexation of Milk-A-Way Farms Property

Consideration of petition for voluntary annexation of properties located on the northeast corner of Croom Road and U.S. Highway 41 North, totaling approximately 425.16 ± acres, subject to staff and P&Z Commission conditions.
[First Reading 05/16/05]

Mayor Johnston stated he has a conflict of interest and has filed the necessary forms with the Clerk's office, as required. **[Note: Form 8-B attached]**

Director Geiger stated the petitioner requests the voluntary annexation of the property into the City of Brooksville. Staff and the Planning & Zoning commission had reviewed and made the same recommendation for the annexation as the prior property.

There was no public input.

City Clerk Phillips read Ordinance No. 690 by headnote only, 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 of Staff recommendation; seconded by Council Member Burnett. Motion carried 4-0 upon roll call vote as follows:

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

[Note: Form 8-B attached]

*Ordinance No. 691 - Rezoning of 151 S Main Street - Owner: Monique Swann
Consideration of proposed Ordinance rezoning property from Residential (R1B) to Commercial District (C-1), subject to staff and P&Z Commission conditions.
[First Reading 05/16/05]

Attorney LaCroix advised this is a quasi-judicial land use decision, a public hearing and that anyone may come forward to speak. He stated the parties to this application are the property owner, Miss Swann and the City of Brooksville. He added that there are two intervening parties, who intervened at the Planning Commission hearing, Mr. Alan Watrous and Jane M. Bell, Trustee. City Attorney LaCroix then asked that anyone who wished to testify under oath to come forward.

Community Development Director Bill Geiger was sworn in by the City Clerk. The credentials were accepted of Director Geiger as an expert witness in Land Use Planning, Zoning & Property Development.

Director Geiger stated the property is located at 151 South Main Street. The petitioner requests the property be rezoned from R-1B to C-1 in order to operate a porch furniture and garden accent shop. The 1600 square foot house is recognized as an historic home. Director Geiger entered the Staff report in its entirety into the record. He stated the Planning and Zoning Commission reviewed this petition and voted 3-2 that the zoning petition is not inconsistent with the City's Comprehensive Plan. Staff recommended approval of the zoning of C-1 (commercial district) and adoption of an ordinance subject to conditions as stated in Director Geiger's report. He stated this is the second and final public reading of the ordinance.

Vice Mayor Pugh asked if the required buffer will be along the east and south of the property. Director Geiger answered there will be a fifteen foot buffer required with a minimum six foot high opaque wall along the east and south of the property. Vice Mayor Pugh also asked about the driveway composition. Director Geiger replied that they will address that issue with the petitioner in detail. He stated he believes the petitioner will require a variance due to the size and shape of the property in regards to parking. The Code requires onsite parking or a variance for it.

City Manager Anderson mentioned that two years ago County Traffic Dept. proposed to remove the parking along that portion and the City convinced them to delay that consideration, however, he advised that it is under their control and just as an observation he would not recommend depending on the availability of that parking to be included in the deliberation.

There was no public input.

City Clerk Phillips read Ordinance No. 691 by headnote only, as follows:

"AN ORDINANCE REZONING CERTAIN REAL PROPERTY FROM R-1B (SINGLE FAMILY RESIDENTIAL DISTRICT) TO C-1 (COMMERCIAL DISTRICT), REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, AND PROVIDING AN EFFECTIVE DATE."

Motion:
Council Member Burnett moved for approval of Staff recommendation; 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. 692 - Minimum Automobile Off-Street Parking Space Requirements

Consideration of ordinance to amend the Land Use/Zoning Code to revise the current minimum automobile parking standards for off-street parking, providing for variances subject to certain conditions, and find that the proposed revision is not inconsistent with the Comprehensive Plan. [First Reading 05/16/05]

Director Geiger advised that this ordinance proposes to increase the residential parking standards and also proposes a slight decrease in the retail oriented commercial standards from eight-tenths (.8) spaces per every hundred square foot of building floor area to one-half (.5) spaces per, which is more consistent with what is currently recognized in the market. He stated this is the second and final reading.

There was no public input.

City Clerk Phillips read Ordinance No. 692 by headnote only, as follows:

"AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, PART III, LAND DEVELOPMENT CODE, SUBPART B, "LAND USE/ZONING REGULATIONS, ARTICLE II, 'GENERAL REGULATIONS," SECTION 25, "GENERAL REGULATIONS FOR VEHICLES," BY ADDING THERETO A NEW SUBSECTION 25.3, ENTITLED "REDUCTION OF REQUIRED PARKING SPACES," BY CHANGING THE REQUIREMENTS OF SCHEDULE B THEREOF FOR SINGLE FAMILY AND MULTI-FAMILY RESIDENTIAL USES AND BY DECREASING THE REQUIREMENTS OF SCHEDULE B THEREOF FOR COMPARISONS GOODS STORES, CONVENIENCE GOODS STORES, ANTIQUE STORES, SECONDHAND STORES, AND PERSONAL SERVICE ESTABLISHMENTS, AND BY ADDING A PROVISION FOR GENERAL RETAIL ESTABLISHMENTS; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE."

Motion:
Council Member Burnett moved for approval of Staff recommendation; 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	Nay
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

REGULAR AGENDA

SR 50 West (West Cortez) Water and Sewer Line Extension - Change Order #1

Consideration of Change Order to adjust existing contract with Coastal Underground Services, Inc for additional work as follows:

Lower approximately 7,960 feet of water line an additional 12" (to 48") at $3 per foot ($23,880).

Approximately 250 feet directional bore through soft area for water and

sewer lines at $107 per foot ($26,750).

Total contract increase $50,630 (from $719,143 to $769,773). Funds available from $1.5 million line of credit.

Public Works Director Pierce reviewed the existing contract increase necessary for additional work. He advised Council that he found no feasible alternative and asked for approval.

Vice Member Pugh asked if easement information was passed on to the engineering firm. Director Pierce answered yes. Vice Member Pugh noted they also missed the 48" requirement. Director Pierce said there will be no fees on top of $50,630 for the change order.

Council Member Burnett asked if this amount is within the budget. Director Pierce answered that the funds are readily available for this project.

Mayor Johnston asked why the existence of the wet spot was not known in advance. Director Pierce replied that engineering representatives said they drove cars across it during the dry season. Council Member Wever pointed out it is wet during the rainy season.

Council agreed that the same cost would have been incurred if the problem had been found in advance.

Council Member Wever asked what the status is on the project that connects Cobb Road to this line. Director Pierce replied they are reviewing draft plans. Council Member Wever asked if that project had to be finished before this one, to which Pierce replied negatively.

Vice Member Pugh asked if there should be a change from the standard 36" to 48". Director Pierce stated there was no reason to make a blanket change.

There was no public input.

Motion:
Council Member Staib moved for approval encouraging more care in the future; seconded by Council Member Burnett. Motion carried 5-0.

Sewer Rehabilitation Project Phase I - Award of Bid No. UD2005-05 - Grant Funded

Consideration of award to sole bidder Pospiech Contracting, Inc. of Inverness, Florida, at unit prices in the total estimated amount of $1,190,920 for all labor, equipment, materials, tools, transportation, and services necessary to rehabilitate portions of the sanitary sewer system. Funds to be reimbursed from Florida Water Advisory Panel (WAP) Grant.

Director Pierce stated this is a long-awaited project to actually make some improvements and that only one firm bid on the project. Some of these grants are due to expire and it would be good to issue a notice to proceed and ask for an extension, however, worst case happens with the granting authority, if they will not extend, there is still enough money to cover approximately 99% of the project. He pointed out that in the case of a re-bid, there is no guarantee that we will get two bids. The last rehab project that was bid out in 1998 only had two bidders. Some of the prices in this current bid are lower than in the 1998 bid, not quite apples to apples, but just an indication that this contractor has

submitted a reasonable bid. Director Pierce recommended proceeding with award of the bid to Pospiech and issue the notice to proceed.

Vice Mayor Pugh asked what the original engineer's estimate on the project was, to which Pierce replied $1,098,000. He noted that the TBE representative stated the bid is within 15% of the estimate.

Council Member Wever stated the schedule of monies available does not include what was appropriated this year. He asked if we get that. City Manager Anderson replied that it is not included in the contract amount and when you have a single bid you always submit all of that information to the grant providers because sometimes they have special requirements when that happens.

Motion:
Council Member Wever moved for approval for award of bid; seconded by Council Member Staib. Motion carried 5-0.

Wellfield Projects
USDA Grant Application

Consideration of discontinuing grant funding application process.

Coastal Engineering Associates, Inc. Engineering Consultant Agreements

Consideration of rescinding two purchase orders for work at Hope Hill (#03-791, $60,000) and at the North Wellfield(#03-793, $83,500)

Authorize negotiation of contract with Consultant to design an additional chlorine tank and related equipment at Hope Hill, (to be funded from savings from part (i) above)

Additional Work at the North Wellfield

Authorization to request proposals and transfer $12,000 from Water and Sewer Reserves to fund completion of geotechnical work at project site.

Director Pierce advised that this wellfield project is outside what USDA normally funds. He informed Council that Coastal Engineering would not revise the engineering report unless they were paid $4,750. He stated based on the best information he had, the requirements would change to a approximately a year before the last submittal. Director Pierce recommended discontinuing the USDA grant application process and cancelling the two purchase orders and the contracts with Coastal Engineering. He stated he would like to give Coastal an opportunity to renegotiate a very narrow scope of work to increase the contract time at Hope Hill. He added if Coastal cannot provide a reasonable proposal and time line for doing this, he would recommend going out to other firms.

Vice Mayor Pugh pointed out there is a lack of fire protection in this area and there is a college there. He wondered if USDA would take that into consideration. Director Pierce answered that he did not think it was enough to get us a grant. Director Pierce advised that if USDA offered us a loan, we could get a loan faster with other entities than resubmitting to USDA.

Vice Mayor Pugh asked if $4,700 and Staff's time was worth spending to find out if USDA would provide a grant. Director Pierce stated $12,000 - $15,000 was put into it already for Coastal Engineering's reports to date. City Manager Anderson stated he believed it was closer to $20,000. Vice Mayor Pugh commented that it was a shame to withdraw an application after involving the time and money that

they have. Director Pierce stated his recommendation would be the same, even in anticipation of no development. Director Pierce advised that the area would not have fire flow. He stated we could increase our revenues, accrue impact fees or go to the State revolving loan fund. There are other entities out there with grant/loan combinations.

Mayor Johnston did not think the City should throw good money after bad.

Council Member Burnett asked, based on the well condition, if there was time to wait for grant approval. Director Pierce stated that within five years, the well condition will be needed to be addressed. He added that we will not qualify for a grant and that there were a lot of strings attached to USDA grants.

Motion:
Council Member Wever moved for approval to discontinue the USDA grant funding application; seconded by Council Member Staib. Motion carried 5-0.

Council Member Wever suggested having Staff check the growth bill. He advised that there is about $150,000,000 for water projects to be used for grant money with a match of a percentage, depending on the project.

Council Member Wever also recommended having an analysis of the monies we are committed to and have available in the unallocated reserves in both regular and special reserves.

Council concurred to bring this back for the next meeting for direction to Staff.

Council Member Wever recommended paying the balance of the lease with PHCC to have the easement in before the wells are put in. He asked Director Pierce the cost to complete the Hope Hill Well. Director Pierce stated there were two parts to that project. He said over a four year period, about $200,000 is needed to solve the chlorine contract time and approximately $300,000 is needed for one more MGD well pumping.

Regarding the lease agreement with PHCC, Council Member Wever asked if the access road and the link to the main has to be done if the wells are not put in right now. Director Pierce responded that he did not believe so and that it occurs when we construct the production well, but he will double-check that information.

Motion:
Council Member Wever moved for approval for cancellation of the two purchase orders, cancellation of the related addendum contracts and renegotiation of a new scope of work with Coastal Engineering under the $25,000 cap and if unsuccessful to go to another firm; seconded by Council Member Staib. Motion carried 5-0.

Motion:
Council Member Wever moved for approval for additional geotechnical work at the North Wellfield with funding of $12,000 from the Water and Sewer General Reserves; seconded by Council Member Burnett. Motion carried 5-0.

Review of Public Service Tax Structure - Propane Gas
Consideration of exempting propane gas sales.

Finance Director Baumgartner advised that an analysis was done of the Public Service Tax, enacted effective January 1, 2004. He stated we had nine months of it in the fiscal year ending 2004 and the full twelve months revenues will be

coming in for our fiscal year ending September 30, 2005. It includes electricity, which is the major part of the revenue source, LP gas and fuel oil.

Council Member Wever said he believed he found the mistake Wilkerson had and pointed out that on the schedule in small print, next to the last item listed, there is no sales tax on there. Mayor Johnston surmised it had to be there at the time we enacted it. Council Member Wever stated he would not agree to any change as to what we do.

Corrected 01/23/06

Mayor ~~Council Member~~/Johnston stated the memo mentioned the reason for having all of them was to level the playing field with all the different types of energy suppliers, a fairly good rationale for it to be done the way it is done.

Director Baumgartner advised he did an analysis when Council made a decision to do this and most cities do not pick and choose, it is all or none. He said it is a pretty common tax for cities in the state.

Vice Mayor Pugh asked about the memo that mentioned lowering the ad valorem rate. City Manager Anderson replied that was in his memo as a reminder that when we established the whole concept, it was not really as a revenue generator, but to modify tax structure and that the goal was to reduce the dollar amount of the land tax portion that was indicated. It could not be done last year because of the difficulties we had rebuilding the reserves in the previous year. He said that did not mean it was not going to be done, but we recognized it would take more than the two or three years we had assumed initially. Vice Mayor Pugh asked if the size of the reserves was put back in place. City Manager Anderson answered it was substantial, but not complete yet. He added that we still anticipate a proposed budget submission from administration that will include an ad valorem reduction, however, we may not know till the middle of July what that might be yet.

Director Baumgartner assured Council that Staff is working with a couple of problems businesses.

Vice Mayor Pugh stated the report did not show Progress Energy. Director Baumgartner replied that Progress Energy is the primary source of funds. Withlacoochee just started remitting within the last three or four months to the City. It is a nominal amount of money. They are remitting around $100 and Progress Energy is remitting $40,000 to $50,000 a month to the City on the utility service tax. The franchise fees are another complete animal.

Council Member Wever pointed out that Withlacoochee be increasing with some of the growth areas that we have added. Director Baumgartner stated Withlacoochee will be remitting franchise fees also, but not too much.

Vice Mayor Pugh wanted to see that we are on track as far what was originally intended in lowering the ad valorem. Council Member Wever said it was lowered a little bit this year. Vice Mayor Pugh answered that the lower millage rate was a $5 saving but his electric bill was $100 more a year so.

Additional Staffing Levels

Consideration of adding additional position in the Community Development, Parks and Recreation, and Public Works Departments
Annualized cost $83,595 (plus $18,459 in benefits).
[Projected 2004-05 Budget - $22,657]

City Manager Anderson reviewed the need for additional City personnel.

Council Member Staib recommended a flow chart to show the information as to what there is now and what is needed.

City Manager Anderson stated Public Works needs will have to be addressed because they are doing so many divergent things. Council Member Wever added all of this is the start of the growth of the City personnel and departments because of the City's growth we have already had and we know what we have ahead of us.

Council Member Burnett strongly recommended a five year plan indicating how many positions should be added yearly to meet growth of the City and that we need to start preparing for it now. He made mention of multi talented Director Pierce multitasking in his dual position as Public Works Director and City Engineer.

Council Member Wever stated we are looking at adding $60,000+ to next year's budget in the General Fund and $40,000+ in Utilities.

Corrected 01/23/06

Vice Mayor Pugh advised that CAD operators are a hot property even in the private sector. He said he did not think there were that many projects and asked if it was possible to get an inspector at this time. Director Pierce answered someone is needed that is independently functional. There are tons of little in-house projects to be done for minor improvements all over the City. They are not done because we are not getting to them. Vice Mayor ~~Member~~/* Pugh stated someone could be hired as a Field Inspector for less and could be trained in CAD. Director Pierce replied they could get a Senior Level Field Inspector rather than a CAD person.

City Manager stated we should get the best we can with the dollars we have. The day will come when we need real live CAD operators and want to pay $20 an hour.

Council Member Wever asked if the Field Inspector could do inspections. Director Pierce explained that a full-time resident inspector will still be needed to concentrate on what is going on. The person is needed onsite for the development projects.

Motion:
Council Member Wever moved for approval with the recommended change for Field Inspector rather than CAD operator; seconded by Council Member Staib. Motion carried 5-0.
5-0

Growth Management - Urban Development Plan

Preliminary consideration of designating future Corporate boundaries and scheduling workshop to review alternatives.

Director Geiger discussed the impact Senate Bill 360 will have on all of the cities and counties in the State. He advised he has only read a synopsis of it and there are still details to be sorted out. He stated we will need County support to continue to do their share. Residents pay County taxes and expect a level of service in return. He discussed the County Future Land Use map that shows anticipated future land use primarily as residential around the City of Brooksville. He explained that there are some rural areas and they will have a fair amount of commercial developments as well. He pointed out that we want to be the commercial center for it as it grows. The need for more commercial area is anticipated with urbanization of that growth area. Likewise with residential development, higher densities are anticipated in and around the City of Brooksville.

Council Member Wever recommended 8x10 blowups of each section around the City, from the City Urban Growth Area map provided, so the kinds of properties that are there can be seen. Then possibilities and potential for growth in that area can be determined and goals can be set. He stated we need to pursue growth out past Majestic Oaks in that area. We also know that the interest in 41 south is probable for more commercial development down that way. We need to look at the west side of that road out Wiscon. If the annexation bill sponsored by Senator Constantine passes the Senate, we would need to pursue with the County to amend our utility service area to address our growth plan. That would allow us to annex the hospital site without having the property in between available in areas like that. Mayor Johnston mentioned that to the south and to the west of the City, the County has certain things in place. He stated it seemed those areas have future annexation possibilities. County Member Wever added we need to look at areas to the north and northeast of us. He recommended discussing things further before negotiating with the County for what we want and need to do.

Vice Mayor Pugh anticipates a fight with the County if we try to go outside the right to serve area in the southwestern section. Council Member Wever indicated a part of the 41 South area on the west side has been proposed for annexation. He stated it is not in our utility area, however, if they annex, they will come into it.

Council Member Burnett suggested workshops to prioritize what we want to do before going to the County with our direction. Council Member Wever said he does not want to go there to sit and have them tell us what they are going to do.

Corrected 01/23/06

Mayor ~~Council Member~~/ Johnston asked if we can avail ourselves of the Property Appraisers new GIS system to determine what is in that section. Director Geiger answered yes and that he had to get an upgrade to his computer in order to access the system and is waiting for the software to be installed.

Director Geiger stated he will provide different things to look at regarding land use and development to show how developable an area will be.

Council Member Wever asked if we should go with a one mile radius, two mile or three mile. Director Geiger answered that the current right to serve area is already established and can be expanded on later, acknowledging annexation might occur outside of that. It is a planning area for infrastructure right there to start with. Council Member Wever said he would like to see information for north of us, northeast of us and the southwest area that is not in our utility area.

City Manager Anderson suggested initially they could determine what types of information will be available to develop for workshops. Council concurred.

Mayor Johnston asked Director Geiger to come back with further information to discuss. Director Geiger asked if Council wanted to set a date. Council agreed to have Director Geiger inform Council when he had information to present.

ITEMS BY COUNCIL MEMBERS

FRANKIE BURNETT, COUNCIL MEMBER

Council Compensation/Retirement Options
Consideration of adjusting pay and optional benefit calculation.
Attorney LaCroix stated he would look into the Attorney General's opinion on how Council can vote on issues such as pay and pension and he will bring back his

findings to Council. There is a possibility of Charter Review Committee recommendation to track this based on the population of the City. Charter Review is scheduled for January 2006.

JOSEPH E. JOHNSTON, III, MAYOR

Sexual Predators and Sexual Offenders Notification Procedures
Consideration of establishing Council policy.
Mayor Johnston proposed establishing the procedures as a policy of the City. Council Member Wever stated that he would like to include notifying the public of sexual predators/offenders residing a few hundred feet just outside of the City. He also stated that notification by mail does not work and it should be done in person. He would like to see postings included in City parks and to include photographs along with the list. Vice Mayor Pugh stated he does not agree with the signs, and believed they could decrease property values.

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

No Dogs Allowed in Parks
Mayor Johnston pointed out that there needs to be notification prior to events in the parks that there are no dogs allowed at these events such as the Arts and Crafts festival.

MARY A. STAIB, COUNCIL MEMBER

Attendance at Various Events
Council Member Staib listed a number of events that she has recently attended and distributed literature from the Southern Hills event this past Saturday.

Request for Literature
Council Member Staib asked Council Member Wever for any literature from the April 20, 2005 Water Supply Authority Board on the water conservation and protection programs presentation.

E.E. "ERNIE" WEVER, JR., COUNCIL MEMBER

Correction to Memo
Council Member Wever pointed out a correction needed on the "Drinking Water" memo. Mayor Johnston stated it should read 1/1/04.

SR 50 widening
He would like the DOT plans for the SR 50 widening. He believed it would show they moved that road in order to make room for the retention area. Director Pierce stated we have a complete set of plans available from the last widening.

Legislature - Committee appointed
He stated the legislature has appointed a committee to look at the boundaries of the Water Management districts, Planning districts and DOT districts. The Governor can make changes on committee reports. Council Member Wever stated he will ask Representative David Russell to oppose as currently written.

Impact Fees
He stated the impact fee statute was not passed and a committee was formed to study impact fees and dictate what the legislature needs to do, and he suggested that the City needs to do an analysis for its own fees.

findings to Council. There is a possibility of Charter Review Committee recommendation to track this based on the population of the City. Charter Review is scheduled for January 2006.

JOSEPH E. JOHNSTON, III, MAYOR

Sexual Predators and Sexual Offenders Notification Procedures
Consideration of establishing Council policy.
Mayor Johnston proposed establishing the procedures as a policy of the City. Council Member Wever stated that he would like to include notifying the public of sexual predators/offenders residing a few hundred feet just outside of the City. He also stated that notification by mail does not work and it should be done in person. He would like to see postings included in City parks and to include photographs along with the list. Vice Mayor Pugh stated he does not agree with the signs, and believed they could decrease property values.

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

No Dogs Allowed in Parks
Mayor Johnston pointed out that there needs to be notification prior to events in the parks that there are no dogs allowed at these events such as the Arts and Crafts festival.

MARY A. STAIB, COUNCIL MEMBER

Attendance at Various Events
Council Member Staib listed a number of events that she has recently attended and distributed literature from the Southern Hills event this past Saturday.

Request for Literature
Council Member Staib asked Council Member Wever for any literature from the April 20, 2005 Water Supply Authority Board on the water conservation and protection programs presentation.

E.E. "ERNIE" WEVER, JR., COUNCIL MEMBER

Correction to Memo
Council Member Wever pointed out a correction needed on the "Drinking Water" memo. Mayor Johnston stated it should read 1/1/04.

SR 50 widening
He would like the DOT plans for the SR 50 widening. He believed it would show they moved that road in order to make room for the retention area. Director Pierce stated we have a complete set of plans available from the last widening.

Legislature - Committee appointed
He stated the legislature has appointed a committee to look at the boundaries of the Water Management districts, Planning districts and DOT districts. The Governor can make changes on committee reports. Council Member Wever stated he will ask Representative David Russell to oppose as currently written.

Impact Fees
He stated the impact fee statute was not passed and a committee was formed to study impact fees and dictate what the legislature needs to do, and he suggested that the City needs to do an analysis for its own fees.

Ad Valorem Taxes
His initial recommendation was to roll back the ad valorem tax to 6.5 mills, however, based on personnel needs he was revising his recommendation to look at 7 mills instead of 6.5.

Storm Reserve Fund
He recommended increasing the major Storm Reserve fund.

CITIZENS INPUT

None at this time.

ADJOURNMENT
There being no further business to bring before Council, the meeting adjourned at 9:23 p.m.

City Clerk

ATTEST:

Mayor

G:\WP_WORK\ClerkOffice\MINUTES\2005\06-06-05mtg.wpd

#D-1 6/6/05 Mtg.

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

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Johnston III, Joseph E.	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 6/6/05	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 June 6, 20 05:

(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:

matters regarding Q2 Brooksville 191, LLC

my brother, Darryl W. Johnston, has acted as attorney for Q2 Brooksville, LLC, and represented its interest before the City. 191

we are both employed by Johnston and Sasser, P.A. and I have an ownership interest in the corporation which leases offices to said law firm.

6/6/05
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.

#D2 6/6/05 mtg.

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

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Johnston III, Joseph E.	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 6/6/05	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 June 6, 2005:

(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:

matters regarding Q2 Brooksville, LLC

My brother, Darryl W. Johnston, has acted as attorney for Q2 Brooksville, LLC, and represented its interests before the City.

We are both employed by Johnston and Sasser, P.A. and I have an ownership interest in the corporation which leases offices to said law firm.

6/6/05
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
8-15-05

THE SCHOOL BOARD OF HERNANDO COUNTY, FLORIDA
MINUTES OF PUBLIC MEETING
JUNE 13, 2005

A Joint Workshop of the Hernando County School Board, the Hernando County Board of County Commissioners and the Brooksville Council was held on Monday, June 13, 2005, at 1:38 P.M. in the offices of the Superintendent of Schools, 919 North Broad Street, Brooksville, Florida, with Mr. Robert Wiggins, Chairman, presiding and members, Mr. Jim Malcolm, Vice Chairman, Mr. Pat Fagan, and Mr. John Druzbick, and Mrs. Sandra Nicholson, present. Board of County Commissioners present were: Robert C. Schenk, Chairman; Diane B. Rowden, Vice Chairperson; Christopher A. Kingsley, Hannah M. Robinson and Jeff Stabins, Commissioners. Brooksville City Council members present were: Joseph Johnston, III, Mayor; David Pugh, Vice Mayor; Frankie Burnett, Mary Staib and E.E. "Ernie" Wever. Also present were Dr. Wendy Tellone, Superintendent; Mrs. Karen Gaffney, School Board Attorney; Gary Adams, County Administrator; Mr. Richard Anderson, City Manager; Mr. Paul Quinlan of Hernando Today; staff and a few citizens. The format used in the completion of these minutes reflects the original agenda item and the action taken.

I. **Concurrency**

Mr. Wiggins welcomed the County Commissioners and the Brooksville City Council to this meeting on Concurrency. Dr. Tellone stated that Karen Gaffney would give an overview of what concurrency means to the three groups. Mrs. Gaffney explained that the county has been working very hard with the school district this past year and concurrency would have an impact on the way the school district does business. The County planning department controls the standards for development and sharing the cost of that development. The Public Education Facilities Component would require an Interlocal Agreement between the School District, the County and the City.

Mr. Malcolm stated that there was a law, SB360 waiting to be signed by the Governor to make concurrency mandatory. Paul Wieczorek stated that it would be a long, involved process to implement SB360 and that included the Public Education Facilities Component.

Comm. Kingsley stated that we currently have over 16,000 lots in approved developments. The increase in Impact Fees were unanimously approved by the County Commissioners and whether SB360 is signed or not we need to work toward implementation of that bill. Mrs. Nicholson stated that we all need to help make concurrency successful.

Comm. Robinson stated her opinion that concurrency is here to stay and we need the finite details so that we can make plans and fast track what needs to be done. The law will make it mandatory and as a group we need to move forward and get it done. We need an educational opportunity to learn the implementation process.

Comm. Rowden asked if the school District had looked at the Pinellas County Choice opportunity. Dr. Tellone stated that she had talked with Dr. Leonard and that severe issues have come up with Choice.

Mr. Malcolm stated that he agrees with Comm. Kingsley and Comm. Robinson that we need to function as if SB360 has passed. Bill Geiger stated that Proportional Share Mitigation is addressed in SB360. The three groups will have to come up with the details. Paul Wieczorek stated that December 1, 2008 is the date in SB360 that this must be implemented.

Mr. Fagan expressed his gratitude to the County Commissioners for improving impact fees. He also stated that it is time to start educating the public about concurrency and how it will affect Hernando County. Council Member Burnett agrees that the concurrency bill is going to pass and we need to do whatever is necessary to implement.

Comm. Stabins wanted to point out how much progress we have since January. The dollar figure that Mr. Pritz provided has been very helpful. There is still a gap and the impact fees need to increase more to cover the true impact that this growth will have.

Comm. Robinson stated that the sooner we move to concurrency the sooner we will get a fair and equitable share. Comm. Rowden wanted to know how this will really work. Paul Wieczorek stated that level service areas effects the demand side and that proportional share will take care of implementing the system on a District wide basis. The state would like for portables to be replaced by permanent student stations as part of the answer.

Comm. Robinson suggested that the three administrators meet and create a timeline for implementing concurrency. Mr. Wiggins agreed that was necessary. Mr. Adams stated that staff has been looking at how to implement SB360 and he would meet with Dr. Tellone and Mr. Anderson and come up with the best approach.

Board Direction:

- Dr. Wendy Tellone, Superintendent, Mr. Gary Adams, County Administrator, and Mr. Richard Anderson, City Manager will meet and set a timeline for implementation of concurrency between the three groups. Also, set a time and date for the next meeting.

The meeting adjourned at 2:45 P.M.

Robert Wiggins, Chairman

Wendy L. Tellone, Ed.D. Secretary and
Superintendent of Schools

ATTEST:

Karen M. Phillips, CMC
City Clerk

AGENDA ITEM NO. C-1
2/6/06

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

MINUTES

June 20, 2005 **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. present. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Lindsey Morgan, Acting City Clerk; Kim Harsin, Acting Deputy City Clerk; Emory Pierce, Public Works Director; Steve Baumgartner, Finance Director; Bill Geiger, Community Development Director; Boyce E. Tincher, Police Chief; and James Daugherty, Fire Chief. A member of the Hernando Times and Hernando Today were present. Absent were William Smith, Utilities Superintendent and Mike Walker, Parks and Recreation Director.

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

CONSENT AGENDA

Minutes

September 22, 2004 - Final Budget Hearing
April 18, 2005 - Regular Meeting

Council Member Wever noted a correction to the September 22, 2004 minutes, first page, it should read "called to order by Mayor Staib".

Corrections to the April 18, 2005 minutes included page 3, 2nd paragraph, 8th line down, to Bayport should read Bayonet Point Regional Hospital. Page 4, big paragraph that starts with news and development, line starts with street, installation of leaded utilities for water and sewer. He asked what leaded meant and for someone to research that. On page 8, second motion, the name of the Council Member was left out.

Rising Sun Café Sidewalk Use Permit

Consideration of Special Revocable License Agreement with Lisa Johnson, owner of Rising Sun Café, for use of sidewalk in front of the business located at 10 S. Main St. and adjacent building (Patricia's Boutique) for placement of tables and chairs (City to approve style, make and appearance) for a 10 year term, with automatic 5 year renewal terms.

Council Member Staib noted a minor repair needed to be done to the Louvre in one of the windows at Patricia's Boutique. She asked what the umbrella color and style would be.

Lisa Johnson, Rising Sun Café, answered that they would be off-white or tan.

Mayor Johnston asked if that was standard to go with a 10 year term, with automatic 5 year renewal terms. Redevelopment Coordinator Hess replied that it was and added that all of this was modeled after the original special revocable

APPROVED BY BROOKSVILLE
CITY COUNCIL
ON 2/6/06 INITIALS

license agreement that was entered into on Liberty Street. Main Street was the second one, Homeland Title was third.

Motion:
Council Member Staib moved for approval of Consent Agenda with the corrections made by Council Member Wever; seconded by Vice Mayor Pugh. 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 in November 2005.

Anna Liisa Covell asked for continued support from the City for the 2005 Veteran's Day Parade and for the help of Chief Tincher. She introduced Douglas Alles, the new Commander of the American Legion Post 99 and the newly elected officers Rosann Toshich, Ed Young and Earlene Young. She stated they wanted to arrange the parade for November 5, 2005 and to have the Hernando High School Band play.

Ms. Covell commended Raymond Hess and hoped the City would welcome him back when he finishes his education.

Motion:
Council Member Staib moved for approval of waiving insurance requirements and associated fees; seconded by Council Member Wever. Motion carried 5-0.

Good Neighbor Trail Update
Mayor Johnston allowed Redevelopment Coordinator Hess to present Council with the first copies of the Good Neighbor Trail Concept Plan. Mr. Hess stated they were very fortunate to have the National Park Service on board as a project partner, helping with the design and layout. Visual Spectrum in Spring Hill put it all together. The Tourist Development Council provided a grant of $1000 to help offset printing costs. They made 5000 copies and were very happy with how it turned out. He stated they will be passing them out to the Good Neighbor Trail Advisory Board at their meeting next week.

Council Meeting Date Change
City Attorney LaCroix asked that the July 11,2005 Council meeting be moved to Tuesday, July 12, 2005. Council agreed, Mayor Johnston noted the second readings will be at that meeting as well.

REGULAR AGENDA

Amendatory Ordinance 687-A - Charles M. Sasser, Jr., Trustee Property

Consideration of amending prior ordinance to modify the perimeter setback from Mobley Road from 75' to 35' for the proposed PDP.

Community Development Director Geiger informed Council the property was zoned as a PDP with a special exception use for a residential planned development project with several performance conditions, including the establishment of a 75' structure setback from Mobley Road. Mr. Sasser submitted a request that the structure setback be reduced to 35'. The Code minimum requirement for residential structures is 25' from road right-of-ways. The 75' setback was established based on his original plan. The modified plan he has submitted included incorporation of a frontage road concept and also included a connection

across from Clinton Boulevard and extending over to the western portion of his property. If expansion is needed, the 35' setback reserves enough of a buffer. He added that Staff and the Planning and Zoning Commission reviewed the request and recommend approval.

Vice Mayor Pugh asked what the reason for the reduction was. Director Geiger answered that Mr. Sasser revised the plans to establish the frontage road intersection at Clinton Boulevard. He initially had the concept design for the right-of-way to go along SR 50, all the way around and to loop back, but there is some conflict area there with wetlands located on the corner of a ~~curb~~ curve on Mobley Road. His plan now aligns the right-of-way with Clinton Boulevard\ and includes the moving of some buildings to accommodate that and still meet all\ of the other performance conditions. *(Corrected 2/6/06)*

Mayor Johnston stated it was still in excess of our Code requirements.

Council Member Wever stated he still disagrees with Item H, straightening of the roadway. He asked Director Pierce if he found any information in the DOT Expansion Plan. Director Pierce answered that he did not and copies of the plan were on the way to him. He added Mobley Road had been realigned about the time the school board facility was built. The realignment of Mobley Road was not part of the SR 50 widening. City Manager Anderson noted that he picked up some heresay that said there had been a bridge there that washed out. Council Member Wever said he still does not agree with anyone being required to correct the problem created by the County or the City.

Vice Mayor Pugh asked if there has been any response from the County regarding the realignment. Director Geiger said he has not heard anything back from them. Mayor Johnston stated it had been addressed to the Chairman.

Acting City Clerk Morgan read Ordinance No. 687-A by headnote only, as follows:

> **"AN ORDINANCE AMENDING SUBSECTION 1.2.i OF ORDINANCE 687, MODIFYING PERIMETER SETBACK FROM MOBLEY ROAD TO THIRTY-FIVE (35) FEET; AND PROVIDING AN EFFECTIVE DATE."**

Motion:
Council Member Staib moved for approval of Ordinance 687-A; seconded by Vice Mayor Pugh. 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 693 - Annexation of Charles M. Sasser, Jr., Trustee Property

> Consideration of petition for voluntary annexation of property located on the west side of Mobley Road, totaling approximately 9.805 acres ±, subject to staff and P&Z Commission conditions.

Director Geiger stated the petitioner requests this property be annexed into the City. Mr. Sasser has submitted a planned project including condominiums and this would be a Phase II of that project. We would have to amend our Comprehensive Plan to reflect the residential designation for the property and zone the

property accordingly. But this is the first step in that process. The property currently has a land use designation of rural on the County's Future Land Use map and zoned agricultural in Hernando County. The Planning and Zoning commission reviewed the petition and agreed with Staff recommendation of approval of annexation, subject to the following conditions:

1. If development is proposed to occur on the property prior to the City adopting a Comprehensive Plan amendment and prior to assigning a land use designation and zoning, then the development would be required to comply with Hernando County land use and zoning regulations and be consistent with City of Brooksville performance standards.

2. Also recommended is that the annexation include the integration of all the public right-of-way lying directly adjacent to the annexed property.

Mayor Johnston asked if the planned property is to be restricted to age 55 and over. Director Geiger answered that Mr. Sasser had not indicated any age restrictions proposed for it. Annexation does not change densities on the property. Those issues will be addressed when land use and zoning is designated.

Council Member Wever pointed out that the analysis shows there will be sixty-four (64) homes. He asked if that is just for this parcel. Director Geiger replied yes and that was not part of the petition, but was picked up from what the petitioner's plans indicated.

Acting City Clerk Morgan read Ordinance No. 693 by headnote only, 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 of Ordinance 693; 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

Ordinance 694 - Annexation of Risky Business, LLC Property

Consideration of petition for voluntary annexation of property located off of VFW Road and Oliver Street, totaling approximately 11.30 acres ±, subject to staff and P&Z Commission conditions.

Director Geiger advised the petitioner is requesting annexation of this property into the City of Brooksville. The petitioner acknowledges that they want to do some level of residential development on the property that will be addressed at a later date. The Planning & Zoning Commission and Staff recommend approval of the petition with the same conditions read for the previous ordinance.

Acting City Clerk Morgan read Ordinance No. 694 by headnote only, 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 Ordinance 694; 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 695, 696 & 697 - Annexation of Hampton Ridge Developers, LLC and Joe Kollar Properties - Hope Hill Road (3 parcels)

Consideration of petition for voluntary annexation of properties located on the west side of Hope Hill Road, totaling approximately 46.5 acres ±, subject to staff and P&Z Commission conditions.

Ordinance No. 695 - Hampton Ridge Developers, LLC - 12.0 Acres +

Ordinance No. 696 - Hampton Ridge Developers, LLC - 24.5 Acres +

Ordinance No. 697 - Joe Kollar - 10.0 Acres +

Director Geiger stated the Planning & Zoning Commission and Staff recommend approval of the petition for annexation of these three parcels with the same conditions read for the previous ordinances.

Acting City Clerk Morgan read Ordinance No. 695 by headnote only, 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 of Ordinance 695; 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

Acting City Clerk Morgan read Ordinance No. 696 by headnote only, 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 of Ordinance 696; 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

Acting City Clerk Morgan read Ordinance No. 697 by headnote only, 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 Ordinance 697; 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 698, 699 & 700 - Annexation of BCC, LLC, John Law Ayers, Inc. and Neil F. Law, Jr. Properties (3 parcels)

Consideration of voluntary annexation of properties adjacent to Wallien Drive (Dogwood Estates residential development) and portions of Majestic Oaks Partners, LLC PDP properties, totaling approximately 172.54 acres ±, subject to staff and P&Z Commission conditions.

Ordinance No. 698 - BCC, LLC - 162.00 Acres +

Ordinance No. 699 - John Law Ayers, Inc. - 9.92 Acres +

Ordinance No. 700 - Neil F. Law, Jr. - .69 Acres +

Mayor Johnston stated he will abstain from voting on the petition related to BCC, LLC and has filed the necessary forms with the Clerk's office, as required.

Director Geiger stated the Planning & Zoning Commission and Staff reviewed the petition and recommended approval of the petition for annexation of these 172.54 acres of land subject to the following conditions:

If development is proposed to occur on the property prior to the City adopting a Comprehensive Plan amendment and prior to assigning a land use designation and zoning, then the development would be required to comply with Hernando County land use and zoning regulations and be consistent with City of Brooksville performance standards.

They did not recommend including the integration or incorporation of the right-of-way, because of the potential for it to produce enclaves. It will leave the right-of-way open as County right-of-way and open to the road network in that area.

Vice Mayor Pugh asked if Director Geiger had heard back from the County. Director Geiger answered that a reply was received from the County, from Jerry Gripe, they did express concerns because of the appearance that it creates, some irregular boundary areas that might potentially provide conflict for providing service to those areas. He indicated that he had put a response together and has not heard back from them on that. He had a meeting with them related to the Joint Planning Board and they talked about the annexations. They asked if the City had any Master Annexation Plan at this point and he told them we did not have any formal plan put together yet. At some point in time, as we continue to grow, we would most likely look at doing an annexation by referendum to make the boundary area a little more uniform to address issues that might crop up, service delivery and such. City Manager Anderson said we did share our multicolor map with our multiple lines on it and briefly mentioned the need for Council to consider an urban service boundary. That will be the subject of a meeting we have scheduled, he believes, in July.

Acting City Clerk Morgan read Ordinance No. 698 by headnote only, 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 of Ordinance 698; seconded by Council Member Wever. 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	Abstained

[NOTE: Form 8-B Attached]

Acting City Clerk Morgan read Ordinance No. 699 by headnote only, 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 of Ordinance 699; 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

Acting City Clerk Morgan read Ordinance No. 700 by headnote only, as follows:

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

Motion:
Council Member Burnett moved for approval of Ordinance 700; 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 701 - Annexation of Joseph M. Mason, Jr., Trustee Property

Consideration of voluntary annexation of property located on the north side of Richbarn Road totaling approximately 44.09 acres ±, subject to staff and P&Z conditions.

Director Geiger stated the Planning & Zoning Commission and Staff recommend approval of the petition for annexation of this parcel with the same conditions read for the previous ordinance, leaving out the integration of the right-of-way.

Acting City Clerk Morgan read Ordinance No. 701 by headnote only, 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 of Ordinance 701; 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

Ordinance 702 - City of Brooksville Small-Scale Comprehensive Plan Amendment - Brooksville Commons, LLC

Consideration of one small-scale Comprehensive Plan Amendment for property located on the southwest corner of the intersection of US 41 South and Wiscon Road, which includes five small parcels totaling approximately 2.74 acres ±, subject to staff and P&Z Commission conditions.

Director Geiger stated this petition is for doing one small-scale Comprehensive Plan Amendment for property located on the southwest corner of Wiscon Road and U.S. 41 South. It includes five small parcels, aggregated together under one ownership. It is currently designated with a Future Land Use classification of commercial in Hernando County. The proposed land use in the City of Brooksville is also commercial. It is consistent and meets the small-scale amendment requirements under the statutes to be able to annex it by ordinance. The State defers to the local government's authority to take direct action on these small-scale amendments. He added the Planning and Zoning commission reviewed the petition and agreed with Staff recommendation at their June 8, 2005 meeting and determined that the Future Land Use Map amendment CPA2005-S1 is not inconsistent with the City's Comprehensive Plan and recommended the City Council sitting as the Local Planning Agency hold a public hearing to receive and consider input from the general public related to the Comprehensive Plan amendment. After holding a public hearing of the LPA, the City Council should then hold a public

hearing to take action upon an ordinance to adopt the Plan amendment and authorize the Mayor to sign the transmittal letter to send the Comprehensive Plan amendment to the appropriate agencies as required by the statute.

Mayor Johnston asked if this parcel already has some development on it. Director Geiger answered under the annexation ordinance, we approved it with the same conditions. They are building a bank and a small retail strip there. They are doing the same thing diagonally across the street.

There was no public input.

Acting City Clerk Morgan read Ordinance No. 702 by headnote only, as follows:

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

Motion:
Council Member Staib moved for approval of Ordinance 702; 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

Resolution No. 2005-15 - 2nd Quarter Budget Amendments

Consideration of proposed Resolution adjusting revenue and expenditure budget amounts.

Finance Director Baumgartner stated these are the budget amendments for the 2nd quarter.

Council Member Wever noted a correction needed on page 3, section 8 c. He asked if the amount is $7440 or $7790. Director Baumgartner replied that it does not add up, it needs to be $7440.

Vice Mayor Pugh questioned the job title listed in section 12. Director Baumgartner answered that he believes that position is filled. Director Pierce stated the position was to handle new construction in Southern Hills and Cascades. Vice Mayor Pugh asked if we have two inspectors and a CAD person. Director Pierce replied that the Inspector job description discussed during the July 06, 2005 meeting was changed to Construction Project Manager.

Acting City Clerk Morgan read Resolution 2005-15 by headnote only, as follows:

> "A RESOLUTION PROVIDING FOR CERTAIN BUDGET AMENDMENTS AND SETTING AN EFFECTIVE DATE."

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

Southern Hills Utility Infrastructure Project

Cooperative Funding Agreement - Southwest Florida Water Management District (SWFWMD)

Consideration of First Amendment to the Agreement with SWFWMD to delete some of the onerous penalty clauses as a result of the amendments to the Developer's Agreement with Hampton Ridge for the WWTP location and expansion project, which increased the financial commitment of the Agency from 50% of $3.8 million to 50% of $4.5 million.

Public Works Director Pierce presented two agreements related to the decision to expand the Cobb Road Treatment Plant by 1.4 MGD to 3.0 MGD capacity. He explained that these agreements are also related to providing public access reuse water from this expanded facility. Item E-9a, the First Amendment Cooperative Funding Agreement, is amending the previously approved original agreement between the Water Management District and the City, which is Water Management District recognizing the change in the scope of the work and increasing the funding available by about $700,000+. Many terms of the previous agreement stay in effect. The second part is a second amendment to the previously approved supplementary Companion Agreement which essentially is an agreement between the City and the Developer. It binds the Developer to the City and also incorporates all of the terms of the Cooperative Funding Agreement. The Water Management District will not enter into an agreement directly with the Developer. The City does not pay for any reclaimed water costs or components except for some filters at the new expanded plant, and that comes out of the previously negotiated amount of $2.57 million. The Developer puts up all the money for any reuse payments and only gets reimbursed when the City gets reimbursed from the Water Management District. Reuse components are not eligible for impact fee credits. Regarding the 1 MGD annual average, if we have operational or mechanical problems and cannot pump the reuse water out there for several days, this allows the City to make up that deficit. Regarding the supplying of 1 MGD for an indefinite period, in the second amendment, 2-B, 2-H, there is some wording: the Developer shall be required to enter into an agreement to provide the City with long-term access, minimum 50 years, through the Reclaimed Water Distribution Policy, including provisions that would allow the City to take over ownership. He stressed the indefinite period clause could be 50 years. He added that we are not under any absolute deadline for approval of either one of these. The amendment to the Cooperative Funding Agreement has been prepared since February of 2005. The Water Management District would like to know that we will proceed with it.

Council Member Wever asked about the contract with SWFWMD which states their commitment is $1,894,000. Director Pierce answered that from the City's perspective, the contract is irrelevant. The Developer pays all costs, then we reimburse the Developer from what the Water Management District reimburses us. The Water Management District approves their budget each year. This is a multi-year project. There is no guarantee that any money listed here will actually be reimbursed. The Developer has access to all these agreements and is aware of this issue. In addition, Director Pierce emailed the District regarding this

issue. The Water Management District Project Manager replied that per the agreement the District contribution for this project is $1,894,000. To date, the District has encumbered $1.2 Million* of which nothing has been reimbursed. There was another statement in the reply saying not to worry about the discrepancy, because the additional amount cannot be encumbered until the amendment is executed. The Developer in essence pays the City in advance. The first amendment to the supplementary agreement was procedures for setting up an escrow account. The Developer is required to put up all the money up front.

* *(Corrected 2/6/06* _____ *)*

Council Member Staib said Carl Wright needs an answer by July 1, 2005. Director Pierce confirmed he would need an update by that date.

Director Pierce stated the Developer has put in excess of $1,000,000 worth of pipe in the ground and felt that was an estimate of their good faith. He added that any amount of water we can send to them will reduce the amount we pay to Florida Crushed Stone which amounts to about $40,000 per year.

Mayor Johnston stated the 50 year access clause was in the original Companion Agreement on page 13. Director Pierce did not recall where the indefinite period language came from. He stated the 1 MGD is a negotiated amount, in 50 years it is going to be an insignificant amount.

City Manager Anderson advised that the City may be able to market the excess water, over the 1 MGD, but it is not clear how the 1 MGD average is going to be determined. He asked if we can have other customers. Director Pierce advised that all other customers will have to be secondary.

Council Member Wever said if it is dry, there will not be water available for anyone else and during a wet month, no one will want any. It knocks out the possibility of a contract with anyone else. A definition is needed in the agreement for what is meant by an average of 1 MGD. 1 MGD average in a year would be 365 million gallons in the year and they could say they want every bit of it during the dry months and in the wet months, nothing. Director Pierce said the second amendment contains a sentence saying at the time when the treatment system components are being dedicated to the City, the Developer shall be required to enter into an agreement to provide the City with long term access, minimum 50 years, to the reclaimed water distribution ponds. Additionally, the Developer is obligated to take and use 1 MGD of tertiary treated wastewater effluent from the Cobb Road WRF. Director Pierce stated with Council direction we can tell the Developer if we proceed with the Cooperative Funding Agreement, we want to renegotiate the Supplementary Agreement and paragraph 8 to the second amendment now.

City Manager Anderson stated he does not think they have to do any major change. If it is a real dry year, and it comes to the eleventh month and the City has given them an average 1 MGD for an annual basis, he was sure they would not want the City to tell them they cannot have anymore.

Council Member Wever stated there is a reference in the agreement that they are going to be allowed to have a well to back up the supply in the ponds along with that 1 MGD. He advised he has two concerns with that. He will propose that we consider trying to require those back up wells to be in the lower aquifer, rather than the upper one since it is going to be used for irrigation. Director Pierce stated the wells are drilled and in use now. Council Member Wever explained that he did not mean anything that is being done now, but what is going to be done in the future. The way it reads to him is that in the dry season through the wet season, they could put you in a position that you have no excess to sell to anyone else. Director Pierce stated that is true. He added that their position

will probably be that as a first tier customer, that is what they should get. There is any number of additional wordings we can take back to them to clarify this. We can put in provisions that allow for the City to have leeway for mechanical breakdown, we can limit it to once we have supplied them 1 million gallons on any given day we can send excess to other customers. He and the City Attorney can try different wordings and bring it back to the meeting July 12, 2005.

Council Member Wever pointed out that he also has a problem with the two dollar amounts. The agreement signed with SWFWMD shows $1.894 million and the agreement signed with LandMar shows $2.25 million. Director Pierce answered in the Water Management District's updated agreement, the first agreement, they are showing the same amount. This is the same amount in Schedule A of our second agreement. Council Member Wever asked if LandMar is reviewing this agreement with SWFWMD and if they are questioning the dollar amount. Director Pierce replied yes and that they have had copies of this since February of 2005.

Council Member Wever recommended approving the agreements and to have some discussions with them regarding the 1 MGD and any changes could be done later. Director Pierce stated they have some other points that need negotiation, some adjustments are probable.

Mayor Johnston stated by the numbers, SWFWMD's 50% reimbursement is only about 40%. It does not show they have responsibility over that $1.894 million. He added we need to negotiate how that 1 million needs to be interpreted.

Council Member Wever recommended amending the schedule in the section Exhibit A to the second supplemental agreement to show the SWFWMD amount to be the same as what is in the SWFWMD agreement. Director Pierce said that can be amended Exhibit A to restate the amounts written into the Water Management District's amended agreement.

Mayor Johnston indicated they owe 50% of the old amount, not of the new amount. Director Pierce pointed out number 3, page 103, where it states the District will pay $1.894 Million *and said he felt the Developer is well aware of that. The District is anticipating an amended request. We will send in approved pay requests. He added he believes they will pay 50% of this amount. This $4,560,000 is a cost estimate. It may cost less. Bottom line, the City puts out no money. Mayor Johnston stated the amounts should agree.

*(Corrected 2/6/06 _____)

Director Pierce suggesting adding a statement to Exhibit A, saying Developer acknowledges, in paragraph 3, the Water Management District will only be obligated to $1,894,000. Council Member Wever suggested adding an attachment of a copy of the Water Management District agreement to the amendment to the LandMar agreement.

Motion:
Council Member Wever moved for approval of the amended Cooperative Funding Agreement with SWFWMD; seconded by Council Member Staib. Motion carried 5-0.

Companion Funding Agreement - Hampton Ridge Developers, LLC (Developer)

Consideration of 2nd Supplemental Agreement with the Developer to acknowledge the amended Cooperative Funding Agreement and holds the City harmless should any action of the Developer cause the SWFWMD to seek reimbursement of any funds disbursed.

Director Pierce stated one of the reasons the Water Management District said they agreed to fund this additional amount was because the new route carries us across

a lot more territory that would be available for reuse.

He requested direction from Council for when a Developer comes in, to negotiate with them about making provisions for reuse, the most immediate being the Cascade project. He stated in fact, LandMar cannot use 1 MGD of reuse water. In 2007, when this plant comes online, barring mechanical or operational failures, we should be able to produce 800,000 gallons a day of reuse. We would like to have other customers ready, willing and able to accept any excess. LandMar has constructed huge retention ponds and booster pumping stations for reuse. If we could encourage them to pump to Cascades, we could probably provide a use for our entire output. We will probably need to enter into additional cooperative funding agreements. We will bring back some scenarios for the next Council meeting.

Mayor Johnston asked if there was anything in the agreements that prohibits LandMar from reselling. Director Pierce said there was not. He stated that was acknowledged in previous agreements also and added that we want to encourage them to do that. In the Developers agreement, they are not precluded from coming up with some funding mechanism to cover our additional costs. It is open-ended. It could be a franchise fee. He advised Council that a cost analysis should be done to determine what our additional costs will be.

Vice Mayor Pugh asked if we can require new developments to incorporate available reuse line in their design. He mentioned that he has heard developments are doing something like that in Pasco County. Director Pierce answered yes and if the Water Management District has funds available to facilitate this we probably ought to be willing to enter into a similar type of paper trail. Vice Mayor Pugh said even if there is no funding available we can still require them to utilize it. Director Pierce replied that we can enter into any type of agreement. Past customers would get 1 MGD based on prior agreements. The water will be dumped into a pond at Southern Hills and they re-pump it. Any developer along the route can be required to provide a pond and they can re-pump it. It may be economical to do this. Their irrigation wells can augment any shortfalls in the reuse water they get.

Council Member Wever informed Council that he brought back some information from the Villages regarding water conservation. He advised he will go into details at the next meeting and that he will propose establishing a citywide conservation district that would impact the wells and reuse.

Motion:
Council Member Wever moved for approval of the Companion Funding Agreement with Hampton Ridge Developers, LLC, with the addition of the memo Director Pierce suggested and the attachment of a copy of the fist amendment to the Funding Agreement with SWFWMD; seconded by Council Member Burnett. Motion carried 5-0.

Council Compensation/Retirement Options
Consideration of adjusting pay and optional benefit calculation.

City Manager Anderson discussed adjusting the level of compensation and the level of participation in the State's Retirement System for Council members. He stated there are a number of cities including Brooksville that has very small compensation for its elected officials.

Council Member Wever recommended increasing the monthly salary by $150 per month across the board.

Mayor Johnston stated he is against raising the monthly salary and is for

increasing the pension.

Vice Mayor Pugh stated he was against both.

Council Member Staib stated she was not in favor of either, but would be in favor of a cost of living increase like the other employees.

Motion:
Council Member Wever moved for approval to raise monthly salary $150, effective October 1, 2005 and leave the retirement plan as it is; seconded by Council Member Burnett. Motion failed 2-3, with Mayor Johnston, Vice Mayor Pugh and Council Member Staib in opposition.

Mayor Johnston notified Council that two items, E-11 and E-12 require action, and asked that they be added to the agenda.

Motion:
Council Member Burnett moved for approval to add the items E-11 and E-12 to the Agenda; seconded by Council Member Wever. Motion carried 5-0.

USDA Emergency Management - Grant Application

City Manager Anderson stated USDA is processing the City's grant application to fund an emergency generator and security screening for the City Hall building, and back-up generators for our sewer lift stations totaling between $525,000 and $550,000. He stated that the City may be eligible for a USDA grant up to 55% of that cost with a City match of about 45% which could be provided by a USDA loan with an interest rate of 4.1% to 4.2%. He recommended approval to request that USDA proceed with processing the City's application for grant funding, and a USDA loan if a City share is required. He pointed out that this is a separate program resulting from last year's storms to assist with mitigation projects to maintain services and reduce the recovery costs of future disasters. The City was turned down twice for State funding of similar projects in the past. We have reapplied to the State and if we are successful in obtaining funding for part of these projects, it may be possible, subject to the grant terms, to offset a portion of the City's match.

He recommended that Council confirm the City's authorization to request USDA funding by a combination of a grant and a loan to complete these emergency projects as quickly as possible.

Motion:
Council Member Wever moved for approval to notify the USDA that the City intends to proceed; seconded by Council Member Burnett. Motion carried 5-0.

Emergency Communication Tools

City Manager Anderson informed Council that the area Amateur Radio Association would like to use the City's Communication Unit for a test program of a 24 hour broadcast for shortwave radio operators to test their capabilities and their simulated emergency circumstances. He added that we participated with them before. We usually have a City employee assigned with the unit, that is expensive.

Council Member Staib noted it is expensive equipment and it would not hurt to check out their backgrounds. City Manager Anderson answered that he would ask the Police Chief.

Council Member Wever asked if BERT was running. City Manager Anderson answered yes, fully operational.

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

ITEMS BY COUNCIL MEMBERS

Mary A. Staib - Council Member

Various Events
Council Member Staib announced that she attended the Silver Straws ceremony on June 9th at the County Courthouse after visiting the new coffee house Rising Sun Café. She met Mr. Jacques. She also attended the groundbreaking ceremony for the new emergency building and announced that the next Bandshell Bash is on July 9th.

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

Sexual Predators/Offenders
Council Member Wever referred to a previous meeting where there was discussion of the Predators/Offenders distance for notifying neighbors and stated Miami Beach passed an ordinance with a 2500 foot distance. City Manager Anderson stated there was a memo on this subject that arrived late and has been distributed to Council in their mailboxes.

Attorney LaCroix advised Council of a few potential problems with the ordinance. Similar to ordinances that restrict locations of adult businesses, the 2500 foot limitation does not preclude anyone from living in the City, additionally, the ordinance may be overly broad in that some sexual offenders have done nothing other than believe a person's age, which was not accurate, and have not preyed on anyone. The ordinance may also be under-inclusive in that Florida Statutes define Sexual Predators as excluding those that prey on their own children and he further stated this only applies to those that have been caught preying on other's children. There is always a risk of being challenged on this ordinance and having to defend those issues.

Council Member Staib stated we should have a third category so those where there is a misrepresentation of age, it is consensual and there is no force are not banded together with the others. We have to work with our legislators to make this country-wide.

Attorney LaCroix advised waiting for the ordinance to be challenged elsewhere and if the court upholds it, then he would recommend to adopt the ordinance.

Legislative Bills
Council Member Wever stated some of the legislative bills that were passed will effect the City and advised discussing them at the Growth Management Workshop.

The Villages
He stated the information given is a very good program and advised discussing it at the special meeting or the next Council meeting after everyone has had a chance to look it over.

Analysis of Funds
He has asked for an analysis of the unallocated reserves before the next Council

meeting.

Founder's Week 150th Anniversary Celebration - 2006
He would like to see more money be included in the budget for the upcoming celebration. City Manager Anderson replied there is a committee appointed and the event would be bigger than in previous years.

David LaCroix - City Attorney

Tangerine Cove
City Attorney LaCroix stated Tangerine Cove was sold and the bankruptcy court ruled that the obligation to pay the payment in lieu of taxes did not stay with the property releasing any money held in escrow from the sale which was cause for dropping the appeal. The attorney for the present owner has requested a partial release of lien executed by the City to avoid a quiet title action similar to the action taken by the City of Fort Pierce. He recommended the City approve this request and stated the contract is still in effect if the organization applies for a tax exemption.

Motion:
Council Member Burnett moved for approval of adding the item to the Agenda; seconded by Council Member Wever. Motion carried 5-0.

Motion:
Vice Mayor Pugh moved to approve execution of a partial release of lien; seconded by Council Member Wever. Motion carried 5-0.

Joseph E. Johnston, III

Concert at Grace Tabernacle Church
Mayor Johnston stated he attended a concert given by a choir group "Dawn" at the Grace Tabernacle Church on Jefferson Street on Saturday evening. The choir included ten young people from St. Petersburg, Russia and commended them on a beautiful performance.

Channel 13 Morning Show - July 1st
He stated that the Channel 13 Morning Show will be at the Rising Sun Café on July 1st from 5:30 to 9:00 a.m.

CITIZENS INPUT

None at this time.

ADJOURNMENT
There being no further business to bring before Council, the meeting adjourned at 9:05 p.m.

City Clerk

ATTEST: _____
Mayor

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

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Johnston III, Joseph E.	Brooksville City Council
MAILING ADDRESS P.O. Box 63	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: XX ☐ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: Brooksville COUNTY: Hernando	NAME OF POLITICAL SUBDIVISION: City of Brooksville
DATE ON WHICH VOTE OCCURRED 07/20/05	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)

AGENDA ITEM NO. C-1
2/6/06

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

MINUTES

[Note: Regular 07/11/2005 Meeting Date Changed to Tuesday by Action of Council 6/20/05]

July 12, 2005 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; Lindsay A. Morgan, Deputy City Clerk; Emory Pierce, Department of Public Works Director; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; William Smith, Utilities Superintendent; Boyce E. Tincher, Police Chief; and James Daugherty, Fire Chief. A member of the Hernando Times and Tampa Tribune were also present.

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

Mayor Johnston explained there were several items presented prior to the start of the meeting that needed to be added to the agenda and the order changed, as follows: adding the Fire Chief's memo to C-6b; adding the City Manager's memo regarding the Urban Community Forestry Grant Program - 2005 Emergency Hurricane Supplemental as C-8; adding the City Manager's memo regarding the Water Conservation Plan - The Villages memo as F-2 under Council Items for E.E. "Ernie" Wever, Jr.; moving items C-4 and C-5 to the beginning of the Regular Agenda; and moving item E-4 after the Consent Agenda.

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

CONSENT AGENDA

Minutes
April 4, 2005 - Regular Meeting

WAP Grant Project - TBE Agreement
Consideration of Amendment Two to the Agreement with TBE, D/b/a Adams Engineering through December 16, 2006 in an amount not to exceed $45,000 from program funds to continue the grant administration services for the WAP Grant (Sewer Rehab) Project.

Satisfaction of Liens - William M. Holland Jr.
Authorization to file and record Satisfaction of Public Sanitary Nuisance Abatement Special Assessment ~~Lines~~\ for property located at 46-48 Irene St. Liens (Corrected 2/6/06 kmp)

Water & Sewer System - West Cortez Extension (SR50 West), Phase II
Authorization to advertise for bids for the next phase to extend sewer and water lines to Cobb Road facilities.

APPROVED BY BROOKSVILLE CITY COUNCIL
ON 2/6/06 INITIALS kmp

Lowe's Home Center - Utility Service Agreement

Review of additional provisions, including construction of a sewer force main and reuse line, together with reimbursement of the City's costs by LandMar Group, LLC.

Surplus Vehicles & Equipment

Vehicle Status

Consideration of transferring two previously surplused Police Department vehicles to the Department of Public Works (City Vehicle ID Nos. 125 & 129) and one drug confiscation vehicle back to the Police Department (Vehicle ID No. 150); declare Vehicle ID #247 (86 Dodge Ramcharger), #256 (1979 Ford Fire support truck), and #443 (1984 Ford Sanitation Packer) surplus and authorize disposal via on-line auction with GovDeals.

Confirmation of Auction Vehicles & Equipment

Approval of the surplus status of certain miscellaneous equipment and authorize disposal via on-line auction with GovDeals.

Florida League of Cities Annual Conference - Voting Delegate Selection

Designation of Council Member Staib to serve as voting delegate at Florida League of Cities Annual Conference August 18-20, 2005.

Regarding Item C-6a, Council Member Wever stated the vehicle does not need to be paid for, just a shift in the assignment of vehicle within the General Fund. Finance Director Baumgartner explained the funds were from the vehicle replacement fund. He added it is not in the General Fund at this time.

Motion:
Council Member Burnett moved for approval of the Consent Agenda with the changes noted; seconded by Council Member Staib. Motion carried 4-1, with Mayor Johnston in opposition.

**Item E-4 moved after the Consent Agenda by Council action.

Resolution No. 2005-17 - Sgt. Edward Serrano Active Duty Mobilization

Consideration of Resolution honoring Police Department Sergeant Edward Serrano as he embarks into active duty as a Specialist in the United States Army effective July 24, 2005.

Mayor Johnston read the proclamation into record and wished Sergeant Serrano godspeed and a safe return.

Sergeant Serrano thanked City Council, Brooksville's citizens, Police Department and Police Chief Tincher for their support and looks forward to returning in July 2006.

Motion:
Council Member Staib moved for approval of Resolution No. 2005-17; 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

Meeting recessed at 7:10 p.m. and reconvened at 7:15 p.m.

PUBLIC HEARING

*Amendatory Ordinance 687-A - Charles M. Sasser, Jr., Trustee Property
Consideration of amending prior ordinance to modify the perimeter setback from Mobley Road from 75' to 35' for the proposed PDP.
[First Reading 06/20/05]

City Attorney LaCroix advised this item is quasi-judicial and asked if anyone in the audience wanted to intervene or testify. There was no public input.

City Clerk Phillips read Ordinance No. 687-A by headnote only, as follows:

"AN ORDINANCE AMENDING SUB-SECTION 1.2.i. OF ORDINANCE NO. 687, MODIFYING PERIMETER SETBACK FROM MOBLEY ROAD TO THIRTY-FIVE (35) FEET; AND PROVIDING AN EFFECTIVE DATE."

Motion:
Council Member Staib moved for approval of the second and final reading of Ordinance No. 687-A; 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

Ordinance 693 - Annexation of Charles M. Sasser, Jr., Trustee Property
Consideration of petition for voluntary annexation of property located on the west side of Mobley Road, totaling approximately 9.805 acres ±, subject to staff and P&Z Commission conditions.
[First Reading 06/20/05]

There was no public input.

City Clerk Phillips read Ordinance No. 693 by headnote only, 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 the second and final reading of Ordinance No. 693; 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 694 - Annexation of Risky Business, LLC Property

Consideration of petition for voluntary annexation of property located off of VFW Road and Oliver Street, totaling approximately 11.30 acres ±, subject to staff and P&Z Commission conditions.
[First Reading 06/20/05]

There was no public input.

City Clerk Phillips read Ordinance No. 694 by headnote only, as follows:

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

Motion:
Council Member Burnett moved for approval of the second and final reading of Ordinance No. 694; 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

Ordinance 695, 696 & 697 - Annexation of Hampton Ridge Developers, LLC and Joe Kollar Properties - Hope Hill Road (3 parcels)

Consideration of petition for voluntary annexation of properties located on the west side of Hope Hill Road, totaling approximately 46.5 acres ±, subject to staff and P&Z Commission conditions.
[First Reading 06/20/05]

Ordinance No. 695 - Hampton Ridge Developers, LLC - 12.0 Acres +/-

There was no public input.

City Clerk Phillips read Ordinance No. 695 by headnote only, 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 the second and final reading of Ordinance No. 695; 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

Ordinance No. 696 - Hampton Ridge Developers, LLC - 24.5 Acres +/-

There was no public input.

City Clerk Phillips read Ordinance No. 696 by headnote only, 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 the second and final reading of Ordinance No. 696; 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. 697 - Joe Kollar - 10.0 Acres +/-

Vice Mayor Pugh questioned if this included the annexation of roadways lying directly adjacent to this property. He stated the exhibit presented did not show that. City Attorney LaCroix advised it would be for the whole right-of-way, pointing out it would not create any enclaves. He added, typically, they are annexed them along with property annexation so that when we amass properties around them we do not have to go back and do a phoney annexation procedure to annex a road that we can not get consent for.

Mayor Johnston stated at some point, we may direct Staff to look into matters. City Attorney said if it is a County road it is part of the County road system.

There was no public input.

City Clerk Phillips read Ordinance No. 697 by headnote only, 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 the second and final reading of Ordinance No. 697; 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

Ordinance 698, 699 & 700 - Annexation of BCC, LLC, John Law Ayers, Inc. and Neil F. Law, Jr. Properties (3 parcels)

Consideration of voluntary annexation of properties adjacent to Wallien Drive (Dogwood Estates residential development) and portions of Majestic Oaks Partners, LLC PDP properties, totaling approximately 172.54 acres ±, subject to staff and P&Z Commission conditions.
[First Reading 06/20/05]

Ordinance No. 698 - BCC, LLC - 162.00 Acres +/-

Mayor Johnston announced he would be abstaining from voting due to his brother representing the petitioner, per Florida Statutes, and would file the appropriate form with the City Clerk.

Vice Mayor Pugh asked if Director Geiger went to the County about an issue that was brought up during the first reading. City Manager Anderson replied that Director Geiger met with County Staff and it was satisfactorily addressed.

There was no public input.

City Clerk Phillips read Ordinance No. 698 by headnote only, 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 of the second and final reading of Ordinance No. 698; seconded by Council Member Wever. 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	ABSTAIN

[NOTE: Form 8-B Attached]

Ordinance No. 699 - John Law Ayers, Inc. - 9.92 Acres +/-

City Clerk Phillips read Ordinance No. 699 by headnote only, 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. 699; 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

Ordinance No. 700 - Neil F. Law, Jr. - .69 Acres +/-

There was no public input.

City Clerk Phillips read Ordinance No. 700 by headnote only, 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 the second and final reading of Ordinance No. 700; 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 701 - Annexation of Joseph M. Mason, Jr., Trustee Property

Consideration of voluntary annexation of property located on the north side of Richbarn Road totaling approximately 44.09 acres ±, subject to staff and P&Z conditions.
[First Reading 06/20/05]

There was no public input.

City Clerk Phillips read Ordinance No. 701 by headnote only, 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 of the second and final reading of Ordinance No. 701; 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 702 - City of Brooksville Small-Scale Comprehensive Plan Amendment - Brooksville Commons, LLC

Consideration of one small-scale Comprehensive Plan Amendment for property located on the southwest corner of the intersection of US 41 South and Wiscon Road, which includes five small parcels totaling approximately 2.74 acres ±, subject to staff and P&Z Commission conditions.
[First Reading 06/20/05]

Vice Mayor Pugh asked if this site was currently under construction, to which City Manager Anderson advised construction had already begun.

There was no public input.

City Clerk Phillips read Ordinance No. 702 by headnote only, as follows:

"AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING A SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN; PURSUANT TO PROCEDURES ESTABLISHED IN SECTIONS 163.3187(1)(C), FLORIDA STATUTES; PROVIDING

SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE."

Motion:
Council Member Wever moved for approval of the second and final reading of Ordinance No. 702; 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

REGULAR AGENDA

Ordinance No. 650-A - Amending Covell Electric Tax Exemption

Consideration of amending original Economic Development Ad Valorem Tax Exemption for A. L. Covell Electric, Inc. ordinance (No. 650 adopted 03/03/03) to correct scrivener's error for effective date to January 1, 2003.

Finance Director Baumgartner reported this ordinance would correct a small error in Ordinance No. 650, since the City's records and the Hernando County Property Appraiser's figures did not match.

There was no public input.

City Clerk Phillips read Ordinance No. 650-A by headnote only, as follows:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING ORDINANCE NO. 650 SO AS TO CORRECT A SCRIVENER'S ERROR; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE."

Motion:
Council Member Staib moved for approval of the first reading of Ordinance No. 650-A and scheduled second and final reading for August 1, 2005; 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

Water & Sewer System - West Cortez Extension (SR50 West), Phase II

Moved from Consent Agenda.

Council Member Wever discussed not authorizing advertising for bids but to authorize the Public Works Director and the City Manager to negotiate with the current contractor who is doing work going on already and to amend that contract and save some time. There is satisfactory work being done and good work relations with that company.

Vice Mayor Pugh asked if the same size water line and sewer line will be used. Public Works Director Pierce answered no, that we are going through a more congested area and are increasing the pipe size. There will also be a reuse line, paid for by the Developer, that will be put in simultaneously. We will have to have some extensive paving replacement in this next phase, which we do not have in the current contract. He stated he has recommended bidding but prefers to negotiate. He added he will come back with the best price he can from this contractor and he will have data from other contracts to show it is satisfactory. If it is not satisfactory, he will recommend that we do not set the negotiated prices.

Council Member Wever pointed out that LandMar will have to sign off on this also. Director Pierce responded that the City needs to install a water and sewer line, LandMar can go with us or they can go it alone later. We are committed to get water and sewer out SR 50 West. We are cooperating very well with LandMar to allow them to run this line at the same time.

Mayor Johnston asked what the time frame is for the negotiated price. Director Pierce answered he believes he can bring that back in 60 days. He added we can start negotiating while still in the permitting process. Time will be saved by negotiating.

Council Member Wever stated we also have a couple of possible water and sewer users out on SR 50 now, according to Superintendent Smith. Director Pierce stated they have made inquiries about the availability of water and sewer service but they are actually fronting on Wiscon Road. Mayor Johnston surmised a lot of activity will be occurring by September when the Hospital is up.

Vice Mayor Pugh mentioned that he had concerns with the complications of adding items to an existing contract and felt bidding would eliminate the problem. Mayor Johnston said time was a factor but bidding is no guarantee of getting the best price either, a good working relationship is also a factor. Vice Mayor Pugh reminded Council that we thought we had a good working relationship with Linton Excavating also. Director Pierce stated to negotiate a change order for work a mile or two away is beyond the limits of the concept of what a change order is.

Council Member Wever stated the contractor that is out there now would not have to charge to bring his equipment in. There would be a charge from the guy on U.S. 41 to bring his equipment over there. Director Pierce answered you can negotiate anything out, but the contractor has to cover his costs.

City Attorney LaCroix stated to negotiate a change order, it has to be within the scope of what the original contract called for, not a totally different project.

Vice Mayor Pugh asked what will keep us out of trouble in the future. Director Pierce answered for this project, it is a normal, reasonable extension of the job. There is data showing that we would be going up there. This project has actually been split in half to give the Developer time to come on board with their reuse line. The extension is physically adjacent and was always part of the scope of work intended.

Vice Mayor Pugh asked if it cannot be negotiated within sixty days, do we then go out to bid and how far out does that push us. Director Pierce explained we are 60 days away from going out to bid anyway. This negotiation will not lose any time. From the time you bid till the contractor shows up on site to work, it would be 90 to 120 days.

Council Member Wever stated all this guy has to do is take his equipment to the end of what he is doing and go. Director Pierce stated he should be finished before the 60 day window. Maybe something can be brought back sooner.

Motion:
Council Member Wever moved for approval of authorizing the Public Works Director and City Manager to negotiate a change order on the existing contract; seconded by Council Member Staib. Motion carried 5-0.

Lowe's Home Center - Utility Service Agreement
Moved from Consent Agenda.

Council Member Wever asked if they wanted to take the south side of the Lowe's property and go from U.S. 41 through there over to Wiscon rather than go all the way up to the corner of Wiscon. Utilities Superintendent Smith answered there are concerns regarding the multi-laning of Wiscon, particularly at the intersection first. Council Member Wever asked if there are easements all the way up to Wiscon. Superintendent Smith replied yes, but we do not have any on Wiscon. Council Member Wever asked if this is the sewer part of the Landmar project and if the water line is ours. Superintendent Smith replied that it is sewer and reuse. He stated the water line was originally going to be taken to the corner and when this subdivision came on line it was decided to go through the subdivision to keep from going around the corner.

Council Member Wever inquired if the $101,880 that we reimburse Lowe's is all of our cost or if it is partly LandMar's and partly ours. Superintendent Smith said all the wastewater is LandMar's except for the 25% that SWFWMD will grant, half of the reuse. Freshwater is our cost. Council Member Wever asked if there were any cost figures on that. Superintendent Smith replied no, stating it is part of their distribution system and they acquiesced to put in a 12" line because of their fireplug needs. Council Member Wever stated Lowe's will be paying for that. Superintendent Smith stated we are not paying for any water but for a short piece that extends our line inside WalMart to the west property line of WalMart. Council Member Wever asked if it is our expense jumping from Lowe's across to the north side of Wiscon. Superintendent Smith responded that is Lowe's expense and they are doing that to serve their store. They have a tremendous fireplug for the store so they need to loop 12" line in both directions. The line is big enough to suit them and suit what we design for there on the original fairgrounds design also.

Mayor Johnson questioned if we are going to get an agreement with LandMar prior to executing the Lowe's contract. City Attorney LaCroix recommended getting a letter of agreement from them attaching a copy of this Lowe's contract before executing it, saying they hereby commit themselves to reimburse the City etc. or something simple like that. He added he would have something drafted tomorrow.

Council Member Wever asked if the sewer line is going to go west on Wiscon. Superintendent Smith answered yes, to the limits of their property on the south side of Wiscon, within their property when we put the easement inside their property. Director Pierce stated we are requiring the Developer to put everything in an easement along Wiscon, along Mobley, up to across SR 50.

Motion:
Council Member Wever moved for approval of City Attorney to get consent from Landmar; seconded by Council Member Staib. Motion carried 5-0.

Ordinance No. 703 - Code Enforcement Hearing Officer

Consideration of ordinance creating provisions for a Code Enforcement Hearing Officer to resolve violations not voluntarily rectified, via local government powers authorized by the Florida Statute, which includes the recovery of all costs associated with securing said code enforcement.

City Attorney LaCroix reported this ordinance would create a Code Enforcement Hearing Officer or a Code Enforcement Board. He noted that in his experience, using a Code Enforcement Hearing Officer results in more consistent decisions, more consistent levels of fines and more enforceable decisions. He explained that there had been no success getting an agreement to use the County's Hearing Officer and after months of requesting something from the County Attorney's office, the decision was made to hire our own. He pointed out we would pay an hourly charge anyway. We would still have to have an Ordinance providing for certain things, such as taxing of costs against a violator when a fine order is entered. He explained this ordinance allows the Hearing Officer to assess costs, including the costs of the Hearing Officer, the cost of the City Attorney's time in prosecuting and the cost of the Code Enforcement Officer's time in prosecuting. He said when you have a violation found and you assess a fine, you can also recover all your costs, if the fine is collectable. Fines do not attach to homesteads. The Courts are still available as an alternative. He added there are several attorneys around who might serve as a Hearing Officer at a lower rate than what the County's Hearing Officer charges. The Inverness City Attorney, Denise Lyn, serves as the Crystal River Code Enforcement Hearing Officer at a lower cost. He surmised she might submit a bid for this as well.

Vice Mayor Pugh inquired if Council could serve as the Board, to which City Attorney LaCroix replied that he has never seen any city where it is done. There is a problem with dual office holding. He added it could be done, but suggested Code Enforcement hearings ought to be strictly non-political.

Council Member Wever asked who would be the Attorney advising the Council if it was the Hearing Board. The City Attorney replied that City Attorney cannot both prosecute cases and advise the Board. He informed Council they would have to retain Counsel for one of those functions. He added generally, a Code Enforcement Hearing Officer would be most effective. The whole idea is to get compliance, not assess fines.

Mayor Johnston said this could be set up for a year trial period and at that time, the Courts are still an alternative.

City Manager Anderson advised Staff would keep track of the liens and inform Council before it becomes a problem.

Council Member Wever pointed out two technical corrections on page 6, paragraph (b). He asked if the word should be recurs, to which City Attorney LaCroix advised he would research and correct if necessary. Council Member Wever added on page 7, the word office should be officer.

City Clerk Phillips read Ordinance No. 703 by headnote only, as follows:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA; ADDING TO CHAPTER 2, "ADMINISTRATION," OF THE CITY OF BROOKSVILLE CODE OF ORDINANCES A NEW ARTICLE V, "OFFICERS AND EMPLOYEES" DIVISION 4, "CODE ENFORCEMENT HEARING OFFICER; ENFORCEMENT HEARINGS AND PROCEDURE;" ESTABLISHING ADDITIONAL CODE

ENFORCEMENT PROCEDURES AS AUTHORIZED BY FLORIDA LAW; PROVIDING DEFINITIONS; CREATING AND EMPOWERING THE CODE ENFORCEMENT HEARING OFFICER; ESTABLISHING THE JURISDICTION, POWERS, AND QUALIFICATIONS OF THE CODE ENFORCEMENT HEARING OFFICER; DESIGNATING THE CITY ATTORNEY AS THE REPRESENTATIVE OF THE CITY IN CODE ENFORCEMENT PROCEEDINGS; ESTABLISHING NOTICE REQUIREMENTS AND OTHER CODE ENFORCEMENT PROCEDURES; ESTABLISHING PENALTIES AND COSTS TO BE PAID BY PERSONS FOUND TO BE IN VIOLATION OF CODE PROVISIONS; PROVIDING FOR THE IMPOSITION OF LIENS AND OTHER COLLECTION METHODS; PROVIDING FOR APPEALS; PROVIDING FOR CONFLICT, SEVERABILITY AND INCLUSION INTO THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE."

Motion:
Council Member Staib moved for approval of the first reading of Ordinance No. 703 and scheduled second and final reading for August 1, 2005; 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

Resolution No. 2005-16 - Retirement of David L. Swackard

Consideration of Resolution honoring David L. Swackard, retired July 4, 2005 with over 18 years of service.

Mayor Johnston read the Resolution into record and noted the Resolution would be presented to Mr. Swackard at his retirement party.

City Clerk Phillips advised the date of the party would be announced at a later date.

City Clerk Phillips read Resolution No. 2005-16 by headnote only, as follows:

"A RESOLUTION IN APPRECIATION OF THE MANY YEARS OF SERVICE RENDERED TO THE CITY OF BROOKSVILLE AND ITS CITIZENS BY DAVID L. SWACKARD."

Motion:
Council Member Wever moved for approval of Resolution No. 2005-16; 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

Renewal & Replacement of City Vehicles

Consideration of establishing separate water & sewer and solid waste funds.

Finance Director Baumgartner explained in the past there has been confusion regarding the Vehicle Replacement Fund. He believes the ordinance policy will separate the General Fund vehicles into Capital Projects Funds which would be part of General Fund non-major accounts. He added there is already a Renewal and

Replacement Fund for Solid Waste that would basically be the same one. A fund would be created for the Utility Division, Water & Sewer. He and City Attorney LaCroix felt this item should be a policy in lieu of an ordinance which would give the City more flexibility. Finance Director Baumgartner advised they had not funded the transfers from the departments of the vehicle replacement fund until towards the end of the fiscal year for the past two years. He stated if an ordinance is adopted, we would be required to do that. Three Funds are being created. The present Vehicle Replacement Fund is in our Internal Service Fund which serves as maintenance of the City's vehicles. There are police and fire vehicles and vehicles within the Internal Service Fund that were considered owned by the Fund, also that have been depreciated in the Internal Service Fund. With a budget amendment or transfers, those vehicles that are not used by Internal Service can be moved back to the General Fund. The audit was distorting the amount of dollars in the Internal Service Fund since some of those dollars were really Vehicle Replacement. He added, hopefully this decision tonight will rest this case forever. He explained that it is a good way for the City to look ahead, it is like a savings account. Funding vehicles based on depreciation is needed. He added when we are ready to purchase them, we use those funds.

Mayor Johnston stated Council was only presented with a proposed ordinance but Staff and the City Attorney felt a policy would be more appropriate.

City Manager Anderson commented that Council Member Wever suggested to not only solve the immediate budget problem but to assist future Council Members. He stated every time we thought we had the draft complete, we found we were finding further issues to add to the ordinance. We came up with a middle ground, to amend the budget and establish it like we think the ordinance calls for and with the additional change to clarify that the Debt Service and the Solid Waste Fund be specifically set up as a separate account. Afterwards, if it is working like it was intended, Council could then memorialize it.

Council Member Wever stated anything having to do with Debt Service Reserve Fund should be a separate fund, a separate policy or resolution. He advised removing the references to Debt Service Reserve Fund on page 3, paragraph G and on page 8, top of the page, the last 4 or 5 lines.

City Attorney LaCroix stated the problem is that we cannot conceive of all the issues that an ordinance would have to cover. Policy can be less cumbersome than ordinance and more difficult to ignore than standard practice. Council Member Staib agreed that the policy approach will go much smoother.

Council directed Staff to bring back a formal policy at the next meeting.

~~2006~~2005/2006 Fiscal Year Budget

TRIM Compliance Schedule

Presentation of proposed TRIM Schedule for 2005-2006 Budget.

Council agreed to hold a second workshop on Thursday, August 11, 2005.

Motion:

Council Member Wever moved for approval of adopting the TRIM schedule; seconded by Council Member Burnett. Motion carried 5-0.

Tentative Millage Rate

Announce roll-back rate of ~~6.4187~~ 6.4197 mills ($6.42 per $1,000 of assessed value), and set Tentative Millage Rate for 2005-2006 Fiscal Year.

Finance Director Baumgartner advised Council should set a higher roll-back rate and if possible reduce the rate during the budget review process.

Vice Mayor Pugh asked if the Fire District was included in the figures. Council Member Wever answered the Fire District had not been committed to be activated yet. He stated he did not want to activate the District until public property can be assessed.

Motion:
Council Member Wever moved for approval of setting the roll-back rate at 8.50 mills and direct Staff to prepare a budget based on 7.50 mills; seconded by Council Member Burnett. Motion carried 4-1 with Council Member Staib in opposition.

Hernando County Jasmine Drive Realignment and Property Acquisition

Review of proposal from the County to acquire certain properties from the City, especially as it relates to the maintenance issue of phase one of the Good Neighbor Trail, which includes the construction of the trail from the Trail Head to Jasmine Drive.

County Engineer Mixson informed Council the realignment is being done from Jasmine Drive to Mondon Hill and that all railway right-of-way is being used. He discussed several points of interest, including the second phase of the trail, using an overhead projector to show locations and asked for Council's approval of the proposal.

Johnston* (Corrected 2/6/06 _____)

Mayor ~~Johnson~~*/ asked if there were any restriction on selling the railway right-of-way. City Manager Anderson answered that we may need State approval and possibly need to refund a portion of money and remit the proceeds to the State. Council Member ~~Johnson~~* asked if it could be donated. County Engineer Mixson answered there had to be a public need or public good for doing it, but money-wise he is not sure how it is handled. He stated they are buying right-of-way now and ready to move forward with the realignment of Jasmine.

Council Member Staib asked if Mr. Bronson had been heard from regarding Phase II. City Manager Anderson answered Mr. Bronson indicated that he has finalized the alignment.

Council Member Staib asked how much further out McIntyre the trail would come out. County Engineer Mixson replied that there were several ways to go. They are waiting for Mr. Bronson but that wherever it is, they can tie into it.

(Corrected 2/6/06 _____)

Vice Mayor Pugh said/this is the road that we committed 75% of the transportation impact fees ~~from~~ for. He asked about the traffic analysis and if it is possible to get a copy of how this is going to improve it. He stated the Developer wanted 900 units, we gave them 600 units. County Engineer Mixson replied that they have impact fees for this already. He added there are other improvements that can be made out there.

Motion:
Council Member Wever moved for approval of the sale of the portion of cemetery property; seconded by Council Member Burnett. Motion carried 5-0.

Motion:
Council Member Wever moved for approval of the sale of the portion of rails to trails subject to State approval (parcel a) and commitment to extend the rails

to trails along Jasmine Drive; seconded by Council Member Burnett. Motion carried 5-0.

Waiver of Fees - Parks Department

Consideration of user fee waivers as follows:

American Cancer Society

Consideration of request to waive estimated fees of $475.00 for use of Tom Varn Park for Relay for Life on April 28 & 29, 2006.

Director Walker requested the waiver of $475 in fees.

City Clerk Phillips pointed out the organization will provide the necessary insurance and security requirements.

Vice Mayor Pugh commented on Council waiving $9,000 out of the $15,000 of facility fees for the Jerome Brown Community Center in the last year.

Motion:
Council Member Burnett moved for approval of waiving the fees associated with the event; seconded by Council Member Wever. Motion carried 5-0.

Hernando County Community Anti-Drug Coalition

Consideration of request to waive estimated fees of $250.00 for use of the Jerome Brown Community Center for an Anti-Drug Teen Dance on July 22, 2005.

Director Walker requested the waiver of $250 in fees.

Mayor Johnston noted guidelines for waiving fees include that the event is based on serving the community, generally free to the public.

Council Member Burnett asked if an admission would be charged to the kids. Director Walker answered that it would be free for them. Mayor Johnston asked if a deposit for cleanup was obtained, to which Director Walker reported it was. He added if they are not a government agency, he will make sure they have a certificate of insurance for the event.

Motion:
Council Member Wever moved for approval of waiving facility fees contingent on satisfactory insurance; seconded by Council Member Burnett. Motion carried 5-0.

Hernando County Health Department

Consideration of request to waive estimated fees of $160 for use of the Jerome Brown Community Center for a Health Awareness and Wellness outreach project on July 15, 2005.

Director Walker stated this event will be a fun day during the day on July 15, 2005. There will be basketball and other games.

Council Member Wever asked if the University of South Florida will be part of the sponsorship. Director Walker answered that U.S.F. is tied in.

Director Burnett asked if they are going to have some type of health awareness, not just physical activities, to which Director Walker replied that they will.

Council Member Staib stated their emphasis is the HIV program and U.S.F. is part of that.

Council Member Wever asked if the Y.M.C.A. is also involved. Director Walker stated they may be sending information through the Y.M.C.A. hoping to draw some of those children.

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

Southall Family Event

Consideration of request to waive fees and reimburse $255.60 for the use of the Jerome Brown Community Center on June 25, 2005 for repast services for three members of the family who died tragically in a vehicle accident.

[Note - no reimbursement of insurance costs to be considered]

Director Walker stated there was no time for a meeting or a request for a waiver of the fees.

City Manager Anderson met with Ms. Maner. She and a few family members paid for and took on this community repast for the family and would like to request a reimbursement on facility fees.

City Attorney LaCroix mentioned that the Mayor pointed out that the event was to have public purpose and open to the public. He questioned what public purpose is there to anyone's private funeral or memorial service. Mayor Johnston stated though he could not favor this request due to there being no public purpose, he would consider making a personal donation to help defray the expenses.

Council Member Burnett stated as things come before us, we deem it necessary to waive the rules until it comes from a specific area, then we have a problem. This was a tragic incident, it happened to a very poor family. A Council meeting could not be scheduled before now. He added he sees a pattern.

Vice Mayor Pugh pointed out that it is a problem with tax money that has already been paid. City Attorney LaCroix added that the problem is subsidizing the use of public property for private purpose. He explained if the function or activity has some general public benefit, fees can be waived. Taxes cannot be collected and used strictly for a private purpose. It has to be for a public purpose and be an event open to the public.

Vice Mayor Pugh asked how this was different from a previous event involving scholarships. City Attorney LaCroix answered that anyone could apply for the scholarships.

Council Member Burnett said this was not private. The public was invited. All people from all walks of life and from this environment were present. He expressed his concern that most of the things turned down by Council involve Jerome Brown's family members. Council Member Staib said it is not turned down because it is coming from one district in the City. Council Member Wever stated the bulk of the money for that building came from public donations, not from the family.

Motion:
Council Member Burnett moved for approval of waiving the fees; motion died due to the lack of a second.

Vice Mayor Pugh said he would be willing to contribute to help cover the fees. Mayor Johnston advised after the meeting Staff will begin collecting funds to reimburse the family.

Council Member Wever asked if there was a list of the people that contributed the $255. Mayor Johnston assumed that it would be Ms. Maner to which Council Member Burnett replied that was correct.

Director Walker felt with the tension from the previous vote, he would like to be allowed to create a policy that would waive or discount fees for community events at the Jerome Brown Community Center. Council Member Wever stated the policy should state that fees can be waived for events for the public. If not, fees will not be waived. He also asked for a change on the application to put a place on there where it can be indicated if it is for public or private benefit.

Council Member Burnett asked for a list of prior events that have been voted on to have fees waived.

Director Walker argued that the whole community should pull together to collect funds for someone in dire need. The Council should set a fee schedule instead of waive fees or not waive to avoid it becoming a sensitive issue. He stated the organizations that are having fees waived are the very organizations who should be able to come up with those funds.

Vice Mayor Pugh inquired if the City can put those fees collected from organizations who can pay the facility fees into a separate fund to be used in future instances where a community event or organization cannot pay the facility fees. City Attorney LaCroix advised Council could budget the funds any way they deemed necessary as long as it benefitted the public.

Council Member Burnett stated once any organization or body sets a policy, it should be followed. He advised as a board, we need to be consistent and not make exceptions.

ITEMS BY COUNCIL MEMBERS

Joseph E. Johnston, III, Mayor

Consideration of proposed ordinance limiting the power of condemnation for public purposes only and not for use by a private entity for any purpose other than "not for profit".

Mayor Johnston distributed a response from the City Attorney. He felt the City should not get involved in what has been interpreted as including the taking of private property for the purpose of economic development and to reassure the citizens of the community that Brooksville would not exercise this power.

City Attorney LaCroix reviewed two situations with Council, community or economic redevelopment but explained this Council could not obligate future Councils to get referendum approval. He added future Councils can decide to repeal an ordinance in the future as they see fit.

Council Member Wever asked if the County Commission can come into the City and condemn property. City Attorney LaCroix answered that they can and we can also go outside City limits and condemn property. The State Legislature gives us the power of eminent domain. He stated requiring referendum approval and a super majority vote can be changed to use or instead of and, that would be two options. Council agreed to that modification. Mayor Johnston suggested another modification removing the words 'relating to condemnation'.

Council Member Wever would like Staff to forward a copy of the Ordinance when approved to our legislature representatives with a recommendation for the

Legislature to proceed according to what we have done. Mayor Johnston recommended forwarding it to the County also.

Charles "Kojak" Burnett voiced his support, stating he has a problem with eminent domain.

City Clerk Phillips read Ordinance No. 704 by headnote only, as follows:

> "AN ORDINANCE LIMITING THE POWER OF CONDEMNATION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE."

Motion:
Council Member Wever moved for approval of Ordinance No. 704 as modified and scheduled second and final reading for August 1, 2005; seconded by Vice Mayor Pugh. Motion carried 5-0 upon roll call vote as follows:

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

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

Water Conservation Plan - The Villages
Council Member Wever reported on The Villages, which cover three counties and is not incorporated. Their presentation gave information on water conservation. They have a CDD for each part of The Villages in each county. He said what they have done is put in infrastructure and set their development so that all of the water in that area is used within that area. They have some very large retention ponds and deep wells into the aquifer that supplement those ponds when the weather is dry. They also have a complete reuse program. That water is used only on their golf courses. To preserve the upper aquifer, the only vegetation they allow is water tolerant. The only grass they allow in the development is Brazilian Zoysia which is very water tolerant and low maintenance. They encourage planting flowers and shrubs to reduce lawn space and also wider driveways.

He suggested the City should establish our own water conservation district. He added we should do it in our entire first-right to refuse area that we have control of, if we are legally able to. Looking down the road, we may run out of water supply. This would give us a way to start planning for that possibility. He recommended putting this on the next agenda. He stated Alice Brockaway, the County Conservation person in the utility district and County Commissioner Nancy Robinson were at that meeting. The County will probably do something similar, because it has been proven to work.

Council Member Staib asked if the Zoysia grass was drought resistant and that she heard it would not work in Brooksville. Council Member Wever replied that it was the northern Zoysia that would not work here. The Brazilian Zoysia would take very little water and was very low maintenance.

Mayor Johnston mentioned that the wider driveways would increase water runoff. City Manager Anderson replied the retention ponds were larger to handle the storm runoff. He explained wells and reuse water will be used to supplement the water and using treated water will be prohibited for landscaping.

City Attorney LaCroix advised that a special district was not needed to do this. It can be done inside and outside the City through the water and sewer service area. He stated they are working on an ordinance in advance of having a reuse system in Southern Hills to provide some regulations for the use of reuse water and for setting rates and with provisions to direct the City Manager to develop a plan to establish a reuse system. He added that all properties can be specially assessed for reuse, the same as water and sewer lines.

Council Member Wever asked if retention areas and big wells were included. Attorney LaCroix replied it could be called an irrigation supply system, combining all sources of non-potable water. He added it will take some work for the City Manager to come up with an affordable, workable plan here in Brooksville and to start implementing it in various parts of the City where it is feasible.

Council Member Wever stated if a Conservation District was set up, it could be used as a lever to make it required. Attorney LaCroix said it can be required by City ordinance. He added you cannot go back in a City that is largely developed and say as of this point, you have to make changes. Council Member Wever said his intent is for future developments. Attorney LaCroix said the Land Development regulations can include those kinds of requirements.

Council Member Staib wondered how much this would cost. Director Pierce stated 80% of sewage will come out as reuse. He said by 2014 there should be a two MGD flow at Cobb Road. By that time 1.6 MGD of reuse water will be added. He explained that initially, he and Superintendent Smith had an idea about a reuse district to include that area along where the reuse line from Cobb Road out in Southern Hills is going to go and out S.R. 50. That area will probably be able to absorb all the extra reuse up to three MGD capacity of the plant. Council Member Staib asked if there would have to be a new plant or an extension of the plant. Director Pierce answered reuse only requires a simple filter mechanism, not a whole new plant. He added by 2020, another plant may be needed and there is plenty of room at Cobb Road to expand.

Vice Mayor Pugh clarified that developers will design to meet the requirements of this ordinance, just like any other land development code. Attorney LaCroix stated if a plan was in place, assessment of irrigation water system impact fees could help pay for part of the costs.

City Manager Anderson said reuse is only a portion of a water distribution system. Even if there is no reuse water, surface water could be used for landscaping.

Council Member Wever recommended requiring Majestic Oaks to put in the retention ponds to capture the surface water, put in wells to augment those ponds and also a way for the City to tap in with reuse water in the future. He stated we cannot get reuse water out there now, but we need to plan now for the future. Reuse lines should be required for residences and commercial buildings. Fresh water should not be allowed for irrigation. City Manager Anderson stated the Developer had proposals for the City and would be the first to agree those systems should be put in.

Council Member Burnett agreed with Council Member Wever's recommendation that looking into water conservation should not wait. He was also in favor of the recommendations of the City Attorney. He suggested Staff should start implementing whatever is needed to put a water conservation plan into effect.

Council Member Wever asked if they should also require the water tolerant plants and Brazilian Zoysia and the oversizing of driveways. Mayor Johnston wondered

if they will have a hard time with those requirements. Vice Mayor Pugh stated the County is already requiring commercial sites have drought tolerant plants.

Director Pierce suggested bringing information Staff has ready to the August 1, 2005 meeting and the rest on the August 15, 2005 meeting.

Growth Management Bill
Council Member Wever mentioned the Governor vetoed a section of the Growth Management Bill relating to Fire Services. He suggested Mayor Johnston talk with the County Chairman about the need to build a central station in the City, to which City Manager Anderson advised he would also discuss it with Staff.

MARY A. STAIB - COUNCIL MEMBER

Jericho Ministries Graduation
Council Member Staib announced that she attended the graduation in honor of Ken Sullivan who completed the support group.

Old Hernando County DPW Complex
She reported there has been some fighting over the complex and the site is now being investigated by Federal Investigator Dan Green from Tampa and Congresswoman Ginny Brown-Waite.

Karen M. Phillips - CMC, City Clerk/Dir. Of Administration

Road Closings on Fort Dade and Howell Avenues
City Clerk Phillips advised the Public Works Director and his staff are monitoring the construction and have promised to have one of the entrances of City Hall opened at all times.

CITIZENS INPUT
None at this time.

ADJOURNMENT
There being no further business to bring before Council, the meeting adjourned at 10:08 p.m.

City Clerk

ATTEST: _____
Mayor

:lam

G:\WP_WORK\ClerkOffice\MINUTES\2005\07-12-05mtg.wpd

D-5

Rec'd 7/12/05 Jan

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

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Johnston III, Joseph E.	Brooksville City Council
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
P.O. Box 63	XX CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: Brooksville / COUNTY: Hernando	NAME OF POLITICAL SUBDIVISION: City of Brooksville
DATE ON WHICH VOTE OCCURRED: 07/12/05	MY POSITION IS: XX 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 12, 20 05:

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

___ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

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

BCC, LCC Annexation

My brother is president and attorney for applicant.

July 12, 2005
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
3/20/06

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

MINUTES

AUGUST 01, 2005 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; Lindsay A. Morgan, Acting City Clerk; Julie Sherraden, Acting Deputy City Clerk; Emory Pierce, Department of Public Works Director; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Ron Baker, Human Resources Director; Ed Tincher, Police Chief; Rick Hankins, Police Lieutenant; Tim Mossgrove, Fire Captain; and James Daugherty, Fire Chief. 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 AGENDA

Minutes
May 16, 2005 - Regular Meeting
May 23, 2005 - Council Workshop

Council Member Wever noted some corrections were needed on the May 16, 2005 Minutes and they were given to the City Clerk for research.

USTA Adopt-A-Court Grant Award Acceptance
Acceptance of two $2500 grants from the United States Tennis Association for the resurfacing of the tennis courts at Bud McKethan Park.
[Note: 100% Match is met from the Mckethan Fund]

Mowing Contract - Bid No. SD2005-03
Cancellation of contract (from 04/27/05 to 04/26/06) with Tree Care by Robert Miller for code enforcement mowing and award balance of contract term to second lowest bidder, Terry Chapman.

Motion:
Council Member Burnett moved for approval of the Consent Agenda, May 16, 2005 Minutes were removed by Council consensus to be researched and brought back at the August 15, 2005 meeting; seconded by Council Member Staib. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS, AND PRESENTATIONS

National Night Out - August 2, 2005
Proclamation supporting prevention and drug awareness, violence education and community outreach programs.

Mayor Johnston read the proclamation into the record and presented it to Lieutenant Hankins.

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

National Stepfamily Day - September 16, 2005
Proclamation supporting step-families throughout the United States.

Mayor Johnston read the proclamation into the record. It will be sent to the organization.

Margaret R. Ghiotto Beautification Awards

Residential Award - 259 Howell Avenue
Recognition of improvements to property owned by Marinda Watkins.

Mayor Johnston presented the certificate to the owner's representative and the plaque will delivered after the meeting.

Lou Kavouris, Beautification Board Member, stated the exterior of Ms. Watkin's residence looked newly painted and a red, white and blue border is hung from the upper porch. The landscaping around the home is very attractive and colorful, with bright Coleus and Impatiens underneath the Majestic Oak trees. She added the house elegantly portrays the look of Old Florida that many Brooksville residents have come to love.

Commercial Award - 1100 S. Broad Street
Recognition of improvements to property owned by Wendy's Restaurant, managed by Gilbert Delgado.

Mayor Johnston stated the certificate and plaque will be delivered after the meeting.

Lou Kavouris stated the landscaping was refurbished last year and the location continues to be an excellent example of a job well done. The landscaping includes several species of palms as well as coral colored Ixora surrounded by a well-manicured lawn area. The Beautification Board hopes other businesses along U.S. 41 will emulate the good job Wendy's has done.

*Item moved from ITEMS BY COUNCIL by Council Consensus

E.E. "ERNIE" WEVER, JR. - COUNCIL MEMBER

Growth Management/Water Protection and Sustainability

Council Member Wever advised the grant that was applied for was approved for $50,000. The contract will be ready for the September board meeting. The Water Supply Board has hired a firm with Pete Hovell and Mark Farrell, formerly of SWFWMD, to do an extensive water supply survey in Hernando, Citrus, Sumter and Marion counties. In addition to the water supply engineering survey, they will also need information from each public body in those areas that operates a utility system. They are looking for our current and projected future needs. He added the Board appointed a 25 member committee that includes Will Smith, who will be attending the meeting on August 11, 2005. They will tie in with what SWFWMD is doing, with funding amounting to about $300,000; half from the Water Supply Board and half From SWFWMD. They will be discussing bills 444 and 360. The water protection and sustainability is the part we will be working on in the future.

He discussed funding for water conservation programs, such as reuse water projects, drainage retention areas and irrigation wells.

He recommended putting requirements and protections into the ordinances covering new developments now to prepare for what will be needed in the future.

Council directed Staff to bring back suggestions to Council at the August 15, 2005 meeting, and if necessary a special workshop would be held prior to the Growth Management Workshop on August 25, 2005. City Attorney LaCroix advised he would prepare copies of the two bills for Council Members for additional information.

Auditor's Report
Council Member Wever indicated that he was not in agreement with the auditor's determination stating that the $250,000 reserve fund in utilities, advising it was not tied to the 1999 bond issue, but that it was tied to the 2002 bond issue carrying back to the 1988 bond issue. The 2002 bond issue allows an investment up to a five year maturity. Referencing Page 30, Sec. 4.5, Council Member Wever explained that it should be 2 separate distinct reserves and the money does not have to be moved.

Referencing the Vehicle Replacement Fund he stated that it was not the City's intent for this fund to be put into capital projects, that funds were to be retained in individual funds separately from general, utility and sanitation funds, stating that trust funds can not be mingled with funds that are not.

Annexations
He wanted to discuss annexations on the next meeting agenda and would talk to City Manager Anderson about it further when he returns.

Council Compensation
He brought up the item from a previous meeting, and would like Council to reconsider the option of changing the retirement benefit at the Budget Workshop on August 10, 2005.

Council Member Wever left the Council meeting at 7:34 p.m., due to a family emergency.

"Hernando Rocks"
Presentation of Hernando Rocks promotion.

Patricia Klasa introduced "Hernando Rocks", a creative, unique way to have the community come together in a fund-raising situation, pulling in the public and the schools in conjunction with Founder's Day because it all ties into the history of Hernando County. She thanked their sponsoring partner, Rinker Materials. She added there are 62 rocks available for ownership by various companies in Hernando County.

Trish Springstead pointed out the rocks are three feet by three feet with the name Rinker down in the corner.

Ms. Klasa said the new Hernando Rock owners can name them, decorate them and make them their own and put them in lobbies or outside of their businesses. As a committee, they will drive people to see those rocks.

Trish Springstead stated "Hernando Rocks" is a 501 (c)(3) (non-profit organization). As a nurse she has seen "Art For the Heart" help the disabled and mentally challenged by teaching art and skills. Some of the money raised will go to "Beautiful Minds" and to a rock festival with Rick Derringer on October 6,

2005. At the fund-raiser, local businesses will actually purchase their "rocks" for $350.

A little newspaper called Hernando Rocks Rag will be available all year and it will list the locations of the rocks for visitors to see. Capital City Bank in Spring Hill will have a rock with the star logos called the Rock Star. It is imaginative and fun and mining is embedded in Brooksville's history.

She added they will be going out to high schools to get their involvement. Art teachers will receive a rock, courtesy of Rinker Materials, for their portfolio students to decorate. Science teachers will be asked to pick five of their best essays on how rock mining that raw material winds up in everyday use. The students will also make an exhibit. The exhibit and the top three rocks will be in The City Hall Art Gallery from October 15, 2005 to October 28, 2005. Ballots will be in all of the rock locations for the public to vote on. She said they will ask a select group to judge the high schools entries.

PUBLIC HEARING

Ordinance No. 650 - A - Temporary Tax Exemption (Covell Electric)

Consideration of amending original Economic Development Ad Valorem Tax Exemption ordinance (No. 650 adopted 03/03/03) for A. L. Covell Electric, Inc. For a maximum of five years to correct scrivener's error for effective date to January 1, 2003.
[First Reading 07/12/05]

There was no public input.

Acting City Clerk Morgan read Ordinance No. 650-A by headnote only, as follows:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING ORDINANCE NO. 650 SO AS TO CORRECT A SCRIVENER'S ERROR; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE."

Motion:
Council Member Staib moved for approval of second and final reading of Ordinance No. 650-A; seconded by Vice Mayor Pugh. Motion carried 4-0 upon roll call vote as follows:

Council Member Burnett	AYE
Council Member Staib	AYE
Vice Mayor Pugh	AYE
Mayor Johnston	AYE

*Ordinance No. 703 - Code Enforcement Hearing Officer

Consideration of ordinance creating a Code Enforcement Hearing Officer to resolve violations not voluntarily rectified and the recovery associated costs.
[First Reading 07/12/05]

Vice Mayor Pugh asked if they will be looking for someone to sit as the Hearing Officer. City Attorney LaCroix advised he and City Manager Anderson will meet about sending out an RFP and will put together a list of local attorneys, and also an ad to go out to the local bar associations.

Paul Boston hoped the ordinance would not be used to remove low-income people from their homes and also that there would be help from the City made available to people that need it. His concern was the City may move in industry and developments and find ways to force residents out. Mayor Johnston advised what we are doing is not 'new'. The Legislature is forcing a change in how they are doing it. Per LaCroix, who said most violations most cities get are not the kinds of things that cost a lot of money but are usually like having to remove a junk vehicle from the yard. He added in most cities, Code Enforcement Hearing Officers or Boards try to work with people to get compliance.

Richard Howell asked how the procedures would be changed. Mayor Johnston replied that currently Code Enforcement Officers go out and give citations for things that need to be corrected. That will not change. If the person receiving the citation wants to appeal, they would have had to go to the County Court. Now they would be seeing the Code Enforcement Hearing Officer or Board.

There was no further public input.

Acting City Clerk Morgan read Ordinance No. 703 by headnote only, as follows:

> "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA; ADDING TO CHAPTER 2, "ADMINISTRATION," OF THE CITY OF BROOKSVILLE CODE OF ORDINANCES A NEW ARTICLE V, "OFFICERS AND EMPLOYEES" DIVISION 4, "CODE ENFORCEMENT HEARING OFFICER; ENFORCEMENT HEARINGS AND PROCEDURE;" ESTABLISHING ADDITIONAL CODE ENFORCEMENT PROCEDURES AS AUTHORIZED BY FLORIDA LAW; PROVIDING DEFINITIONS; CREATING AND EMPOWERING THE CODE ENFORCEMENT HEARING OFFICER; ESTABLISHING THE JURISDICTION, POWERS AND QUALIFICATIONS OF THE CODE ENFORCEMENT HEARING OFFICER; DESIGNATING THE CITY ATTORNEY AS THE REPRESENTATIVE OF THE CITY IN CODE ENFORCEMENT PROCEEDINGS; ESTABLISHING NOTICE REQUIREMENTS AND OTHER CODE ENFORCEMENT PROCEDURES; ESTABLISHING PENALTIES AND COSTS TO BE PAID BY PERSONS FOUND TO BE IN VIOLATION OF CODE PROVISIONS; PROVIDING FOR THE IMPOSITION OF LIENS AND OTHER COLLECTION METHODS; PROVIDING FOR APPEALS; PROVIDING FOR CONFLICT, SEVERABILITY AND INCLUSION INTO THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE."

Motion:
Council Member Burnett moved for approval of Ordinance No. 703; seconded by Council Member Staib. Motion carried 4-0 upon roll call vote as follows:

Council Member Staib	AYE
Council Member Burnett	AYE
Vice Mayor Pugh	AYE
Mayor Johnston	AYE

*Ordinance No. 704 - Limiting Condemnation Powers

Consideration of proposed ordinance limiting the power of condemnation for public purposes only.
[First Reading 07/12/05]

Richard Howell asked what the existing powers of condemnation are. Mayor Johnston replied this action is in reaction to the Supreme Court decision of about a month ago which gave municipalities almost unlimited powers of condemnation. He believes it should be limited, and if doing what the Supreme

Court allows, then a super-majority vote is needed or a referendum of the voters saying it is approved.

There was no further public input.

Acting City Clerk Morgan read Ordinance No. 704 by headnote only, as follows:

> "AN ORDINANCE LIMITING THE POWER OF CONDEMNATION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE."

Motion:
Council Member Staib moved for approval of Ordinance No. 704; seconded by Council Member Burnett. Motion carried 4-0 upon roll call vote as follows:

Council Member Burnett	AYE
Council Member Staib	AYE
Vice Mayor Pugh	AYE
Mayor Johnston	AYE

Majestic Oaks Development Agreement - Proposed First Amendment

First Public Hearing for first amendment to development agreement with Majestic Oaks to incorporate additional 175.5 acres.
[Second Public Hearing scheduled for August 15, 2005]

Mayor Johnston advised he was abstaining from voting since he owns a small share of Majestic Oaks. **[Note: Form 8-B attached]**

Community Development Director Geiger reported this amendment addresses the annexation of additional land, the Brooksville Golf & Country Club, also known as BCC, LLC. He added that also attached to this development agreement is a copy of a revised Traffic Study by Links & Associates, that was done due to concerns the County had with transportation issues. He added Larry Jennings wrote with the County's comments related to this proposal, dated August 1, 2005. He entered the letter into the record in its entirety as read. **[NOTE: Attachment A]** Director Geiger felt there was no reason to modify the tri-party agreement entered into by the City, the Developer and the County due to the incorporation of the additional land. The level of density and intensity of use will not increase on the Majestic Oaks property.

Director Geiger related that Council Member Wever had told him earlier that he wanted it understood by the Developer, from page 13, item 4d, that underground utilities would start from where they entered onto the property including all transmission lines and not just individual service lines to the residential units. He had recommended some clarifying language to that effect.

Vice Mayor Pugh asked if the Traffic Study incorporated the improvements along Jasmine Road, to which Director Geiger replied that it did. He reported they considered the existing conditions and the realignment and the impact of the project. Vice Mayor Pugh also asked if the County responded with any information regarding the concurrency issue, to which Director Geiger replied that they had not.

Jean Munger stated the new proposal is vague and asked what they are planning to build on McIntyre. Mayor Johnston answered that the area she is referring to is covered by a previous agreement, which is designated commercial. She stated the

land subject to the development agreement is the property on McIntyre that she pointed out. She read that the proposed uses on this property include a mix of residential dwelling units, commercial retail, offices, recreational, public and semi-public and other related accessory and supporting uses. She asked that she be told exactly what this means. Her concerns were flooding, taxes and traffic, pointing out there are deaths everywhere and she stated she was surprised there were no grave markers on McIntyre. She opposed more traffic and congestion in the area. She asked where all the sewers will come from. She said she asked these questions in January and asked Council if they have figured out the answers yet. Director Geiger said they are not addressing development issues at this point, the property was just annexed into the City, and that they had just entered into a broad based agreement with the Developer that addresses potential density and intensity of use on the property. Future development will be subject to meeting all of the required performance standards associated with the proposed project. At this point in time they have not gotten into permitting requirements for drainage and for land use on the property.

Ms. Munger accused Council of being vague. Director Geiger explained that it is a step-by-step process to go through and that developments like this do not happen overnight. Ms. Munger asked what this will do to all the people with homes on McIntyre and if they will have annexation forced on them. Director Geiger answered that no one was being forcibly annexed into the City. City Attorney LaCroix added the City can not force annexation without some form of majority approval of all the owners or registered electors. He explained every property in the City is zoned to a certain zoning district. All that means is for that land, these are the permitted uses. For any development on any property in any zoning district, they then have to come in with all the detailed plans and meet all the requirements for water and sewer and transportation concurrency. All those things are dealt with by Staff at a later stage when someone comes in with a development proposal and none of these things are generally dealt with at the time of zoning. Ms. Munger asked when Council will let the public know what exactly will be going in there.

She stated her property adjoins what will be the new Country Club. She explained there are wetlands back there that cannot be touched but if they bring in fill dirt behind the wetlands, her property will flood. She added that SWFWMD has not come to do a comprehensive study on her piece of property and she wonders what will happen to it. City Attorney LaCroix explained that after development, stormwater flowing off the property cannot exceed the amount before development occurred, so it will not increase. If it does, she would have a cause of action. Director Geiger stated if she was an adjacent property owner or within 150 feet of the property, she would be notified of every public hearing process related to zoning or land use.

Director Geiger clarified that the Master Plan he put up was the only large scale rendering of the plan they had available. It was provided by the Developer and in fact, the 20 acre parcel on McIntyre is not included in the agreement with the Developer. It may be incorporated into the overall development but it is not part of the agreement being considered at this time. Ms. Munger said that land is flooded.

Vice Mayor Pugh stated the Developer will be making an effort to make sure everything goes as smooth as possible.

Richard Howell asked how many homes were planned on for the development. Mayor Johnston answered 687. Mr. Howell asked if any new schools were being planned.

Mayor Johnston explained that schools are planned through the school board and County. Mr. Howell said Developers should build homes and not pass the buck. City Attorney LaCroix added that there are school impact fees and every home that is built pays impact fees towards the construction of schools.

Mr. Howell stated he admired Wesley Chapel in Pasco County. He has seen Developers that develop a community and build churches, homes, banks and a school. Attorney LaCroix stated a larger development can do that, a small development cannot. A smaller development cannot put a tenth of a school there.

John Carr agreed with Ms. Munger and added that when WalMart was built, it flooded all of the residences behind it and it still has not been corrected.

Jake Varn with Fowler & White Law firm representing the Developer, clarified they currently have a Development Agreement with the City and by virtue of the fact that there are another eighty-seven lots in the golf course that have been annexed into the City, it is necessary that the existing Development Agreement be amended. He pointed out those eighty-seven homes will bring nice money to the City's ad valorem tax rolls and not require a lot of services from the City. He feels it is a positive thing. There will be less units on the property with City zoning than if they had stayed in the County. Stormwater and drainage issues are dealt with during the permitting process and he believes they are dealt with by Water Management and not the City. Also, this plan gives the public far more detail than if it was just listed as mixed use. He added that the Developer is obligated to get a right-of-way for the rails-to-trails going through the property. Other than that, the agreement is virtually the same as it was before.

There was no further public input.

Motion:
Council Member Staib moved for approval of the amended development agreement to incorporate an additional 175.5 acres; seconded by Council Member Burnett. Motion carried 3-0, with Mayor Johnston abstaining.

REGULAR AGENDA

Ordinance No. 705 - Proposed Rezoning - RZ2005-02/SE2005-05 Edward Lommel

Consideration of proposed Ordinance rezoning NW Corner of June Avenue & State Road 50 from C4 (Neighborhood Commercial) to C1 (Pedestrian Commercial).

Director Geiger entered the Staff report into the record in its entirety. **[NOTE: Attachment B]** He explained the petitioner is requesting a special exception use to build a car wash. The Planning & Zoning Commission reviewed the petition on July 20, 2005 and concurred with Staff to recommend the approval of the rezoning of this property, subject to the conditions listed on the attached report.

Director Geiger noted that the seventh condition was not included in the draft ordinance due to oversight and would be included for the second and final reading.

Vice Mayor Pugh asked if the petitioner is asking for a reduction of what could have gone there as far as intensity, to which Director Geiger replied a restaurant could have gone there which would have had more impact than a car wash. There are a few more permitted uses in that district than a C-4 district, though less than a higher intensity C-2 district.

Council Member Staib inquired if that is where Baskin Robbins and Dunkin Donuts were going to go but then could not agree on the entrance. Director Geiger answered yes, the property owner did get all the approvals necessary and then backed away from it.

Mayor Johnston asked where the reverse frontage road will go, to which Director Geiger answered the site plan is conceptual and most likely the reverse frontage road will go towards the northern end of the property.

Vice Mayor Pugh commented on the drainage area. Director Geiger noted that because it has a special use aspect, it can be conditioned according to what the P & Z and Staff offered.

Acting City Clerk Morgan read Ordinance No. 705 by headnote only, as follows:

> **"AN ORDINANCE REZONING CERTAIN PROPERTY FROM C-4 (NEIGHBORHOOD COMMERCIAL) DISTRICT TO C-1 (PEDESTRIAN COMMERCIAL) DISTRICT WITH A SPECIAL EXCEPTION USE FOR AN AUTOMOTIVE SPECIALITY ESTABLISHMENT (CAR WASH) FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN, AND PROVIDING AN EFFECTIVE DATE."**

Motion:
Council Member Burnett moved for approval of Ordinance No. 705; seconded by Council Member Staib. Motion carried 4-0 upon roll call vote as follows:

Council Member Staib	AYE
Council Member Burnett	AYE
Vice Mayor Pugh	AYE
Mayor Johnston	AYE

Ordinance No. 706 - Proposed Rezoning - RZ2005-03 Brooksville Holdings, LLC (correction: BV Holdings, LLC)

> Consideration of proposed Ordinance rezoning property bounded by Hale Avenue, Palmer Avenue, Garland Avenue and Lamar Avenue from Rw (Residential - two family) to R3 (Residential - three or more family).

Mayor Johnston stated for the record the owner has done some work for him but they do not represent them in any way related to this petition.

Director Geiger stated the property is currently a vacant, wooded lot. The petitioner would like to able to build up to four triplexes and one duplex on the property. P & Z reviewed the petition on July 20, 2005 and concurred with Staff to recommend the approval of the rezoning of this property, subject to meeting all the performance conditions associated with the R3 district. He entered the Staff report into the record in its entirety. [**NOTE: Attachment C**] He explained what the petitioner is requesting would maximize the density for the property if they meet all the performance standards.

Vice Mayor Pugh asked what the property is zoned, to which Director Geiger replied it is currently zoned R-2 as well as the surrounding properties. He added the Comprehensive Plan designates multi-family development in this area. Vice Mayor Pugh asked if surrounding properties are vacant. Director Geiger answered there is some sparse residential development.

Acting City Clerk Morgan read Ordinance No. 706 by headnote only, as follows:

"AN ORDINANCE REZONING CERTAIN PROPERTY FROM R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT TO R-3 (MULTI-FAMILY RESIDENTIAL) DISTRICT, REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING AN EFFECTIVE DATE."

Motion:
Council Member Staib moved for approval of Ordinance 706; seconded by Council Member Burnett. Motion carried 4-0 upon roll call vote as follows:

Council Member Burnett	AYE
Council Member Staib	AYE
Vice Mayor Pugh	AYE
Mayor Johnston	AYE

Policy No. 2-2005 - Renewal & Replacement of City Vehicles

Consideration of policy establishing separate general water & sewer and solid waste replacement.

Finance Director Baumgartner reported the auditors prefer the vehicle replacement funds left in the Internal Service Fund, though Council Member Wever is strongly against this. The auditor would not object, it is basically a management decision.

City Manager Anderson explained Council Member Wever wants the same structure in each of the funds to keep the vehicles separate.

Director Baumgartner added the intention of the Internal Service Fund is to provide services to the entire City. Part of that has been the maintenance of the City vehicles.

Council Member Staib was in favor of the auditors recommendation.

Mayor Johnston said a single vehicle replacement fund seemed simpler and easier.

Motion:
Council Member Staib moved for approval; motion died for lack of a second. Council Member Burnett recommended waiting for further input from Council Member Wever.

Motion:
Council Member Burnett moved to table this item to the August 15, 2005 meeting; seconded by Vice Mayor Pugh. Motion carried 4-0.

ITEMS BY COUNCIL

FRANKIE BURNETT - COUNCIL MEMBER

Margaret R. Ghiotto Beautification Award
Council Member Burnett requested a copy of the policy listing the criteria for nominating a residential or commercial property, to which Staff advised they would get him a copy after the meeting.

JOSEPH E. JOHNSTON, III - MAYOR

Dumping on Property

Mayor Johnston asked Staff to check out ACL Street since he noticed unauthorized dumping that was occurring during daytime hours. City Manager Anderson mentioned they are requesting the County to initiate condemnation procedures for the unsafe structures. There may be some initial cost.

CITIZENS INPUT

Richard Howell

Annexations
Mr. Howell explained he was representing the South brooksville Health Advisory Board, who would like to have Council schedule a special meeting to rehash Ordinance Nos. 406 and 416. He stated the ordinances gave the City the authority to annex in two pieces of property and re-zone them industrial in South Brooksville without notifying the adjoining residences at that time. He would like to see the annexation procedure be changed. Mayor Johnston advised City Clerk Phillips had been working on his public records request and the file notated the property owners were notified regarding the annexation. Mr. Howell stated there are homeowners that say they have not received any notification.

Sun Pools
Mr. Howell advised he also polled the citizens regarding Sun Pools and they would like the business out of the area due to the strong odors.

City Public Works Building
He felt the City D.P.W. complex was an eyesore and should be cleaned up. Mr. Howell pointed out the mold should be taken care of and it is harming the health of the workers and health of the citizens. He pointed out that Rogers Sign company thought about the community by putting up a nice fence that hides their business.

Paul Boston

Community Events
Mr. Boston, of "Just Us News" Newsletter and Secretary of Fred E. Kelly Lodge stated they have been enclaved by the City and they should be negotiated with for annexation. There are so many discrepancies in South Brooksville, he believes they should negotiate to make this a smooth annexation. He added his newsletter has been a silent advocate, pointing out he has attended public functions, taken photos, given free advertising in his newsletter and advocated the City's position to local organizations. He stated he has received comments from the City Staff such as "if you come to the City and are looking for any favors, bring money". Mr. Boston noted his newsletter does not charge the City for advertising or for taking photos and he donates services and money to the Jerome Brown Community Center. He added during the Good Neighbor Trail event, he brought many organizations to the event, including his band and church members. Mr. Boston stated he did not receive any compensation from the City, but did get invited to a reception honoring volunteers which did not cover the cost of what they have done. He felt they should be respected and thought he and the City had a good working relationship. Mr. Boston stated if his non-profit organization is charged, then all non-profit organizations should be charged when they ask for assistance.

Sun Pools
Mr. Boston indicated he had surveyed the community regarding Sun Pools, noting that no one in the area was contacted by the City, County or Sun Pools. He felt

if the city did not want to end up in litigation with the community then they should get out and poll the residents prior to annexations, re-zoning, including new businesses coming in. He pointed out his letter he sent to the City had been stamped in but was not included in the correspondence-to-note, and distributed a copy to Council for their reference. City Manager Anderson advised a response letter was mailed out Friday, July 29, 2005 and he should be receiving it shortly.

John Carr

City Public Works Building
He concurs with Mr. Howell and Mr. Boston regarding how the City is being run and how the Public Works building was an eyesore and should be corrected.

Sun Pools
Mr. Carr was also concerned about how Sun Pools was allowed to come in to the neighborhood and made the Martin Luther King Boulevard area look like a dump.

ADJOURNMENT
There being no further business to bring before Council, the meeting adjourned at 9:11 p.m.

Lindsay A. Morgan
Acting City Clerk

ATTEST: _____
Mayor

:lam

G:\WP_WORK\ClerkOffice\MINUTES\2005\08-01-05mtg.wpd

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

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Johnston III, Joseph E.	Brooksville City Council
MAILING ADDRESS P.O. 63	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: XX CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY / COUNTY Brooksville / Hernando	NAME OF POLITICAL SUBDIVISION: City of Brooksville
DATE ON WHICH VOTE OCCURRED 08/01/05	MY POSITION IS: XX 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

Attach to 8-1-05 meeting minutes Item #

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 August 1, 2005, 20 05:

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

XX 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:

Matters regarding Majestic Oaks Partnership, LLC, I am 33% owner of a corporation which owns 5 units of Majestic Oaks Partnership, LLC.

August 1, 2005
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

Attachment A

Aug 01 05 04:44p p.2

Passed out to Mtg.

Board of County Commissioners
Hernando County
PLANNING DEPARTMENT
Government Center / Administration Building
20 North Main Street, Room 262
Brooksville, Florida 34601 - 2828
Planning - (352) 754-4057
Fax -(352) 754-4420
E-Mail: planning@co.hernando.fl.us

August 1, 2005

Via Hand Delivery

Bill Geiger, Director
Community Development
City of Brooksville
201 Howell Avenue
Brooksville, FL 34601

Re: First Amended and Restated Agreement for Majestic Oaks between City of Brooksville and Majestic Oaks Partners, LLC ("City/Developer Amended Agreement")
Proposed City adoption hearing set for August 1, 2005, 7:00 p.m.

Dear Bill:

This office received the July 26, 2005 draft of the above referenced agreement and we offer the following comments for incorporation into the record of tonight's City Council meeting:

1. The County, the City and Majestic Oaks Partners, LLC ("Developer") entered into an agreement dated January 25, 2005 ("Tri-Party Agreement"). The proposed City/Developer Amended Agreement is not an agreement that Hernando County is a party or signatory to. Accordingly, it is our position that any valid amendment to the Tri-Party Agreement must be duly approved and executed by each of the three parties. Currently, the Tri-Party Agreement recognizes the Developer's right to construct up to 600 residential units and up to 100,000 square feet of commercial on the approximately 426 acres of land described in Exhibit A thereto (see Recitals and Article 1 of the Tri-Party Agreement). Furthermore, the Tri-Party Agreement makes no mention of any pre-approval to swap uses between or among the residential and commercial components. Thus to the extent that the City and the Developer seek to modify the terms of the Tri-Party Agreement, then the parties need to schedule a meeting to discuss amending the Tri-Party Agreement.

2. In addition to the Recitals and Article 1, the County considers the parties' covenants and representations contained in Article 2 (Public Rights-Of-Ways and Dedications), Article 3

E:\WPDATA\MRE\Contracts&Agreements\City-Majestic-080105.wpd

(Transportation Requirements and Concurrency) and Article 4 (Miscellaneous Provisions) of the Tri-Party Agreement to remain in full force and force effect and not altered in any way by the City/Developer Amended Agreement.

3. Finally, Hernando County has not completed its review of the Linck & Associates report dated June 2005 including, without limitation, whether this report satisfies the Traffic Access Analysis (TAA) and operational concerns described in Section 3.A of the Tri-Party Agreement and whether the suggested transportation improvements satisfy the proportionate share requirements described in Section 3.B of the Tri-Party Agreement.

Please do not hesitate to contact me should you have any questions or comments.

Sincerely,

Larry Jennings
Director of Growth and Development Services

pc: Gary Adams, County Administrator
Garth Coller, County Attorney
Geoffrey Kirk, Assistant County Attorney

E:\WPDATA\MRE\Contracts&Agreements\City-Majestic-080105.wpd

Attachment B

AGENDA ITEM NO. F-1
8-1-05

STAFF REPORT

To: Honorable Mayor & City Council Members

Via: Richard E. Anderson, City Manager

From: Bill Geiger, Community Development Director

Subject: RZ2005-02/SE2005-05; Petitioner - Edward Lommel, Represented by Curtis H. Kempton; Petition request to re-zone property from C4 (Neighborhood Commercial) to C1 (Pedestrian Commercial), with a Special Exception Use to have an Automotive Specialty Establishment (Car Wash) on the property

Location: Northwest side of June Avenue and State Road 50 (Cortez Boulevard) - Ref. HCPA Parcel Key # 00543175

Date: August 1, 2005

The subject property is .60 acres ± and is currently a vacant, wooded lot zoned C4 (neighborhood commercial district) and is located on the northwest side of June Avenue and State Road 50 (Cortez Boulevard). The legal description by metes and bounds is given in full in the petition packet. The Petitioner is specifically requesting that the property be re-zoned from C4 to C1, with a special exception use request to enable the owner to build a car wash (three self-service bays and one automatic bay).

LAND USE/ZONING

The subject property is zoned C4 Commercial with a City Comprehensive Plan Future Land Use (FLU) designation of commercial. Surrounding property to the north is zoned R1A (Single Family Residential) with a FLU designation of Single Family Residential; C4 (Commercial) to the east and south with a FLU designation of Commercial; and C2 (Commercial) to the west with a FLU designation of commercial.

STAFF FINDINGS

The petitioner is requesting this re-zoning and special exception use to enable the construction of a four (4) bay car wash, three (3) self-service and one (1) automatic. The City currently has a six-inch water line in an easement on the north property line, and an eight-inch water line adjacent to the property in the north right-of-way of Cortez Boulevard, and a eight-inch gravity sewer line adjacent to the property on the south and east side of the property. Exact line connections will be determined in conjunction with construction planning for the site.

The development of this property requires a frontage road be provided for cross access between properties. Plan design of the frontage road must meet City collector road standards.

Future development of this property would mandate that the developer install a type "C" buffer along property lines that border residential use, in accordance with the City's landscape regulation. A type "C" buffer provides for a minimum 15-foot wide buffer and, per code, shall include a continuous, opaque wall at least six (6) feet in height constructed of masonry, wood, or other material as may be approved by the administrative official. Walls constructed of cement block require a decorative finish

on the side facing the abutting use. Additionally, at least one (1) tree is required along every twenty-five (25) feet of wall length.

Drainage - 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

Solid Waste - The City will provide the solid waste collection service for this property.

The land use/zoning as proposed by the petitioner is not inconsistent with the City's Comprehensive Plan. The development of this property will be analyzed for impact to roads, utilities, drainage, the environment and all other applicable land use criteria and will be subject to meeting all federal, state and local agency permitting requirements. This will include any conditions that may be attached in consideration of the special exception use approval for this property.

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

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

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

Planning & Zoning Commission/Staff Recommendation

The Planning & Zoning Commission reviewed this petition on July 20, 2005 and concurred with staff to recommend that City Council approve (via Ordinance No. 705) the re-zoning of the subject property from C4 (Neighborhood Commercial) to C1 (Pedestrian Commercial), with a Special Exception Use approval for an Automotive Specialty Establishment (specifically a car wash), subject to the following conditions:

(1) The developer must meet all applicable Local, State and Federal performance standards and permitting requirements that pertain to any development/redevelopment of the site; and

(2) In development of the subject parcel, the developer will be required to construct an on-site storm water drainage control system that meets the design and performance standards as specified by the technical requirements for open and closed basins in the *Environmental Resource Permitting Information Manual, latest edition,* as published by the Southwest Florida Water Management District.

(3) The development of this property requires a reverse frontage road be provided. Plan design of the frontage road will have to meet City collector road standards.

(4) Future development of this property would mandate that the developer install a type "C" buffer along property lines that border residential use, in accordance with the City's landscape regulation. The specific buffer for this proposed special exception use shall provide for a minimum 15-foot wide buffer that shall include a continuous, opaque wall at least six (6) feet in height constructed of masonry, wood, or other material as may be approved by the administrative official. The wall must be set back at least seven feet from the property line and should be built in a serpentine or irregular (accordion) fashion to reduce noise generated from the site. The wall will require a decorative finish on the side facing the abutting use. Additionally, at least one (1) staff approved tree (a minimum of 3-inches at the D.B.H.) is required along every twenty-five (25) feet of wall length.

(5) On-site lighting must be directed away from adjacent properties.

(6) Hours of operation shall be restricted to 8:00 a.m. until 9:00 p.m. due to the close proximity to the single family residential subdivision.

(7) Regardless of prior variance approvals, the developer of this site will be required to adhere to established structure setback standards for the C1 zoning district.

Attachments: (1) Zoning/SEU Petitions
(2) Petitioners letter dated May 29, 2005
(3) Site location map
(4) Draft construction site drawing
(5) Draft Zoning/SEU Ordinance No. 705

G:\Bgeig\Zoning\Rezoning\cc08012005 Rz2005-02 - SE2005-05 Lommel-June Ave and 50 wpd

Attachment C

AGENDA ITEM NO. F-2
8-1-05

STAFF REPORT

To: Honorable Mayor & City Council Members

Via: Richard E. Anderson, City Manager

From: Bill Geiger, Community Development Director

Subject: RZ2005-03; Petitioner - BV Holdings, LLC, Represented by Nicholas W. Nicholson; Petition request to re-zone property from R2 (Residential - two family) to R-3 (Residential - three or more family)

Location: Property bounded by Hale Ave, Palmer Ave, Garland Ave and Lamar Ave.) - Ref. HCPA Parcel Key # 00142946

Date: August 1, 2005

The subject property is 1.29 acres ± and is currently a vacant, wooded lot zoned R2 (residential - multi-family [two-family] district) and is located on the north side of Lamar Ave, south side of Garland Ave, East side of Hale Ave and west side of Palmer Ave. The legal description by metes and bounds is given in full in the petition packet. The Petitioner is specifically requesting that the property be re-zoned from R2 (residential - multi-family [two-family]) district to R3 (residential-multi-family [three or more family]) district to enable the owner to build up to four (4) triplexes and one (1) duplex on this property.

LAND USE/ZONING

The subject property is zoned R2 (Multi-family Residential) with a City Comprehensive Plan Future Land Use (FLU) designation of multi-family residential. Surrounding property to the north, south and west are zoned R2 (Multi-family Residential) with a FLU designation of Multi-family Residential and R3 (Multi-family Residential) to the east with a FLU designation of Multi-family Residential.

STAFF FINDINGS

The petitioner is requesting this re-zoning to enable the construction of up to four (4) triplex living units and one (1) duplex living unit. The City's Utilities Department has indicated that water and sewer services are available to serve this property. Exact line connections will be determined in conjunction with construction planning for the site.

Future development of this property (under the current and proposed zoning) would be subject to the developer install installing a type "A" buffer along property lines, in accordance with the City's landscape regulation. A type "A" buffer provides for a minimum 5-foot wide buffer and, per code, shall include the planting of twenty-five (25) shrubs per one-hundred (100) linear feet of property, or portion thereof.

Drainage - 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

Solid Waste - The City will provide solid waste collection services for this property.

Parking - The Developer will be required to provide two (2) parking spaces per dwelling unit for two-family units. For three or more dwelling units, 1.5 parking spaces are required per dwelling unit with 1 or 2 bedrooms, and 2 parking spaces are required per dwelling unit with 3 or more bedrooms.

The land use/zoning as proposed by the petitioner is not inconsistent with the City's Comprehensive Plan. The development of this property will be analyzed for impact to roads, utilities, drainage, the environment and all other applicable land use criteria and will be subject to meeting all federal, state and local agency permitting requirements. If rezoned to R3, the proposed development of the property will be subject to meeting all of the performance standards associated with the zoning district.

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

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any City land use ordinances. Homeowner associations or architectural review committees may require submission of plans for their review and approval. The applicant for this land use request should contact the local association (if there is one) and review the Public Records for all restrictions that may be applicable to this property.
This report does not include the perspective of adjacent landowners, who may be present at the public meeting to address and present questions and comment.

Planning & Zoning Commission/Staff Recommendation

The Planning & Zoning Commission reviewed this petition on July 20, 2005 and concurred with staff to recommend that City Council approve (via Ordinance No. 706) the re-zoning of the subject property from the R2 (Residential - Multi-Family [two-family]) District, to the R3 (Residential- Multi-Family [three or more family]) zoning district, subject to meeting all of the performance conditions associated with the R3 district.

Attachments: (1) Zoning Petitions
(2) Petitioners letter dated April 29, 2005
(3) Site location map
(4) Site drawing
(5) Draft Zoning Ordinance

G:\Bgeig\Zoning\Rezoning\cc08012005 RZ2005-03 BV Holdings.wpd

AGENDA ITEM NO. C-1
2/6/06

CITY OF BROOKSVILLE
BUDGET WORKSHOP
CITY COUNCIL CHAMBERS
201 HOWELL AVENUE

MINUTES

AUGUST 10, 2005 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; Lindsay A. Morgan, Deputy City Clerk; Emory Pierce, Department of Public Works Director; William Smith, Utilities Superintendent; Steve Baumgartner, Finance Director; Jim Delach, Accountant II; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Ron Baker, Human Resources Director; Ed Tincher, Police Chief; Rick Hankins, Police Lieutenant; James Daugherty, Fire Chief; and Tim Mossgrove, Fire Captain. A member from the Hernando Today was also present.

The meeting was called to order by Mayor Johnston.

2005-2006 BUDGET

Review of preliminary Revenue and Expenditure projections for 2005-2006 Fiscal Year.

Mayor Johnston announced Council Member Burnett had a scheduling conflict and could not attend.

City Manager Anderson advised the General Fund increased $400,000 but the expenditures had also increased. He explained the budget presented was balanced, but the reserve funds were lower than expected. He pointed out Council had previously discussed increasing the number of Public Safety personnel and suggested Council review for final approval.

Mayor Johnston questioned City Manager Anderson's memo regarding Fire and Police personnel. City Manager Anderson advised the budget reflected the City's match to the SAFER grant. Council Member Wever proposed having the same type of schedule they had last year that includes the positions, number of people and the cost. City Manager Anderson advised he would distribute the information in that same format tomorrow. Mayor Johnston recommended deferring striping unless building activity picks up, possibly another year.

Council Member Staib was concerned with the 33 vacancies in the departments. She stated they cannot wait for an emergency to hire Police and Fire personnel. She added that training takes time. She questioned what appeared to be a duplication between department 21 and 27. Finance Director Baumgartner replied Water & Sewer was split, and noted there are split positions all through the budget. City Manager Anderson added for these positions only a portion of the salary was budgeted in each of those divisions.

Council Member Wever asked if the transfer to the Vehicle Replacement Fund was done for the current year and taken out of the fund balance into next year. Director Baumgartner confirmed this, stating they took into consideration the

APPROVED BY BROOKSVILLE CITY COUNCIL
ON 2/6/06 INITIALS

ending balance for 04/05 assuming about $100,000 - $120,000 is going out of the General Fund into Vehicle Replacement. Council Member Wever asked where the Vehicle Replacement Fund is on the report that shows the projected year end 05/06 balance, to which Director Baumgartner replied it would not normally be put in the General Fund. Council Member Wever suggested the fund balance be shown on the report. He also recommended uniform headings and actual figures from prior years to compare with the current year or to what is being projected for the next year.

Vice Mayor Pugh agreed with Mayor Johnston on deferring the Building Department another year. He also commented on how well the Human Resources Department did on decreasing their budget.

Council Member Wever questioned whether or not they could allow developers to hire their own building official/inspector, and if the contractor can be required to obtain a city occupational license. Director Geiger stated developers can hire certified inspectors independently, but those inspectors cannot be required to have a City license unless they have a principal business in the City of Brooksville. City Manager Anderson felt it would be more expensive to hire a building official than to keep the existing arrangement with the County.

Vice Mayor Pugh asked what percentage of inspectors were hired independently. Director Geiger replied he would bring that information back. He added it is probably the case where the larger developments can pay the extra money to make things happen. The service is already offered by the County at a cost.

Council Member Staib noted footnotes were present but not referenced within the document. City Clerk Phillips stated she did not have a chance to get with Finance on updating the footnotes in her department. Director Baumgartner advised on all pages the "comments:" would be removed from the final budget.

Mayor Johnston pointed out the 21% increase over projected for electric, and asked how Staff came up with the figure, to which Accountant Delach replied the percentage of increase was taken from the prior two years. The provider estimated a $2.50 per gallon fuel increase. Director Baumgartner added that the electric company adds those fuel adjustments to our costs.

City Clerk Phillips asked if the principal & interest was added in, to which Director Baumgartner advised it was included in the expense summary, debt service.

Council Member Wever questioned what line 33 was, to which City Clerk Phillips replied $1000 was for the Heritage Museum to offset their utility bills and the $44,000 was for the Community Redevelopment TIF. Council Member Wever stated the money going to TIF is not a donation, it is a payment.

Page 8
Council Member Wever stated an item is blocked out so that you can not see what it is. City Clerk Phillips advised the item never made it into the budget and she would be distributing a wish list to Council.

Page 9-11
Council Member Staib asked where the transfer out to self-insured dental plan 384 is. Director Baumgartner replied that it goes to the dental fund, which is funded based on so many dollars per employee, everyone pays in then it is paid out of the dental plan.

Vice Mayor Pugh questioned the $6,000 in machinery & equipment to which City Clerk Phillips advised a memo would be forthcoming regarding proposing laptops for Council. Vice Mayor Pugh will check with his employer regarding being the guinea pig and see if he could use their laptop for City business.

Council Member Wever inquired about the digital recorder. City Clerk Phillips advised the current recorder is fine but the transcribers are no longer under warranty and the current ones will not last much longer. She explained the details of the recorder and capabilities.

Page 12-14
Mayor Johnston asked about the $47,000 increase. Director Baumgartner stated that includes anniversary pay raises. Council Member Wever noted that amount includes the 2.5% increase. City Clerk Phillips clarified the unfunded Secretary II position is $34,600 and the intern position is $8,500. Director Baumgartner added that there has been about a 40% increase in Worker's Compensation. He will be getting the final numbers Friday and these amounts are estimates.

Page 13
Mayor Johnston asked what a Council patch from the uncapitalized equipment was, to which City Clerk Phillips replied part of the $10,000 was for a portable recording system including accessories supplementing the standard system for the dias and the rest was to augment the imaging system.

Page 15-17
Vice Mayor Pugh asked if the vacant position needs to be filled. City Clerk Phillips advised contract services may be recommended but an additional staff person would be needed.

Page 16
City Clerk Phillips proposed upgrading computers for a major overhaul of all the 95 boxes to at least Windows 98. Mayor Johnston asked how much the upgrade would cost, to which City Clerk Phillips replied $112 per unit at the time the projection was done.

Vice Mayor Pugh asked if there was any kind of transfer of funds when a computer was moved from one department to another, to which City Clerk Phillips replied not at this time, but Staff was working on implementing a procedure to track the equipment.

Page 18, 22 & 23
Director Geiger stated the Coordinator position was needed as well as the Growth Management Planner position and did not think either one should be eliminated since they are important during the growth of the City and felt if the positions were contracted out it would end up costing more in the long run.

Mayor Johnston questioned if the Regional Planning Council would be a consultant for some of the projects. Director Geiger answered that it has not been determined yet.

Mayor Johnston asked if the item on the expenditure page for the other current charges including postage for the petition notice mailing should be in the postage area. Director Baumgartner said this expense should not be reflected in general government postage.

Page 19-21
City Manager Anderson stated there was no significant change for Human Resources.

Page 24-26
Director Baumgartner advised under contractual services the Finance Department budget was primarily increased because of the new utility billing software and some new equipment.

Page 27-31
From page 29, Council Member Staib inquired about "rest. vacant", to which Chief Tincher explained it should be reserve vacancy and from the same page "pt" is part-time. He reported on the Department's personnel needs.

Chief Tincher explained $12,000 on Page 31 is for equipment and upgrades to the radio system. Council Member Wever asked if the whole County is changing the radio system, to which Chief Tincher replied Motorola is no longer supporting the older system and they all have to go to the new system.

Mayor Johnston asked if any grant funds could be used for the cost of the new system. Chief Tincher answered that he has not explored grant funds yet, but is searching for an external source of funds.

Council Member Staib asked about if the bulletproof vests listed on Page 30 are the new ones. Chief Tincher clarified they are the new ones but he may be able to recover up to 50% of the cost through incentives offered by the Federal Government. He added that the Sheriff's Department has indicated they may be able to purchase and permanently assign some equipment to the Police Department, depending on how the money from forfeitures is regulated.

Page 32-35
Vice Mayor Pugh questioned the 18 firefighters recommended. City Manager clarified there are currently 15 firefighters and they are proposing 3 more to be added. Council Member Wever asked if those 3 would be part of the grant, to which City Manager Anderson affirmed the initial cost under the grant would be included in the salaries. Director Baumgartner added this includes the estimated 10% cost match.

Mayor Johnston asked what uncapitalized equipment on Page 34, line 31 for $12,600 includes. City Clerk Phillips answered that some of the things that normally would have fallen under capital purchase were moved and have not been qualified yet. Mayor Johnston suggested adding a footnote for this item.

Vice Mayor Pugh asked if the increase of personnel will reduce the overtime. City Manager Anderson replied that is what they are hoping to accomplish.

Page 36-39
Finance Director advised no personnel were being added but some titles had changed.

Mayor Johnston asked about the $4,000 budgeted for contract summer help on Page 38, line 6. Director Baumgartner explained the money is currently being used through Manpower for lawn maintenance at the Quarry and Parks.

Council Member Staib asked Public Works Director Pierce to let her know the results of the soil testing.

BUDGET WORKSHOP - AUGUST 10, 2005

Page 43-45
Council discussed salary costs.

Page 46-48
From Page 48 Parks & Recreation Director Walker advised the irrigation system needs replacement ($10,000) and a mower is needed ($6,250).

Council recessed at 9:00 p.m. for 5 minutes and reconvened at 9:05 p.m.

Page 49-52
Director Pierce expounded on the increases in the budget regarding two positions, one in streets and one in sanitation, since duties are more than in previous years. He explained he would not be replacing the sanitation position and would be adding a crew leader in the Department of Public Works. Growth demands the positions be funded.

City Manager Anderson explained there is a fund of $90,000 to account for these upgrades and adjustments.

Vice Mayor Pugh inquired on overtime, Page 49, line item 6, to which Director Pierce explained that it was due to the hurricanes. Streets personnel went on B.E.R.T and the overtime shows.

Director Baumgartner noted the correct figure, Page 51, line 35 was to be $15,000 instead of $1,500.

Director Pierce mentioned he would like to have $20,000 for street restriping. City Manager Anderson stated $25,000 was put away last year for resurfacing and not used. Council Member Wever noted $25,000 is to be transferred to that fund every year and suggested if striping has to be done to use that money.

Council Member Wever asked what line 44 was, to which Director Baumgartner replied it was for hurricane debris removal for this fiscal year. Mayor Johnston asked if it was reimbursed. Director Baumgartner answered that it was totally reimbursed and would not be included in the budget. Council Member Wever suggested footnoting all unusual expenses and marked if they have been reimbursed.

Council Member Wever asked to go back to Page 1 from donations for the First Tee program (used clubs) and suggested including donation to the title; Page 2 he asked if the local option gas figure was checked, to which Director Baumgartner advised he checked the State's website and the amount was 95% of the State's estimate that Brooksville will receive ($.06); Page 4 he recommended the amount of the Unallocated Reserves at the end of the year be at least twice that much. Council Member Wever asked Council to consider a change in the millage rate to improve the Unallocated Reserve figure. Director Baumgartner and Mayor Johnston concurred that so far, the tendency was to over-budget expenses and under-budget revenues, though past performance would not indicate future trends.

Human Resources Director Baker looked at the County's last salary survey and found all City employees are underpaid in comparison with other public entities. Council Member Wever asked if that study compares the City of Brooksville with other cities of the same size and nature. Director Baker answered that the survey uses data from all cities in the State. He added the County is increasing their employees pay 5% in October and will be making further increases.

City Manager Anderson reported on the Blue Cross Health Insurance pointing out the only change is the co-pay which is increased to $25 from $20 and a poll of doctors used by Staff are included or will be added. Human Resources Director Baker added with the change there will be less than the estimated 29% increase that is proposed with the current plan.

Council Member Wever asked when the plan would be changed, to which Director Baker replied October 1, 2005.

Page 53
Council Member Wever suggested changing the title of the Vehicle R&R fund to Vehicle Replacement Fund and to include the fund balance under the line for Contingencies.

Director Baumgartner advised the WAP grant and SR50 West Project are not included in this presentation. From Page 63, line 39 & 40, he explained the $880,000 is coming out of the loan and the other portion will be covered by impact fees. There is enough money to complete the third phase, per the Finance Director.

Council Member Wever asked if the Wiscon to Fairgrounds Project would be completed by the end of the year, to which Staff advised it is anticipated. Council Member Wever stated the money listed should be in this year's figures, not next year's. Director Baumgartner explained the Water & Sewer grant has yet to go through, there are still a lot of ifs.

Page 63
Council Member Staib asked where the hospital would hook into the water line, to which Director Pierce and Utilities Superintendent Smith advised the County and hospital did not want to connect and did not need the City's assistance at this time.

Mayor Johnston asked if the deposits for each DOT relocation, lines 44 & 45 were $180,000 with a total of $360,000. Director Pierce replied $180,000 was the total. He added lawsuits with Smith and Company are still pending. He will get a printout from the Comptroller.

Pages 62-63
Council Member Wever asked if Cobb Road was far enough out that no money needed to be spent on engineering. Director Pierce advised an engineer needs to come on board to coordinate the plans and relocation work. Council Member Wever stated he would like to look at this more closely during the budget hearings.

Page 55 and Page 60
Mayor Johnston asked about the Resident Inspector and Construction Project Manager listed. Accountant Delach explained 57% goes to Department 021 and 43% goes to Department 027. Director Baumgartner added it was USDA who wanted the City to split the Water & Sewer Department entries.

Page 64-67
Director Pierce felt he could get a revised rate structure presented to Council at the 9/12/2005 meeting. He added the dumpster rates were below market. Council Member Wever asked the number of customers, to which Director Baumgartner replied approximately 4000.

Page 66, lines 39-40
Mayor Johnston asked about the principal & interest, to which Director

Baumgartner replied it was for the garbage truck loan. He agreed the projected figure is flawed but felt the recommended figure is okay.

Mayor Johnston asked why this year's projected expenditure for Cheyenne Pass is so high. City Manager Anderson stated the bills come in from the County periodically.

Page 68-71
Council Member Wever pointed out the reserve total on page 68 is incorrect. The total expenses do not add up, and it should be $11,382. Director Baumgartner answered he would check it.

Page 72
Council Member Wever noted, per the new policy, the $4,500 truck could have been left out.

City Manager Anderson stated a recommended budget will be prepared based on Council's recommendations and comments.

Council Member Wever asked what NIMS was. Theresa Pomeranke, Assistant to City Manager, informed him NIMS stands for National Incident Management System. She explained Homeland Security wants the same program implemented across the country. Compliance is necessary by 9/30/2006 and the City has until 9/30/05 to start the program. Chief Tincher added there will be common language to interpret and use. Council was asked to attend on 09/01/05 for training on the NIMS program. Online classes would be available also. A resolution would be adopted at the 9/12/05 meeting.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 10:30 p.m.

City Clerk

ATTEST:

Mayor

:lam

G:\WP_WORK\ClerkOffice\MINUTES\2005\08-10-05budgetworkshop.wpd

AGENDA ITEM NO. C-1
2/6/06

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

MINUTES

AUGUST 15, 2005 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 Karla S. Owens, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk/Director of Administration; Lindsay A. Morgan, Deputy City Clerk; Emory Pierce, Department of Public Works Director; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; William Smith, Utilities Superintendent; and James Daugherty, Fire Chief. A member 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.

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

CONSENT AGENDA

Minutes
May 16, 2005 - Regular Meeting
June 13, 2005 - Joint City/County/School Board Meeting

FRDAP Grant Award Acceptance and Agreement
Acceptance of $200,000 grant from the Florida Department of Environmental Protection (FDEP) for the paving of the first phase of the Good Neighbor Trail (from Russell Street to Jasmine Drive).

Brooksville Sewer Rehabilitation (LP6006) Grant Acceptance and Agreement
Acceptance of $1,000,000 grant from the Florida Department of Environmental Protection (FDEP) for the labor, materials and equipment to design and construct portions of the Citywide Sewer System.

Mayor Johnston asked who had crossed out the date, to which Community Development Director Geiger advised the State amended the document.

Water & Wastewater CIP - Telemetry Equipment
Authorization of purchase of proprietary telemetry equipment from Data Flow Systems, Inc. to extend the Wastewater Division Control Systems in an amount not to exceed $65,000 with funding from Account #401-000-169-190.49. [Project No. 1997-UT21].

Council Member Wever inquired what the title of the account listed was, to which Utilities Superintendent Smith answered it was the Construction In Progress (CIP) account.

APPROVED BY BROOKSVILLE CITY COUNCIL
ON 2/6/06 INITIALS

Sewer Rehab Project Grant Funding Status

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

PUBLIC HEARING

*Ordinance No. 705 - Proposed Rezoning - RZ2005-02/SE2005-05 Edward Lommel
Consideration of proposed Ordinance rezoning NW Corner of June Avenue & State Road 50 from C4 (Neighborhood Commercial to C1 Pedestrian Commercial).
[First Reading 08/01/05]

City Attorney Owens, filling in for City Attorney LaCroix, advised this is a rezoning public hearing and these public hearings are quasi-judicial in nature, meaning the Commission will base its decision on the testimony presented. She asked that anyone may speak on behalf of the petition or against the petition. She added anyone who wanted to intervene or to present testimony under oath to stand and be sworn at this time. Community Development Director Geiger was sworn in by the City Clerk. The credentials were accepted of Director Geiger as an expert witness in Land Use Planning, Zoning & Development.

Director Geiger entered his Staff report dated August 15, 2005 into the record in its entirety **[Exhibit A]**.

Vice Mayor Pugh inquired what the hours of operation were for the C-4 usage, from page 3, item 6. Director Geiger answered that is a condition of the special exception use, not a condition of the zoning itself. There are no conditions or performance conditions associated with the zoning related to hours of use. This is a special condition that the Planning & Zoning Commission recommended.

Council Member Staib noted normal hours of operation would be daylight to dark. Vice Mayor Pugh stated the existing one on U.S. 41 has night time use.

There was no public input.

City Clerk Phillips read Ordinance No. 705 by headnote only, as follows:

"AN ORDINANCE REZONING CERTAIN PROPERTY FROM C-4 (NEIGHBORHOOD COMMERCIAL) DISTRICT TO C-1 (PEDESTRIAN COMMERCIAL) DISTRICT WITH A SPECIAL EXCEPTION USE FOR AN AUTOMOTIVE SPECIALITY ESTABLISHMENT (CAR WASH) FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN, AND PROVIDING AN EFFECTIVE DATE."

Motion:
Council Member Wever moved for approval of second and final reading of Ordinance No. 705; 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. 706 - Proposed Rezoning - RZ2005-03 BV Holdings, LLC

Consideration of proposed Ordinance rezoning property bounded by Hale Avenue, Palmer Avenue, Garland Avenue and Lamar Avenue from R2 (Residential - two family) to R3 (Residential - three or more family). **[First Reading 08/01/05]**

Director Geiger entered his Staff report dated August 15, 2005 into the record in its entirety **[Exhibit B]**.

There was no public input.

City Clerk Phillips read Ordinance No. 706 by headnote only, as follows:

> **"AN ORDINANCE REZONING CERTAIN PROPERTY FROM R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT TO R-3 (MULTI-FAMILY RESIDENTIAL) DISTRICT, REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING AN EFFECTIVE DATE."**

Motion:
Council Member Burnett moved for approval of Ordinance No. 706; 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

Majestic Oaks Development Agreement - First Amendment

Second Public Hearing for First Amendment to Restated Development Agreement to incorporate additional 175.5 acres. **[First Hearing 08/01/05]**

Mayor Johnston advised he was abstaining from voting since he owns a small share of Majestic Oaks. **[Note: Form 8-B attached]**

Director Geiger entered his Staff report into the record in its entirety **[Exhibit C]**. He discussed the modifications requested by Council at the first reading. He read the modification to Section 2-C Transportation Concurrency as follows:

> "The City finds that the proposed development will meet the concurrency requirements, provided the public road transportation improvements described in the Links and Associates report dated October 2004, supplemented December 29, 2004 and further revised July 2005 are constructed and were implemented by the Developer and the terms, conditions and obligations, as stated in the tri-party agreement, dated January 25, 2005 are met in full."

He read the amendment to Section 4-D Underground Utilities as follows:

> "The Developer agrees to provide underground utility service, inclusive of all transmission and service lines to all uses within the property."

Director Geiger noted the Developer wanted clarification to make sure this did not include any existing transmission lines that go across the property now. His

response to them was that the intent was to include any transmission lines that are installed to serve the property and that would have any function or use with the property itself.

Director Geiger read the amendment to Section 4-E Rails to Trails as follows:

> "Public rights-of-way for the Rails to Trails recreation trail shall be provided across the property from the east to west project lines. The rights-of-way for said trail shall be delineated as part of the zoning and/or plat review process."

Vice Mayor Pugh inquired if the County had responded regarding the transportation study, to which Director Geiger replied their concerns were to make sure the tri-party agreement was still intact and he assured Mr. Jennings on the day of the public hearing that it was and there has been no further comments from them.

Jake Varn, on behalf of the Majestic Oak Partners, LLC, noted on the utility service agreement the date signed by the City Manager needed to be entered into the amended development agreement.

There was no public input.

Motion:
Council Member Staib moved for approval of the amended development agreement to incorporate an additional 175.5 acres; seconded by Council Member Burnett. Motion carried 4-0, with Mayor Johnston abstaining.

REGULAR AGENDA

Resolution No. 2005-18 - Acquisition of Mendez Property

> Consideration of authorizing condemnation of 3.56 acre parcel between State Road 50 and Southern Hills Boulevard determined necessary to acquire for construction of North/South Connector Road and for stormwater drainage and retention.
> [Note: All associated costs to be borne by Developer]

Council Member Wever asked where this was located, to which Director Geiger replied he would have to check with City Attorney LaCroix on this one. Vice Mayor Pugh stated it is a drainage retention area. Mayor Johnston said it was the southerly portion, south of the east-west road. Council Member Wever asked for a map of the location.

Vice Mayor Pugh noted the memo from City Attorney LaCroix explained the charges were to be paid from Landmar, but in fact they were receiving credits, so actually the tax payers were paying for it. Mayor Johnston stated it was right in the middle, meaning Landmar would be paying half.

City Clerk Phillips read Resolution No. 2005-18 by headnote only, 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 LAND LOCATED IN HERNANDO COUNTY, FLORIDA, WHICH IS NECESSARY FOR ROAD AND STORMWATER DRAINAGE PURPOSES; ADOPTING A GOOD FAITH ESTIMATE OF VALUE FOR SAID PROPERTIES; AND PROVIDING AN EFFECTIVE DATE."

Motion:
Council Member Wever moved for approval of Resolution 2005-18; 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

Hope Hill Wellfield Water Treatment Improvements Agreement

Consideration of agreement for professional engineering services with Coastal Engineering Associates, Inc. to provide three options with cost estimates related to increasing chlorine contact time not to exceed $9,500 with funding from Utilities Account #401-000-169-190.49 [Project No. 2001-UT03].

Public Works Director reported this would be a simple project to keep us moving ahead with our additional well capacity. He explained if they pump more water with an additional well, there will no longer be adequate chlorine contact time. He offered three options to consider which were putting in an underground pipe labyrinth, adding some aboveground storage, or tapping into an existing tank and rearranging the flow so the flow will go through that tank. He recommended using an engineering firm with wide ranging experience to look at the options.

Council Member Wever asked what the account title was, to which Director Pierce replied this would be coming out of the CIP account.

Mayor Johnston noted the wording of the agreement included paying the engineer for all phases of improvements. He believed it anticipates doing all the work. Director Pierce said he would have Staff make a revision adding 'may include but not be limited to' to that section and get it resigned following the meeting.

Motion:
Council Member Wever moved for approval of agreement as amended; seconded by Council Member Burnett. Motion carried 5-0.

Policy No. 2-2005 - Vehicle Replacement Funds

Consideration of policy establishing separate general water & sewer and solid waste replacement funds.
[Note: Tabled from 08/01/05 Agenda]

Finance Director Baumgartner reported this item was tabled from the previous meeting in order to have Council Member Wever's input and asked for direction to Staff or approval of policy. He added a decision to keep vehicle replacement in Internal Service was preferred by the City Auditor, though handling it a different way would not be a violation of government accounting standards.

Council Member Wever strongly disagreed with the City Auditor.

Council Member Staib was in favor of the City Attorney and Auditor recommendation.

Mayor Johnston felt there was no reason to change the system if there was not a problem and there would be difficulties in the transition.

Council Member Wever pointed out the City would be violating the trust fund if they continued to handle it this way.

Motion:
Council Member Wever moved for approval of policy as presented. Motion died for lack of a second.

Tom Varn Stadium

Approval to transfer School Board's $20,000 payment towards maintenance and operations for the stadium from McKethan Capital Fund to General Fund, and direct that future payment be deposited directly to the General Fund.

Council Member Wever said the money should be spent in maintaining the stadium.

Mayor Johnston asked if the money is put into the General Fund, how will it be designated for the stadium. City Manager Anderson replied that they have a working budget for what it costs to maintain the stadium. It would be part of the general allocation to the Parks budget. There is no additional transaction, it just puts the revenue where it will be available for where money will be appropriated.

Council Member Wever stated if the money goes into the General Fund, it could be spent for other purposes, thus violating the agreement with the School Board.

Vice Mayor Pugh asked if the agreement takes into consideration the impact of the surrounding facilities. Finance Director Baumgartner answered the funds are for the maintenance of Youth Field One and the stadium. He agreed that the money should go into the General Fund.

Council Member Wever believed the money should at least be in a separate fund from the McKethan Capital Fund, to draw out as needed.

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

Utility Easement - Bell Fruit Company

Consideration of Agreement for easement for utility service extensions in exchange for 7.5 ERU's each for water and sewer connection fees credits.

Johnston abstained from voting since he owns a small portion of Majestic Oaks. **[Note: Form 8-B attached]**

Utilities Superintendent Smith explained the agreement requires the Developer to acquire all the easements needed and in exchange for credit costs back. He added there are three or four easements involved in the overall project and this is one of them.

Vice Mayor Pugh inquired if a twelve inch water main is being proposed, to which Superintendent Smith replied that it will probably be sixteen inch. Vice Mayor Pugh then asked if there will be enough capacity to make guarantees. Superintendent Smith answered that there is a plan for expansion of the north wellfield.

Motion:
Council Member Staib moved for approval; seconded by Vice Mayor Pugh. Motion carried 4-0, with Mayor Johnston abstaining.

Utility Billing Process

Bill Format
Consideration of conversion of bill format from postcard size to letter size/envelope.

Contract Services
Authorization to piggyback with current Hernando County vendor, Automated Computer Methods, Inc. (ACM), at an estimated annual cost of $25,323, which includes a one-time charge of $999 for file transfer software.

Finance Director Baumgartner advised the Finance Department successfully completed a new utility software conversion. Bills would not be printed in-house any longer, but sent electronically and then mailed from another location by a private company. The cost of providing the larger bill is projected to be $7,900 more in the new fiscal year.

Council Member Staib asked if there was any problem with HIPPA regarding the privacy act. Finance Director explained there is a privacy issue, but a postcard certainly makes information available. He was not sure if it applied in this case.

City Clerk Phillips added she had been pushing for the letter size billing to allow the City to insert notices within the bills or flyers inside the envelope, as long as it does not slow down the process and is not over the weight of the standard letter size.

Mayor Johnston noted it appeared that doing the mail in-house costs more in postage. Director Baumgartner stated they are using bulk mail. Mary Cason, Finance Department, added the private company has many more mailings and gets a much better rate.

Vice Mayor Pugh asked what the term of the contract would be, to which Ms. Cason answered it was determined that it could be looked at annually.

Motion:
Council Member Burnett approved the change of the billing format scheduled for the first billing in October; seconded by Council Member Staib. Motion carried 5-0.

Motion:
Council Member Burnett moved to contract services out starting with the first billing in October; seconded by Council Member Staib. Motion carried 5-0.

Waiver of Fees - Parks Department

Brooksville Kiwanis
Consideration of request to waive estimated fees of $305.00 for use of Tom Varn Park for Kiwanis Kid's Day on September 10, 2005.

Parks and Recreation Director Walker requested the waiver of fees in the amount of $305 for the event on September 10, 2005.

City Attorney Owens added the waiver would be in the public interest.

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

United Way of Hernando County

Consideration of request to waive estimated fees of $145.00 for use of Jerome Brown Community Center for Annual Campaign Kick-Off Meeting on August 29, 2005.

Parks and Recreation Director Walker requested the waiver of fees in the amount of $145 for the event on August 29, 2005.

Vice Mayor Pugh asked if this event meets the criteria for waiver of fees. Mayor Johnston answered he did not think so. It was not a public event.

City Clerk Phillips advised the agreement with the United Way includes accommodating them in their meetings to continue their fund-raising.

Council Member Wever stated he would approve of the request because the event results in the public interest and the City agreed to participate with them.

Motion:
Council Member Staib moved for approval of waiving the fees for the United Way event; seconded by Council Member Burnett. Motion carried 4-1, with Mayor Johnston in opposition.

Department of Corrections Capital Project

Consideration of proposal to utilize City Street's Division labor and equipment to construct a Wellness Track for use by the inmates at the facility located in Hernando County.
[Note: Facility provides three crews to augment City work force; one fully paid by State, one equipment only provided by City and one fully paid by City]

Director Pierce explained the request of the Department of Corrections, and felt the project could be completed within five days and would not disrupt the Streets Department daily functions.

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

Water & Sewer Connection Fees - Payment Schedule Policy #3-2005

Consideration of proposed policy for developments of 20 acres or more, providing for initial payment of 20%, unit fees paid as building permits are issued, with any balance due within four years.

Superintendent Smith requested adoption of an incremental payment plan, with 20% down for projects that would build out within four years.

Council Member Wever asked if the building permits would be on the full amount or if the amount would be discounted 20%, to which Superintendent Smith replied it would be on the full amount, with the down payment being drawn down last.

Mayor Johnston noted there was no policy attached. City Manager Anderson stated he has authority to sign the agreement without this provision. He said he can bring it back as a one line policy.

Council Member Wever suggested the wording clarify that as the fees are paid as the building permits are issued, it would be on the full amount so that a discount is not implied.

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

ITEMS BY COUNCIL

E.E. "ERNIE" WEVER, JR. - COUNCIL MEMBER

Adding to the Next Agenda
Council Member Wever was not able to have annexation on the agenda tonight, due to being out of town, but would like to have it put on the agenda for the next meeting.

2005/2006 Budget
He stated there is no way he can support the General Fund budget with only $160,000 at the end of next year in the Reserves. He suggested leaving the ad valorem millage at 7.87 instead of reducing it to the 7.5 he had previously asked for. He said they would need additional revenues or need to cut some additional expenses to get the Reserves up to about $300,000 in the budget. He explained that in 1993 utilities and sanitation paid a fixed percentage of their gross revenues into the General Fund, around 14.93% at that time. He added, currently it is down to about 12% and recommended changing the policy and using at least 13% for utilities and 9% for sanitation. He asked for consideration to make those changes effective this year.

He asked Director Baumgartner the rate for the lease purchase of the garbage truck, to which Baumgartner advised it was not over 3.5%. Council Member Wever would like Staff to research the option of paying off the vehicle using the principal payment, and would like a revised report prior to the first budget hearing so that more accurate calculations could be done.

Hernando County History
He had information regarding Hernando County history that Monroe Treeman prepared some time ago and it showed the City was incorporated in 1880 and settled in 1845. The Seal shows 1856. He stated the City's 150th birthday may not be next year. City Clerk Phillips pointed out that it was the founding date of 1856 they use. He gave her a copy of a picture on a postal card showing the courthouse from the 1920's.

Grant Application
He mentioned that Senator Dockery sent a reminder letter regarding the funding we may want to apply for from the State. She asked that we get the application into them right away.

Special Lighting Districts
He suggested creating special lighting districts to maintain and pay for the lights.

Water Conservation Workshop
Council consensus to add a discussion prior to the growth management workshop on August 25, 2005.

DAVID PUGH - VICE MAYOR

Budget Question
Vice Mayor Pugh asked if the money coming from Utilities that is transferred into the General Fund is a percentage for management. Finance Director Baumgartner said it could be looked at as a franchise or as a management fee, which has been consistent, at least over the last four or five years.

Council Member Wever added as the City grows, the work that this Council and the General Fund people have to devote to that department increases. Their revenues increase also. For that reason, he did not believe a fixed amount was appropriate and a percentage was.

Continuing Engineering Services Contract
Vice Mayor Pugh asked if a continuing service contract was looked into for engineering. Director Pierce advised he had been working with City Attorney LaCroix on preparing an RFQ for continuing contracts in several specific areas such as water supply, FDOT relocations and other categories. He explained firms have to be hired that have needed services and expertise.

Paperless Agenda
He saw a memo from the City Clerk regarding a paperless agenda. He would be in favor of testing the project.

FRANKIE BURNETT - COUNCIL MEMBER

Main Office Building Condition
He reminded Council that at the last meeting a group of citizens had come in reference to the Public Works building on Brooksville Avenue. He asked what the City is doing towards the efforts of cleaning up of the mold on the main office building. Director Pierce explained the inside had been redone and sealed to keep out the mold and felt the building is serviceable. They are looking for a cost estimate to put in some nice fencing. He added Staff is working on cleaning up the building.

KAREN M. PHILLIPS - CMC, CITY CLERK

Upcoming Meetings
Growth Management Workshop on September 7, 2005, First Public Hearing, Next Council Meeting.

Government Day
Reminded Council and Staff that Thursday is Leadership Government Day and will begin at the courthouse at 8:00 and Leadership Hernando will be at City Hall at 11:15 a.m., with lunch to follow at the Teen Hall.

CITIZENS INPUT

Richard Howell
suggested painting the Department of Public Works building to make it look better.

He asked about the Good Neighbor Trail grant and how there is going to be a nature trail through Jefferson Street. There are no lights there.

Regarding the Brooksville sewer rehabilitation grant in the amount of $1,000,000, he pointed there are still streets without sewer, for example, Easy Street and St. Francis Street. They all have septic tanks interfering with the aquifer. He asked if improvements will be done now. He added that a previous grant was supposed to correct this issue and also the removal of septic tanks from residences that were hooked up to the sewer system already. He stated there are only four or five manholes in the whole of south Brooksville and wondered what the condition of the sewers could be.

Concerning the Water and Sewer Commission fee payment schedule, those people on Barnett Road had to be hooked up to the City a while back. They had to pay the whole bill up front, there was no chance to pay 20%. It seemed to him the City is catering to the Developers. He asked what about the people on Barnett Road. He said the Developers have a whole lot of money and asked why the City is giving them a break.

He discussed with the City Manager the need for a mainframe computer system that is going to be able to interface with the County and the City should not wait till the last minute and pay higher costs. He suggested making it a joint City effort. By designing the computer system on City codes alone, all the smaller cities around here could be handled that do not have the resources to develop that kind of system. The City could then recoup costs or sell the system.

He stated the people of south Brooksville love the City and want to be part of the City. He asked Council to consider those problems he mentioned.

Howard Jackson, Department of Public Works

He asked on behalf of the prison for contacts for donations for the purchase of rocks for the wellness track. He advised the estimated donation needed would be about $2000, to which Vice Mayor Pugh replied he would check with their contacts and get back with him.

City Clerk Phillips commended him on his efforts.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:47 p.m.

City Clerk

ATTEST: _____
Mayor

:lam

G:\WP_WORK\ClerkOffice\MINUTES\2005\08-15-05mtg.wpd

Attachment A

ORD # 705

AGENDA ITEM NO. D-1
8-15-05

STAFF REPORT

To: Honorable Mayor & City Council Members

Via: Richard E. Anderson, City Manager

From: Bill Geiger, Community Development Director

Subject: RZ2005-02/SE2005-05; Petitioner - Edward Lommel, Represented by Curtis H. Kempton; Petition request to re-zone property from C4 (Neighborhood Commercial) to C1 (Pedestrian Commercial), with a Special Exception Use to have an Automotive Specialty Establishment (Car Wash) on the property

Location: Northwest side of June Avenue and State Road 50 (Cortez Boulevard) - Ref. HCPA Parcel Key # 00543175

Date: August 15, 2005

The subject property is .60 acres ± and is currently a vacant, wooded lot zoned C4 (neighborhood commercial district) and is located on the northwest side of June Avenue and State Road 50 (Cortez Boulevard). The legal description by metes and bounds is given in full in the petition packet. The Petitioner is specifically requesting that the property be re-zoned from C4 to C1, with a special exception use request to enable the owner to build a car wash (three self-service bays and one automatic bay).

LAND USE/ZONING

The subject property is zoned C4 Commercial with a City Comprehensive Plan Future Land Use (FLU) designation of commercial. Surrounding property to the north is zoned R1A (Single Family Residential) with a FLU designation of Single Family Residential; C4 (Commercial) to the east and south with a FLU designation of commercial; and C2 (Commercial) to the west with a FLU designation of commercial.

STAFF FINDINGS

The petitioner is requesting this re-zoning and special exception use to enable the construction of a four (4) bay car wash, three (3) self-service and one (1) automatic. The City currently has a six-inch water line in an easement on the north property line, and an eight-inch water line adjacent to the property in the north right-of-way of Cortez Boulevard, and a eight-inch gravity sewer line adjacent to the property on the south and east side of the property. Exact line connections will be determined in conjunction with construction planning for the site.

The development of this property requires a frontage road be provided for cross access between properties. Plan design of the frontage road must meet City collector road standards.

Future development of this property would mandate that the developer install a type "C" buffer along property lines that border residential use, in accordance with the City's landscape regulation. A type "C" buffer provides for a minimum 15-foot wide buffer and, per code, shall include a continuous, opaque wall at least six (6) feet in height constructed of masonry, wood, or other material as may be approved by the administrative official. Walls constructed of cement block require a decorative finish

on the side facing the abutting use. Additionally, at least one (1) tree is required along every twenty-five (25) feet of wall length.

Drainage - 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

Solid Waste - The City will provide the solid waste collection service for this property.

The land use/zoning as proposed by the petitioner is not inconsistent with the City's Comprehensive Plan. The development of this property will be analyzed for impact to roads, utilities, drainage, the environment and all other applicable land use criteria and will be subject to meeting all federal, state and local agency permitting requirements. This will include any conditions that may be attached in consideration of the special exception use approval for this property.

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

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

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

Planning & Zoning Commission/Staff Recommendation

The Planning & Zoning Commission reviewed this petition on July 20, 2005 and concurred with staff to recommend that City Council approve (via Ordinance No. 705) the re-zoning of the subject property from C4 (Neighborhood Commercial) to C1 (Pedestrian Commercial), with a Special Exception Use approval for an Automotive Specialty Establishment (specifically a car wash), subject to the following conditions:

(1) The developer must meet all applicable Local, State and Federal performance standards and permitting requirements that pertain to any development/redevelopment of the site; and

(2) In development of the subject parcel, the developer will be required to construct an on-site storm water drainage control system that meets the design and performance standards as specified by the technical requirements for open and closed basins in the *Environmental Resource Permitting Information Manual, latest edition,* as published by the Southwest Florida Water Management District.

(3) The development of this property requires a reverse frontage road be provided. Plan design of the frontage road will have to meet City collector road standards.

(4) Future development of this property would mandate that the developer install a type "C" buffer along property lines that border residential use, in accordance with the City's landscape regulation. The specific buffer for this proposed special exception use shall provide for a minimum 15-foot wide buffer that shall include a continuous, opaque wall at least six (6) feet in height constructed of masonry, wood, or other material as may be approved by the administrative official. The wall must be set back at least seven feet from the property line and should be built in a serpentine or irregular (accordion) fashion to reduce noise generated from the site. The wall will require a decorative finish on the side facing the abutting use. Additionally, at least one (1) staff approved tree (a minimum of 3-inches at the D.B.H.) is required along every twenty-five (25) feet of wall length.

(5) On-site lighting must be directed away from adjacent properties.

(6) Hours of operation shall be restricted to 8:00 a.m. until 9:00 p.m. due to the close proximity to the single family residential subdivision.

(7) Regardless of prior variance approvals, the developer of this site will be required to adhere to established structure setback standards for the C1 zoning district.

Council Action: On August 1, 2005, City Council approved the first reading of Ordinance No.705, accepting the staff and Planning & Zoning Commission recommendation on this petition. Condition #7 as listed in the staff report has been added to the Ordinance to correct the oversight of it not being included in the first reading draft of the same.

Attachments: (1) Zoning/SEU Petitions
(2) Petitioners letter dated May 29, 2005
(3) Site location map
(4) Draft construction site drawing
(5) Draft Zoning/SEU Ordinance No. 705

G:\Bgeig\Zoning\Rezoning\cc08152005 Rz2005-02 - SE2005-05 Lommel-June Ave and 50.wpd

Attachment B

ORD #705

AGENDA ITEM NO. D-2
8-15-05

STAFF REPORT

To: Honorable Mayor & City Council Members

Via: Richard E. Anderson, City Manager

From: Bill Geiger, Community Development Director

Subject: RZ2005-03; Petitioner - BV Holdings, LLC, Represented by Nicholas W. Nicholson; Petition request to re-zone property from R2 (Residential - two family) to R-3 (Residential - three or more family)

Location: Property bounded by Hale Ave, Palmer Ave, Garland Ave and Lamar Ave.) - Ref. HCPA Parcel Key # 00142946

Date: August 15, 2005

The subject property is 1.29 acres ± and is currently a vacant, wooded lot zoned R2 (residential - multi-family [two-family] district) and is located on the north side of Lamar Ave, south side of Garland Ave, East side of Hale Ave and west side of Palmer Ave. The legal description by metes and bounds is given in full in the petition packet. The Petitioner is specifically requesting that the property be re-zoned from R2 (residential - multi-family [two-family]) district to R3 (residential-multi-family [three or more family]) district to enable the owner to build up to four (4) triplexes and one (1) duplex on this property.

LAND USE/ZONING

The subject property is zoned R2 (Multi-family Residential) with a City Comprehensive Plan Future Land Use (FLU) designation of multi-family residential. Surrounding property to the north, south and west are zoned R2 (Multi-family Residential) with a FLU designation of multi-family residential and R3 (Multi-family Residential) to the east with a FLU designation of multi-family residential.

STAFF FINDINGS

The petitioner is requesting this re-zoning to enable the construction of up to four (4) triplex living units and one (1) duplex living unit. The City's Utilities Department has indicated that water and sewer services are available to serve this property. Exact line connections will be determined in conjunction with construction planning for the site.

Future development of this property (under the current and proposed zoning) would be subject to the developer installing a type "A" buffer along property lines, in accordance with the City's landscape regulation. A type "A" buffer provides for a minimum 5-foot wide buffer and, per code, shall include the planting of twenty-five (25) shrubs per one-hundred (100) linear feet of property, plus, one (1) tree per every fifty (50) linear feet of property or portion thereof.

Drainage - 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.

Solid Waste - The City will provide solid waste collection services for this property.

Parking - The Developer will be required to provide two (2) parking spaces per dwelling unit for two-family units. For three or more dwelling units, 1.5 parking spaces are required per dwelling unit with 1 or 2 bedrooms, and 2 parking spaces are required per dwelling unit with 3 or more bedrooms.

The land use/zoning as proposed by the petitioner is not inconsistent with the City's Comprehensive Plan. If rezoned to R3, the proposed development of the property will be subject to meeting all of the performance standards associated with the zoning district.

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

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any City land use ordinances. Homeowner associations or architectural review committees may require submission of plans for their review and approval. The applicant for this land use request should contact the local association (if there is one) and review the Public Records for all restrictions that may be applicable to this property.
This report does not include the perspective of adjacent landowners, who may be present at the public meeting to address and present questions and comment.

Planning & Zoning Commission/Staff Recommendation

The Planning & Zoning Commission reviewed this petition on July 20, 2005 and concurred with staff to recommend that City Council approve (via Ordinance No. 706) the re-zoning of the subject property from the R2 (Residential - Multi-Family [two-family]) District, to the R3 (Residential- Multi-Family [three or more family]) zoning district, subject to meeting all of the performance conditions associated with the R3 district.

Council Action: On August 1, 2005, City Council approved the first reading of Ordinance No.705, accepting the staff and Planning & Zoning Commission recommendation on this petition.

Attachments: (1) Zoning Petitions
(2) Petitioners letter dated April 29, 2005
(3) Site location map
(4) Site drawing
(5) Draft Zoning Ordinance

G:\Bgeig\Zoning\Rezoning\cc08152005 RZ2005-03 BV Holdings wpd

Attachment C

AGENDA ITEM NO. D-3
8-15-05

Memorandum

To: Honorable Mayor & City Council Members

Via: Richard E. Anderson, City Manager

From: Bill Geiger, Community Development Director

Subject: Majestic Oaks Partners, LLC - Second Public Hearing to consider "FIRST AMENDED AND RESTATED DEVELOPMENT AGREEMENT" (601.5 acres ±)

Location: The properties are located 1.2 miles East of U.S. 41 on the North side of Mondon Hill Road.

Date: August 15, 2005

The property owners (Majestic Oaks Partners, L.L.C. and BCC, L.L.C.) are requesting that City Council consider a "First Amended and Restated Development Agreement" with Majestic Oaks Partners, L.L.C. The City has a current Development Agreement with Majestic Oaks Partners, L.L.C. that was entered into on January 3, 2005. The proposed "First Amended and Restated Development Agreement" would supercede the original Agreement. The primary purpose of amending and restating the Agreement at this time is to incorporate and include the recent annexation of the Brooksville Golf & Country Club property into the Agreement.

The attached draft of the proposed Agreement shows changes to the original Agreement in a strike-out/underline format. Based on discussions at the first public hearing on August 1, 2005, specific sections of the July 27, 2005-version of the proposed Agreement have been revised (in the August 4, 2005-version) as follows:

2.C. Transportation Concurrency. The CITY finds that the proposed development~~, as approved by Hernando County,~~ will meet the concurrency requirements, provided the public road transportation improvements described in the Lincks & Associates report dated October, 2004, ~~and~~ supplemented ~~as of~~ December 29, ~~2004,~~2004, and further revised July, 2005, are constructed and/or implemented by the DEVELOPER, and the terms, conditions and obligations as stated in the Tri-Party Agreement dated January 25, 2005 are met in full.

4.D. Underground Utilities. DEVELOPER agrees to provide underground utility service, inclusive of all transmission and service lines, to all uses within the PROPERTY.

4.E. Rails to Trails. A public rights-of-way for the Rails to Trails recreation trail shall b provided across the property from the east to west project lines. The rights-of-way for said trail shall be delineated as part of the zoning and/or subdivision plat review process.

Recommendation/Action: After taking public input, staff recommends that City Council approve the August 4, 2005-version of the "FIRST AMENDED AND RESTATED DEVELOPMENT AGREEMENT," with any modifications deemed appropriate.

Enclosure: August 4, 2005-version of the "First Amended and Restated Development Agreement"

G:\Bgeig\Development Projects\Majestic Oaks\CC08152005 DA 1st Amended & Restated.wpd

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

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Johnston III, Joseph E.	Brooksville City Council
MAILING ADDRESS P.O. 63	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: XX CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: Brooksville — COUNTY: Hernando	NAME OF POLITICAL SUBDIVISION: City of Brooksville
DATE ON WHICH VOTE OCCURRED 08/15/05	MY POSITION IS: XX 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)

Attach to 8-15-05 Meeting Minutes

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 August 15, 2005, 20 05:

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

XX 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:

Matters regarding Majestic Oaks Partnership, LLC, I am 33% owner of a corporation which owns 5 units of Majestic Oaks Partnership, LLC.

Bell Fruit Company ties in with Majestic Oaks since the easement is necessary for the Majestic Oaks Development

August 15, 2005
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
9/12/05

CITY OF BROOKSVILLE
GROWTH MANAGEMENT WORKSHOP
CITY COUNCIL CHAMBERS
201 HOWELL AVENUE

MINUTES

August 25, 2005 6:00 P.M.

Brooksville City Council met in workshop session with Mayor Joseph E. Johnston, III, 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, CMC, City Clerk; Bill Geiger, Community Development Director; Tim Mossgrove, Fire Captain; Steve Baumgartner, Finance Director. A member of the Hernando Today and Hernando Times were also present, as well as County Attorney Jeff Kirk.

The meeting was called to order by Mayor Johnston.

NEW GROWTH MANAGEMENT LEGISLATION

Review/discussion of SB 444 (Relating to the Development of Water Supplies) and SB 360 (Relating to Infrastructure Planning & Funding)

Mayor Johnston advised that Attorney Varn was making his presentation totally pro-bono and not representing anyone. Mr. Varn advised that he was accompanied by MDA Consultant Charlie Gauthier and Attorney Karen Brodeen, from his firm, doing this service to get out the word of the new legislation changes adopted this year.

Mr. Gauthier, Morris-Depew Associates (MDA), and Attorney Jake Varn reviewed the new Growth Management and Water Conservation Legislation, referencing materials contained in the Implementation Plan Briefing document dated July 22, 2005 and prepared by Dept. of Community Affairs, Dept. of Energy, Dept. of Transportation & Dept of Environmental Protection for the FLC Municipal Finance & Taxation Committee. As it relates to the Growth Management Bill SB360, Mr. Gauthier pointed out that there are some provisions requiring Capital Improvement element updates by local governments, including some interaction or cooperation opportunities between cities, counties and school boards. There was discussion on the likelihood of opposition between the cities and counties as it relates to land divisions in growth management. One of the things Mr. Gauthier stressed was that if the EAR was not completed as required, future comp plan amendments cannot take place, although he suggested taking the opportunity of including the legislative change stipulations in this upcoming EAR. Mr. Varn advised that there is a certain funding potential available for the next 10 months that may be available to the City to apply for grant funds. Mr. Gauthier and Attorney Varn recommended initiating a 10 yr. urban service area boundary plan now.

As to SB444 and the Water Conservation legislation, Mr. Varn advised that the state has $5.5 billion available for disbursement grants via the water management districts for conservation programs and reuse programs for matching fund projects. The main purpose of the legislation is to benefit areas that need alternative water supplies. He suggested that the City may wish to prepare a long term water plan. He stated that the computer model developed by the legislation is a wonderful economic development/financial tool for local governments, in his opinion, and stressed that he encouraged the elected body to

deal with the policy level materials that have been presented and leave the technical details to the professional staff members to make recommendations for adoption or implementation. Attorney Brodeen concurred with comments that the City take the initiative to ask for any types of grant funds available to be ahead of the curve before funds run out.

Council Member Wever asked for their opinion on negotiating agreements with developers for provisions for stormwater and reuse water infrastructure up front, which Attorney Varn concurred with, stressing to work on water conservation plans as well. Attorney LaCroix brought up the fact that there may be a problem requiring reuse when the service or access is not yet available, to which Attorney Varn replied that this is the importance of devising the plan now so that those problems can be overcome and reuse water is not committed to another project. Wever suggested supplementing the reuse with stormwater retention or well system, which Varn stated was way ahead of the game and an ideal process to undertake. Wever inquired if the statute did require an urban service area between the City and County. Varn stated the City has a utility service area agreement already in place with the County and if they focused on that as the basis to negotiate and develop an urban service boundary they are ahead of the game. Attorney Brodeen further suggested using this area in phases to get started.

Break - 7:20 - 7:30 pm.

CITY GROWTH BOUNDARY

Review/Discussion of establishing an Urban Service Boundary for the City

Community Development Director Geiger reviewed a PowerPoint presentation, detailing maps showing several service/planning boundaries, broken down into section maps showing parcel/topographical data surrounding the existing incorporated area, as well as an overview of SB360 & SB444 from staff's perspective. Materials also presented related to the recent FLC Municipal Finance & Taxation Committee were reviewed. He pointed out that most of the service area around the City (except for the south) is open for potential growth based on the current utility service area with the County. He also talked about the current area land use/zoning designations which may require additional negotiations with the County, especially some of the agricultural zoning areas in current growth expansion sections such as the Southern Hills area. The City will also have to deal with infrastructure enhancements that would also be necessary, such as transportation and water supply needs. He further pointed out some industrial zoned area in the northwest area of our first right to serve area for future possible annexation. Council Member Wever suggested the Wiscon Rd. area be re-designated as residential & commercial, which Geiger pointed out had some environmental and land use issues that would also have to be dealt with.

In his presentation, Mr. Geiger included aerial versions of the topographical maps included in the workshop packet for better visualization of the service areas.

Mayor Johnston inquired about the areas south of the new hospital area north of Wiscon and east of Lykes Dublin, including property adjacent to the hospital, the area around the Hernando Oaks development and the Southern Pines project that were omitted from the service area plan, and asked if they could be used to trade off or negotiate rounding off with the County for future development plans. He pointed out these areas were originally discussed in his negotiations with then Chairwoman Nancy Robinson but left off the final agreed upon service rights map. Council Member Wever also advised he had spoken with a developer interested in developing a portion of land in the area adjacent to the new roadway going in west of the Lykes crossover road and he would be opposed to trading off that

area. Mayor Johnston did not believe they were talking about the same area.

Council Member Burnett asked if the area in South Brooksville along Martin Luther King Jr. Blvd. that is currently in the unincorporated area of the County was included in the service/growth area, which Mr. Geiger confirmed was (page 24 in the packet). He also advised that City staff is in the process of coordinating with the County to seek out grant funds to add some of the areas that are not currently receiving central wastewater service and to also address drainage issues.

Council Member Wever asked if the Cemetery area shown on page 24 is contiguous to the Griggs Property recently annexed and could now be annexed, especially in light of the property that was recently sold to the County for the Jasmine realignment project. Mr. Geiger did not believe so but would verify. Wever pointed out that a portion of the Cemetery also appears on page 19,which also shows the Griggs property. He would like to see this included on the next Council agenda for possible annexation of the Cemetery. Geiger cautioned about creation of a future enclave or pocket.

Vice Mayor Pugh concurred with the proposal by the Mayor but also cautioned that utility areas in the County's current plans also need to be preserved. Council Member Wever felt that voluntary annexation by developers should be encouraged. Johnston concurred but also felt that there are other areas where a plan could be developed to allow for areas that wish to be annexed to be voted on to round off the City's boundaries.

The City Manager confirmed that the City staff will continue to assume that the current utility (first right to serve) service area will be the City's proposed urban service area subject to certain adjustments at a future joint meeting with the County.

Council Member Wever asked the attorney to research a section in the new legislation as it relates to how the property can be annexed in. Attorney LaCroix advised that sometimes you have to get consent of property owners and still put it out to referendum and he did not believe that the section allows substitution for the referendum. They agreed to get together to review this.

City Manager Anderson advised that initial preparations are under way for a potential storm, although a local problem is not currently anticipated.

He also indicated that there are certain ordinances and resolutions that he needs to have considered by Council before the year end and with only one regular meeting in September, he would like consensus to include some of them on the Budget Hearing agendas.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:10 p.m.

ATTEST: _____
Mayor

_____
City Clerk

:kmp
G:\WP_WORK\ClerkOffice\MINUTES\2005\8-25-05 Workshop Minutes.wpd

AGENDA ITEM NO. C-1 Minutes 10/03/05

CITY OF BROOKSVILLE
SPECIAL MEETING
FIRST PUBLIC HEARING
FISCAL YEAR 2006 BUDGET
COUNCIL CHAMBERS
201 HOWELL AVENUE

MINUTES

SEPTEMBER 7, 2005 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; Lindsay A. Morgan, 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; and James Daugherty, Fire Chief. 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.

PUBLIC HEARING - PRESENTATION OF PROPOSED BUDGET FOR FISCAL YEAR STARTING OCTOBER 1, 2005

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 2006 was advertised to be a maximum of 8.500 mills. This millage rate would be a 32.40% increase over the rolled back rate of 6.4197 mills. After reviewing revenue projections and proposed expenditure levels for the 2005-06 Fiscal Year, the General Fund budget is balanced at a proposed rate of 7.8700 mills, which is 22.59% over the rollback rate.

City Clerk Phillips read the Public Announcement into record. Mayor Johnston advised the 7.8700 millage rate was the same as the current Fiscal Year.

Ad Valorem Tax Rate for Fiscal Year 2006
Consideration of establishing ad valorem tax rate at 7.8700 mills.

Council Member Wever proposed dropping the millage rate to 7.500 mills for a 6 1/4 ratio or leave at the proposed rate and take the funds to give the employees an additional 2.5% pay grade increase. He also suggested using the funds and use towards a deferred capital project.

Council Member Staib inquired about the storm debris, stating she did not see the storm debris costs taken out of reserve budget storm fund. She also questioned the storm window project for City Hall, to which City Manager Anderson explained there was approximately $32,000 available in the Storm Readiness Fund.

Mayor Johnston felt Council Member Wever's recommendation would be better if Council defers that pay grade increase until later in the year since there are still uncertainties coming up in the year with rising fuels costs, etc. and if it was feasible in six months, Council could revisit at that time.

Vice Mayor Pugh was in favor of Council Member Wever's recommendation. He also pointed out by not funding the Community Development Department, Council could keep the millage rate at 7.500 mills and still give the employees the 2.5% pay grade increase. City Manager Anderson noted the budget looks like the City has a higher staffing level than what it actually has.

Public Input

Paul Newhaun, Whiteway Drive, advised he reviewed the proposed budget and calculated his taxes and utility fee increase to determine what it would cost him for the upcoming Fiscal Year. He pointed out in previous Fiscal Years the tax roll increased but the millage never decreased and asked for Council's reasoning. Mayor Johnston addressed Mr. Newhaun by explaining fully funded positions were required due to short staffed departments, the price of gas rising, energy conservation and increased health insurance premiums. He also felt with the growth of Brooksville and State mandates there were definite staffing needs within the Community Development Department.

Mr. Newhaun suggested turning lights out in the Park to conserve.

City Manager Anderson noted the utility tax revenue did increase but the City's Utility Tax rates stayed the same. He explained increased utility company rates were increased, which will generate more revenue.

Mr. Newhaun referred to the memorandum written by City Manager Anderson included in the packet where it stated "historically total revenues have exceeded budgeted levels". He stated the budget was at 95% of anticipated revenues, and there was a built-in cushion included in the electric costs. Mr. Newhaun brought up Pasco County was the only governmental entity that reduced their millage rate with growth revenues.

Richard Lewis stated all services have increased over the past year. He commented the Parks and Recreation Director has done a good job in such a short time running the Parks. Mr. Lewis felt the Department will never break even since it is a service provided to the community. He felt with Southern Hills the money coming in will triple (or higher) as development continues. Mr. Lewis commended the City Police and Fire, which have always provided excellent service to the residents of Brooksville. He was also in favor of the employees getting a pay increase and felt the employees were underpaid and applauded their actions. Mr. Lewis felt Council will be able to balance the budget the upcoming Fiscal Year and they should be able to lower the millage rate for the 06/07 Fiscal Years from incoming funds from Southern Hills.

Council Member Staib questioned the commercial Sanitation rates, to which City Manager Anderson advised staff would bring back a proposal to perform a rate study for outside service within in the near future. Public Works Director Pierce advised the cost of the study would be approximately $12,000. He explained some customers will see a substantial increase while others will see no increase. Director Pierce noted some commercial customers pay less than residential customers, which he felt should not be the case.

Vice Mayor Pugh felt the Parks Department is a social service, pointing out if there was not a place for the kids, they could be in trouble with the law. He would like to see the employees' salary increased. Vice Mayor Pugh felt the millage should be rolled back to 7.500 mills.

SPECIAL MEETING FIRST PUBLIC HEARING
FISCAL YEAR 2006 BUDGET - SEPTEMBER 7, 2005

City Manager Anderson clarified the confusion regarding three firefighters and police officers in his budget memorandum, stating the positions were not funded. He advised staff left the reserves higher to cover need, and these positions would be approved later in the year if necessary. City Manager Anderson pointed out if the reserves were reduced staff could not implement pay plan adjustments or add additional staffing.

Mayor Johnston questioned the $80,238 figure included on page 1, which City Manager Anderson explained footnote 2 on page 1 ($59,054) was just for the General Fund and the $80,238 included all funds.

Mayor Johnston asked how much would the budget have to be reduced if the millage was reduced to 7.500 mills. Council Member Wever explained it would be approximately $125,000. Vice Mayor Pugh explained his intent was to reduce the department budgets and add the employee pay grade increase.

Motion:
Vice Mayor Pugh moved to adopt 7.500 mills for the Fiscal Year 2005/2006 Budget and for staff to reduce expenses $125,000; seconded by Council Member Staib. Motion carried 4-0.

Ordinance No. 707 - Recommended Budget for Fiscal Year 2006
Consideration of first reading of proposed budget effective October 1, 2005.

Mayor Johnston explained that if the ordinance was approved it would be contingent on the 7.500 millage rate, to which the City Clerk pointed out the vote would only be to approve the first reading and to schedule the second and final hearing.

City Clerk Phillips read Ordinance No. 707 by headnote only, 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, 2005 AND ENDING SEPTEMBER 30, 2006.

Council Member Wever would like to see the fund numbers changed to account titles in the budget itself. He also suggested adding the application of the firefighter grant funding to the departmental summaries.

Finance Director Baumgartner restated the public announcement stating it was a 16.83% over the roll back rate.

Council Member Wever stated if the Vehicle Replacement money was moved into the fund where he felt it belongs, then he would vote for approval of the first reading of the Ordinance.

Motion:
Vice Mayor Pugh moved for approval of first reading of Ordinance No. 707 and schedule second and final reading for September 21, 2005; seconded by Council Member Staib.

Upon roll call vote, motion carried 3-1, with Wever in opposition.

Council Member Staib	AYE
Council Member Wever	NAY
Vice Mayor Pugh	AYE
Mayor Johnston	AYE

REGULAR AGENDA

Ordinance No. 652-A - Solid Waste Fund
Consideration of proposed ordinance establishing minimum 3% of gross revenue allocations to maintain minimum Replacement and Reserve fund balance of $50,000; and eliminating unnecessary debt service component.

City Clerk Phillips read Ordinance No. 652-A by headnote only, as follows:

> AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, CHAPTER 7, "GARBAGE, REFUSE, AND LAND CLEARING," ARTICLE I, "IN GENERAL," SECTION 7-6, "RENEWAL AND REPLACEMENT FUND," THEREOF REVISING THE ANNUAL CONTRIBUTION AND MINIMUM FUND BALANCE; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

City Manager Anderson advised since the new truck was purchased from the Vehicle Replacement Fund, there does not need to be such a large reserve, and recommended reducing the reserves to $50,000.

Council Member Wever recommended repealing Ordinance No. 652 and would like to see the money placed into a R&R fund and the $50,000 put into unallocated reserves in Solid Waste Fund. City Clerk Phillips suggested revising the Ordinance by changing the headnote, as follows:

AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, CHAPTER 7, "GARBAGE, REFUSE, AND LAND CLEARING," ARTICLE I, "IN GENERAL," SECTION 7-6, "RENEWAL AND REPLACEMENT FUND," THEREOF REPEALING SECTION 7-6 IN ITS ENTIRETY ; RENUMBERING CERTAIN SECTIONS; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

and deleting section 7-6 within the Ordinance, and to approve the first reading and bring back the revised ordinance for the second and final reading on September 21, 2005.

Motion:
Council Member Wever moved for approval of first reading of Ordinance No. 652-A as amended and schedule second and final reading for September 21, 2005.

Upon roll call vote, motion carried 4-0.

Council Member Wever	AYE
Council Member Staib	AYE
Vice Mayor Pugh	AYE
Mayor Johnston	AYE

Fire Captain Tim Mossgrove

Fire Vehicle Demo
Captain Mossgrove advised there would be a demo fire ladder truck that will be on display at the Fire Station on Tuesday, September 13th, and he welcomed Council Members to stop by and check it out. They will get confirmed details to

the City Clerk to be passed along to Council.

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

Parks and Recreation Department
Council Member Wever suggested a more accurate department name for the Parks and Recreation Department would be changing it to the Community Service Department.

B.E.R.T.
He noted there was a Channel 8 news report referencing the help of the BERT Team members in a Mississippi newspaper.

Richard E. Anderson, City Manager

B.E.R.T.
He announced a crew change would take place the morning of Thursday, September 8th, and invited any Council Members who would like to go to join them in driving up to drop off and pick up team members.

Ed Tincher, Police Chief

B.E.R.T.
Chief Tincher briefed Council on what was taking place in Pascagoula, Mississippi with the BERT Team. He explained the BERT Command Center is still being used as the Jackson County Sheriff's Office. Chief Tincher thanked Council for their support and for allowing the BERT Team to leave on Sunday night so they were in place six hours after the disaster hit. Council Member Wever requested photographs of the BERT Team working the disaster to send to the Governor of Mississippi, whom is a longtime friend of his family from his hometown, to give the City special recognition. Chief Tincher soon hopes to upgrade BERT and get a motorhome with a diesel engine.

Joseph E. Johnston, III, Mayor

B.E.R.T.
He inquired if the BERT Team was allowed to leave their assigned area to help smaller towns not getting any assistance, to which Chief Tincher explained donations were taken and BERT will be distributing the items to the smaller city's hit by the hurricane.

ADJOURNMENT
There being no further business to bring before Council, the meeting adjourned at 8:32 p.m.

City Clerk

ATTEST: _____
Mayor

:lam

G:\WP_WORK\ClerkOffice\MINUTES\2005\09-07-05budgethearing.wpd

AGENDA ITEM NO. C-1

2/6/06

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

MINUTES

September 12, 2005 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; Lindsay A. Morgan, Deputy City Clerk; Emory Pierce, Public Works Director; Ron Baker, Human Resources Director; Bill Geiger, Community Development Director; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Boyce E. Tincher, Police Chief; James Daugherty, Fire Chief; and William Smith, Utilities Superintendent. A member 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

August 16, 2004 - Regular Meeting
August 25, 2005 - Growth Management Workshop

Tourist Development Council (TDC) Grant for Founder's Week

(a) Authorize $4,500 grant application to TDC to offset advertising expenses associated 2006 Founder's Week Events and (b) authorize carry forward of $3,200 left over funds into 2005-06 General Government advertising budget.

Life Insurance - Employees

Authorize purchase of employee life insurance through Fort Dearborn Life Insurance Co. at an estimated annual cost of $19,932.

Satisfaction of Nuisance Liens

229 Pryor Street

Authorization to execute and record Satisfaction of Lien on the above property owned by Mary L. Pennington based on payment in full received by City in the amount of $244.01 including interest as of 08/12/05.

1341 E. Jefferson Street

Authorization to execute and record Satisfaction of Lien on the above property owned by Robert L. West based on payment in full received by City in the amount of $1490.61 including interest as of 02/11/05.

WRWSA Grant Acceptance and Agreement - Phase Two of PHCC Well Field

Acceptance of grant in the amount of $50,000 and authorize the Mayor to execute Agreement with WRWSA for the drilling of a production well at the PHCC Well Field Site.

APPROVED BY BROOKSVILLE
CITY COUNCIL
ON 2/6/06 INITIALS

Florida Department of Law Enforcement (FDLE) 2005/06 Edward Byrne Memorial Justice Assistance Grant

Acceptance of grant in the amount of $8,000 for Drug Abuse Resistance Education (D.A.R.E.) to be utilized for reducing crime and improving public safety.

Acceptance of grant in the amount of $13,000 for Regain Our Neighborhood (R.O.N.) to be utilized for reducing crime and improving public safety.

General Insurance Policy Pool (Liability, Property, etc.)

Authorization to stay with Public Risk Management (PRM) Insurance Pool for one additional year through September 30, 2007 (one year following our current contract expiration).

Good Neighbor Trail

Consideration of recommendation from the GNT Advisory Committee to submit recommendation to MPO for the restroom design for the trailhead project.

Fire Department Grant Acceptance & Fire Prevention Program

Acceptance of Community Grant from WalMart in the amount of $1,000.

Authorize purchase of a Fire Prevention Training Robot in the amount of $9,432 from Robotronics, transferring accumulated grant funds of $8,950, together with the additional $482 from reserves, into Account No. 001-014-522-556.40.

Police Department Grant Acceptance

Acceptance of Community Grant from WalMart in the amount of $1,000.

Regarding the PHCC Wellfield site (item C-5), Council Member Wever inquired if anyone has identified the area of the cavity under that well. Director Pierce answered two shafts were drilled where the tower is supposed to go and he has not yet received a report back on it but everything is okay as far as he knows.

Council Member Wever stated he would possibly be late to Final Budget Hearing on September 21, 2005 since he would be at the WRWSA Board Meeting at 6:30 p.m. to sign the grant contract approved at this meeting.

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

CERTIFICATES, PROCLAMATIONS, AND PRESENTATIONS

"Shoplifting is Stealing"

Proclamation supporting the creation of awareness in young people and adults throughout the community, conveys that Shoplifting IS Stealing! and teaches about the consequences for a decision to shoplift.

Mayor Johnston read the proclamation into record and presented the proclamation to Police Chief Tincher to present at the next committee meeting.

REGULAR AGENDA

Ordinance No. 525-H - Firefighters' Pension Plan Amendment

Consideration of proposed Ordinance to (a) provide an option of payment for certain benefits, if necessary, from state contribution; (b) prohibit DROP participants from voting for or serving on the Board; (c) increase maximum investment in real estate from 5% to 10/% at cost, and maximum investments in equities from 50% to 60% at market; (d) create provision for re-employment of retirees; and (e) clarify/update sections in conflict.

City Clerk Phillips read Ordinance No. 525-H by headnote only, 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; PROVIDING FOR DEFINITIONS; PROVIDING FOR MEMBERSHIP; PROVIDING FOR A BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR PRE-RETIREMENT DEATH BENEFITS; PROVIDING FOR DISABILITY BENEFITS; PROVIDING FOR VESTING OF BENEFITS; PROVIDING OPTIONAL FORMS OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING CLAIMS PROCEDURES; PROVIDING FOR REPORTS TO THE DIVISION OF RETIREMENT; PROVIDING FOR A ROSTER OF RETIREES; PROVIDING FOR A MAXIMUM PENSION LIMITATION; PROVIDING FOR DISTRIBUTION OF BENEFITS; PROVIDING MISCELLANEOUS PROVISIONS; PROVIDING FOR REPEAL OR TERMINATION OF THE SYSTEM; PROVIDING FOR DOMESTIC RELATIONS ORDERS; RETIREE DIRECTED PAYMENTS; EXEMPTION FROM EXECUTION AND NON-ASSIGNABILITY; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR FORFEITURE OF PENSION UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR CONVICTION AND FORFEITURE, FALSE, MISLEADING OR FRAUDULENT STATEMENTS; PROVIDING FOR INDEMNIFICATION AND DEFENSE OF CLAIMS; PROVIDING FOR DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; PROVIDING FOR PURCHASE OF CREDIT FOR MILITARY SERVICE PRIOR TO EMPLOYMENT; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR ABSENCES PURSUANT TO THE FAMILY AND MEDICAL LEAVE ACT; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR PRIOR FIRE SERVICE; PROVIDING FOR A DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR REEMPLOYMENT AFTER RETIREMENT; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE."

Scott Christiansen, FFTF Attorney, reported the proposed ordinance is a restatement of the plan. He explained the letter dated August 4, 2005 highlighted the changes included in the ordinance. Mr. Christiansen pointed out there was no actuarial impact associated with the changes proposed in the plan. He referred to the memorandum prepared by City Manager Anderson, stating the City Manager proposed taking out the change made to Section 5, Contributions. Mr. Christiansen asked for Council's approval of the proposed ordinance with removal of changes to Section 5(b).

He added that there was an actuarial study done to determine if any additional member contributions were going to be needed for the fiscal year 2005/2006 in order to further fund that benefit done a year or two ago, and it was found that

no additional contributions would be necessary to meet that provision.

Motion:
Council Member Staib moved for approval of first reading of Ordinance No. 525-H with proposed changes and schedule second and final reading for October 3, 2005; 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

City Clerk Phillips advised she would send the revision to Mr. Christiansen prior to the second and final reading to ensure it was correct.

Ordinance No. 552-F - Police Officers' Pension Plan Amendment

Consideration of proposed Ordinance (a) reducing normal retirement from age 55 with 10 years of service to 55 and 6 years of service, and early retirement from age 50 with 10 years of service to 6 years of service, (b) providing for COLA to maximum retirement pay, and (c) reimbursement to City for upgraded pre-employment medical testing.

City Clerk Phillips read Ordinance No. 552-F by headnote only, as follows:

"AN ORDINANCE OF CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA; ENACTING INTO LAW AN AMENDED AND RESTATED PENSION PLAN FOR POLICE OFFICERS PROVIDING FOR A REVISED POLICE OFFICERS RETIREMENT TRUST FUND; PROVIDING FOR THE CREATION OF FUND; PROVIDING FOR DEFINITIONS; PROVIDING FOR PARTICIPATION; PROVIDING FOR BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR PRE-RETIREMENT DEATH; PROVIDING FOR DISABILITY; PROVIDING FOR VESTING; AMENDING VESTING PERIOD TO SIX YEARS OF CREDITED SERVICE; PROVIDING FOR OPTIONAL FORMS OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING FOR CLAIMS PROCEDURES; PROVIDING FOR REPORTS TO DIVISION OF RETIREMENT; PROVIDING FOR ROSTER OF RETIREES; PROVIDING FOR MAXIMUM PENSION; REVISING BASIC LIMITATIONS FOR INCREASES IN THE COST OF LIVING IN ACCORDANCE WITH THE REGULATIONS UNDER §415(d) OF THE CODE; PROVIDING FOR DISTRIBUTION OF BENEFITS; PROVIDING MISCELLANEOUS PROVISIONS; PROVIDING FOR REPEAL OR TERMINATION OF PLAN; PROVIDING FOR EXEMPTION FROM EXECUTION, NON- ASSIGNABILITY; PROVIDING FOR FORFEITURE OF PENSION: CONVICTION AND FORFEITURE; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR PRIOR POLICE SERVICE; PROVIDING FOR INDEMNIFICATION; PROVIDING FOR CONFLICT, SEVERABILITY, AND PUBLICATION; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE."

City Manager Anderson reported there were a number of changes, similar to the changes in the firefighter ordinance, and suggested inclusion of a provision that if there is a change making an impact on the City's contribution, then the employees share in that additional expense, though that eventuality may never occur.

Joseph Quinn, Vice Chair with Police Pension Trust Fund Board, stated the intent was to put this together with a little more incentive in terms of retirement, for each police officer to extend their longevity with the force so it is not a training ground.

Council Member Wever asked if there was a problem keeping officers why would we want to reduce the time to serve before retirement. Mr. Quinn answered there would still have to be a full tenure. It will be more in line with the Florida Retirement System, from a ten year vesting to a six year vesting.

Chief Tincher added officers are being lost at three years now and it encourages them to put in three more years and vest in retirement, whereas three years in with seven to go would not seem worth it. The plan's modification will encourage them to stay.

Motion:
Council Member Burnett moved for approval of first reading of Ordinance No. 552-F and schedule second and final reading for October 3, 2005 with the changes by the City Manager; 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

Hampton Ridge Developers, LLC - Southern Hills Plantation

*Ordinance No. 672-B - Amendment to Zoning Designation Conditions

Consideration of proposed Ordinance adding a condition allowing flexibility in determining the location of access points to residential lots.

Community Development Director Geiger reported the Developer requested not to apply a standard related to access driveways entering into residential lots in the subdivision. A general provision in the code requires a fifteen (15) foot setback from the side lot line for access into a property. In a private, residential subdivision, there does not seem to be any real safety issues associated with allowing some flexibility with driveway placement. The Planning & Zoning Commission reviewed the petition on August 17, 2005 and concurred with Staff recommendation for approval of the ordinance and provides for a PDP condition as follows:

> Subsection 1.2.i Residential driveway access points to be located on private, minor streets, located internal to the subdivision, may be placed adjacent to side lot lines providing no safety issues or conflicts with infrastructure are apparent as determined by the City's Departments of Public Works and Community Development.

Vice Mayor Pugh would like to see some type of separation from the property line and the setback line. He asked if there could be problems associated with maintenance or access. He added fences have to be put at least one foot in from a property line. Director Geiger answered in some instances of fencing, zero lot lines could be allowed also, but we advise anyone putting up a fence to make sure

it is within their own property so it does not have to be moved later if a survey proves them wrong. Vice Mayor Pugh asked if the City would be liable for any damage that may be caused, to which City Attorney LaCroix advised there is no liability for planning level decisions.

Mayor Johnston asked if the waiver would also apply to corner lots at intersections. Director Geiger replied that another requirement applies, an access point's distance from an intersection must be at least 150 feet or two-thirds the distance of the lot from the intersection.

Cliff Manual, President, Coastal Engineering & Associates, Inc., presented Council with pictures showing residential prototypes with and without sidewalks. Council noted they are discussing Southern Hills, not Cascades.

Vice Mayor Pugh reiterated there should be some minimal setback from the lot line.

Council Member Wever asked if the driveways will all be concrete, to which Mr. Manual replied that they will be and with less maintenance needed than anything else that could be put up to the lot line, such as landscaping.

Vice Mayor Pugh pointed out that there could be issues when resurfacing a driveway or if someone drives off the driveway and goes onto the neighbor's property.

City Clerk Phillips read Ordinance No. 672-B by headnote only, as follows:

> "AN ORDINANCE AMENDING SUB-SECTION 1.2. OF ORDINANCE NO. 672, ALLOWING FLEXIBILITY IN DETERMINING THE LOCATION OF ACCESS POINTS TO RESIDENTIAL LOTS IN THE SOUTHERN HILLS PLANTATION PLANNED DEVELOPMENT PROJECT; AND PROVIDING AN EFFECTIVE DATE."

Motion:
Council Member Staib moved for approval of first reading of Ordinance No. 672-B and scheduled second and final reading for October 3, 2005; seconded by Council Member Wever. Motion carried 3-2 upon roll call vote as follows:

Council Member Wever	AYE
Council Member Burnett	NAY
Council Member Staib	AYE
Vice Mayor Pugh	NAY
Mayor Johnston	AYE

Final Plats

Review and approval of Final Plats for Phase 2 and Phase 2A, as recommended by the Planning & Zoning Commission, subject to receipt of the performance bond.

Director Geiger pointed out the Planning & Zoning Commission approved the Phase 2 and 2A Preliminary Plats on May 11, 2005. Staff has not received a performance bond yet to date. The total amount of the bond would come to $9,587,692. P & Z did review and approve this and request the approval of Council, subject to the Developer posting the required performance bond.

Mayor Johnston inquired where the resolution was that needed to be approved, to which Director Geiger clarified the resolution is the plat document itself. City

Clerk Phillips added that they are not recorded in the Resolution Book.

Vice Mayor Pugh asked if the Developer has until the next reading to post the performance bond. Director Geiger answered this is the final action, though no signatures would be put on the plat until the bond is submitted and accepted.

Motion:
Council Member Burnett moved for approval of the plat subject to the receipt of the performance bond; seconded by Council Member Staib. Motion carried 5-0.

Levitt and Sons, LLC - "The Cascades"

*Ordinance No. 675-B - Amendment to Zoning Designation Conditions

Consideration of proposed Ordinance adding a condition allowing flexibility in determining the location of access points to residential lots.

City Clerk Phillips read Ordinance No. 675-B by headnote only, as follows:

"AN ORDINANCE AMENDING SUBSECTION 1.2. OF ORDINANCE NO. 675, ALLOWING FLEXIBILITY IN DETERMINING THE LOCATION OF ACCESS POINTS ON RESIDENTIAL LOTS IN "THE CASCADES" DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE."

Director Geiger reported the petitioner is asking for consideration of a reduction of the access standard of fifteen (15) foot generally required to five and a half (5.5) foot from the side lot lines. They are also requesting one condition that would specify only one (1) four foot wide sidewalk instead of two (2) five (5) foot wide sidewalks along residential streets within the subdivision. He advised Staff reviewed the request of the access setback standard on August 17, 2005 and recommended to the P & Z to allow the five and a half (5.5) foot setback. Staff reviewed the sidewalk standard and determined there appears to be safety issues when you do not have sidewalks in residential subdivisions forcing people to walk in the road right-of-way. P & Z concurs with Staff recommendations and request approval of City Council to amend Ordinance No. 675 for a new PDP condition that reads as follows:

Subsection 1.2.r Residential driveway access points to be located on private, minor streets, located internal to the subdivision, may be placed no closer than five and a half (5.5) feet to side lot lines, provided no safety issues or conflicts with infrastructure are apparent as determined by the City's Departments of Public Works and Community Development.

He added P & Z recommends City Council deny the request to modify the sidewalk standard.

Cliff Manuel, Coastal Engineering Associates, Inc., stated they will bring more information regarding why they think it is significant for some of the Southern Hills Homes to have that (setback) variance to the October 3, 2005 meeting. He stated regarding the sidewalk issue, he explained some citizens moving into "The Cascades" will want sidewalks in their front yard and some will not. The Developer wants to be able to provide both products for their customers. It will only be residential streets that would provide a sidewalk on one side only. Additionally, the Post Office will not put mailboxes on both sides of a street they can loop. People will be crossing the street for their mail. These are private streets, maintained by the CDD and the Homeowners Association (HOA). If

the citizens were to petition the Developer through the HOA to construct additional sidewalks, it would be the CDD and HOA that would be responsible for building those sidewalks, not the City of Brooksville. Mr. Manual added they can coordinate with the Post Office to locate mailboxes and the sidewalks on the same side of the street.

Council Member Staib was in favor of sidewalks on both sides of the streets.

Director Geiger stated he believes the Post Office is pushing for private communities to have a master drop-off/collection site. Mr. Manual believes it is an option but they will not put mailboxes on both sides of the street.

Council Member Wever asked City Attorney LaCroix, because this is a gated community, if everything behind the gate was the responsibility of the property owners, to which Attorney LaCroix replied yes, once it is constructed in accordance with approved subdivision plans. Council Member Wever asked if it was correct the City would not be required to put additional sidewalks in if the property owners wanted them. Attorney LaCroix answered there may never be agreement between all the property owners on one side of the street, but if the CDD or HOA wants to put in sidewalks they can do it and they can assess for it.

Vice Mayor Pugh felt it was important to have sidewalks on both sides of the streets. Mr. Manual advised there are a number of citizens that do not want a sidewalk in their front yard. When they come in to buy their house, they are provided with a market type they prefer. They will not be blind sided, they will know if they are getting a sidewalk in the front yard or not. He added a four (4) foot sidewalk is probably too narrow and that they would request a five (5) foot sidewalk on one side of those streets.

Mayor Johnston also was in favor of the sidewalks on both sides but could see where Mr. Manuel was coming from.

City Manager Anderson recommended Council require sidewalks on both sides of the street, marketing issues notwithstanding.

Council Member Wever asked where the Ordinance refers to sidewalks. Director Geiger advised that it is an existing provision of Ordinance 675, under item J on page 2 of the Staff report, stating:

> A minimum of fifty (50) foot wide rights-of-way with two (2) ten (10) foot lanes and five (5) foot sidewalks will be provided on all residential roads.

Motion:
Vice Mayor Pugh moved for approval of Staff recommendation with sidewalks on both sides of the streets on first reading of Ordinance No. 675-B and schedule second and final reading for October 3, 2005; seconded by Council Member Burnett. Motion carried 4-1 upon roll call vote as follows:

Council Member Burnett	AYE
Council Member Staib	AYE
Council Member Wever	NAY
Vice Mayor Pugh	AYE
Mayor Johnston	AYE

Final Plat

Review and approval of Final Plat, as recommended by the Planning & Zoning Commission, subject to (a) receipt of the performance bond; (b) developer providing recorded documents that delineate maintenance entities and responsibilities on the common areas of the plat; and, (c) correction to the CDD reference in the "Dedication and Easement Representatives".

Director Geiger stated Preliminary Plats labeled Phases 1 and 1A have been consolidated by the engineer for the Final Plat to be Phase 1 Final Plat for the subdivision. Conditional approval was given to the Phase 1 and 1A Plats on April 5, 2005 subject to conditions as stated in the Staff report. At their August 17, 2005 meeting, P & Z approved the Final Plat labeled Cascades Southern Hills Plantation Phase 1 as submitted by Coastal Engineering Associates, Inc., date stamped August 11, 2005 and authorized the Chairman to sign the Plat documents and recommended City Council approve the same, subject to the Developer subdivider (a) posting the required performance bond in the amount of $8,437,961.88 for the quasi-public improvements within the Planned Development Project for Phase 1 and (b) providing recorded documents that delineate maintenance entities and responsibilities for the common areas of the plat. He advised he spoke with the Developer's representative who indicated those have been recorded. The plat book and page numbers of that recorded document will need to be ascribed on the Plat and (c) correcting the CDD reference in the "Dedication and Easement" reference section of the Plat's title sheet, which has already been done.

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

Resolution No. 2005-19 - NIMS Compliance

Consideration of proposed Resolution adopting the National Incident Management System (NIMS) developed by the Department of Homeland Security to provide a comprehensive national approach to incident management.

City Manager Anderson reported on NIMS.

City Clerk Phillips read Resolution No. 2005-19 by headnote only, as follows:

" A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS); AND PROVIDING AN EFFECTIVE DATE."

Motion:
Council Member Burnett moved for approval of Resolution No. 2005-19; 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

SR50 West Water and Sewer System Project Cortez-Wiscon Loop Easements (Phase III)

a) Authorization to hire appraiser, American Acquisition Group, for an amount not to exceed $9,675 from Acct. No. 409-000-169-19049, to obtain ownership records necessary for easements on five parcels; b) Authorization for staff and City Attorney to begin "quick-take" process for five easements; c) Authorization for staff to negotiate with current contractor, Coastal Underground, to determine cost to install the project pipelines.

City Manager Anderson clarified this segment will be a loop from the SR50 system down to Wiscon Road, going north-south.

Council Member Staib related that Spring Hill had a problem today getting water and asked if this is a safeguard to bring it over to the hospital side in case they want to hook up. Utilities Superintendent Smith replied that it could be done.

Superintendent Smith reminded Council that he made a request to Council a few weeks before to urgently pursue doing this crossing for various reasons.

Mayor Johnston asked if obtaining the easements was the most efficient way to do the crossing. Superintendent Smith replied yes and pointed out it is five ownerships. Director Pierce added two of the parcels are owned by the Yang family, the other three are owned by the Stewart family.

Council Member Wever asked if there has been discussion with the families regarding the easements. Director Pierce replied that the Yang family had agreed and we sent forms but there has been no response yet. He advised we will need the appraisal to justify what to pay. Superintendent Smith added that they have not yet talked to Stewart. Council Member Wever felt Stewart would give a favorable response.

City Attorney LaCroix explained before a condemnation is done, a formal letter has to be sent saying we are intending to do it, telling what their rights are under the condemnation statute, indicating what the appraised value is and then giving them thirty days to negotiate a purchase with us before we file any suit. To meet the statute we have to send that letter by registered mail and get a return receipt or someone can take it out and make a personal contact and initiate discussion that way.

Vice Mayor Pugh said he may allow us to have the easement because to have the 12" water main going along his property will increase the value significantly. Council Member Wever suggested talking to Stewart before spending money appraising the easement.

Superintendent Smith stated if the judge schedules the appraisals on different days, the amount sustained could be up to $3,000 more for Appraiser Services, making it $12,375. City Manager Anderson stated the correct amount in (a) is $9,375.

Council Member Wever asked which account the money is coming out of, to which Superintendent Smith replied the line of credit account.

Motion:
Council Member Wever moved for conditional approval of (a) with funds up to $12,375 to come from Special Reserves subject to contacting property owners first; seconded by Vice Mayor Pugh. Motion carried 5-0.

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

Employee Health Insurance Plan

Consideration of adopting alternate plan (BlueOptions Family 1360) with Blue Cross & Blue Shield of Florida, at an estimated annual cost of $441,203 ($334,484 General Fund), total with HRA Maintenance Account $512,851 ($388,939 General Fund).

Human Resources Director Baker advised the total increased cost is only going to be about 8%. He stated this plan is better for us and better for the employees.

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

Advisory Board Appointments

Consideration of applicants for appointment to the following advisory board positions, as follows:

Brooksville Housing Authority

One - unexpired four year term of office through October 31, 2007, replacing John Frazier.

Applicant(s):
Pat Brayton [City Resident]
R. Ray Stanbro
Phillip L. Williams
Paul Boston
Greg Kullman

Council Member Wever moved for approval of appointing Mr. Brayton; seconded by Council Member Staib.

Council Member Burnett felt that Pat Brayton had served on this board previously and suggested appointing Paul Boston. He stated the people to be dealt with on a daily basis by this particular board need leadership on this board and hopes Council would appoint Paul Boston to that board. He added 51% of the people on the board at this time do not live in that community.

Vice Mayor Pugh felt if Mr. Brayton runs for City Council next year, he would have to resign from the Board and felt someone else should be appointed.

Council Member Staib withdrew her second. Motion for appointing Mr. Brayton died for lack of a second.

Phillip Williams stated he was not interviewed as a candidate for the board. He put his name up as a candidate on the Advisory Board. He would like to be considered. He added he was a new resident of Brooksville and had lived here five years. He retired as Director of Human Resources at Bethlehem Steel after

thirty years and is currently working at the St. Petersburg Times as Director of Services in Citrus County. His application was submitted approximately eight to nine months ago.

Vice Mayor Pugh said they had just discussed having an interview process. He added he has read over the applications and felt both Mr. Boston and Mr. Williams could be recommended.

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

Parks and Recreation Advisory Board

One - four year term of office through August 31, 2009, replacing Lee Porterfield.

[Note: If Current Alternate is appointed to fill this position, a replacement Alternate Member would need to be appointed]

Applicant(s):
Mark Blanton [Current Alternate]
Sally Sperling [Current Alternate]
Alison Jones [City Resident]
William D. Repper [City Resident]
Paul Boston
Greg Kullman
Rose Ferland (added at meeting)

Motion:
Council Member Staib moved for approval of appointing Mark Blanton; seconded by Vice Mayor Pugh. Motion carried 5-0.

Vice Mayor Pugh felt it would be beneficial to have Mr. Williams appointed to this board.

Motion:
Vice Mayor Pugh moved for approval of appointing Phillip Williams as an alternate; seconded by Council Member Burnett. Motion carried 5-0.

ITEMS BY COUNCIL MEMBERS

Frankie Burnett - Council Member

Housing for Hurricane Victims
He asked what the City has to do with the Brooksville Housing Authority, to which the Mayor explained the Council can only appoint the board members or dissolve the board. Council Member Burnett then asked what the Council can do to see if the Brooksville Housing Authority could donate a vacant apartment to a hurricane disaster victim. Council directed Staff to write to the Housing Authority making the request.

Mary A. Staib - Council Member

Florida League of Cities Annual Conference
Council Member Staib reported on her trip to the annual FLC conference and advised she brought back information to the City Manager to distribute to the various departments.

Citizen Complaint
She explained she received a complaint from a citizen about the Cemetery regarding a quit claim deed and advised Director Walker to be expecting her phone call.

Negligence Case
Council Member Staib stated the same citizen brought up the drainage issue on her property and felt Staff should address the issue before the City winds up in court. City Manager Anderson advised he would put together a Staff report regarding the issue and distribute to Council.

700 Class
She asked if anyone checked the 700 Course and advised that it could be done online and there were 25 questions.

David Pugh - Vice Mayor

Employee Compensation
He reviewed the overview memo from City Manager Anderson regarding the salary comparison and felt salaries should quickly be made competitive with the surrounding area. City Manager Anderson said there should be an increased demand for services next year. He proposed to Council that positions are filled now that are funded and delay the need for additional positions.

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

Budget Reserves - Vehicle Replacement Fund
He suggested $50,000 in special reserves in solid waste and $50,000 in a contingency fund in the solid waste vehicle replacement fund. City Manager Anderson stated he would draft a worksheet on Wever's recommendation and if Council approved then it would be incorporated into the final budget.

Salary Comparison
he would like to request from the Florida League of Cities, information on all cities about the same population size of 7,500 to do a comparison.

FY 2005-2006 Budget
He did ratio calculations on the increases of salaries listed and found the Administration Department and Police Department totals did not add up. Finance Director Baumgartner believed the corrections were already made by Jim Delach, Accountant in the Finance Department. City Manager Anderson advised he would meet with Finance in the morning.

Karen M. Phillips - CMC, City Clerk

Founders Week
Founder's Week Committee has one more meeting and have started on 2006.

Joseph E. Johnston, III - Mayor

Growth Management Workshop Followup
Mayor Johnston indicated he contacted the Director but he was leaving on vacation. He left several messages and got a call back from his office. We will look forward to them freeing up some money so we can continue our joint planning efforts with the County.

BERT Team
He commended the BERT members and thanked them for the hard work and dedication representing the City as they helped in the Hurricane Katrina area. Police Chief Tincher reported the Sheriff of Jackson County said God Bless You and "these guys saved my life". Chief Tincher related everyone he talked to while he was there had only kind comments for the Staff. He explained that it was worthwhile and those that went did not ask for anything but the opportunity to go if the call comes again. Chief Tincher added they will prepare for the next one, hopefully, it will not be too soon.

Council Member Staib was glad they came back, because she heard trucks with relief materials were being hijacked. Police Chief Tincher said they were heavily armed. He added they had full arrest authority. He believed they were much better prepared to handle the issues that came up because they did not have the personal attachment and emotional involvement. They were there to help. Mike Hannigan, Jerry Ward and Ernie Lee got the lift stations rebuilt and generators operating. He stated they are performing invaluable services. They will remain until the Sheriff has another facility up and operational there. He added they will put together a PowerPoint presentation for Council at the next meeting.

Council Member Wever asked for copies of those pictures. He had drafted a letter to Governor Barbour to show him what the BERT Team has done. Police / Chief Tincher replied that he would make them available. (Corrected 2/6/06)

CITIZENS INPUT

Diane Freeman, Finance Department
She inquired if the salary comparison would be able to be made available to the employees. She pointed out employees with families to support will go where the higher paychecks are, they have no choice. She felt if more employees were interested they would be at these meetings. Council Member Staib felt carpooling was a good way to help other employees. Ms. Freeman replied they do alternate driving.

Paul Boston, BHA Appointment
He thanked Council Member Burnett for his confidence on appointing him to the Brooksville Housing Authority. He felt he would take the position on the board seriously and that government was to serve the people.

Sun Pools
The Sun Fiberglass Pools hearing was this morning. The consensus was that what he is doing is ok by the County. Mr. Boston would like to see a workshop or investigation of how the original annexation happened. The vast majority of people asked said they were never informed. All Americans need investments, jobs, industry but there is a way to do it. Those people have been there forty, fifty, or sixty years and do not want to sell their homes. Regarding the plant that has been there three years and the cement plant that has been there ten years, the people say they never wanted these things there. We are at the point of considering legal action. This could become an ugly situation. Questions of legality will be asked about annexation without representation and enclavement. We need to make a real effort to find a solution.

Council Member Staib said they suggested involving the County Administrator and asked Mr. Boston if he said he would attend such a meeting. Mr. Boston said the County coldheartedly said what was done was the City's responsibility, it was

done in the City. They do not want to admit anything.

He added six major highways go right through there, so there is an industrial value to that area. When the City grows, industry usually goes outward from the City. In this case, industry has a foothold in an African-American community. The community cannot grow and the industry cannot grow. Per Boston, it is a stalemated area.

Tim Mossgrove

He thanked Council for the Fire Department Training & Education robot and reminded Council regarding the fire vehicle demo on Wednesday from 2-3 p.m.

Council Member Staib asked where the demo would be, to which Mr. Mossgrove replied at the fire station.

Ronnie Mclean

He indicated he has environmental concerns regarding the aquifers. He added that it is a very dangerous situation to have such toxins damaging the environment. He said the situation Mr. Boston talked about will be affecting all the communities in the area. He asked Council to become very environmentally conscious and be the first entity in Hernando County to take stock in their environmental policies.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:14 p.m.

City Clerk

ATTEST: _____
Mayor

:lam

G:\WP_WORK\ClerkOffice\MINUTES\2005\09-12-05mtg.wpd

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

CITY OF BROOKSVILLE
SPECIAL MEETING
FINAL PUBLIC HEARING
FISCAL YEAR 2006 BUDGET

MINUTES

SEPTEMBER 21, 2005 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. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk/Director of Administration; Lindsay A. Morgan, Deputy City Clerk; Emory Pierce, Public Works Director; Bill Geiger, Community Development Director; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Boyce E. Tincher, Police Chief; James Daugherty, Fire Chief; and William Smith, Utilities Superintendent. 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.

PUBLIC HEARING - PRESENTATION OF PROPOSED BUDGET FOR FISCAL YEAR STARTING OCTOBER 1, 2005

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 2006 was advertised to be a maximum of 8.500 mills. This millage rate would be a 32.40% increase over the rolled back rate of 6.4197 mills. After reviewing revenue projections and proposed expenditure levels for the 2005-06 Fiscal Year, the General Fund budget is balanced at a proposed rate of 7.5000 mills, which is 16.83% over the rollback rate.

City Clerk Phillips read the announcement for the record.

Public Hearing - Fiscal Year 2005-2006 Proposed Budget

Consideration of the Recommended 2005-06 Fiscal Year Budget

> Review of balanced budget, together with consideration of additional proposed changes.

City Manager Anderson advised the proposed budget included the requested changes and adjustments. In addition, information was provided relating to the solid waste fund dealing with vehicle maintenance and background information on the pay plan adjustments. He added though no additional personnel were being proposed, personnel costs continued to be the largest category of expenses. He requested positions that were partially funded last year be fully funded this year, as growth is anticipated and staffing needs will also grow.

Council Member Wever explained he was not satisfied with the salary survey and felt the comparisons made to St. Petersburg, Tampa and Dunedin were not accurate enough to use for a basis and recommended using other areas that would more nearly compared with Brooksville. He added next year's projected total for General Fund salary and benefits are up over 15%. He recommended schedules

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

listing each cost center, employee, grade, salary, years of service, current year salary and next year salary be required in the budget, starting with the next budget year.

Page 9
Council Member Wever questioned the triple asterisk footnote, noting a maturity date of 04/11/05, to which Director Baumgartner replied that should be 04/11/08.

Page 13
Council Member Wever discussed the County millage rate and felt it was not a good comparison.

Page 20
He also had concerns regarding the budgeted reserves for the General Fund and felt the salary recommendation could be left till later in the fiscal year to reevaluate.

Page 30-31
Council Member Wever stated that instead of a fund number he would like a description of the fund throughout the budget.

Page 80
Council Member Wever asked if capital improvement plans for future years such as new stations, should be included in the 2007-2008 years. City Manager Anderson answered that the time line for the new stations show Phase I of building during that time frame. Council Member Wever felt it should be included then.

Page 82
Referencing "Debt Service" at the bottom of the page, Council Member Wever asked if it was for a truck. Finance Director Baumgartner replied affirmatively. Council Member Wever asked for a footnote for it.

Page 115
Regarding the Local Option Gas Tax, Council Member Wever asked why that much money was left in reserve. Director Baumgartner stated that represents one month receivable of the Local Option Gas Tax.

Page 116
Council Member Wever asked if the same answer would apply to the Road Impact account. City Manager Anderson stated he was not sure, but that would be the source of funds used for the service road. Director Baumgartner added the budget amendment later on this evening would reduce the amount to zero for this fiscal year.

Page 121
Council Member Wever noted the Good Neighbor Trail projected reserves amount is listed as $64,662 but the carry forward is about $3,000 more. Director Baumgartner advised he would research and change it in the final budget.

Page 123
Council Member Wever asked if the amount of $128,000 CDBG is cash. Director Baumgartner replied it was a receivable.

Page 124
He questioned the projected negative in 2005 that is not carried forward in 2005-2006. Director Baumgartner replied it would be wiped out and the fund will be closed.

Page 126
Referencing the WRWSA Grant Council Member Wever pointed out that it needed to be signed by the City Attorney.

Page 131
Referencing the proposed expenditure listed for the paving project at the top of page, Council Member Wever asked if the project is able to be completed. City Manager Anderson answered the project may be deferred in hopes the prices would go down.

Page 135
Council Member Wever noted in the comments near the bottom of the page, eight lines up, the sewer plant capacity is shown as 1.6 and somewhere else in the budget it was referenced as 1.9. Per Public Works Director Pierce, capacity had recently been upgraded to 1.9 and any references to 1.6 would be changed to reflect that.

Page 137
Council Member Wever advised the City's commitment for the Cobb Road expansion is only 2.5 million. He asked if it was due in 07. Per Director Pierce, it should be 07/08 and not 06/07.

Page 139
According to Council Member Wever the reserve ratio is too low unless the capital improvements were added to the reserves. Some penny-pinching was advised. Director Baumgartner felt it was hard to project what reserves would be.

Page 140
Council Member Wever noted at the bottom of the page, "reserve detail", the 99 bond issue is listed but the reserve for the 02 issue is not. Director Baumgartner directed him to look at the 04/05 amount, which was the reserve money. Council Member Wever believed it should be labeled.

Page 152
Regarding the Northwest Well field, Council Member Wever asked if putting the roadway in had to be done within the next two years, because it was not listed. City Manager Anderson replied he would get dates back to Council. Council Member Wever stated it would have to come out of operating funds, it could not be included. Director Pierce added he did not believe it would be needed in 05/06.

Mayor Johnston asked about converting all new construction to the automatic meters. City Manager Anderson advised the meters are on order. Director Pierce clarified old style meters would still have to be bought for replacement of older ones when needed or new boxes would have to be put in.

Page 161
Regarding solid waste expenses, line 11, Council Member Wever stated the budget shows the same dollar amount that is being paid this fiscal year. He asked if it would be better to include an increase to be ready for future increases with the County. Director Pierce explained the County is not increasing the tipping fees in the upcoming fiscal year.

Page 162
From the solid waste summary at the bottom, Council Member Wever asked if $50,000 should be listed on the next line below. City Manager Anderson stated they have summarized changes, and asked if Council wanted them substituted. Council Member Wever wanted it set up as Accountant Delach had presented it.

Page 165
Council Member Wever stated from capital outlay, building is listed as $26,000 and on page 166 it is a different amount, to which Director Pierce stated it should be $26,000. Director Baumgartner asked to lower the reserves $3,000 in the budget and not make all the changes involved. Council Member Wever felt the easiest thing to do would be to change the comment section where the $23,000 is listed to $26,000.

Page 166
It was noted that footnotes numbered one and two should be numbered three and four.

Page 172
Council Member Wever stated the $50,000 showing would probably change the amount on page 173.

Page 176
He also asked what the maximum was and if it should be put in the cemetery perpetual care fund and wondered what the purpose of the fund was. City Manager Anderson replied it was for the future maintenance once all the lots are sold.

Page 179
Council Member Wever asked if operating expenditures were based on a full time employee being back on board the first of October. City Manager Anderson advised it is a flat fee charged for the City to operate an agency. He added the salary survey was a spot check and the budget does not reflect those numbers.

Getting back to general discussion of the proposed budged, Vice Mayor Pugh stated that in some areas he was disappointed, explaining some positions have not been filled but keep getting funded over the years. He would like to see funding eliminated of some of the positions and a way found to give the employees an increase. He pointed out the Fire Department showed a 10% increase. City Manager Anderson responded that firefighters have a complicated pay structure because they work a longer than normal workweek and receive a certain amount of overtime. Council Member Wever felt it would be easier if they could look at a schedule that would show the information by individual.

There was further discussion of pay increases but it was tabled for further info to come back to Council.

There was no public input on the Budget Public Hearing.

Approval of Resolution No. 2005-20 for Fiscal Year 2005-2006

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. 2005-20 by headnote as follows:

"A RESOLUTION LEVYING AN AD VALOREM MILLAGE RATE FOR THE YEAR 2005-2006 FOR THE OPERATION OF THE VARIOUS DEPARTMENTS AND FUNDS OF THE CITY OF BROOKSVILLE, FLORIDA, AND PROVIDING AN EFFECTIVE DATE."

She clarified there would be no change in the public announcement.

SPECIAL MEETING FINAL PUBLIC HEARING
FISCAL YEAR 2006 BUDGET - SEPTEMBER 21, 2005

Motion:
Council Member Staib moved for approval of Resolution No. 2005-20 as amended; 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

Ordinance No. 707 - Recommended Budget for Fiscal Year 2005-06
Consideration of second and final reading of proposed budget effective October 1, 2005.
[FIRST READING 09/07/05]

City Clerk Phillips read Ordinance No. 707 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, 2005 AND ENDING SEPTEMBER 30, 2006."

There was no public input.

Motion:
Council Member Wever moved for approval of second and final reading of Ordinance No. 707; seconded by Council Member Staib. Motion carried 4-0 upon roll call vote as follows:

Council Member Wever	AYE
Council Member Staib	AYE
Vice Mayor Pugh	AYE
Mayor Johnston	AYE

REGULAR AGENDA

Public Hearing - Ordinance No. 652-A - Solid Waste Fund
Consideration of proposed ordinance deleting renewal and replacement fund and renumbering subsequent sections.
[FIRST READING 09/07/05]

City Manager reported section 7-6 was to be deleted from the ordinance.

City Clerk Phillips read Ordinance No. 652-A by headnote as follows:

"AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, CHAPTER 7, "GARBAGE, REFUSE, AND LAND CLEARING," ARTICLE I, "IN GENERAL," SECTION 7-6, "RENEWAL AND REPLACEMENT FUND," THEREOF REPEALING SECTION 7-6 IN ITS ENTIRETY; RENUMBERING CERTAIN SECTIONS; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE."

There was no public input.

Motion:
Council Member Wever moved for approval of second and final reading of Ordinance No. 652-A as amended; seconded by Council Member Staib. 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

Resolution No. 2005-21 - USDA Loan/Grant

Consideration of proposed resolution accepting terms of Loan/Grant proposal from USDA for generator/storm screen project for City Hall and various lift stations and authorizing execution of documents.

City Manager Anderson explained a grant application was submitted for approximately 30 generators for the various lift stations in the City and for City Hall Storm Window Retrofit. He advised Staff had received a tentative approval from USDA and asked for the funds to be obligated until October 1.

Council Member Wever pointed out the error in the figures. City Manager Anderson indicated it should be $258,000 versus the $2.58 million figure.

City Clerk Phillips read Resolution No. 2005-21 by headnote as follows:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA; ACCEPTING CONDITIONS; AUTHORIZING FINAL LOAN DOCUMENTS; APPROVING BUDGET DOCUMENT; AUTHORIZING EXECUTION OF DOCUMENTS BY THE MAYOR; PROVIDING FOR INTEREST RATE AMOUNT; AND PROVIDING AN EFFECTIVE DATE."

There was no public input.

Motion:
Council Member Staib moved for approval of Resolution No. 2005-21; seconded by Council Member Wever. Motion carried 4-0 upon roll call vote as follows:

Council Member Wever	AYE
Council Member Staib	AYE
Vice Mayor Pugh	AYE
Mayor Johnston	AYE

Motion:
Motion was made by Council Member Wever to approve Chauncey Lever as Bond Counsel if the grant is awarded; seconded by Council Member Staib. Motion carried 4-0.

Resolution No. 2005-22 - FY 2004/2005 - 3rd and 4th Quarter Budget Amendments

Consideration of proposed Resolution adjusting revenue and expenditure budget amounts.

Finance Director Baumgartner advised a few changes and inclusions will require amending the budget.

City Clerk Phillips read Resolution No. 2005-22 by headnote as follows:

"A RESOLUTION PROVIDING FOR CERTAIN BUDGET AMENDMENTS FOR FY 2004-05 BUDGET AND SETTING AN EFFECTIVE DATE."

There was no public input.

SPECIAL MEETING FINAL PUBLIC HEARING
FISCAL YEAR 2006 BUDGET - SEPTEMBER 21, 2005

Motion:
Council Member Wever moved for approval of Resolution No. 2005-22; seconded by Council Member Staib. 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

GENERAL DISCUSSION

Council Member Wever

Council Member Wever stated that he brought back the contract for the $50,000 grant from the Withlacoochee Meeting. He and Jack Sullivan are going to have a meeting with the Chair and Executive Director of SWFWMD in the latter part of October to go over items of interest for the two bodies and will, before the meeting, see if there is anything Council wants to bring up.

Withlacoochee Water Board Report - Council Member Wever has the first draft report on the work being done for the Withlacoochee Water Board on the water supply and the future needs for the next 20-30 years and requested copies be made for all Council Members.

Vehicle Replacement Funds - Council Member Wever did not agree with putting the vehicle replacement funds in the fund they were placed in.

Sasser Property - Council Member Wever stated that he had talked with Charlie Sasser about annexing the rest of his property. Mr. Sasser did not agree to it but was not opposed to it, saying that he understands the reasoning behind it and will consider it.

Fire Truck - Council Member Wever offered that with all the equipment being destroyed in the hurricanes and all the billions Uncle Sam is spending on recovery the interest rates will go up so his recommendation is not to wait until the end of the year. His recommendation is to either approve tonight or put on the next agenda to consider ordering.

Tim Mossgrove elaborated on the purchase, which is basically a fire truck with a ladder on top. It will replace three current vehicles. Council Member Wever asked if there would have to be a bid process. Mossgrove responded that the process had almost been completed a couple of years ago with a contract that can be piggybacked.

Council Member Staib asked if he was confident that he got the best price, to which he answered affirmatively, stating that Sutphen is the only company manufacturing a truck of this type.

City Manager Anderson suggested having City Attorney LaCroix review the paperwork.

Mayor Johnston asked if this vehicle is a replacement for the fire engine currently in the vehicle replacement account. Captain Mossgrove answered that it is replacing three vehicles not listed in the vehicle replacement account.

SPECIAL MEETING FINAL PUBLIC HEARING
FISCAL YEAR 2006 BUDGET - SEPTEMBER 21, 2005

This item was tabled to be added to the next agenda.

City Clerk Karen Phillips
She reminded everyone of the Brooksville Regional Hospital event on Friday and Saturday.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 08:55 p.m.

ATTEST: _____
Mayor

_____
City Clerk

G:\WP_WORK\ClerkOffice\MINUTES\2005\09-21-05finalbudgethearing.wpd

AGENDA ITEM NO. C-1
1-23-06

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

MINUTES

October 3, 2005 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; Lindsay A. Morgan, Deputy City Clerk; Emory Pierce, Public Works Director; Bill Geiger, Community Development Director; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Boyce E. Tincher, Police Chief; James Daugherty, Fire Chief. 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 AGENDA

Minutes
September 7, 2005 - First Budget Hearing

Tourist Development Council (TDC) Grant for Founder's Week
Authorize increase in grant application to TDC from $4,500 to $10,000 to offset advertising expenses associated 2006 Founder's Week Events.

WRPC Service Renewal Agreement - FY 2005-06
Approval of renewal of annual service agreement with Withlacoochee Regional Planning Council for FY 2005-06 for planning services as needed throughout the year.
[Note: only changes in Exhibit B - rates]

Satisfaction of Nuisance Liens - 602 Ellington St.
Authorization to execute and record Satisfactions of Liens (five) on the above property owned by David L. Howard based on payment in full received by City in the amount of $1,131.35, including interest as of 10/01/05 (paid by new owner on 09/12/05).

Surplus Property - Administration & M.I.S.
Declare miscellaneous computer equipment and three (3)Lanier transcribers surplus and authorize disposition by City Manager.

Department of Corrections - Renewal of Work Crew Agreement #WS 184
Consideration of contract amendment renewing annual agreement with the Florida Department of Corrections from November 5, 2005 through November 4, 2006 for a City paid prison crew.

Dept. of Justice Grant Application - Body Armor Vests
Authorization to apply for grant funding of approximately $2,000 (50% of cost) to the Dept. of Justice to offset the cost of replacement of existing body armor vests that no longer meet the safety guidelines for protection of the law enforcement officers.

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

2005-06 State of Florida Community Budget Issue Requests (CBIR) Appropriation Requests

a) Consideration of request for legislative delegation support for continuation of the following state funded utility infrastructure projects: a) Brooksville Sewer Rehabilitation Project - ~~$1,750,000~~ to repair/replace aging transmission lines ($4,050,000 received to date) b) Brooksville Water & Sewer Improvement Project - $1,500,000 to repair/replace and upgrade aging, undersized potable water lines in the historic sections of the City and extend water system to property located within the Enterprise Zone (no previous funding)

Mayor Johnston stated the correct amount for the Brooksville Sewer Rehabilitation Project is $2,731,000.

Quarry Golf Course Rate Increase

Consideration of amending the Quarry Golf Course rates, including a $1 fee increase for all daily golf rates with a cart; varying rate increases for the membership plans; $5 monthly range plan membership rate increase; and, begin a new monthly golf plan for single or family membership.

Adoption of 2006 Meeting and Holiday Schedule

Review and consideration of proposed meeting and holiday schedule for 2006, including ***tentative*** budget workshop and public hearing dates, pursuant to City Code & Policy and consistent with county and school board holidays.

Regarding Item 6, Mayor Johnston asked if the City paid prison crew guard had any other duties within the City, to which City Clerk Phillips replied his only duty is to supervise the prison crew.

Council Member Wever stated, from the Minutes on page five, the comment he made was that he saw a Channel 8 news report. He did not say anything about a Mississippi newspaper.

Regarding Item 6 (Brooksville Sewer Rehabilitation Project), Council Member Wever asked if $51,580 is what we will be paying. City Clerk Phillips responded that $51,580 is the entire benefit package including salary incentives paid, repair and maintenance of the vehicle, State personnel assessment, training, uniform purchase, uniform maintenance and technology fee.

Council Member Wever stated, regarding Item 8, his concern was the timing for the project, to make sure we do not lose any of the grant money. Director Geiger answered this ($4,050,000.00) is part of the Legislative appropriations that is requested annually. The project is in a process of construction now and the money is being spent rapidly in the construction mode; that is why more is being requested this year. The second phase will begin shortly. The money will be spent within the time frames that are allocated.

Vice Mayor Pugh asked when the Quarry went private. City Manager Anderson answered 1999.

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

REGULAR CITY COUNCIL MEETING - OCTOBER 3, 2005

CERTIFICATES, PROCLAMATIONS, AND PRESENTATIONS

FRDAP 2005-06 Grant Award

Presentation of funding allocation from DEP for the Florida Recreation Development Assistance Program (FRDAP) in the amount of $200,000 for the Good Neighbor Trail project.

Representative David Russell presented Council with a ceremonial check for the FRDAP grant to be used towards the Good Neighbor Trail.

Florida City Government Week

Proclamation recognizing October 16-22, 2005 as Florida City Government Week.

Mayor Johnston read the proclamation into the record. City Clerk Phillips explained the proclamation would be forwarded to the Florida League of Cities. She also stated that student tours would be starting on November 1, 2005. She noted the City had been approached to speak at a Spring Hill school regarding City government.

Certificates of Completion

Mayor Johnston presented Council Members Mary A. Staib and E. E. "Ernie" Wever, Jr. with certificates for the completion of the ISO course.

BERT Team - Hurricane Katrina Report

PowerPoint presentation and overview of recent team disaster response in Pascagoula, Mississippi.

Chief Tincher stated when a hurricane hits an area like that, those folks are totally devastated and do not know which way to turn. The employees, Mr. Hankins, the Fire employees, the Department of Public Works employees, all were like knights on white horses because they really needed them. He said the BERT Team comprised a lot of talents, and what they did not have, they developed while they were there.

Police Lieutenant Hankins reported on the recent trip to Jackson County, Mississippi. He stated their County is similar to ours, the population is 143,000. There was an eighty percent property loss. It was estimated there was a thirty three foot water squall where they were in Pascagoula. 219 was the last number he had of deceased, 450 were still missing. He presented a slide show of the devastation. The force of the storm had driven two naval ships up onto the shore. The BERT Team arrived to find debris twenty feet deep. They had purchased several pallets of water and distributed it to the citizens. Lieutenant Hankins stated that their Emergency Operation Center (EOC) was going to be shut down because they had no one to handle the repairs. Terry Ward and Mike Hannigan rebuilt thirty five of the thirty seven lift stations. Twenty miles down the road in Ocean Springs there was nothing left standing.

Chief Tincher stated Sheriff Nugent bought a four-wheel drive four-wheeler for the BERT Team and Brooksville Police to use for patrolling in areas where they have frequent foot pursuits. He suggested thanking Sheriff Nugent formally.

Nick Nickerson asked what preventive measures are in place so families do not have to be split up and to ensure the right people are given their children. Police Chief Tincher explained Staff does have some ideas and hopes to avoid some of the things that caused so many problems out there.

Council applauded the efforts put forth by the BERT team.

PUBLIC HEARING

Ordinance No. 525-H - Firefighters' Pension Plan Amendment

Consideration of proposed Ordinance to (a) prohibit DROP participants from voting for or serving on the Board; (b) increase maximum investment in real estate from 5% to 10% at cost, and maximum investments in equities from 50% to 60% at market; (c) create provision for re-employment of retirees; and (d) clarify/update sections in conflict.
[First Reading 09/12/05 - Note: Ordinance revised as directed]

Mayor Johnston asked for any public input.

City Clerk Phillips read Ordinance No. 525-H by headnote only, 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; PROVIDING FOR DEFINITIONS; PROVIDING FOR MEMBERSHIP; PROVIDING FOR A BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR PRE-RETIREMENT DEATH BENEFITS; PROVIDING FOR DISABILITY BENEFITS; PROVIDING FOR VESTING OF BENEFITS; PROVIDING OPTIONAL FORMS OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING CLAIMS PROCEDURES; PROVIDING FOR REPORTS TO THE DIVISION OF RETIREMENT; PROVIDING FOR A ROSTER OF RETIREES; PROVIDING FOR A MAXIMUM PENSION LIMITATION; PROVIDING FOR DISTRIBUTION OF BENEFITS; PROVIDING MISCELLANEOUS PROVISIONS; PROVIDING FOR REPEAL OR TERMINATION OF THE SYSTEM; PROVIDING FOR DOMESTIC RELATIONS ORDERS; RETIREE DIRECTED PAYMENTS; EXEMPTION FROM EXECUTION AND NON-ASSIGNABILITY; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR FORFEITURE OF PENSION UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR CONVICTION AND FORFEITURE, FALSE, MISLEADING OR FRAUDULENT STATEMENTS; PROVIDING FOR INDEMNIFICATION AND DEFENSE OF CLAIMS; PROVIDING FOR DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; PROVIDING FOR PURCHASE OF CREDIT FOR MILITARY SERVICE PRIOR TO EMPLOYMENT; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR ABSENCES PURSUANT TO THE FAMILY AND MEDICAL LEAVE ACT; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR PRIOR FIRE SERVICE; PROVIDING FOR A DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR REEMPLOYMET AFTER RETIREMENT; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE."

Motion:
Council Member Wever moved for approval of the second and final reading of Ordinance 525-H; 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

Ordinance No. 552-F - Police Officers' Pension Plan Amendment

Consideration of proposed Ordinance (a) reducing normal retirement from age 55 with 10 years of service to 55 and 6 years of service, and early retirement from age 50 with 10 years of service to 6 years of service, (b) providing for COLA to maximum retirement pay, and (c) reimbursement to City for upgraded pre-employment medical testing.
[First Reading 09/12/05 - Note: Ordinance revised as directed]

City Clerk Phillips noted Board Attorney Bonnie Jensen was in attendance today if there are any questions.

Council Member Staib stated they quote IRS code 415-B, a limitation. She asked if 170,000 is from the COLA, to which City Manager Anderson answered that it was.

There was no public input.

City Clerk Phillips read Ordinance No. 552-F by headnote only, as follows:

"AN ORDINANCE OF CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, ENACTING INTO LAW AN AMENDED AND RESTATED PENSION PLAN FOR POLICE OFFICERS PROVIDING FOR A REVISED POLICE OFFICERS RETIREMENT TRUST FUND; PROVIDING FOR THE CREATION OF FUND; PROVIDING FOR DEFINITIONS; PROVIDING FOR PARTICIPATION; PROVIDING FOR BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR PRE-RETIREMENT DEATH; PROVIDING FOR DISABILITY; PROVIDING FOR VESTING; AMENDING VESTING PERIOD TO SIX YEARS OF CREDITED SERVICE; PROVIDING FOR OPTIONAL FORMS OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING FOR CLAIMS PROCEDURES; PROVIDING FOR REPORTS TO DIVISION OF RETIREMENT; PROVIDING FOR ROSTER OF RETIREES; PROVIDING FOR MAXIMUM PENSION; REVISING BASIC LIMITATIONS FOR INCREASES IN THE COST OF LIVING IN ACCORDANCE WITH THE REGULATIONS UNDER §415(d) OF THE CODE; PROVIDING FOR DISTRIBUTION OF BENEFITS; PROVIDING MISCELLANEOUS PROVISIONS; PROVIDING FOR REPEAL OR TERMINATION OF PLAN; PROVIDING FOR EXEMPTION FROM EXECUTION, NON-ASSIGNABILITY; PROVIDING FOR FORFEITURE OF PENSION; CONVICTION AND FORFEITURE, PROVIDING FOR PENSION VALIDITY; PROVIDING FOR PRIOR POLICE SERVICE; PROVIDING FOR INDEMNIFICATION; PROVIDING FOR CONFLICT, SEVERABILITY, AND PUBLICATION; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE."

Motion:
Council Member Staib moved for approval of the second and final reading of Ordinance 552-F; 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

*Hampton Ridge Developers, LLC - Southern Hills Plantation - Ordinance No. 672-B - Amendment to Zoning Designation Conditions

Consideration of proposed Ordinance adding a condition allowing flexibility in determining the location of access points to residential lots.
[First Reading 09/12/05 - Note: Ordinance revised as directed]

Attorney LaCroix advised this is a quasi-judicial decision involving land use. He stated the parties to this application are Hampton Ridge Developers, LLC, and the City of Brooksville. He asked that anyone who wanted to intervene or to present testimony under oath to stand and be sworn at this time. Community Development Director Geiger was sworn in by the City Clerk. The credentials were accepted of Community Development Director Bill Geiger as an expert witness in Land Use Planning, Zoning & Development. Joseph Quinn, Coastal Engineering Associates, with fifteen years experience in Land Use Planning and a degree in Physical Geography and Planning was also sworn in by the City Clerk. The credentials were accepted of Joseph Quinn as an expert witness in Land Use Planning. There was no one else who wished to qualify as an expert witness.

Director Geiger stated this hearing is to modify the original zoning ordinance adding one additional condition to that ordinance. The City Attorney had suggested a modification to the language of that condition. He read the modified condition, as subsection 1.2.5, as follows: Residential driveway access points to be located on private minor streets, located internal to the subdivision, may be placed within side yard setbacks provided no safety issues or conflicts with infrastructure are apparent as determined by the City Departments of Public Works and Community Development.

City Attorney LaCroix explained that the original request was to say the driveways could be put adjacent to the side lot lines, but in order to comply with setback requirements, that meant they had to put them on the lot line. The intent was to put them anywhere between the setback and the lot line.

Joseph Quinn, representing the applicant, stated the ordinance provided for what they wanted to do.

Vice Mayor Pugh stated he never received a response regarding no separation between the property line and the property; they can potentially build up to the lot line.

There was no public input.

City Clerk Phillips read Ordinance No. 672-B by headnote only, as follows:

" AN ORDINANCE AMENDING SUB-SECTION 1.2. OF ORDINANCE NO. 672, ALLOWING FLEXIBILITY IN DETERMINING THE LOCATION OF ACCESS POINTS TO RESIDENTIAL LOTS IN THE SOUTHERN HILLS PLANTATION PLANNED DEVELOPMENT PROJECT; AND PROVIDING AN EFFECTIVE DATE."

Motion:
Council Member Wever moved for approval of Ordinance No. 672-B; seconded by Council Member Staib. Motion carried 3-2 upon roll call vote as follows:

Council Member Wever	AYE
Council Member Burnett	NAY
Council Member Staib	AYE
Vice Mayor Pugh	NAY
Mayor Johnston	AYE

*Levitt and Sons, LLC - "The Cascades" - Ordinance No. 675-B - Amendment to Zoning Designation Conditions

Consideration of proposed Ordinance adding a condition allowing flexibility in determining the location of access points to residential lots.
[First Reading 09/12/05]

Attorney LaCroix advised this is quasi-judicial. He stated the parties to this application are Levitt and Sons, LLC, and the City of Brooksville. He asked that anyone who wanted to intervene or to present testimony under oath to stand and be sworn at this time. Community Development Director Geiger, Joseph Quinn, Coastal Engineering Associates and Bruce Parker, Vice President, Levitt and Sons were sworn in by the City Clerk. The credentials were accepted of Community Development Director Bill Geiger as an expert witness in Land Use Planning, Zoning & Development. The credentials were accepted of Joseph Quinn as an expert witness in Land Use Planning. Bruce Parker, employed fourteen years with Levitt and Sons, stated he has a total of 26 years of experience in construction, both residential and commercial. The credentials were accepted of Bruce Parker as an expert witness in Real Estate Development. There was no one else who wished to qualify as an expert witness.

Council Member Staib asked if sidewalks will be on both sides of the street. Director Geiger stated Staff recommendation and Council consensus was to have sidewalks on both sides of the street.

Community Development Director Geiger read proposed subsection 1.2.R into the record in its entirety as follows:

> "Residential driveway access points to be located on private and minor streets located internal to the subdivision may be placed no closer than 5.5 feet to side lot lines providing no safety issues or conflicts with infrastructure are apparent as determined by the City's Departments of Public Works and Community Development."

Director Geiger added for safety reasons, Staff recommends sidewalks be required on both sides of the street.

Joseph Quinn, representing the applicant, stated they agree with recommendation of Staff regarding the driveway separation. The Developer would like to provide an alternative product relative to the sidewalk issue. He presented a letter from the U.S. Postal Service stating they want to have mailboxes on one side of the street only. The Developer wants to locate sidewalks on one side of the street, co-located with the mailboxes.

Vice Mayor Pugh asked if the U.S. Postal Service required mailboxes to be on one side of the street or if that was something that will be optional. Joseph Quinn stated the U.S. Postal Service is steadfast on that issue.

Joseph Quinn presented pictures for the Council showing the proposed sidewalk configuration and their inter-connection and where crossings and mailboxes will be located. He noted people will be crossing the street in order to get mail or possibly crossing to meet with neighbors.

Bruce Parker stated a reasonable decision to have sidewalks on one side of the road is that mailboxes will be on one side of the road. The ordinance at this

point requires four (4) foot sidewalks on each side of the street. He proposed a five (5) foot sidewalk on one side of the road, convenient for people walking side by side. He presented a layout, explaining sidewalks go throughout the whole community. He stated there are reasons to cross the street on occasion, there will be no reason to walk in the street. Prospective homeowners would be able to have the choice of where and how they want to live and with connectivity throughout the subdivision, they can accomplish what concerns there are to keep people off the street.

Council Member Staib asked what the speed limit will be in the Senior Development. Mr. Parker answered that the speed limits have not been set yet, but he believes some areas will be ten to fifteen miles per hour and on the boulevard possibly twenty-five to thirty-five miles per hour. The boulevard has no driveways, so no cars backing out into it.

Vice Mayor Pugh asked Director Geiger if this was a rural or urban development. Director Geiger answered that it is a cluster development, a planned development project that allows for higher density within specified areas. He said our code only requires a minimum four foot sidewalk. When negotiating the terms for a planned development project, there is flexibility going in both directions. The City allowed for smaller lots, higher density. We have provided higher requirements for the sidewalk standards that were built into the PDP initially. The subdivision regulations will be revised to update the four (4) foot sidewalk requirement to five (5) foot, current industry standards.

Bruce Parker stated the drawings were brought to the U.S. Post Office. They specified that mailboxes will all be placed on the right side of the street in the direction of travel of the mail carrier. He stated it was not a negotiation, that is where the mailboxes will be placed.

Council Member Staib said the people on the side with the sidewalks will be very friendly and the people on the other side will have privacy. Bruce Parker stated they educate their buyer, prior to the purchase of the property and disclose to them which side of the road the sidewalk will be on. He believes it is a fifty/fifty mix based on their past experience. If it was not, they would be putting sidewalks on both sides of the road in all of their communities. If Council allows the future home buyers to make their own decision, they can be comfortable that they have provided this kind of connectivity with sidewalks so people will not be walking in the road. If enough of the non-sidewalk home owners do get together and decide they want a sidewalk in the future, it would not cost the City. The Home Owners Association or Community Development Districts (CDD) would provide for that.

Mayor Johnston stated he has no objection to the proposed sidewalk layout. He believes the design layout addresses safety issues. Council Member Wever agreed.

City Attorney LaCroix stated the ordinance (No. 675-B) was drafted in accordance with the Staff recommendation so it does not include this second request. It will have to be brought back in a separate ordinance.

Charles "Kojack" Burnett stated Council was able to view the pictures presented but he was not, due to where he was sitting. Mayor Johnston recommended Council getting an overhead projector so everyone could see what was presented.

There was no further public or Council discussion.

City Clerk Phillips read Ordinance No. 675-B by headnote only, as follows:

> "AN ORDINANCE AMENDING SUBSECTION 1.2. OF ORDINANCE 675, ALLOWING FLEXIBILITY OF DETERMINING THE LOCATION OF ACCESS POINTS ON RESIDENTIAL LOTS IN "THE CASCADES" DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE."

Motion:
Council Member Staib moved for approval of Ordinance No. 675-B, for driveway access points only; seconded by Vice Mayor Pugh. Motion carried 5-0.

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

Motion:
Council Member Wever moved for approval for a draft ordinance for sidewalk location to be brought back for the next meeting; seconded by Council Member Staib. Motion carried 3-1, with Vice Mayor Pugh in opposition.
[Note: Council Member Burnett had temporarily left the room.]

REGULAR AGENDA

Resolution No. 2005-23 - Urban & Community Forestry Grant Acceptance

> Consideration of proposed corrective Resolution supporting grant application to the Florida Dept. of Agriculture & Consumer Services in the amount of $42,000 (authorized 07/12/05) and authorizing City Manager to execute Memorandum of Agreement if grant is awarded.

City Manager Anderson informed Council that a formal resolution is required by Council to accept the grant that was applied for earlier this year. We must maintain and follow the conditions of the grant.

Mayor Johnston stated the City Match is $19,000, of which $8,000 in cash and $11,000 in kind. The cash match is available in the Tree Protection Fund, which has a current balance of $10,224.

City Clerk Phillips read Resolution No. 2005-23 by headnote only, as follows:

> " A RESOLUTION BY THE CITY OF BROOKSVILLE, FLORIDA TO ENTER INTO AN URBAN AND COMMUNITY FORESTRY GRANT MEMORANDUM OF AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY."

Motion:
Council Member Wever moved for approval of Resolution No. 2005-23; 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

Utility Service Agreement - Hernando County Emergency Operations Center (EOC)

Status report on the Hernando County EOC to be constructed adjacent to the existing Sheriff's Office off Clinton Blvd.

City Manager Anderson explained that there is a provision in standard utility service agreements for power of attorney for future annexations into the City. The County submitted a revised agreement, removing that section.

City Attorney LaCroix stated the courts have said cities can require annexation as a condition to provide utilities. If that requirement is waived in this instance, there could be a problem if some landowners on the other side of the property wanted utility service and we wanted them to annex, it would create an enclave. They would not be able to annex and they would have to pay higher utility rates. The City Manager proposed a compromise to the County Administrator for that parcel to be annexed, if and when someone else wanted to annex and it was necessary to make that property contiguous. He noted this item is on the County Commission Agenda tomorrow for discussion.

Council Member Wever stated a few years ago, the County bought property to build the Public Works Department, outside the City limits. They asked us to annex it so the whole property could be in the City limits. He asked who is stopping them from doing the same thing here. He said the property is part of the Sheriff's Department. The statute requires the Sheriff's Department property to be within the City limits. City Attorney LaCroix answered that the requirement is for the Constitutional offices to be located in the County Seat, whether the Sheriff has auxiliary facilities outside the City is a different issue.

Vice Mayor Pugh suggested a revision of the future utility service agreements.

Mayor Johnston suggested tabling the item until the October 17, 2005 meeting.

Hurricane Katrina Appreciation - WWJB

Police Chief Tincher presented a plaque to Barbara Manuel, WWJB owner, who along with other concerned businesses and citizens, donated $11,000 worth of supplies within twenty-four hours to those who were in need in Pascagoula, Mississippi.

Ms. Manuel accepted the plaque and was glad the money went to serve the people that needed it most.

Reclaimed Water Rate Study

Consideration of authorizing standard engineering services agreement with SCS Engineering for an amount not to exceed $15,000. Funds available in Water Division "Other Contractual Services" (#401-027-536-53400).

Public Works Director Pierce stated they have had a great deal of difficulty getting engineering firms to provide reasonable quotes and scopes of work. He said he has two for comparison. He said if rates are contested, backup documentation will be needed. He recommended going with SCS Engineers.

Council Member Wever stated until the City gets the agreement with Landmar, there may not be any excess to sell. Mayor Johnston stated it is the consideration of Staff that we may have that sooner than we think. Director Pierce stated even though the Landmar Development is expanding rapidly, we still will have costs that we can justifiably recover.

Vice Mayor Pugh asked for further clarification of the agreement. Director Pierce explained, initially, we put a requirement into the agreement that they must accept a million gallons, because there was no other discharge. That clause still exists along with the clause that they get up to one million gallons per day (MGD) average annual rate free. There is room for compromise because they probably cannot accept one MGD every day at the beginning. He stated he is trying to come up with operational protocol that will allow some flexibility to change the agreement to reflect physical changes that have occurred. There will still be some increased costs that can be recovered. By the terms of the agreement, the Developer cannot be charged for that water.

Council Member Wever asked if the report can be done and used in the future with updated figures. Director Pierce answered yes.

City Attorney LaCroix advised that another reason why the rate study needs to be done is that the City has to adopt a rate by Ordinance for City reuse water. He recommended any franchise agreement with resellers of the reuse water, provide for limiting them to charge their customers the same rate we charge our customers.

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

Dept. of Public Works and Utility Division Projects

Hope Hill Aquifer Test Program

Consideration of contracting with Leggette, Brashears & Graham, Inc. of Maitland, FL to perform Phase I tasks at this well site for an amount not to exceed $10,725. Funds budgeted and available in Utility Dept. Project #1997-UT09 (#401-000-169-19049).

Director Pierce stated the consumptive use permit that was acquired for well shafts at Oak Hill and the Junior College required extensive aquifer testing. Expected USDA grant money funding did not occur. The aquifer testing still needs to be done. He explained that Roy Silverstein, a former subcontractor for Coastal Engineering, is familiar with technical well testing and can give an effective quote. He recommended going back to Roy Silverstein, now working with the engineering firm of Leggette, Brashears & Graham, Inc. for Hope Hill Aquifer Test Program Phase I for an amount not to exceed $10,725. Other related work is included, but is over the $25,000 limit in the Consultants Statute.

Council Member Wever asked if all three (Phases) go over the $25,000 limit. Director Pierce stated he is asking for consideration of Phase I only, the other two are over or near the $25,000 limit. He recommended getting an RFQ to get a qualified firm to handle all of our water supply improvement issues rather than dealing with each piecemeal.

Vice Mayor Pugh asked if Phases II and III cannot be given to them, and must be given to different bidders. City Attorney LaCroix answered they can be bidded out and we can give them Phase II and III if they rank the highest.

Council Member Wever asked if each would be a separate contact. City Attorney LaCroix answered yes. He stated Director Pierce can get continuing service contracts with engineering firms for things that relate to a specific area. We can give them specific projects that fall within that area and that has been bid

under CCNA (Consultants Competitive Negotiation Act).

Council Member Burnett asked how a project over $25,000 can be given to one contractor without going out to bid. City Attorney LaCroix answered that you can do a continuing contract for projects of a certain type, which is allowed under CCNA.

Vice Mayor Pugh asked if there was any limit. Director Pierce said, under the guidelines, if you enter into a continuing contract, you can sign up an infinite number of projects, whose total costs, engineering fees do not exceed $2,000,000. If you do not enter into a continuing contract, the limit is $1,000,000.

Motion:
Council Member Wever moved for approval of the Phase I tasks, amount not to exceed $10,725; seconded by Council Member Staib. Motion carried 5-0.

Request for Qualifications for Various Department Projects

Authorize advertisements for RFQ's for engineering services for the following department projects: 1)Balance of Phases for Northwest and Hope Hill Wellfield Projects. 2)Water supply improvements, utility relocations associated with FDOT or County road construction projects. 3)General engineering services contract to include road and drainage work, utility engineering, rate studies, funding applications, etc.

Director Pierce requested authorizations for RFQ's for engineering services for various projects.

Vice Mayor Pugh asked if there had to be one rate structure. City Attorney LaCroix stated the rate structure would be negotiable.

Council Member Wever pointed out the memo and the agenda did not match, City Clerk Phillips stated items one and two on the agenda were combined as item one on the memo.

Motion:
Vice Mayor Pugh moved for approval of the memorandum items of Director Pierce; seconded by Council Member Burnett. Motion carried 5-0.

2005 "Great Brooksvillian of the Year"

Review of nominations received for annual award program for the following individuals: a)Robert G. Fincannon, b)Joseph E. Johnston, Jr., c)Robert G. Martinez, d)Mary Alice Queiros, e)Judge Monroe W. Treiman, and f)E. E. "Ernie" Wever, Jr.

Director of Administration Phillips passed out ballots.

Mayor Johnston asked that Council members initial the ballots.

Director of Administration Phillips informed Council that there was a tie between two of the nominees. Council Member Staib said another vote needed to be taken. Mayor Johnston noted that two Council Members were out of the room. Council took a few minutes break.

City Attorney LaCroix stated the policy is that a nominee must be or have been a resident of Brooksville when he/she made the contribution. Mary Alice is not a resident. The policy can be changed, for example to say resident or City employee.

Mayor Johnston said Mary Alice Queiros was one of the top vote getters.

Motion:
Council Member Burnett moved for approval of waiving the residency requirement for the purpose of this vote; seconded by Vice Mayor Pugh. Motion carried 5-0.

Corrected 01/23/06

Council voted between Joseph E. Johnston, Jr. ~~III~~/ and Mary Alice Queiros.

Director of Administration Phillips announced Mary Alice Queiros, 2005 Great Brooksvillian of the Year, will be honored at a ceremony on Monday, October 17,2005 at 2 p.m. in the City Council Chamber.

Advisory Board Member Meeting Absences

Consideration of removal of Advisory Board Members for three or more unexcused absences in a six-meeting period pursuant to Policy #1-94, Sec. 2(A):

a) Brad Montgomery - Beautification Board
b) George Rodriguez - Cemetery Advisory Board
c) Nathaniel Sims - Brooksville Housing Authority

Director of Administration Phillips recommended removal of three members from three different boards for absences, each having been notified.

Mayor Johnston inquired about the absences of Sims and Rodriguez. Director of Administration Phillips stated the absences were unexcused or frequent absences. City Attorney stated the policy exists to prevent scheduled meetings from not being held, due to lack of a quorum.

Director of Administration Phillips stated Mr. Rodriguez was given a letter, by certified mail, inquiring as to his ability to sit on the Board. He had quite a few absences. She stated she had gotten receipts back from mail sent to Montgomery and Sims. She has not received anything back yet from Mr. Rodriguez.

Council Member Staib stated she has gotten calls from the Cemetery Board and postcards from Lindsey reminding us that there is a meeting.

Vice Mayor Pugh asked if any of the meetings occur on a different schedule. Director of Administration Phillips stated the Cemetery Board does not have a set time for meetings and they meet quarterly. The Beautification Board has a set schedule, not meeting in the summer months and the Housing Authority has a set schedule. She stated the absences have been an ongoing issue.

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

Staff to advertise vacant positions.

Fire Dept. Ladder Truck

Discussion of purchase of 70' Sutphen Aerial Platform Ladder Truck from Florida Emergency Vehicles
[Estimated cost is $638,967]

Fire Chief Daugherty asked if Council had any questions.

Council Member Staib asked about calling the vehicle a ladder truck. Fire Chief Daugherty suggested combination ladder truck.

Council Member Wever asked what the delivery time estimate was, to which Fire Chief Daugherty replied it was guaranteed by June 1, 2006.

Mayor Johnston asked if there was any discussion with Developers such as Southern Hills, Majestic Oaks and Levitt, for possible partial funding or grants to assist in financing the vehicle. Director Geiger stated that impact fees could be used to support a capital purchase.

Fire Chief Daugherty stated impact fees now are not a big number for us. New developments coming in should know they will be asked for support for some of the problems they are causing the City.

Council Member Wever asked if there was any response to the last application for the grant for the truck. Fire Chief Daugherty answered that we are still in the running for it under the FEMA grant.

Vice Mayor Pugh asked if this was a problem because it is over by $38,000. City Attorney answered the purchasing policies can be waived in order to purchase from this seller on these terms.

Stan Mettinger, Lieutenant with the Brooksville Fire Department, stated the Castlebury costs are approximately $623,000 before trade in and pre-payment discount. A smart boom was added in for a total of $15,000. Castlebury chose not to take it because it was just coming off the market when they ordered. City Clerk Phillips said she had asked the Finance Director to provide the revised schedule for consideration.

Council Member Wever asked if anyone knew how long it would take to receive bids back on financing. Finance Director Baumgartner answered that in the past they sent quotes out to all the Hernando County institutions regarding the garbage truck purchase fairly rapidly by fax. He estimated it may take a couple of weeks.

Council Member Wever discussed strategies for financing of the vehicle purchase and getting a rate locked in before the rates rise. He was of the opinion that it would be a versatile vehicle for fire fighting and he supports the purchase of it. Council Member Burnett stated the vehicle has everything the firefighter would need right there.

Vice Mayor Pugh asked which items were originally asked for to be added. Council Member Staib answered a raised cab roof, the backup noise, similar to that of sanitation vehicles, a slide-out step with beeper, remote control monitor and platform. Vice Mayor Pugh stated we have gone from adding a few things to adding $38,000 worth of things. Lieutenant Mettinger answered that the added items were not options on the Castlebury bid. He explained that everything added was related to safety.

Council Member Wever stated that we had no vehicle with a list of equipment to look at when we were discussing the purchase during the budget meetings. Fire Chief Daugherty said those options were not there, this was a close figure we were providing.

Council further discussed pricing and financing. Council Member Wever advised that FEMA may decide the fire truck is needed in those areas hit by the Hurricane. He recommended going ahead with the purchase as soon as possible.

Motion:

Council Member Burnett moved for approval of Staff recommendation subject to financing; seconded by Council Member Staib. Motion carried 3-2, with Mayor Johnston and Vice Mayor Pugh in opposition.

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

BERT Equipment Transfer

Consideration of lease/purchase option with Jackson County for BERT Command Center unit, three phase generator and support equipment for $75,000, based on a six (6) month lease at $8,880 per month with a $25,000 buyout at the end of the lease term.

Police Chief Tincher reported that during Hurricane Katrina, the BERT Command Center was stationed in Jackson County. They had expressed willingness to lease the Command Center and the generator and it was left there for their use. The BERT unit was a gasoline powered unit. Chief Tincher asked Council for authorization to lease the Command Center to Jackson County and recommended replacement with a diesel unit.

Council Member Wever stated Jackson County has a serious need of that equipment because it will take them awhile to get their system back in. Chief Tincher added that it would have left them in a much worse position to take that equipment away.

Mayor Johnston asked what happens in the event that we are called out again. Chief Tincher answered that they have secured a functional, diesel powered bus from the Department of Navy, to be picked up in Orlando the next day. They will be able to set it up for the same operations quickly. They currently have a 125KW single phase generator for immediate use. A larger, three phase generator will be needed.

Council Member Wever asked if Tallahassee has to be notified of the disposal of the unit. Chief Tincher answered that he did not believe they were under requirement. He stated there will be no change in the way we are doing business. We will be in a better position using the bus; it has a big fuel tank.

Council Member Wever asked if the sale includes all the equipment. Chief Tincher stated Jackson County did not need a major portion of our radio system.

Council Member Wever asked if the fuel truck was a dual or single tank truck. Chief Tincher stated we have a single tank and a dual tank, both are fed by a common hose for dispensing. We have been carrying diesel in it. He stated he would prefer to be diesel dependent vs. gasoline dependent.

Vice Mayor Pugh asked if we will be able to expand even more or will it be less than what we had and we will have to put more into it. Chief Tincher answered that the generator replacement will put us in a better position. He stated we can look for Homeland Security grants and hopefully at a third of the cost of a fire truck. The unit will have application against a whole gamut of problems.

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

Public Works Department Facility Cleanup Project

Status report on project
Review of work done to date to enhance the aesthetic appearance of the building and surrounding grounds.

Public Works Director Pierce reported the two buildings have been pressure washed and painted and a roof was put on the maintenance shed.

Fence Options
Review of options available for replacement fencing. [Note: Fence not budgeted and funds would have to be transferred from Reserves if authorized].

Public Works Director Pierce stated Howard Jackson has asked a variety of vendors to provide prices for new fence around the public works compound. The cement block option is out of the question. Chain link fence comes in two styles, with the diagonal strips providing more of a visual block than the vertical strips. Director Pierce recommended going with Cole Fence, a local fence company, and have their fifty year vinyl fence Lakeland installed, a solid style providing an absolute visual block.

Mayor Johnston asked if there was a potential for graffiti. Director Pierce answered there could be, but in that case, it could be painted over.

Council Member Staib asked if there was barbed wire on the top. Director Pierce answered there was not.

Motion:
Council Member Wever moved for approval, of waiving purchasing policies, and authorizing purchase of Lakeland Style vinyl fence from Cole Fence, with funds to come from utilities and general fund; seconded by Council Member Burnett. Motion carried 5-0.

ITEMS BY COUNCIL MEMBERS

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

Newspaper Article - Jake Varn
Council Member Wever stated the article on Jake Varn in the newspaper was very good, but there was one error. The writer had the name of Tom Bronson's father-in-law as Alfred McKethan, but the correct name is Bud McKethan.

Work On U.S. 98
He asked if the work on U.S. 98 is repaving. Director Pierce stated there was more to it, there will be some new culverts and moving some utilities.

FDOT Grant Program
He stated that there had been a flyer sent out regarding DOT money being available for something like what is being done on the reverse frontage road. He asked about looking into requesting money for doing the other part of the north-south four lane Dixie Boulevard that LandMar is going to put in.

Utility Tax
Council Member Wever had called Jim Patrone at Wilkerson Oil back regarding what we have collected on the utility tax. He said he told Mr. Patrone the problem was not the utility tax, but his competitor, Walmart that was causing him

problems on his sales. Mr. Patrone said people shopping at Walmart pay almost anything for anything they buy. Council Member Wever told him if we reversed that tax, we would have to raise the ad valorem tax rate. Mr. Patrone answered that it did not matter to him because he does not live in Hernando County.

Hospital Easement
Council Member Wever asked City Manager Anderson if there had been a favorable response regarding the easement at the hospital. City Manager Anderson replied that a letter was received regarding the hospital's engineering firm meeting with the City. Mayor Johnston stated any pledges of cooperation by the hospital may mean nothing, upon completion it will be deeded to the County.

Future Sasser Annexation
Council Member Wever stated he spoke with Charlie Sasser, who agreed today to go ahead with plans to annex all the remaining property he owns there except his home. He has spoken with City Manager Anderson, Director Geiger and City Attorney LaCroix, and tomorrow will go back to Mr. Sasser for copies of the deeds and surveys, to get started on the annexation.

David Pugh - Vice Mayor

Scouts Night
Vice Mayor Pugh shared with Council that he took his son to Tropicana Field for Boy Scouts event and saw that Chief Tincher attended, wearing a scout uniform. Vice Mayor Pugh commended staff for their dedication.

Mary A. Staib, Council Member

Mine Tour And Blast Demonstration
Council Member Staib stated she went to the Rinkers Materials Mine for a Water Guardian meeting. They took the tour of the mines and a demonstration of the blast. She said it was not too bad.

Annual Workshop
She stated the Committee Against Assault On Law Enforcement Officers is having an annual workshop October 5, 2005 from three pm to five pm. She passed out copies of the Agenda to Council and said anyone was welcome to come.

Karen M. Phillips, CMC, City Clerk

Founders' Week
City Clerk Phillips passed out information for Founders' Week and said to watch for the whole calendar in the Hernando Today, October 13,2005.

Citizens Input

There was no citizen input.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 10:28 p.m.

City Clerk

ATTEST: _____
Mayor

:lam
G:\WP_WORK\ClerkOffice\MINUTES\2005\10-03-05mtg.wpd

AGENDA ITEM NO. C-1
12/19/05

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

MINUTES

OCTOBER 6, 2005 5:30 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. present. Also present were Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk/Director of Administration; David LaCroix, City Attorney; Emory Pierce, Public Works Director; Will Smith, Utilities Superintendent; and Bill Geiger, Community Development Director. There were no representatives of the news media present.

The meeting was called to order by Mayor Johnston.

West Water and Sewer Line Extension (West Cortez) - Change Order #2

Public Works Director Pierce advised that staff was previously authorized to negotiate prices with the contractor to try and speed things up and save some money. Unfortunately, he reported that other events have transpired to cause some active price increases for this last part of the SR50 West Project, some of which have really hurt. This is the part of the project that was held up so the City could work out the amendments with Hampton Ridge Developer about the reuse and relocation of the plant to determine the way to run the 3 lines (12" water main, a 16" well sewer line and an 18" reuse line). He reported that originally the City was just going to do the two 12" water & sewer lines. Increasing or oversizing the lines, however, brings up who pays for what. The contractor has quoted $1,570,067 and this is the amount the City would be obligated to with the approved Change Order. He advised that he has a signed commitment from the developer to reimburse the City $517,145 for oversizing, with the net amount of $1,052,922 the City's responsibility. Additionally, $395,380 of this is reuse, which is at least 50% eligible for reimbursement from the Water Management District so in the long run after all the dust settles the City's cash-out should be $855,232, per Pierce. Council Member Wever inquired if that would also include the $213,000 for the remainder of Phase I, which Mr. Pierce confirmed, stating there is still retainage and the final payment to be made on the first part of this project in this estimated amount.

Director Pierce reported that staff has checked the contractor's prices with other people and they are comparable. He also included previous bid prices that the City received on the first part of the project. Unfortunately, all the first phase budget was for 12" so this is not comparable to the 16" or 18" lines. If you look at the 12" you can see the City was getting a price of $24 a linear foot to $27 a linear foot and the standard price that the contractor is proposing is $40.40 a linear foot but this is what the developer is paying out at Southern Hills for similar work, which was confirmed by the developer's representative in the audience.

The Proposed Agreement with the Developer for the reuse line and force main oversizing project includes terms which reflected that the contractor would deposit the $517,000 in the City's trust account and the City would be allowed to draw down that money as the pay requests come in. The developer would get impact fee credits for his portion of the sewer, which includes half of his deduct portion of the general conditions in the amount of $64,703 covering repaving, sod, etc. The deduction represents 33% for the one reuse line technically for the developer except that the City would be oversizing it for

APPROVED BY BROOKSVILLE
CITY COUNCIL
ON 12/19/05 INITIALS

extra capacity for our use. While the ultimate test to get comparable prices is to put something out for bid, he felt it was necessary to bring this forward in this manner because he had acquired all types of support letters from suppliers stating that after October 7th there would be a 30 to 40% materials price increase that would impact the cost of this job at least $100,000. He recommended that the best thing to do is move ahead and approve the change order to get the job moving.

The City Manager asked that he review the portion of the developers' payment that would be subject to impact fee credits. Per Pierce, impact fee credits would amount to 169 based on the sewer extension portion of $259,466 plus half of the general conditions of $32,351.50.

Council Member Burnett asked if this project had been previously sent out to bid. Pierce advised that staff was authorized approximately six months ago to try to negotiate prices or go out to bid. He again stressed that this could be bid out for the additional project costs now but he is comfortable in his assessment of the significant price increases in the 30 to 40% range for materials should this happen. City Manager Anderson clarified that when the original project was presented to Council it was with the recommendation that we only take bids on the first portion of the project, which was to run water and sewer from the part where this one starts out past the hospital and bids were taken on that phase. What is being presented today is a proposal that rather than go out for bid again for this next phase, a change order of the first contract be authorized.

Mayor Johnston pointed out that the change order being negotiated is with the company that gave the City the lowest bid on the first phase. Staff has done further investigation and determined that the prices that we are being quoted for this next phase are within the general conditions as they are today. We did not bid this out before because we were going to do it in stages at the time and we did not anticipate what was going to happen with the hurricanes and things like that that were going to cause the prices to go up quite so much. From what he understands, staff has a good working relationship with the contractor. With all those factors in consideration, it seemed to him that it behooves the City to go ahead and get it done at what appears to be a decent price with somebody that the City can work with under terms that are not going to jack up on us real big.

Vice Mayor Pugh inquired of the City Attorney about the fact that the previous authorization had been to negotiate and at that time it was more unit prices that were bid at that time. What he sees now is different line items, increased pipe sizes, and he wondered what the City would be opening itself up to from someone contesting it if we circumvented the competitive bid process.

The City Attorney stated it was his opinion that this could be done as proposed by change order under the circumstances.

Public Works Director Pierce further advised that on the initial bid documents there were the two 12" lines, however, the rest of the project was shown but not part of the bid. It was clearly the City's intent that this was going to be done at some time and the work is physically connected together. Vice Mayor Pugh indicated that he also felt this is probably the best way to go under the circumstances but he was concerned about the potential of other contractors contesting the process.

Utilities Superintendent Smith interjected that the City is actually buying two 12" lines and Landmar is buying the upgrades on the wastewater sewer lines and

the City is buying the difference between a 12" reuse line that he is paying for and an 18" which we believe allows us to market 50 West for reuse in the future.

Council Member Wever clarified that SWFWMD is not a 50-50 reimbursement as reported; they put us into a 60% ratio in this year's budget. He also asked for clarification that the portions of this project that have already been completed have been paid out of cash. Pierce replied affirmatively and as to the next $200,000 the City Manager reported that he advised that it should be taken out of the line of credit because although we have the cash he did not want to get the reserve that low.

Motion:

Motion was made by Council Member Burnett, which was seconded by Council Member Staib, to accept staff's recommendation regarding Phase 2 of the Water & Sewer Line. It was confirmed that the proposed agreement with the developer that was presented would be brought back at the next regular Council Meeting. Vice Mayor Pugh asked if the City is putting a 12" sewer extension in and the developer is asking to upsize for development, why is the City giving impact fee credits for that. Smith reported that this is allowed for in the master Developer's Agreement and he pointed out that they would be paying for the upsizing. Motion carried 5-0.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 5:54 p.m.

City Clerk

ATTEST: _____
Mayor

:kmp

G:\WP_WORK\ClerkOffice\MINUTES\2005\10-06-05 Special Meeting.wpd

AGENDA ITEM NO. C-1
2/6/06

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

MINUTES

OCTOBER 6, 2005 5:30 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. present. Also present were Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk/Director of Administration; David LaCroix, City Attorney; Emory Pierce, Public Works Director; Will Smith, Utilities Superintendent; and Bill Geiger, Community Development Director. There were no representatives of the news media present.

The meeting was called to order by Mayor Johnston.

West Water and Sewer Line Extension (West Cortez) - Change Order #2

Public Works Director Pierce advised that staff was previously authorized to negotiate prices with the contractor to try and speed things up and save some money. Unfortunately, he reported that other events have transpired to cause some active price increases for this last part of the SR50 West Project, some of which have really hurt. This is the part of the project that was held up so the City could work out the amendments with Hampton Ridge Developer about the reuse and relocation of the plant to determine the way to run the 3 lines (12" water main, a 16" ~~well~~ * sewer line and an 18" reuse line). He reported that originally the City was just going to do the two 12" water & sewer lines. Increasing or oversizing the lines, however, brings up who pays for what. The contractor has quoted $1,570,067 and this is the amount the City would be obligated to with the approved Change Order. He advised that he has a signed commitment from the developer to reimburse the City $517,145 for oversizing, with the net amount of $1,052,922 the City's responsibility. Additionally, $395,380 of this is reuse, which is at least 50% eligible for reimbursement from the Water Management District so in the long run after all the dust settles the City's cash-out should be $855,232, per Pierce. Council Member Wever inquired if that would also include the $213,000 for the remainder of Phase I, which Mr. Pierce confirmed, stating there is still retainage and the final payment to be made on the first part of this project ~~in~~ is * this estimated amount.

* (Corrected 2/6/06 _____)

Director Pierce reported that staff has checked the contractor's prices with other people and they are comparable. He also included previous bid prices that the City received on the first part of the project. Unfortunately, all the first phase budget was for 12" so this is not comparable to the 16" or 18" lines. If you look at the 12" you can see the City was getting a price of $24 a linear foot to $27 a linear foot and the standard price that the contractor is proposing is $40.40 a linear foot but this is what the developer is paying out at Southern Hills for similar work, which was confirmed by the developer's representative in the audience.

Developer *(Corrected 2/6/06 _____)*

The Proposed Agreement with the Developer for the reuse line and force/ main oversizing project includes terms which reflected that the ~~contractor~~ /would deposit the $517,000 in the City's trust account and the City would be allowed to draw down that money as the pay requests come in. The developer would get impact fee credits for his portion of the sewer, which includes half of his deduct portion of the general conditions in the amount of $64,703 covering repaving, sod, etc. The deduction represents 33% for the one reuse line technically for the developer except that the City would be oversizing it for

APPROVED BY BROOKSVILLE
CITY COUNCIL
ON 2/6/06 INITIALS _____

extra capacity for our use. While the ultimate test to get comparable prices is to put something out for bid, he felt it was necessary to bring this forward in this manner because he had acquired all types of support letters from suppliers stating that after October 7th there would be a 30 to 40% materials price increase that would impact the cost of this job at least $100,000. He recommended that the best thing to do is move ahead and approve the change order to get the job moving.

The City Manager asked that he review the portion of the developers' payment that would be subject to impact fee credits. Per Pierce, impact fee credits would amount to 169 based on the sewer extension portion of $259,466 plus half of the general conditions of $32,351.50.

Council Member Burnett asked if this project had been previously sent out to bid. Pierce advised that staff was authorized approximately six months ago to try to negotiate prices or go out to bid. He again stressed that this could be bid out for the additional project costs now but he is comfortable in his assessment of the significant price increases in the 30 to 40% range for materials should this happen. City Manager Anderson clarified that when the original project was presented to Council it was with the recommendation that we only take bids on the first portion of the project, which was to run water and sewer from the part where this one starts out past the hospital and bids were taken on that phase. What is being presented today is a proposal that rather than go out for bid again for this next phase, a change order of the first contract be authorized.

Mayor Johnston pointed out that the change order being negotiated is with the company that gave the City the lowest bid on the first phase. Staff has done further investigation and determined that the prices that we are being quoted for this next phase are within the general conditions as they are today. We did not bid this out before because we were going to do it in stages at the time and we did not anticipate what was going to happen with the hurricanes and things like that that were going to cause the prices to go up quite so much. From what he understands, staff has a good working relationship with the contractor. With all those factors in consideration, it seemed to him that it behooves the City to go ahead and get it done at what appears to be a decent price with somebody that the City can work with under terms that are not going to jack up on us real big.

Vice Mayor Pugh inquired of the City Attorney about the fact that the previous authorization had been to negotiate and at that time it was more unit prices that were bid at that time. What he sees now is different line items, increased pipe sizes, and he wondered what the City would be opening itself up to from someone contesting it if we circumvented the competitive bid process.

The City Attorney stated it was his opinion that this could be done as proposed by change order under the circumstances.

Public Works Director Pierce further advised that on the initial bid documents there were the two 12" lines, however, the rest of the project was shown but not part of the bid. It was clearly the City's intent that this was going to be done at some time and the work is physically connected together. Vice Mayor Pugh indicated that he also felt this is probably the best way to go under the circumstances but he was concerned about the potential of other contractors contesting the process.

Utilities Superintendent Smith interjected that the City is actually buying two 12" lines and Landmar is buying the upgrades on the wastewater sewer lines and

the City is buying the difference between a 12" reuse line that he is paying for and an 18" which we believe allows us to market 50 West for reuse in the future.

Council Member Wever clarified that SWFWMD is not a 50-50 reimbursement as reported; they put us into a 60% ratio in this year's budget. He also asked for clarification that the portions of this project that have already been completed have been paid out of cash. Pierce replied affirmatively and as to the next $200,000 the City Manager reported that he advised that it should be taken out of the line of credit because although we have the cash he did not want to get the reserve that low.

Motion:
Motion was made by Council Member Burnett, which was seconded by Council Member Staib, to accept staff's recommendation regarding Phase 2 of the Water & Sewer Line. It was confirmed that the proposed agreement with the developer that was presented would be brought back at the next regular Council Meeting. Vice Mayor Pugh asked if the City is putting a 12" sewer extension in and the developer is asking to upsize for development, why is the City giving impact fee credits for that. Smith reported that this is allowed for in the master Developer's Agreement and he pointed out that they would be paying for the upsizing. Motion carried 5-0.

ADJOURNMENT
There being no further business to bring before Council, the meeting adjourned at 5:54 p.m.

City Clerk

ATTEST:
Mayor

:kmp

G:\WP_WORK\ClerkOffice\MINUTES\2005\10-06-05 Special Meeting.wpd

AGENDA ITEM NO. C-1
1-23-06

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

AGENDA

OCTOBER 17, 2005 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, Director of Administration/City Clerk; Julie Sherradan, Deputy City Clerk; Emory Pierce, Department of Public Works Director; 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. A member of the Hernando Times and a member of Hernando Today were also present.

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

Consent Agenda

Surplus Property - Police Dept. & DPW
Declare (a) miscellaneous wheelchairs and (b) Vehicle No. 634 (1977 GMC Lift Truck), surplus and authorize disposition by City Manager.

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

CERTIFICATES, PROCLAMATIONS, AND PRESENTATIONS

"Red Ribbon Week" Proclamation
Proclamation designating the week of October 23-31, 2005 as "Red Ribbon Week".

Mayor Johnston presented a proclamation designating the week of October 23-31, 2005 as "Red Ribbon Week".

Joanne Munford thanked the Council and accepted the proclamation on behalf of a Red Ribbon celebration, a Family Fun Day, being held Saturday October 29th from 10 am till 2 pm at the Jerome Brown Community Center.

REGULAR AGENDA

*Levitt and Sons, LLC - "The Cascades" - Ordinance No. 675-C - Exception to Sidewalk Requirement
Consideration of proposed Ordinance modifying sidewalk requirements to placement on one side only on minor residential streets in the subdivision.

Director Geiger stated the petitioner is asking to amend the Ordinance 675 for one (1) five foot sidewalk on one side of minor residential streets in the development. Staff recommendation was denial of this request due to safety considerations, to avoid pedestrian/vehicle conflicts. The request was brought to the Planning & Zoning Commission and they recommended supporting the Staff recommendation with a 3-2 vote.

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

Council Member Staib stated she could not accept this if sidewalks were not on both sides of the street. She was concerned for the safety of the elderly and the children in the subdivision.

Mayor Johnston asked if there was anyone in the public that wished to speak.

Joseph Quinn, Coastal Engineering Associates, representing the applicant, stated a number of points were addressed regarding the sidewalk topic at the last Council meeting. One question that did come up related to the rural area provision. He stated they had gotten additional information from the Post Master, which defines this as a rural carrier route, that it is not traversed on foot, but by vehicles and they want the mailboxes on one side of the street. Staff addressed safety issues in their report. He stated sidewalks will front 125 of the 190 lots and whether there are sidewalks or not, people will still be in the street at mailboxes and crossing the street to meet with neighbors.

Cliff Manual, President, Coastal Engineering, stated this stage of development is in the millions of dollars, $200,000 is not going to make us or break us. He stated the customers that want sidewalks will be accommodated and that they also want to accommodate customers that do not want sidewalks. The sidewalks will be coordinated with the mail carrier activity. Sidewalks will be where the citizens go to get their mail.

Vice Mayor Pugh stated we should not be weighing this requirement for marketability instead of safety issues. He asked why we are not going to be listening to Staff recommendations.

Council Member Burnett believes the customers should be able to select the option of having a sidewalk. He surveyed about 150 people in Hernando County, 90% of those surveyed wanted the choice. He stated Council should be in favor, not of the Developer, but of the people moving into the development and Council should allow them to have the choice.

City Clerk Phillips read Ordinance No. 675-C by headnote only, as follows:

> **"AN ORDINANCE AMENDING SUBSECTION 1.2.J. OF ORDINANCE 675, PROVIDING FOR MINIMUM STANDARDS FOR SIDEWALKS ON THE MINOR RESIDENTIAL ROADWAYS WITHIN "THE CASCADES" DEVELOPMENT; AND PROVIDES AN EFFECTIVE DATE."**

Motion:
Council Member Wever moved for approval, with the second and final reading November 7, 2005; seconded by Council Member Burnett. Motion carried 3-2 upon roll call vote as follows:

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

Sanitation Rate Adjustment Study

Consideration of amending the Sanitation Rate Schedule for commercial and residential customers.

Public Works Director Pierce reported that sanitation continues to run at a loss and that approximately another $100,000 per year needs to be generated. He stated that significant changes were made in the prior year to close the gap. Rates were raised to a prior level, there was also a cutback to one day laborer on the back of each residential truck. He recommended invoking a minimum rate for shared dumpster accounts and increasing residential rates from $14.50 a month

to $15.50 a month to generate additional revenues. He stated that it is the only equitable way to fund the City Sanitation service. He recommended Staff delay their decision until an independent company (S.C.S. Engineers) be hired to do a rate study ($15,000) and analysis of our operation. He also noted that no RFQ is needed for this type of analysis.

Council Member Staib asked how the City ordinance relates to the shared dumpster issue. Director Pierce stated the ordinance specifies that each shared dumpster account pays the same proportional amount as the other shared dumpster accounts.

Council discussed the proposed rate revisions.

Director Pierce stated an outside consultant was necessary because they can provide us with different options to look at. We would be paying for education.

Council Member Staib asked about comparison with other small cities. Director Pierce stated it is extremely hard to judge the level of service other small cities are providing. Many do not provide the same services.

Council Member Wever asked if the study would give a projection through 2015, when they would begin the study and how long it would take. Director Pierce answered yes, a ten year projection, and that he believes the company would get back to us within sixty days.

Mayor Johnston stated he believed that the City would be benefitted by having the expert help with this issue.

Motion:
Council Member Wever moved for approval of the rate study and to withhold any rate changes until the rate study is completed; seconded by Vice Mayor Pugh. Motion carried 4-1, with Council Member Burnett in opposition.

SR50 West Service Area Water & Sewer Extension for Hampton Ridge Project Agreement

Consideration of agreement with Hampton Ridge for the Developer to delineate which entity will be responsible for the initial costs associated with the reuse line and sewer force main project versus the oversizing costs.

Public Works Director Pierce stated this agreement allows us to recover $517,000 of the $1.5 million plus that we are obligated to spend on this change order.

Council Member Wever asked if there was a change to take out the word 'average' in the reuse requirement, in the context of commitment to provide them an average 1,000,000 gallons a day. Director Pierce stated he has not finalized the wording on that or other items yet.

City Manager Anderson stated they have a standard contract, we have not gotten to the agreement yet.

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

Evaluation and Appraisal Report (EAR)

Review of proposed first draft of the EAR prepared by the Withlacoochee Regional Planning Council (WRPC) of the City's Comprehensive Plan prior to transmittal to the Department of Community Affairs (DCA) for preliminary review.

Director Geiger explained that the Evaluation Appraisal Report (EAR) is an audit of our existing Comprehensive Plan relative to many different community issues and also relative to Florida statutes and the administrative code changes that have occurred since the last EAR. There have been significant changes and we will be required to make significant changes to our Comprehensive Plan. The report is due by January 1, 2006. He asked Council for any comments or feedback on this first draft and also authorization to send this on to the Department of Community Affairs and other agencies for their review.

Council Member Wever noted, on page 37, item policy - 2-31, this states by January 1, 2006 we will adopt that ordinance. He asked if there has been a draft ordinance prepared yet. Director Geiger stated it has not yet been drafted but we will make adjustments to those dates to bring the Plan up to what is happening versus what has actually happened.

Council Member Wever noted there was a reference to 'small quantity generators'. He asked what was meant by that. Director Geiger stated it refers to a number of hazardous materials, described as small quantity generators. Mayor Johnston stated small quantity producers would be a better term.

Council Member Wever referred to page 315, last paragraph, referencing one-way streets. He was of the opinion that they have increased speeds rather than retarded them. Director Geiger acknowledged that, and stated the DOT position is that one-way streets move traffic more efficiently and quicker through the City than a two-way system. Council Member Wever says it does not make the streets safer.

Council Member Wever asked, on page 324, regarding a reference to sanitary sub-element, is that reporting past history or is that supposedly what is being done now. He stated it refers to a sewer pipe on 41 South, which is no longer in the plans. Director Geiger stated this summarizes what is in the Plan now. We are processing a large scale amendment that will also update our coupling permits element that will update this as well. This needs to be taken out and to be updated to the existing plan.

Council Member Wever pointed out that on page 326, item one says 'construction of a new three-quarter million gallon per day treatment facility'. That has been abandoned. Director Geiger stated that was part of what had to be updated as relates to our existing plan. He stated there are instances of language that had been adopted in 2003 and 2004 and is not yet up-to-date.

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

Hernando County EOC Utility Service Agreement - Annexation Requirement

Status report on County's proposal to delete option for annexation requirement.

Council concurred it would wait for the County Commissioner to review this. This item was tabled.

Advisory Board Member Appointments

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

Firefighters Pension Trust Fund - One member for a two year term through 10/31/07 - Current Member Fran Flannery requested reappointment. She is the only applicant.

Motion:
Council Member Wever moved for approval of reappointment of Current Member Fran Flannery; seconded by Council Member Staib. Motion carried 5-0.

Police Officers Pension Trust Fund - Two members for two year terms: one term through 10/31/07 and one term through 08/31/07 - Current Member Joseph P Quinn requested reappointment (term through 10/31/07); Staff did not receive a response from Mr. Kinner (term through 08/31/07). No other applications received. Mr. Kinner's position will be readvertised.

City Clerk Phillips stated she will re-advertise for Mr. Kinner's position.

Motion:
Council Member Wever moved for approval, reappointment of Current Member Joseph P. Quinn; seconded by Council Member Staib. Motion carried 5-0.

Parks & Recreation Advisory Board - One member for a four year term through 08/31/09 - Current Member William E Chatman, Jr. requested reappointment. Applications also received from Greg Kullman, William D Repper, Jr., Alison Jones, Rose Ferland and Paul Boston.

Council Member Burnett suggested that Council should find some innovative way to interview these people before making a decision on appointments.

Council Member Staib stated the applications have had a lot of notations made on them. She asked if the applicants could be asked to provide new applications. She also stated listing 'many boards' on an application is not enough detail for showing qualification to be appointed to a board and that experience also be detailed, not just experience on a board.

City Clerk Phillips stated there are not a lot of applications on file from potential board members.

Motion:
Council Member Wever moved for approval of reappointment of Current Member William E Chatman, Jr.; seconded by Council Member Staib. Motion carried 5-0.

Emergency Management Director - Assignment Pay

As an alternate to proposing a new position, consideration of creation of assignment pay for an existing employee.

City Manager Anderson recommended the assignment pay for Emergency Management Director be set at 2.5 % of salary and to be temporarily increased by $30.00 a week for the balance of the fiscal year. He stated this position, currently filled by the Police Chief, has required an increasingly large amount of time and energy to fulfill those responsibilities.

Council discussed the creation of the Emergency Management position and the differences in pay between the Police Chief and Fire Chief. The Fire Chief, as an Inspector, receives assignment pay of $27 per week.

Vice Mayor Pugh stated the budget has just passed less than a month ago, and asked why this was not brought forward then. City Manager Anderson stated it was forgotten.

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

Street Dept. Vehicle Purchases

Consideration of authorizing purchase of two vehicles from the Florida Sheriffs Association (etc.) bid, with funding from Fleet Vehicle Replacement Account in the total amount of $40,675, ($40,000 from Vehicle Replacement Fund (#50100016619037) and $765.00 from Vehicle Replacement Fund Reserve (#50100027230070)); $3,220 for an extended warranty from prepaid expenses: a)2005 Ford F350 1 Ton Pickup - $22,708; and b)2005 Ford F350 Club Wagon Extended Van - $21,277 (Prisoner Van)

Public Works Director Pierce requested permission to purchase two (2) budgeted vehicles that came out slightly over the budgeted amount. He promised to get rid of an older pickup truck and an older van.

City Manager Anderson stated we have money put away for their replacement, there is no need for additional appropriation except for the $765.00.

Council Member Wever said the vehicles being replaced will determine the amount of money available. He stated the 99 Van is not eligible for replacement until this time next year. The memo does not identify which vehicles are being replaced.

City Manager Anderson agreed that technically the van will not be fully funded till next year. He wished to defer the vehicle purchases until the November 7, 2005 meeting.

Director Pierce stated he will have the truck numbers for the next meeting.

Council Member Wever asked if the plan was to buy diesel engine trucks for the entire fleet or just the ones designated for BERT. City Manager Anderson said they have looked at prices, diesels are $5,100 more.

Council Member Burnett asked that they consider smaller vehicles for smaller jobs, such as inspections.

Council Member Wever stressed the importance of including vehicle asset numbers in future packet material.

Fire Truck Financing

Review of financing options in response to the City's Request for Proposals.

Finance Director Baumgartner stated we had asked for financing for the fire truck, however, most bidders did not give us what we asked for. SunTrust gave us good rates, but provided amortization schedules that were not correct.

Council Member Wever made several comparisons of the bids, stating SunTrust was the only one that responded in the way we asked for in that bid request with a loan with a quarter draw and six months later, the final funding, giving a fifteen and a half (15.5) year maturity. The others do not comply with the bid request.

He stated there are some proposals for leases instead of loan financing and those

are only for a ten (10) year maturity. For a lease with a ten year maturity, the annual payments will increase about fifty percent, from about $52,000 to $77,000 per year. In the long run, money would be saved by paying it off early.

He compared the two ten year lease bids, Bank of America at $77,089.16 total with a ten year rate of 3.97 and Suntrust with a ten year rate of 3.989. The lease quote for SunTrust is $620 over the ten years more than the Bank of America lease quote. He stated it would be worth $62 a year to be able to walk across the street to deal with them.

The two leases would require drawing the full amount at the initial signing of the debt, the fifteen and a half (15.5) year loan would not.

Both of the leases have asked for an escrow of the excess. Council Member Wever stated that he would not agree with that. If drawing the full amount of money, then he recommended going ahead and paying the full purchase price and taking that $15,000 discount and using it to reduce the financed amount. There would be a $9,500 savings funding it for that six month period with a 25% down payment versus the $15,000 savings in the cost of the vehicle if going ahead and funding it 100%.

If going ahead with a lease, there would be no $2,500 charge for the attorney.

There is a 1% prepayment penalty with Branch Banking & Trust (BB&T). A prepayment penalty could be an issue, it would have to be weighed against future rates.

Council Member Wever stated his recommendation would be to go with the ten year lease with SunTrust Bank or the fifteen and a half year loan with SunTrust Bank with no prepayment penalty.

Council Member Burnett asked Council Member Wever if it would be better to go with a ten year loan. Council Member Wever answered that the shorter the loan, the less the cost. He stated that if we are comfortable budgeting $75,000 to $80,000 instead of $52,000 a year as we planned, then the ten year way is the way to go. When we initially asked for a bid for a fifteen year loan, we were concerned with the annual debt.

Finance Director Baumgartner suggested Council go with the ten year lease from SunTrust Bank.

Mayor Johnston agreed with Council Member Wever that Council first has to decide whether to add the additional debt of roughly $25,000 annually for the next ten years or not, by spreading it out across fifteen years.

Council Member Burnett advised sticking with the original plan and to make a decision before the rates change.

City Manager Anderson suggested Finance Director Baumgartner work with the vendor to coordinate the purchase.

Stan Mettinger, Fire Department, stated there is a 100% performance bond to be paid for by the manufacturer. The manufacturer is willing to give us an extension if needed.

Motion:
Council Member Burnett moved for approval of acceptance of the bid from SunTrust Bank for the fifteen and a half (15.5) year maturity loan with a quarter draw and six months later, the final funding; seconded by Council Member Staib. Motion carried 5-0.

Previous Commitment of Impact Fees
Council Member Wever stated the impact fees promised in a previous motion to pay the loan are going to be needed to build two new fire stations within the next ten years.

Motion:
Council Member Wever moved to add this item to the agenda, seconded by Council Member Staib. Motion carried 4-0.
[Note: Council Member Burnett temporarily left the room.]

Motion:
Council Member Wever moved to reverse our previous decision to commit the use of impact fees to pre-pay the debt on the fire truck purchase and leaving them for construction that will be needed; seconded by Council Member Staib. Motion carried 4-0.
[Note: Council Member Burnett temporarily left the room.]

ITEMS BY COUNCIL MEMBERS

E. E. "Ernie" Wever, Jr.

Recommended Reading
Council Member Wever said there is a Jackson, Mississippi paper on the Council Office table that has an article appropriate to our participation in Pascagoula. There was also an ad thanking Brooksville Regional, Spring Hill Regional and Pine Brook for sending people to help in the Biloxi hospital.

More Payroll Information Needed
We need more payroll details for the budget. We need the name by cost center, employee name, job position, date of employment, current 2005 pay grade classification and total salary for fiscal year 2005, and for fiscal year 2006, the proposed new pay grades and the proposed total salary.

City Manager Anderson stated he would get the information for Council Member Wever.

SWFWMD Meeting
SWFWMD is having a workshop on Friday, the 21st of October on the cooperative funding on the Senate Bill 444 for water protection and sustainability funding. Council Member Wever will be attending and also representing the future Water Supply Board. He said he still does not have a date for when he and Jack Sullivan will meet with the Executive Director and Chairman of SWFWMD.

DCA Meeting
He inquired if anyone from the City would be attending the DCA Educational Information meetings on the three bills that were passed. Mayor Johnston answered that he will be out of state. Public Works Director Pierce stated he may be going. Council Member Wever indicated he may also be going for some of it.

Building Department
Council Member Wever asked if City Manager Anderson had any further information on the Building Department Staffing plans. City Manager Anderson said they have had interest in the position by two or three building officials and he will be bringing a status report back to Council.

DOT
Council Member Wever asked Mayor Johnston if he got a chance to look at something he left for him regarding DOT. Mayor Johnston answered it was something that already passed. The County this year used available funds, in fact the funds were committed several months ago.

Mary A. Staib - Council Member

Wheelchair Donation
Council Member Staib asked Chief Tincher if there was a possibility that a large seated wheelchair can be donated to Cloverleaf Womens Club. Chief Tincher answered that he will look into it. City Clerk Phillips mentioned the City must meet legal requirements from an advertising perspective.

Mayors Meeting
She asked if anyone was going to the Council of the Florida League Mayors meeting on November 18th. She said in her opinion the City of Brooksville does not fit in that category. She stated elected representatives from larger cities would be more effective.

Housing Authority
Council Member Staib asked about the notice that the City Manager and City Clerk would be attending. City Clerk Phillips said they cannot attend after all, so Benny Trent has presented the certificates of appreciation for board member attendance for volunteer reception.

Brooksville Hospital
Council Member Staib brought a copy of a magazine with an article on Brooksville and the Hospital for anyone that wished to see it.

Legislative Delegation
Council Member Staib asked if anyone is going to the Legislative Delegation in the Commission Chamber on November 4th. She said she will be there.

Frankie Burnett - Council Member

Appreciation for Founders Day Parade Involvement
Council Member Burnett thanked all who were involved in the Founders Day Parade. He stated it was his first experience and he really enjoyed it.

Appreciation for Staff
He thanked Staff for doing a wonderful job and encouraged them to keep the perception of the City in mind. He stated, hopefully, we will become innovative enough to pay our employees a decent salary so that we will not continue to be a training ground for other zone entities.

Karen M. Phillips - City Clerk

Apartments for Katrina Victims
In response to a request made by Council Member Burnett to contact the Housing Authority for apartments for Katrina victims, their board has addressed this.

They designated that any family, victim of Katrina, that qualifies for the size of any vacant apartment in any government housing program will be housed immediately. They are giving a ten day grace period before it is given to anyone else, in conjunction with Federal guidelines.

Founders Week
She reminded Council to continue watching for Founders Week activities all week long.

Joseph E. Johnston, III - Mayor

Vacation
Mayor Johnston reminded Council he leaves noon on October 21st for two weeks vacation.

CITIZENS INPUT

There was no citizen input.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:25 pm.

City Clerk

ATTEST: _____
Mayor

G:\WP_WORK\ClerkOffice\MINUTES\2005\10-17-05mtg.wpd

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

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

MINUTES

NOVEMBER 7, 2005 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, Director of Administration/City Clerk; Debora T. Richardson, Deputy City Clerk; Emory Pierce, Department of Public Works Director; 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. A member of the Hernando Times and a member of Hernando Today were also present.

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

Council Member Wever asked for a motion to move Item No. C-5 and Item No. C-6 to the Agenda regarding vehicle purchases by the Police Department and the Public Works Department.

Motion:
Motion was made by Council Member Burnett to add the items to the agenda; seconded by Council Member Wever. Motion carried 5-0.

Consent Agenda

Tourist Development Council (TDC) Grant for Founder's Week

Acceptance of grant from the Tourist Development Council in the amount of $3,000 to be used towards the 150th anniversary celebration October 14-21, 2006.

CDBG-ED Grant Administration and Engineering Services - Award of Bid No. CD2005-08

Consideration of authorization to negotiate a single consolidated contract with Applied Sciences Consulting, Inc. of Winter Park, FL, which includes utilizing Andy Eastman & Associates for grant administration services. Funds available in the CDBG-ED Grant of $525,000.

Customer Credit Card Payment Option Agreement

Consideration of contract with FACC Services Group, LLC for processing of over-the-counter credit card payment transactions.

Resurfacing of Bud McKethan Tennis Courts - Award of Bid No. PR2005-10

Consideration of award to Accurate Tennis Courts Inc. of Del Ray Beach, Florida in the amount of $10,500. Authorization is further requested to utilize McKethan Fund to cover additional $500 project cost (previously authorized $5,000 match from Fund with acceptance of $5,000 grant from USTA towards resurfacing project).

Police Department - Vehicle Purchases

Consideration of request to purchase two (2) vehicles and ancillary

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

equipment, together with warranties, from the Florida Sheriff's Association Bid, as follows: a)One (1) 2006 Dodge Police Pursuit Vehicle in the amount of $23,500 (Vehicle Replacement Fund), together with extended warranty (Prepaid Expense Account) and a light bar/siren package (PD Uncapitalized Equipment Account) for a total vehicle cost of $27,500; and b)One (1) 2006 Dodge Crew Cab Pickup Truck in the amount of $28,170 (Vehicle Replacement Fund), together with extended warranty (Prepaid Expense Account) and a light bar/siren package/cage (PD Uncapitalized Equipment Account) for a total vehicle cost of $31,300.

City Clerk Phillips stated the correct account number on the 2006 Police Pursuit Vehicle listed is 501-018-166-190-37. The dashes and the spaces were in the wrong orders.

Department of Public Works - Vehicle Purchases

Consideration of request to purchase two (2) vehicles for Streets Division and three (3) vehicles for Utility Division, from the Florida Sheriff's Association Bid, as follows: a)Streets Division - One (1) 2006 Ford F350 One Ton Pickup Truck with warranty for a total cost of $22,708 ($21,098 + $1,610 for warranty); one (1) 2006 Ford F350 (Prisoner) Van with warranty for a total cost of $21,277 ($19,667 + $1,610 for warranty). $38,931 is available in Vehicle Replacement Fund; consideration of $1,834 additional needed from Vehicle Replacement Fund Reserves; $3,220 for warranties available in Prepaid Expense Account [Note: Action deferred from 10/17/05 Agenda]; and b)Utility Division - Three (3) 2006 Ford F350 One Ton Pickup Trucks for a total cost of $63,294 ($21,098 per vehicle), plus a complete set of Shop Manuals for $325, funded from the Utilities CIP Account Project No. 2000 UT18 ($69,619). Additionally, funding for the extended coverage warranties in the amount of $4,830 ($1,610 each) is available in the Prepaid Expense Account.

Phase II Sewer Rehab Construction Agreement Amendment

Consideration of Amendment Three to the TBE Group, Inc. Engineering Services Agreement in the amount of $264,600, for rehabbing approximately 16,600 LF of old sewer lines scattered throughout the City with funding available in the WAP Grant #404 Fund.

Motion:
Council Member Burnett moved for approval of Consent Agenda with the exception of Item No.'s C-5 and C-6, which were moved to the Regular Agenda; 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 Keith and Sybil Hancock, d/b/a/ Sybil's Hot Wheels located at 820 S. Broad St.

Chairman Lou Kavouras presented the certificate of recognition to Keith and Sybil Hancock, owners of Hot Wheels Paint, Body & Lube at 820 South Broad Street.

City Manager Anderson nominated this site because the Hancocks made exceptional improvements to the appearance in the commercial area by providing screening of vehicles at the back of their property.

Residential Beautification Award

Recognition of improvements to property owned by the Gail Hermann, represented by Debbie Dellefratte located at 296 E. Fort Dade Avenue.

Chairman Lou Kavouras presented the award for residential beautification which recognizes a home makeover of the property owned by Gail Hermann. Ms. Debbie Dellefratte accepted the certificate on the property owner's behalf.

The property was nominated by Sally Sterling, a member of the Beautification Board and received an unanimous vote by the Board. Chairman Kavouras stated the improvements made to the exterior of the home and the refurbished lawn and landscape made this property a winner in our eyes. We appreciate the extra efforts put forth to help beautify this City.

Department of Corrections Exercise Track Project

Status report on Exercise Track Construction Project by City Staff and Rinker Materials material supplies.

Mr. Howard Jackson of the Street Department reported on the Exercise Track Project with Hernando Correctional. On August 15, 2005, Mr. Jackson had come to the Council to ask for help with donations for work on the exercise track. Mr. Jackson provided a slide show of the project's progress. He stated this has been a cooperative effort between the City of Brooksville, Hernando Correctional and Rinker Materials. Clay Clemens of Rinker Materials donated $3,400 worth of materials. The City provided a 20 yard dump truck used for ten trips to the mines for a total of two hundred yards of material that was stockpiled at the prison.

After some delay due to Hurricane Katrina, the track was completed on September 30, 2005. Mr. Jackson stated he has received positive feedback from the inmates about the new exercise track. He introduced Lieutenant Decker, who oversees the inmate squad and the wellness program at the prison.

Lieutenant Decker presented certificates of appreciation to Mr. Jackson on behalf of Rinker Materials and Mayor Johnston accepted the certificate on behalf of the City of Brooksville in recognition of their service.

PUBLIC HEARING AGENDA

*Levitt and Sons, LLC - "The Cascades" - Ordinance No. 675-C - Exception to Sidewalk Requirement

Consideration of proposed Ordinance modifying sidewalk requirements to placement on one side only on minor residential streets in the subdivision.

[Note: First Reading 10/17/05]

Attorney LaCroix advised this is a quasi-judicial land use decision, a public hearing and that anyone may come forward to speak. He stated the parties to this application are the petitioner Levitt and Sons, LLC and the City of Brooksville. He asked that anyone who wanted to intervene to come forward at this time. There were no party interveners. He then asked that anyone who wished to testify under oath to come forward.

Community Development Director Bill Geiger was sworn in by the City Clerk. The credentials were accepted of Director Geiger as an expert witness in Land Use Planning, Zoning & Property Development. Joseph Quinn, Coastal Engineering was sworn in by the City Clerk. The credentials were accepted of Joseph Quinn as an expert witness in Land Use Planning and Geography. Cliff Manual, President of Coastal Engineering was sworn in by the City Clerk. The credentials were accepted of Cliff Manuel as an expert witness in Civil Land Development and Site Planning, Environmental and Site Civil Engineering. There was no one else who wished to qualify as an expert witness.

Director Geiger stated the petitioner, Levitt and Sons, LLC, had presented a petition requesting that they only be required to put one (1) five foot wide sidewalk on one side of the road on the minor streets within the Cascade subdivision. In order to do that, it would take a modification of the PDP Zoning Ordinance 675. Council approved and directed Staff to prepare an ordinance that would implement that request. Director Geiger offered the entire Staff report dated November 7, 2005 as read into the record. Staff determined and recommended this petition not be approved. The Planning & Zoning commission also recommended that City Council not approve this request. The City Council did approve the first reading of this ordinance with a 3-2 vote on 10/17/2005. Director Geiger asked if there were any questions.

Joseph Quinn, Coastal Engineering Associates representing the applicant, stated they had addressed all the concerns through a presentation and during the discussion at the last Council meeting and asked for the approval of the request. Mr. Quinn stated that approximately two-thirds (2/3) of the development will be provided sidewalks. It is a private gated community with no public rights-of-way within it. The plan for the subdivision also aligned sidewalks in conformance with the U.S. Postal Service requirements for rural route mail delivery. Safety concerns were also addressed. He stated speed limits could be imposed on those minor streets. The potential cost savings are borne by the residents, not the subdivision, and should they choose to add additional sidewalks in the future, they can do so through their Community Development District. He stated future residents will have an option between home ownership with a sidewalk out front or ownership on the side of the street without a sidewalk, giving them more landscape options.

Vice Mayor Pugh stated sidewalks would be placed in the right-of-way where you could not place landscaping. Mr. Quinn said in any case, there would be at least additional turf there. Mayor Johnston stated landscaping there would be subject to removal.

Vice Mayor Pugh commented on the need for sidewalks on both sides of the street. He stated the issue is not a cost issue, but a public safety issue.

Mayor Johnston stated this is the second and final reading and asked if there was any further discussion. There was none.

City Clerk Phillips read Ordinance No. 675-C by headnote only, as follows:

> **"AN ORDINANCE AMENDING SUBSECTION 1.2.J. OF ORDINANCE 675, PROVIDING FOR MINIMUM STANDARDS FOR SIDEWALKS ON THE MINOR RESIDENTIAL ROADWAYS WITHIN "THE CASCADES" DEVELOPMENT; AND PROVIDES AN EFFECTIVE DATE."**

Motion:
Council Member Staib moved for approval; seconded by Council Member Burnett. Motion carried 3-2 upon roll call vote as follows:

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

REGULAR AGENDA

*Ordinance No. 708 - Proposed Rezoning - Brooksville Commons, LLC (RZ2005-04)
Consideration of proposed Ordinance rezoning South side of Wiscon Road and West US Highway 41 (Broad Street) from PDP-GC (Hernando County) to C2 (City).

Attorney LaCroix advised this is quasi-judicial, but not a public hearing, so we do not have to go through those procedures.

Director Geiger stated the property, currently zoned PDP-GC (Hernando County), was annexed into the City of Brooksville a little over a year ago and is subject to the Zoning & Land Use regulations of the County until we amend our Comprehensive Plan. The County did authorize approval, under the County zoning for this property, to proceed with the development of a portion of this property for a bank, a sub shop and small retail. He stated the Comprehensive Plan was amended to designate this as a commercial tract on July 12, 2005. To zone this property is the next step. City Staff finds that C2 (City) zoning is appropriate. The Planning & Zoning Commission concurred with Staff recommendation for the approval of the Council.

Council Member Wever asked if the developed portion of the property is included in this item. Director Geiger stated that it is.

Mayor Johnston pointed out that the survey appears to have an error in the zoning of the south and west parcel as Ag. Director Geiger stated that is incorrect, it is the Lowes parcel and the land use which is commercial and zoned C2.

City Clerk Phillips read Ordinance No. 708 by headnote only, as follows:

> **"AN ORDINANCE PROVIDING A ZONING CLASSIFICATION OF C-2 (HIGHWAY COMMERCIAL DISTRICT) FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE."**

Mayor Johnston stated the second and final reading will be held 11/21/2005.

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

Resolution No. 2005-24 - Final Budget Amendments

> Consideration of proposed Resolution adjusting revenue and expenditure budget amounts for F/Y 2004-05.

Finance Director Baumgartner stated these are some budget amendments as we approach the close of the fiscal year as far as the Accounting Department is concerned. He stated the auditors make sure they do not go over budget and these amendments would insure that does not happen.

City Clerk Phillips read Resolution No. 2005-24 by headnote only, as follows:

> **"A RESOLUTION PROVIDING FOR CERTAIN BUDGET AMENDMENTS FOR FY 2004-05 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 Wever	Aye
Council Member Burnett	Aye
Council Member Staib	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

Resolution No. 2005-25 - Southern Hills Plantation Phase 2 Plat Street Name Changes

Consideration of resolution that provides for changing the names of Ash Grove Drive to Elm Leaf Drive and Pinnacle Place Drive to Pinnacle Place.

Director Geiger stated the Developer had provided a wish list of street names to the City initially that were reviewed with all the agencies. We overlooked that the surveyor applied these names without going back to the list and these two street names were applied incorrectly. Staff recommended the correction of these names, Ash Grove Drive, a duplicate name, being changed to Elm Leaf Drive and Pinnacle Place Drive, a street name with two suffixes, being changed to Pinnacle Place. We have the go ahead for these names from the different agencies that have that responsibility.

Vice Mayor Pugh asked if this was an error by the surveyor. Director Geiger explained that when the surveyor applied these names, it was not picked up by the review process.

Council Member Staib asked if this was submitted to the Post Office for approval. Director Geiger stated it was.

City Clerk Phillips read Resolution No. 2005-25 by headnote only, as follows:

"A RESOLUTION RENAMING STREETS ESTABLISHED BY THE SOUTHERN HILLS PLANTATION PHASE 2 PLAT, AS RECORDED IN PLAT BOOK 36, PAGES 40-67; SPECIFICALLY RENAMING "ASH GROVE DRIVE" TO "ELM LEAF DRIVE" AND "PINNACLE PLACE DRIVE" TO "PINNACLE PLACE"; 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 Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

JBCC Fee & Insurance Waiver

Consideration of request from the NAACP for use of the JBCC on 12/17/05 from 9:00 am - 3:00 pm (with setup on 12/16/05 from 3:00 pm - 6:00 pm) for an education forum on the Florida Comprehensive Assessment Test (FCAT) at an estimated cost of $507.67.

Parks and Recreation Director Walker stated he received a letter from Mr. Boggs requesting the fees be waived for the use of the JBCC on 12/17/2005. The NAACP is sponsoring a seminar to assist the community improve FCAT scores.

Council Member Burnett stated this is public event, open to the general public, and all of the County and City residents are invited.

Council Member Wever stated there should be a follow up because the attached form was not a non-profit form but a federal employer identification form.

Council Member Burnett introduced Wayman Boggs, President, NAACP.

Council Member Staib asked if they will be car pooling children and their families to get them there. My Boggs said it a wonderful suggestion and they would take it into consideration.

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

Salary Survey

Consideration of agreement with the Mercer Group in the amount of $8,500 to conduct a job task analysis and pay plan review under the existing Hernando County agreement parameters to be funded from the budgeted Pay Plan Adjustment Reserves.

City Manager Anderson stated a few years ago the County conducted a comprehensive job tasking analysis and a salary survey program. It was recommended that Staff undertake a similar research and analysis of our existing comprehensive contract plan. We presented those results of the first stage, the salary review to the Council. The County has brought back the consultant who did their first study to update their plan. The consultant has indicated they would be willing to undertake to develop a comparable job market price portion of the study for the City at a discounted rate, one half (1/2) to one-third (1/3) of the regular rate, for $8,500.00. Staff recommended that the City enter into an agreement with the consultant.

Council Member Staib asked why he is saying one half (1/2) to one-third (1/3) of the regular rate, when the memo states one half (1/2). City Manager Anderson said the initial reaction we received was $15,000 to $20,000. For this portion, the cost would not exceed $8,500.00.

Vice Mayor Pugh felt when the County completes their survey, the City could look at that information before we decide to spend that money. They will be looking at the same things we are, our area, growth, things of that nature. Council Member Wever stated they will not be comparing salaries to ours.

City Manager Anderson stated part of the problem with our pay plan is that the vertical structure within the plan itself has got problems. We have supervisors making more than their department heads. We need to fix our plan and dovetail it with a long range staffing plan that would require some reorganization.

Vice Mayor Pugh asked if we will be asking people to take a reduction in pay. City Manager Anderson stated we do not have instances of people making more than their classification, we have department heads that are considerably below market.

Council concurred that it was time to go forward with it.

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

Martin Luther King Jr. Boulevard Street Renaming

Consideration of request to change the name of "Martin Luther King Jr. Boulevard" to "Dr. M. L. King, Jr. Blvd.".

City Manager Anderson stated that by spelling out the complete name of Martin Luther King Jr. Boulevard the signs would be very long. We are asking Council to put some clarification on the name modification.

Council Member Burnett stated 90% of people surveyed in the concerned area were in favor of the name modification to Dr. M. L. King, Jr. Blvd.

Council discussed the length of the sign and the placement of an indication of east or west on the sign.

City Clerk Phillips said the County is agreeable as long as we are consistent throughout the City of Brooksville. She stated this would have to come back in the form of a Resolution.

Council approved to have a Resolution drafted and brought back on 11/21/05.

Resolution No. 2005-26 - Fire Truck Financing with Sun Trust Bank

Consideration of resolution authorizing execution of loan documents for the 2006 70' Sutphen Aerial Platform Ladder/Fire Truck with Sun Trust Bank in the amount of $633,659.

Attorney LaCroix stated the revised resolution adopts a certificate of obligation that also requires some changes that need to reflect the changes that had been made in the resolution.

Mayor Johnston stated the resolution would be contingent upon conformity of the documents and subject to approval of the City Attorney.

City Clerk Phillips read Resolution No. 2005-26 by headnote only, as follows:

"A RESOLUTION TO THE CITY OF BROOKSVILLE, FLORIDA, AUTHORIZING AND APPROVING THE BORROWING OF $633,659.00 FROM SUNTRUST BANK, TO FINANCE THE PURCHASE OF FIRE PREVENTION EQUIPMENT; DETERMINING THAT A NEGOTIATED SALE OF THE CERTIFICATE OF OBLIGATION IS IN THE BEST INTEREST OF THE TAXPAYERS OF THE CITY OF BROOKSVILLE; AUTHORIZING THE PROPER OFFICERS OF THE CITY OF BROOKSVILLE TO EXECUTE THE NECESSARY CERTIFICATE OF OBLIGATION AND OTHER CLOSING DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE."

City Clerk Phillips noted the term "offices" should be read "officers" (Subsection 5).

Motion:
Council Member Staib moved for approval, subject to document conformity and approval of City Attorney; 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

Advisory Board Positions (Based on Recent Member Renewals)

Cemetery Advisory Board - Balance of Term Through 04/30/06

Jan Knowles (Non City Resident - tie to Cemetery via Heritage Museum)

City Clerk Phillips stated an application was received from Jan Knowles. This position requires a City residency unless there is a verified or bona fide tie to the Cemetery. Ms. Knowles is claiming her involvement with some of the historical work done at Heritage Museum via the Cemetery.

Mayor Johnston asked for discussion. There was none.

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

Beautification Board - Balance of Term Through 05/31/06

Eunice E. Abdul-Rahim (Non City Resident)
Alison Jones (City Resident)
JoAnn Munford (City Resident)

City Clerk Phillips stated several applications were received, Alison Jones, JoAnn Munford and Eunice E. Abdul-Rahim.

Mayor Johnston and Council Member Wever did not receive the Abdul-Rahim application in their packet. City Clerk Phillips provided them each with an application.

Council Member Staib asked if JoAnn Munford still has a conflict with the meetings on Tuesdays. City Clerk Phillips said there may be some conflict due to her employment obligations.

Council Member Wever nominated Alison Jones. There were no further nominations.

Mayor Johnston announced Ms. Jones appointment to the Board.

City Clerk Phillips informed Council that there are additional positions open on the Police and Fire Boards and that no applications have been received.

Vice Mayor Pugh stated he would like to see last minute interviewing eliminated. City Clerk Phillips explained that they have not been setting official closing dates that we stand by because of our inability to get an abundance of applications. There are some critical time frames for the Pension Board.

Brooksville Housing Authority - Full Four Year Term Through 11/30/09 (due to current position expiration)

Pat Brayton (City Resident)
Greg Kullman (Non City Resident)
Donnamaria Lopez (City Resident)
R. Ray Stanbro (Non City Resident)
Philip Lawrence Williams (Non City Resident)

[Note: City Residency required on Cemetery Advisory Board or a tie to the Cemetery; the other two boards do not require residency]

Council Member Staib nominated Mr. Brayton.

Council Member Burnett nominated Ms. Lopez, stating she lives in the area and would be a good representative for the people in that area.

Vice Mayor Pugh nominated Mr. Williams, stating he will be beneficial to the City.

City Clerk Phillips mentioned that Mr. Williams sits on another board, but it is not a direct conflict, because he is an alternate.

Council discussed the possibility of Mr. Brayton having to step down if elected to the Board. He had not been contacted regarding this appointment. Council Staib withdrew the nomination for Mr. Brayton due to not being contacted.

Council discussed implementing an interview process.

Ballots were provided for the Council. City Clerk Phillips reported 8-7, Ms. Lopez being the high vote. Mayor Johnston announced the appointment of Mr. Williams to the Board of the Housing Authority.

Utility Easement - East Side of Brooksville Regional Hospital from SR50 to Wiscon Rd.

Consideration of Hernando Healthcare's Terms & Conditions for 30' easement.

Utilities Superintendent Smith reported that he received a proposed agreement from the Hospital Attorney. The agreement asks that the City buy the easement in exchange for water and sewer impact fees at the amount of $25,000 an acre. There are 1.7 acres involved. They also request the lines in by December 31, 2008. He stated that it is a realistic deadline date. He recommended approval by Council.

Mayor Johnston stated it would be subject to Staff and City Attorney. He noted the legal description was missing. Superintendent Smith said the final legal description is being done now by Green Surveying, and as soon as that is available, the document will be complete and we will bring it back.

Vice Mayor Pugh asked if it was the property to the south of the hospital. Superintendent Smith stated it was on the south and east side.

Motion:
Council Member Burnett moved for approval, subject to the legal description being verified; seconded by Council Member Wever. Motion carried 5-0.

City Manager - Employment Agreement (Richard Anderson)

Consideration of extending current agreement, and subsequent reappointment.

a) Proposed Addendum Number 5; extension of August 19, 1996 agreement as amended, from 3/13/2006 to 7/30/2006.

b) Proposed employment agreement 9/1/2006 to 3/13/2008.

City Manager Anderson requested a four and a half (4 1/2) month extension of his employment contract from 03/13/2006 to 07/30/2006. He also requested an employment agreement from 9/1/2006 to 3/13/2008.

Vice Mayor Pugh asked about the rules of the DROP program. City Manager Anderson answered that the DROP program (Deferred Retirement Option Program) requires a formal termination of employment on the effective drop date for one (1) calendar month break in service. The former participant can then be re-employed by the same or another FRS jurisdiction. The pension is deferred during the first year back at work.

Vice Mayor Pugh asked if in that case an employee is truly terminated. Mayor Johnston explained the contract ends at that point and there is another contract in place.

City Attorney stated he has not looked at the FRS (Florida Retirement System) regulations. He said he had spoken with Human Resources Director Baker and that he said it was okay.

Vice Mayor Pugh asked what happens if the City decided to terminate the new contract. City Manager Anderson answered there was a three month severance agreement.

Council discussed the benefits of having the City Manager on board for the new Council.

Council Member Burnett asked if Council may let the contract expire on 7/30/2006 and reserve employment until 9/01/2006, from a legal standpoint.

Mayor Johnston answered that he would address the issue with the City Attorney and the Human Resources Director to make sure it complies with the rules. This item was tabled until 11/21/2005.

Southern Hills Plantation - Impact Fee Credit and Reuse Reimbursable Expenses

Progress of projects eligible for water, sewer and transportation impact fee credits for offset improvements, and eligible wastewater reuse system Reimbursable projects.

Public Works Director Pierce spoke regarding Attachment A, Page 7, a summary of costs incurred to date. The City agreed that the expenses of certain offset improvements would be eligible for impact fee credits; water, sewer, transportation. He stated last year Council approved a cost basis report, based on low bidder contractor prices. At the present time, we are getting close to booking the sewer main impact fees and potable water main Phase I impact fee. The regional pump station will be ready to be booked shortly thereafter. The water and sewer mains have been tested. We are waiting on an accurate set of "As Builts" and those should be ready soon. The total amounts include engineering fees, change order amounts, all of which have been agreed upon. As work is completed, more will be added to the impact credit fee eligible attachment. He asked if anyone would like to see changes in the format to let him know.

Vice Mayor Pugh asked if the Phase II water main is eligible for impact fees. Director Pierce answered yes, we judged this north/south road is offsite work eligible for impact fee credit.

Council Member Wever stated part of that road will be in their property and asked why it is designated offsite. Director Pierce said he would go back over the

agreement for clarification.

Council Member Wever asked if he has heard from SWFWMD on their change regarding the agreement from 50/50 to 20/40/40. Director Pierce stated it will definitely be a 60% reimbursement. He explained that he has not processed that reimbursement yet. It is something that will have to be dealt with shortly.

Council Member Wever asked him to verify that the 2005/2006 amount will not exceed that budgeted amount. Director Pierce stated we amended the Property Funding Agreement to handle the addition of the reuse line. The cost of the reuse line is at the risk of the Developer.

Director Pierce stated they are starting construction on the segment coming down Shadyside, then Morningside to State Road 50, the 2nd phase of the State Road 50 West project. At Fort Dade and Cobb, we have already got the sewer reuse line, if we get disconnected we have an existing water and sewer line from about ten years ago.

Council Member Burnett asked if it was possible to take the presented information and have it on an overhead for next time so the audience can see the information he is discussing.

This item was tabled until the next meeting.

Water System Expansion - Southern Hills Boulevard to Powell Road (Cascades Development)

Consideration of authorizing oversizing of approximately 7,100 feet of water line at an estimated cost of $227,000.

Director Pierce stated that buried in our various agreements, the City has the right to request oversizing any lines the developer puts in. We are about to enter into a utility service agreement with Levitt and Sons, Cascades, running lines from Southern Hills Boulevard to Powell Road. We want to oversize that line from twelve (12) inch to sixteen (16) inch pipe. Based on long term growth, sixteen (16) inch lines would be required to serve this area 10 to 15 years from now. Staff recommends to Council that we commit to oversizing. Twelve (12) inch line would serve this area for a considerable length of time, but we would eventually have to run another twelve (12) inch line in there and it would be a horrendous task. The cost differential from twelve (12) inch to sixteen (16) inch is about $32 dollar a foot. We would like permission from Council to proceed with our overall commitment, and ask for $227,000. Due to recent cost increases, we are not budgeted for this. The initial amount needed is $85,000, 2nd amount of $43,000 needed later, next year about $100,000 would be needed, depending on the time line of the Developer.

Council Member Wever stated there is still $100,000 in the Special Construction fund. He asked if it can come out of that. Director Pierce stated he did have $50,000 in Capital Needs in the budget this year for Cobb Road widening and $200,000 in the 2006/2007 plan that can be switched out. The Cobb Road widening can be pushed back. There is a twelve (12) inch well shaft already drilled there at Oak Hill. Council Member Wever asked if there would be another well and another tank needed due to the growth in that area. Director Pierce answered yes.

Council Member Burnett asked if that was also included in that cost or if the need is $227,000 just for the pipe. Council Member Wever said another well is in the long range plans and not included in the figure.

Vice Mayor Pugh stated the twelve (12) inch currently put in along 41 would serve almost 1000 homes. City Manager Anderson said that route is on the original portion going through the middle of Cascades, not the North/South road extension. Vice Mayor Pugh asked why upsize if the twelve (12) inch is serving the area now and was anticipated to serve the area. City Manager Anderson stated we have a twelve (12)inch loop coming through here, when you go beyond here it is a branch line and you need a much larger line to supply the same volume or you would have to run a loop. This is the cheaper way to do this.

City Manager Anderson stated we have some funds allocated to other projects. By making adjustments in our long range plans we could probably generate the money to do this.

Mayor Johnston asked if Council makes a motion to authorize proceeding with sixteen (16) inch, would Staff be coming back at some point to let us know where the money is coming from. Director Pierce answered yes.

Council Member Wever stated this should come out of the Special Construction Reserve fund, which is not committed to anything. Finance Director Baumgartner stated we have the Special Construction fund at SunTrust, reserved for the Council to use as they please. It is around $400,000 now and at the end of the next fiscal year it is slotted to have $150,000 left. We also have about $600,000 in reserve for contingencies, that is the liquidity for the water and sewer fund. There would be enough money without adversely affecting the liquidity of the City if Council approves this. The accounts will be making money that is also calculated in the reserves.

City Manager Anderson stated he may present a revised spreadsheet before the Council.

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

Police Department - Vehicle Purchases
From Consent Agenda

Chief Tincher discussed retirement and replacement of Police Department vehicles.

Council Member Wever said the 99 Crown Victoria listed in the memo had been replaced with another Crown Victoria in 2004/2005. He recommended using asset numbers assigned to the vehicles to show which have been replaced. City Tincher explained they would be using funds from the sale of surplus or retired vehicles 137 and 118. Vehicles 146 and 147 will remain in use.

City Manager stated not all replaced vehicles are retired. Council Member Wever stated the language of the memo is unclear. Mayor Johnston stated for clarification, that we retire and declare surplus vehicles 137 and 118, also authorize the purchase the vehicles as stated in the memo from the funds 146 and 147 in the replacement account.

Vice Mayor Pugh asked why there will be a pickup purchased. Chief Tincher stated it will be a diesel vehicle used in an administrative capacity, not a primary response vehicle. Council Member Wever asked if the pickup will be marked like a patrol vehicle. Chief Tincher answered it would be marked with full City regalia. He discussed SUV use, saying pursuit vehicles do not meet every need.

Motion:
Council Member Wever moved for approval of using the funds for the 97 Ford Expedition, asset #158, for $28,168 and the 96 Chevy Monte Carlo, asset #130, for $16,254 for a total of $44,422; seconded by Council Member Burnett. Motion carried 4-1, with Vice Mayor Pugh in opposition.

Department of Public Works - Vehicle Purchases
From Consent Agenda

Director Pierce stated he would begin with a request for one (1) One Ton Pickup Truck and one (1) Prisoner Van.

Council Member Wever asked if either of these vehicles will be purchased using the Vehicle Replacement fund. Director Pierce stated he would be using funds from two (2) pickup trucks, vehicles #772 and #594, for the one ton pickup and the van.

Council Member Wever was opposed to using money from a pickup truck for the purchase of the prisoner van. He suggested that the money from the 98 Dodge pickup truck could be used for the pickup truck. He stated the van should be a completely new purchase. Another option is then to make it a budget amendment and buy it from the department funds.

Council Member Wever stated the prisoner van being replaced is not in this fund, so the new one should be an outright purchase, the point being to replace the vehicles with like-purpose vehicles.

Motion:
Council Member Wever moved for approval to purchase One (1) 2006 Ford F350 One Ton Pickup Truck with the 98 Dodge Pickup truck replacement funds; seconded by Council Member Burnett. Motion carried 5-0.

Motion:
Council Member Wever moved for approval to authorize purchase of one (1) 2006 Ford F350 (Prisoner) Van from the unallocated General Fund reserves; seconded by Council Member Burnett. Motion carried 5-0.

Motion:
Council Member Wever moved for approval to purchase three (3) 2006 Ford F350 One Ton Pickup Trucks, not to exceed $63,619.00; seconded by Council Member Burnett. Motion carried 5-0.

City Clerk Phillips clarified the warranties will be purchased with Reserve Funds.

ITEMS BY COUNCIL MEMBERS

E. E. "Ernie" Wever, Jr.

Internal Service Fund - Vehicle Replacement Fund
Further consideration of establishing a separate general, water & sewer, and solid waste Vehicle Replacement Fund.

Council Member Wever discussed the Internal Service Fund, saying by definition, it is to account for the financing of goods or services provided by one department or agency to other departments or agencies of the governmental unit

or to other governmental units on a cost reimbursement basis. He stated the Internal Service Fund is not set up for vehicle replacement. He recommends to Council that these monies should be in the Fund they belong to, a cash asset of each of those funds, and not the Internal Service Fund. Each of the Department Heads make the decisions regarding vehicle purchase, not the three mechanics in the Internal Service Fund. The Internal Service Fund is not a fully staffed department.

Mayor Johnston asked why Council should change something that does not get written up. Council Member Wever stated the information we have shows we are doing things the wrong way. Mayor Johnston stated then the auditor should verify the discrepancy.

There was discussion about the way Pinellas County books these entries.

Council Member Wever recommended the Manager meet with the auditor and review this issue.

Growth Management

Consideration of scheduling workshop meeting regarding capital development and staffing plans; status of pending and potential development, economic forecast, water reuse and related subjects.

Council Member Wever stated the City Attorney had asked why we do not have an updated General Fund long-range capital plan. In order to plan for the growth that we know is ahead of us in the next five to ten years, he recommended setting up workshop meetings and to come up with material to discuss and work on for the General Fund capital needs as well as some specifics on growth.

Mayor Johnston stated we should have Staff set up goals and objectives for review.

Council Member Burnett recommended a three to seven year plan, based on business planning.

Mayor Johnston recommended bringing this back on the agenda in two weeks to set workshop dates.

Proposed Future Annexation Map

Council Member Wever stated while at the parade Saturday, David Russell indicated he wanted a copy of the map of proposed annexations so that he and the delegation can look at it.

Fair Association Sewer Line

Council Member Wever mentioned that a representative from the Fair Association is still waiting for the sewer line to be hooked up to the City and that should have already been done. Director Pierce stated it had been hooked up and that they were written to a couple of months ago. They need to install sump pumps in old septic tanks to get it to our stations. Council Member Wever suggested a face to face meeting with Pat Fagen telling him that we have been criticized and what needs to be done.

50 & 41 Pavement

Council Member Wever stated the condition of the pavement near the intersection of 50 & 41 is so bad, some small cars will be dragging bottoms.

Director Pierce stated the City has no water or sewer line there causing the

damage.

Council Member Wever stated DOT should be informed.

Vice Mayor Pugh explained that is an under drain problem.

City Limit Sign
Council Member Wever stated there is no City Limit sign on 41 North at the City limit. There is only one of our Small Cities of 2000 sign there.

Vice Mayor Pugh asked if that is the area that had just been annexed, which Council Member Wever confirmed.

Payroll Classification
Council Member Wever suggested putting the payroll classification for the current year on the proposed budget year documents. It will help us with comparison.

Old County D.P.W. Compound Cleanup
Council Member Wever stated the County is holding us up on cleaning up the old D.P.W. compound. He recommends reminding them how much ad valorem taxes we are paying and to use part of that money and not try to triple tax us to pay for the clean up on it.

Retirement Minimum
Council Member Wever stated he would like to see Human Resources Director Baker contact the retirement program in Tallahassee to put the present Council under a $12,000 minimum retirement plan and determine what it would cost for each budget year ahead of us based on current salary. He felt that what this City has accomplished in the years since the current members have been sitting on Council is a justification that we should be rewarded. We should recognize also that future Councils will have increased responsibilities with the growth of this City. We should put the minimum retirement plan at that amount, rather than increase pay. It's a way to bind the income tax table to compensate the Council for their responsibility.

David Pugh - Vice Mayor

Check Signing Policy
Vice Mayor Pugh asked about the policy for the Mayor or Vice Mayor signing checks.

Mayor Johnston said the reason we have dual signing is to have an elected official signing the checks, along with an Administrative Officer.

City Clerk Phillips stated it was policy, in the budget ordinance, set by Council, as part of the budget process the City adopted.

Council Member Wever stated the City Manager is able to spend money up to $6,000 without Council approval. It is an additional check and balance in the process.

Mary A. Staib - Council Member

Trip Point
Council Member Staib asked where the trip point was for the white line at intersections. Chief Tincher stated the white line is the suggested stopping point, the trip is up to two (2) feet back.

Council Member Wever suggested trip lines farther back.

Service Animals
Council Member Staib stated recently a blind man with a service dog was refused admittance at a gas station near Cortez and 700. According to the Law, he should have been allowed to enter. He called the police and the person at the police department who he spoke with said he had no guidelines on that situation.

Chief Tincher said this is the first time in 20 years that this question has come up. He said he believes it does not fall under a criminal action. The proper response should have been that the officer would research the answer and get back to the caller. These things are checked in the statutes or the office of the State Attorney.

Frankie Burnett - Council Member

Commendations to City Manager
Council Member Burnett commended the City Manager, his department heads and Staff. For the last three months, Council Member Burnett stated he has been going around looking at the departments and has seen much improvement.

Karen M. Phillips - City Clerk

Utility Service Agreement Exhibit Revision
City Clerk Phillips passed out information regarding the EOC Center utility service agreement.

City Attorney LaCroix suggested adding this to the agenda tonight and approve the amended Exhibit H.

Motion:
Council Member Staib moved for approval to add this item to the agenda; seconded by Council Member Burnett. Motion carried 5-0.

Motion:
Council Member Burnett moved for approval of the amended Exhibit H annexation element; seconded by Council Member Staib. Motion carried 5-0.

Employee Thanksgiving Meal Recognition
City Clerk Phillips asked for $25 from each Council member who has not yet paid.

Introduction of Deputy City Clerk
City Clerk Phillips introduced Deputy City Clerk Debora Richardson.

CITIZENS INPUT

Tony Covell thanked the City Council for their help and participation in the Veteran's Day Parade and stated they are looking forward to next year.

Charles "Kojak" Burnett stated his monthly utility payment was delayed due to confusion over the new water bill, and asked if an extension is allowed. City Manager Anderson answered there was a couple of days of delay in the normal delivery cycle. We will delay the enforcement date of when the penalty would occur by three days. There was also an error on the bill regarding the penalty portion, which was higher than it should have been. Council Member Wever noted the bills are now coming out of Chicago and that would be adding two days to the

delivery time.

Diane Freeman, a Finance department employee, complimented the Council and administrative staff for the concrete action they took tonight to get an official, professional study done of our wage structure. We thank you.

Captain Mosgrove demonstrated the Patches & Pumper robot, purchased with funding donated by Walmart and Sams Club.

ADJOURNMENT

There being no further business to bring before council, the meeting adjourned at 10:40 pm.

ATTEST: _____ Mayor

_____ City Clerk

NOTE: Minutes were presented to Council on 03/06/06, tabled for Consent Items moved to the Regular Agenda as referenced in minutes. After investigation by the Clerk's Office, no changes were made.

G:\WP_WORK\ClerkOffice\MINUTES\2005\11-07-05mtg.wpd

AGENDA ITEM NO. E-1
1-9-06

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

MINUTES

01-19-06 P04:53

NOVEMBER 21, 2005 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 La Croix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, Director of Administration/City Clerk; Debora T. Richardson, Deputy City Clerk; Emory Pierce, Department of Public Works Director; 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 asked for a motion to add Item No. E-10 to the agenda regarding the BERT vehicle lease agreement with Jackson County, Mississippi.

Motion:
Motion was made by Council Member Burnett to add the item to the agenda; seconded by Council Member Wever. Motion carried 5-0.

CONSENT AGENDA

Quarry Golf Course/First Tee Brooksville Donations

Acceptance of (a) teaching grant from Nicklaus/PGA in the amount of $5,000; (b) grant from Wal-Mart in the amount of $1,000; and deposit of funds into the First Tee Account for future program needs.

Surplus Bicycles - Police Department

Declare twenty-seven (27) stolen, confiscated or found bicycles surplus and authorize disposition by donation.

Council Member Staib had a safety question regarding the surplus bikes. Chief Tincher assured Council Member Staib that the bikes that were given away would be safe after they are repaired or cannibalized.

Department of Community Affairs (DCA) Planning Grant

Consideration of (a) acceptance of $10,000 DCA Planning Grant for Option #3 (Visioning Exercise to develop a proposed comprehensive plan amendment identifying the Urban Services Boundary pursuant to SB360 (Growth Management Bill); and (b) authorizing negotiation of a Scope of Services with the WRPC under our existing agreement.

Staff has been advised that WRPC is unable to assist the city with the above referenced grant, so they requested that item (b) be changed to authorize staff to advertise a "Request for Proposals" for professional planning services to implement the tasks associated with this grant.

APPROVED BY BROOKSVILLE CITY COUNCIL
ON 01/09/06 INITIALS

Hernando County School Board Grant Easement for Kelly Street - Majestic Oaks Project

Acceptance of Easement for Majestic Oaks Project Development from School Board for a Utility Easement and a Temporary Construction Easement for a portion of land adjacent to Kelly Street.

Council Member Wever indicated that there were some blanks in the document. Director of Administration Phillips advised that the document was sent back to the School Board offices to complete it in its entirety, and the City Attorney advised it could be authorized subject to those deficiencies being corrected.

Police Radios

Consideration of substituting of the purchase of two radios under state contract at $3,327 ~~each~~, for budgeted protection vests ($3,400), which are being procured with grant funds.

Motion:
Council Member Burnett moved for approval of Consent Agenda, which was seconded by Council Member Staib.
Motion carried 5-0.

PUBLIC HEARING AGENDA

*Ordinance No. 708 - Proposed Rezoning - Brooksville Commons, LLC (RZ2005-04)

Consideration of proposed Ordinance rezoning South side of Wiscon Road and West US Highway 41 (Broad Street) from PDP-GC (Hernando County) to C2 (City).
[First Reading 11/07/05]

Attorney La Croix advised this is a quasi-judicial hearing. He stated the parties to this application are the petitioner, Brooksville Commons, LLC, and the City of Brooksville. He asked that anyone who wanted to intervene or to present testimony under oath to stand and be sworn at this time. Director Geiger and Charles "Kojak" Burnett were sworn in by the City Clerk. The credentials were accepted of Community Development Director Bill Geiger as an expert witness in Land Use Planning, Zoning & Development. There was no one else who wish to qualify as an expert witness.

Director Geiger reported that this property is located on a commercial tract of land at the southwest corner of U.S. 41 and Wiscon Road. He stated the City staff and the Zoning & Planning Commission recommendation is for Council to find the City zoning designation of C-2 Highway Commercial for this property is consistent with the City's Comprehensive Plan and to approve the 2nd and final reading of Ordinance No. 708.

There was no public input.

City Clerk Phillips read Ordinance No. 708 by headnote only, as follows:

"AN ORDINANCE PROVIDING A ZONING CLASSIFICATION OF C-2 (HIGHWAY COMMERCIAL DISTRICT) 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 Burnett	Aye
Council Member Staib	Aye
Council Member Wever	Aye
Vice Mayor Pugh	Aye
Mayor Johnston	Aye

REGULAR AGENDA

*Ordinance No. 709 - Proposed Rezoning - Vallery Custom Homes (Mark Vallery) (RZ2005-05)- 11 Single Family Parcels

Consideration of proposed Ordinance rezoning 4.13 acres bounded by Highland St./Florida Ave./Howell Ave. from R-1B (Single Family Residential) to PDP (Planned Development Project) with a Special Exception Use of Residential (with conditions).

Mayor Johnston stated that he was informed before the meeting he would have to excuse himself from the voting process due to being an adjacent property owner and that he would provide the appropriate forms to the City Clerk to attach to the official record.
[Note: Form 8-B - Memorandum of Voting Conflict Form attached hereto]

Attorney La Croix advised this is quasi-judicial but this is only first reading so the procedures do not apply until the public hearing at the 2nd reading, however, he identified that there are two party interveners in this case already; Robert Pruitt and Don Varn (adjacent property owners).

Director Geiger reported on the proposed rezoning petition, stating the property is located south of Highland Street, north of Florida Avenue, west of Howell Avenue and to the east of Moline Street, with one tract that fronts on Highland and Moline on the back side. It is currently zoned R-1B, which is a Single Family Residential designation and they are requesting that it be rezoned to a Planned Development Project with a Special Exception Use designation for Residential. The rezoning meets with all the R1B zoning district requirements except one; they are proposing sixty (60) foot lots in the subdivision of the property into eleven (11) single family residential lots. The Planning & Zoning Commission reviewed this petition on November 9, 2005. The City staff recommends and the Planning & Zoning Commission concurred that City Council approve an ordinance rezoning the property as a Planned Development Project (PDP) with a Special Exception Use approval for Residential PDP and subsequently approve the master plan titled Vallery Custom Homes dated September 30, 2005 with modified performance conditions, as read from the staff report. Geiger advised that if the zoning is approved the developer would still have to go through the subdivision platting process getting preliminary plat and construction plan approval, bringing a final plat back before the Planning & Zoning Commission and City Council for approval since they do not fall under the minor subdivision ordinance.

Vice Mayor Pugh questioned the width of existing lots on Highland Street. Director Geiger replied that they vary from forty to sixty (40 - 60) feet wide, although there are some lots that are larger but are fairly consistent with the lots in the area.

Joseph Quinn, Coastal Engineering Associates representing the applicant, advised that the two front lots on Howell Avenue in question exceed the R-1B

specifications at eighty-five (85') feet wide and not part of the sixty (60') foot reduction request.

Council Member Staib asked if any of the home models can be placed there and for all the home model names to be provided. Director Geiger stated once the zoning was approved, subdivided, platted and recorded, those lots could be transferred to any builder. They would still have to meet the requirements of the R1B zoning district with the exception of the lot width requirement.

Mayor Johnston inquired how far the existing homes are set back from the street, to which Geiger replied that they were twenty-five (25') feet, with a proposed setback of forty (40) feet on Highland Street to reduce the need for vehicle parking on the street. Mr. Quinn stated that the developer does not have a problem with the forty (40') foot setback, other than a minor concern for Lot #3, basically because of the major concern of parking on Highland.

Vice Mayor Pugh questioned the fifteen (15) foot requirement and wanted to know if the Developer will meet the requirements or come back and ask for a variance. Director Geiger said they would be expected to meet the requirement.

There was a great deal of discussion on the trees on site and those that were to be removed. Mr. Quinn reported that an tree survey was being done and they were concerned about not disturbing some of the root systems as it related to the paving issue or drainage problems that could result. Public Works Director Pierce provided photographs of the site. He added remarks and a recommendation of making the street one way and requiring paving within the plan to pave the way by the tree.

Council Member Burnett questioned if they were only approving the rezoning and nothing else to do with the paving of Moline Street. Director Geiger said Council is asked to approve all of the conditions of rezoning.

Attorney La Croix stated if Council does consider removing the condition of requiring the paving of Moline, Council might want to add a stipulation that it be waived only if there are no lots fronting on Moline since the layout is not what is being approved.

In response to an inquiry from Vice Mayor Pugh, Director Geiger indicated the DRA will be taken over by the City at some point in time.

Mayor Johnston asked if the issue of Moline Street be readdressed later. Director Geiger stated that there could be modifications proposed in conjunction with the planning process, if it is less than the conditions are that would be approved by the zoning ordinance, then we would want to make an amendment to the zoning ordinance as well to be consistent.

Attorney La Croix discussed condition options that could be placed on the rezoning or potential requirements during the platting process.
Mayor Johnston stated the formal Public Hearing will be at the next reading on 12/05/05.

Tim Rables, Land Development Director for Vallery Custom Homes, addressed concerns with parking. He stated how far back the front of the houses will sit will be determined by the number of trees between it and the street. Some of those lots are two hundred (200) feet deep and Mr. Rables stated that the developers want to preserve as many trees as possible and have a good

relationship with the community. He indicated they can make forty (40) foot or possibly deeper driveways and are willing to meander the sidewalk through the easement so that they do not take down trees in a straight line. He stated they could draw in the proposed pad seen against the tree survey to reflect the additional parking.

Public Input
Citizen Mr. Joe Bernardini asked how the streets were laid out and how to enter the development. He commented that he was concerned about coming off of or going on to Highland Avenue from Howell Avenue, saying the addition of eleven (11) more cars in that area is extremely dangerous.

There was no further public input.

City Clerk Phillips read Ordinance No. 709 by headnote only, as follows:

> "AN ORDINANCE REZONING CERTAIN PROPERTY FROM R-1B (SINGLE FAMILY RESIDENTIAL 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:
Council Member Staib moved for approval to include staff recommendations with the modifications and scheduled 2nd and final reading for 12/05/2005; seconded by Council Member Burnett.

Motion carried 3-1 upon roll call vote, as follows:

Council Member Staib	AYE
Council Member Wever	AYE
Council Member Burnett	AYE
Vice Mayor Pugh	NAY
Mayor Johnston	ABSTAINED (Form 8-B attached)

Resolution No. 2005-27 - Enterprise Zone Re-Designation
Consideration of proposed Resolution supporting the re-designation of the existing Brooksville/Hernando County Enterprise Zone.

Director Geiger reported on the Enterprise Zone Re-Designation, stating Council is requested to adopt a resolution supporting the extension of it for another ten (10) years as part of the submittal process.

Council Member Burnett asked what the Enterprise Zone has been doing based on the areas they are addressing. Director Geiger stated it offers incentives to promote commercial and residential development but are rebates in sales taxes. Enterprise Zones are not the end all solution to economic and social issues, according to Geiger, and are designed to be used as a tool, primarily to induce businesses to locate within them. While it will not build infrastructure, it could increase the number of businesses you have located in an area and an increase of jobs has a domino effect of improving the economy.

Council Member Burnett noted that he did not see what areas were improving, citing the only company that has done something was the pool place and the percentage of people they hire do not really come from the South Brooksville area so they did not really do anything. Council Member Burnett said he understood

the Enterprise Zone rules and regulations but does not see where it is really helping, stating that businesses are reaping the benefits in his opinion.

Mayor Johnston asked if there was any attention given to re-examining the boundaries of the zones to see if it is still in the best current position. Director Geiger stated it has to meet certain thresholds, certain poverty levels based on year 2000 census information.

City Clerk Phillips read Resolution 2005 - 27 by headnote only, as follows:

> "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA (TOGETHER WITH A SIMILAR RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA) REQUESTING THAT THE ENTERPRISE ZONE #2701, BASED ON ITS PRESENT BOUNDARIES AS AMENDED, BE RE-DESIGNATED AND RE-AUTHORIZED PURSUANT TO CHAPTER 290, FLORIDA STATUTES; AUTHORIZING SUBMITTAL OF THIS RESOLUTION AND ALL SUPPORTING MATERIALS TO THE FLORIDA OFFICE OF TOURISM, TRADE, AND ECONOMIC DEVELOPMENT; REQUESTING ALL NECESSARY STATE APPROVALS; AND PROVIDING FOR AN EFFECTIVE DATE."

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	NAY
Council Member Staib	AYE
Vice Mayor Pugh	AYE
Mayor Johnston	AYE

Southern Hills Plantation

Impact Fee Credit and Reuse Reimbursable Expenses

> Progress of projects eligible for water, sewer and transportation impact fee credits for offset improvements, and eligible wastewater reuse system Reimbursable projects.
> [Continued from 11/07/05 Meeting]

Public Works Director Pierce discussed completed and ongoing projects. He provided a list of impact fees for reference. After some discussion of SWFWMD participation on the reimbursement for construction costs and engineering fees, it was found that further revision of the impact fees will need to be completed for the next meeting.

City Manager Anderson recommended that the subject be tabled and brought back on December 5, 2005.

Deed and Easement

> Consideration of Right of Way Deed and Drainage Easement from Hampton Ridge Developers, LLC for the East-West Entrance Road.

Following concerns voiced that the City be included on any easements or DOT permits, Tom Mountain, Coastal Engineering, indicated that he would provide Attorney La Croix with the DOT drainage permit before Council can go further in this process. The item was tabled to the next meeting.

SR50 West Water & Sewer Extension Project Phase II - Change Order #3(1B)

Authorization of Change Order to Coastal Underground Services, Inc. in the amount of $55,557 for additional work and extending contract 45 days (GL "Work in Progress" #409-000-169-19049 funds available from Line of Credit). Budget Amendments and realignment of projects in 2005-06 Water and Sewer Capital Needs Plan will be scheduled after this project is completed.

Public Works Director Pierce informed Council that the County has required radical changes before finalizing the plan. The plan now calls for running two lines on one side of the roadway and the water line on the other. He explained that because three lines would no longer be run in a trench under/along one side of the roadway, it would cut some of the cost associated with repaving. The County also requires flowable fill everywhere we go under the pavement. These changes result in a $55,000 increase in the cost. Because some materials may no longer be needed, the job would likely come in at the original amount approved, according to Pierce.

In response to inquiry by Mayor Johnston, Director Pierce stated seven (7) feet is between the right of way and the pavement.

Council Member Wever asked if there would be credit without having to do the repaving. Director Pierce said repaving will still remain in the contract, though these modifications should save a lot of money.

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

JBCC Fee & Insurance Waivers

Consideration of requests for the following waivers of fees and/or insurance requirements:

United Way of Hernando County

"Volunteer Hernando" Program to train volunteers to staff and operate a reception center in times of disaster on December 7, 2005 in the amount of $165.

Mayor Johnston stated they are also asking for the insurance to be waived in the amount of $152.67 which would bring the total amount to $317.67.

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

Community Care Outreach Service

Training sessions on November 29, 2005 and December 15, 2005 for seniors to select and enroll in the new Medicare Part D Program in the total amount of $202.35.

Mayor Johnston advised that this item has been withdrawn by the petitioner.

Brooksville Elks Lodge #2582

Elks National Free Throw Hoop Contest on January 7, 2006 for the youth in the community to allow them to possibly advance through local, district,

state and regional competitions in the amount of $143.78.

Mr. Gordon Fleming, Brooksville Elks Assistant Youth Director, stated the Hoops Shoot is a national program run here in the Brooksville area for years. They have not been able to attract as many children, especially minority children, as they would have liked, due to in the past the contest has always been held in Spring Hill. This year they came up with a preliminary program at the Jerome Brown Community Center (JBCC) and already have people to qualified for this local tournament. The children that qualify here will then go to Pasco County for district, then to regional, state and then national which is in the Hall of Fame. The Elks pick up the tab, not only for the children but also for their parents to escort them.

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

African American Club of Hernando County

Awards Dinner and Reception as a culmination of their Golf Tournament (the profits of which will be donated to the JBCC) on February 17, 2006 in the amount of $402.67, together with insurance requirements.

Mr. Gordon Fleming, stated due to profits being donated to JBCC, this is an investment.

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

Hernando County Sheriff's Office

Community Policing Classes open to law enforcement officers, community leaders, citizens, business managers and government employees to help the community enhance their problem solving skills in order to effectively address community-police issues on January 25, 2006, February 22, 2006 and March 22, 2006 in the total amount of $330.

Deputy Kenneth Payton stated the classes would be put on by the Florida Regional Community Policing Institute, which provides instruction and materials free to any citizen, community leader, law enforcement officer or anyone that wants to attend in order to generate a better partnership between the citizens, community leaders and police officers.

Mayor Johnston asked how they came to choose the JBCC, to which Deputy Payton replied that he knew they had a nice facility and would have a room that would fit.

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

Utility Service Agreement (Annexation Element) Status Report

Review of proposed modification of annexation provision in agreement with Hernando County for EOC Building.

City Manager Anderson indicated that he had a series of discussions regarding the annexation provision incorporated in the standard water and sewer agreements.

Suggestions presented at the last Council Meeting were subsequently presented to the County Board, which made a change in the last sentence of the agreement. It provides for the County to object to annexation, not limited to the property being rendered an enclave. The City Manager recommended execution of the agreement with that change.

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

Council Member Retirement Options

Consideration of optional benefit calculation.

City Manager Anderson stated that at the November 7, 2005 meeting, Council continued discussion regarding Council Member Retirement Options. He explained the State will have to do the calculations to determine what the City's contribution will be. Council discussed provisions and again tabled the matter to gather further information.

Council Member Board Appointments

Appointment of City Council Members on the following agency Boards:
Representative Member on the Withlacoochee Regional Planning Council (WRPC) for a one year term December 8, 2005 through December 13, 2006 (Current Member is Joseph E. Johnston, III).

City Clerk Phillips stated the Withlacoochee Board Meeting is December 8, 2005 and that a representative needed to be chosen now.

Council Member Wever nominated Mayor Johnston to continue, which Council concurred with.

Additional Representative Member on the Hernando County Tourist Development Council for 2006 in place of a representative from Weeki Wachee (Joseph E. Johnston, III is current Member).

Council Member Wever nominated Council Member Mary Staib, which Council concurred with.

City Manager - Employment Agreement (Richard Anderson)

Consideration of extending current agreement, and subsequent reappointment. [Continued from 11/07/05 Meeting]

Proposed Addendum Number 5; extension of August 19, 1996 agreement as amended, from 3/13/2006 to 7/30/2006.

Council discussed both agreements and found them consistent with State requirements.

Human Resources Director Baker stated for clarification purposes, the City Manager will leave employment and will have to be rehired.

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

BERT Lease Agreement with Jackson County, Mississippi.

City Attorney La Croix advised that he had drafted the agreement, as previously directed by Council subject to it being put into a contract with commercially reasonable terms.

Motion:
Council Member Burnett moved for approval, which was seconded by Council Member Wever and carried 5-0.

ITEMS BY COUNCIL MEMBERS

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

Growth Management Workshop Schedule
The Council agreed to schedule the Workshop for Wednesday, December 7th at 6:00 p.m. to discuss Growth Management.

Governing Magazine
Council Member Wever suggested getting only one subscription to the "Governing" Magazine for the Council office.

State Senator Paula Dockery
Council Member Wever suggested that Mayor Johnston send a letter from the Council and the City congratulating State Senator Paula Dockery for a recent article mentioning her in the "Governing" Magazine and thanking her for all her help.

Monitoring SWFWMD Findings
Council Member Wever stated the Withlacoochee Regional Water Supply Authority Board budgeted $100,000 to hire experts to monitor the findings of SWFWMD minimal flows and levels for the area that their board covers. He explained that the levels have been set for Hernando County. The Board has also hired an expert to check the findings of SWFWMD for Sumter and Citrus counties. If needed, the Water Supply Board can have that contractor check the findings for Hernando County.

DOT District
Council Member Wever discussed OPPAGA (Office of Policy Analysis And Government Accountability) proposing Hernando and Citrus Counties move from the current DOT District(DOT 7) to a new DOT District to the North (DOT 8). Mayor Johnston said there were advantages in having the DOT District mirror the RPC area that includes Marion, Sumter, Levy, Citrus and Hernando counties, with Brooksville being the second largest city in that district after Ocala.

Suncoast League Meeting Legislative Updates
Council Member Wever reported that some legislators are looking at requiring the same thing that the City is requiring in our development programs; that all utility lines be underground. Also the counties are going after the Community Redevelopment Agencies again. One proposal that has come out is for the counties not to have to support the CRA any higher ad valorem rate than the city that they are participating with. In our case, the County's millage is over 8 and ours is 7.5, so the rate would be cut to 7.5. He advised that there is still some movement to get the counties out of it completely.

He felt the City needed to look at these things and take a stand and send a letter to each of our legislative representatives and tell them how we stand on these proposed legislation changes. State Representative David Russell has already indicated that the part on the impact fee bill is being worked on, and it would not be a separate bill. Council Member Wever sent a letter and a copy

of the map of the Jasmine Rd. Project, indicating the potential problem the City would have if that section is left in that bill to require the impact fees be spent within the municipality.

Also, according to the report at the SLM Meeting, the cable industry companies are trying to get out from under state control completely and go directly to the federal level.

The Suncoast League used to send a bus to Tallahassee on the Legislative Action day but they voted to stop that program in the past. At the meeting Saturday they voted to put the bus trip back in the budget. They will pick ten individuals from the area that the League covers and pay up to $200 of their expenses individually to go up there at different times. They have already got a schedule with three or four dates. If anyone from our city wants to volunteer, they should send the request to Jenny Harold at the Florida Institute of Government. He indicated that the Heart League is proposing to participate in that bus expense also. Wever pointed out, however, that it is very hard to see the legislators on that day and suggested that the best time to talk to those legislators is when they are in town.

Crystal River Charter

Regarding the group in Crystal River that was trying to disfranchise the city, Council Member Wever reported that they have found that the voters cannot do it with a petition. The only way it can be done is for the legislature to revoke the Charter or the Council of the municipality has to vote to put the issue on the ballot for the voters to agree during an election.

Hernando High School Parking

Council Member Wever commented while visiting a School Board Member about an accident that had happened out at Chocachatti Elementary, the School Board Member asked if the Council had heard of any complaints from people living around Hernando High School. The school has a policy now for its students to have a 2.0 average to be able to park on campus. They've been having some problem with the students parking in residential areas. He wondered if there is anything we can do about it. Mayor Johnston stated it would be difficult to restrict parking in those areas, such as Oak and Bell, since there is no off street parking for some of the residents.

New Water Bill Format

Council Member Wever suggested adding the holiday garbage pickup schedule to the utility bill on the next billing cycle.

Utility Area Question

Council Member Wever said he spoke with Chris Burgess, Vice Mayor of South Pasadena, who has bought 40 acres near the new hospital and she wonders if it is in our utility area. He asked Director Geiger to check it out.

Frankie Burnett - Council Member

Holiday Wishes

Council Member Burnett wished Council and staff a Happy Thanksgiving. He said he's proud of the improvements he has seen in this City. He also congratulated City Manager Anderson on a fine job and said he appreciated being part of extending his contract.

CITIZENS INPUT
None at this time.

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

City Clerk

ATTEST _____
Mayor

;kmp

G:\WP_WORK\ClerkOffice\MINUTES\2005\11-21-05min.wpd

11/21/05
AGENDA ITEM
NO. E-1

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

VALLEY REZONING

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Johnston III, Joseph E.	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: 11/21/05	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 November 21, 20 05:

(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:

matters regarding Vallery Custom Homes project, Zoning Petition RZ2005-05.

I own a home within 150 feet of the proposed project and received formal notice as a person effected by the petition.

11/30/05
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
3/20/06

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

MINUTES

DECEMBER 5, 2005 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, Director of Administration/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 and Hernando Tribune were also present.

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

CONSENT AGENDA

Bid Award - US41 South/SR 50 Landscaping Project #2

Consideration of construction bid award to Vila & Son Landscaping Corp. and authorize contract negotiation for an amount not to exceed the budget total of $135,000 for execution by the Mayor. Funding under the FDOT District 7 Landscape Reimbursement and Maintenance Memorandum of Agreement (Grant).

2006 "Market on Main Street"

Consideration of request to continue the monthly "Market on Main Street" Program in 2006, including the closing of Main Street between Broad and Liberty Street and utilization of the City parking lot located at 29 S. Main Street on the 3rd Saturday of every month.

Vehicle Replacement Fund

Consideration of revising current 10 year projected replacement schedule for fire trucks to 20 years.

Council Member Wever requested Items 1 and 3 be moved to the Regular Agenda. Council concurred.

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

PUBLIC HEARING AGENDA

*Ordinance No. 709- Proposed Rezoning - Vallery Custom Homes (Mark Vallery) (RZ2005-05) - 11 Single Family Parcels

Consideration of proposed Ordinance rezoning 4.13 acres bounded by Highland St./Florida Ave./Howell Ave. from R-1B (Single Family Residential) to PDP (Planned Development Project) with a Special Exception Use of Residential (with conditions).
[First Reading 11/21/05]

Mayor Johnston advised he would have to excuse himself from the voting process due to being an adjacent property owner and that he would provide the appropriate

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

forms to the City Clerk to attach to the official record.
[Note: Form 8-B - Memorandum of Voting Conflict Form attached hereto]

City Attorney LaCroix advised this is a quasi-judicial hearing. He stated the parties to this application are the petitioner, Vallery Custom Homes and the City of Brooksville. There were two party interveners at the Planning & Zoning Commission (P&Z) meeting, Robert Pruitt and Don Varn, who were not present and no others were noted. He asked that anyone who wanted to intervene or to present testimony under oath to stand and be sworn at this time. Director Geiger and Joseph Quinn were sworn in by the City Clerk. The credentials were accepted of Community Development Director Bill Geiger as an expert witness in Land Use Planning, Zoning & Development. The credentials were accepted of Joseph Quinn, Coastal Engineering Associates, Inc., representing the applicant, as an expert witness as a Land Use Planner. There was no one else who wished to qualify as an expert witness.

Director Geiger entered his December 5, 2005 report into the record in its entirety. **[Attachment A]**

P&Z reviewed this and concurred with Staff to recommend approval with conditions outlined at the first reading. At first reading Council had directed Staff to include language in Condition G adding flexibility. The modification was done as follows:

> "Moline Street is to be re-paved twenty (20) feet wide provided however, that this requirement may be waived in whole or in part by the City Council during the platting process. Five (5) foot wide sidewalks need to be installed along all street frontages associated with this subdivision.

Under Subsection D, P&Z recommended adding the word "minimum" so the sentence reads as follows:

> "The minimum perimeter building setbacks are approved as follows"

Director Geiger did not believe the modification of that provision was reflected in the ordinance in the packet.

It was discussed that there were pages (21, 23 and 25) included in the packet which did not relate to this item.

Council Member Wever asked if the subdivision will be required to put the utilities underground, to which Director Geiger responded that had not been addressed as a provision.

Mr. Jim Rabold, Land Development Director for Vallery Custom Homes, who was sworn in, confirmed they are planning to put utilities underground and work the pedestals that the lines go into in such a manner that they would not be offensive and allow sidewalks to be easily accessible as the work goes on. They will work with the utility company and engineering firm for the 2 lots on Howell utility feeds as they progress. There will be paver brick entries and stone or brick edging around driveways.

Mr. Quinn, CEA and sworn, stated he was comfortable with language as proposed by Staff in the ordinance.

Mr. Raybold also advised that their corporate plans include construction of a

spec home facing Howell Avenue, for which the plans were approved last week. The two story home would be historically correct with almost 3000 square feet of living space, detached garage, pool in the courtyard, a large porch and an outside stairway to the second floor balcony. The home design was based on photos taken of homes in Brooksville.

City Clerk Phillips read Ordinance No. 709 by headnote only, as follows:

> **"AN ORDINANCE REZONING CERTAIN PROPERTY FROM R-1B (SINGLE FAMILY RESIDENTIAL 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."**

City Clerk Phillips stated approval of this ordinance would include the modified conditions. Director Geiger specified Subsection D for the word "minimum" and if Council deemed it necessary, a new condition for undergrounding of utilities would be added. Modification of Condition G was already included in the ordinance.

Vice Mayor Pugh was not opposed to the project but has concerns with Moline Street behind it. Director Pierce had indicated he wanted it paved because of discharge from the Drainage Retention Area (DRA). The erosion could affect Moline behind it. If not being paved, the City should not take the DRA and the liability for the erosion from it into consideration. Erosion liability should then be the homeowner's or Developer's responsibility. Director Geiger indicated the issue could be addressed when the preliminary plat is submitted for review in the future. Vice Mayor Pugh felt the developer would not want to pave it since no houses are fronting it and they would probably fight it.

Motion:
Council Member Staib moved for approval with modifications as stated; 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	Abstained

Regular Agenda

Bid Award - US41 South/SR 50 Landscaping Project #2
*Item moved from Consent Agenda by Council Consensus

Council Member Wever noted there was no mention of what to do with the funds left over from the grant. He suggested amending the project to use that money by adding to the project in some way. Director Geiger explained the intent was to contract services with Vila & Son Landscaping Corporation for the entire project funds which totaled $135,000. Staff would negotiate a contract with their base bid of approximately $92,000 and increase the scope of the project to spend the whole amount of funds allocated. Attorney LaCroix indicated that was okay.

Vice Mayor Pugh asked if the project could go further south towards the Walmart area. Director Geiger replied that it was possible but they would have to work with the landscape architect to determine adequate rights-of-way were available

so additional landscaping could be put along U.S. 41. Vice Mayor Pugh asked if there were open medians there that could be landscaped, to which Director Geiger replied there were. He added they are revisiting medians because of the Lowe's project, going further south along Wiscon, south of the intersection.

City Manager Anderson indicated irrigation would have to be included and it could be expensive.

Council Member Burnett advised appropriate types of plants would have to be purchased so the project would not be costing additional money later on for irrigation costs. Director Geiger qualified part of the additional money between the base bid and the total of available funds for the project could be used to add irrigation to the existing project, not beyond what FDOT has already allocated for the project.

Vice Mayor Pugh asked why the State would be against xeriscaping. City Manager Anderson explained they are not against it but the City would have to comply with the State's own xeriscaping requirements. Director Geiger added all the plants being looked at for the project are native species and once they take hold, very little irrigation should be needed.

Motion:
Council Member Wever moved to approve the bid with final plans to be brought back for review; seconded by Council Member Burnett. Motion carried 5-0.

Vehicle Replacement Fund
*Item moved from Consent Agenda by Council Consensus

Council Member Wever was not in favor of changing the current accrual for the 2000 truck just bought. He asked what the age of the truck was that the 2000 replaced. Fire Chief Daugherty answered thirty years. City Manager Anderson commented Chief Daugherty's recent survey of other jurisdictions showed use on average is fifteen years. City Manager Anderson recommended a twenty year cycle. Council Member Wever recommended keeping the 2000 truck on the current accrual basis with only four more years to go and put the new one on not more than fifteen years. He added rescue trucks run a lot more than fire trucks and he felt they would wear out quicker. Chief Daugherty confirmed the survey showed five to seven years use for rescue trucks and approximately ten years use for brush trucks.

Council Member Wever stated he saw no adjustment for the purchase price for the $5000 deductible on the early payment on the new truck, to which City Manager Anderson indicated adjustment of the actual dollar amount could be made for that truck and the other vehicles purchased earlier this year.

Vice Mayor Pugh asked for confirmation that the issue is if there will be money to fund the purchase of a new fire truck in ten to fifteen years if the City expands and needs a new station. Council Member Wever clarified the money set aside is necessary if the truck being accrued had to be replaced earlier than projected. He added they should consider that the City may not be in a position to add another vehicle and the two trucks the City currently has will be running a lot more due to expansion of the City. Per Fire Chief Daugherty, expansion was considered by the Fire Department but a lot of variables affect the life of the truck. City Manager Anderson explained that the City will most likely need to add another truck in the future when they open a new station but supplemental funds would be needed to replace the 2000 truck in four years.

Council Member Burnett felt going to a fifteen year accrual as Council Member Wever proposed would help the City be more prepared for the future as there is no way to know what variables will impact the trucks.

Motion:
Motion by Council Member Wever to leave the 2000 current truck accrual as is and put new vehicle on a fifteen year accrual basis; seconded by Council Member Burnett. Motion carried 5-0.

SELECTION OF OFFICERS

Selection of Mayor

Council Member Wever nominated Mayor Johnston as Mayor and Vice Mayor Pugh as Vice Mayor to continue another year.

Council Member Burnett nominated Vice Mayor Pugh for Mayor.

Council Member Staib asked if Vice Mayor Pugh will be in attendance more, to which he answered affirmatively.

Motion:
Council Member Burnett moved to close nominations for Mayor; seconded by Council Member Staib. Motion carried 5-0.

~~Motion was made by Mayor Johnston for the appointment of Mayor to which all were in favor of. Motion carried.~~/

/Corrected 3/09/06

Mayor Johnston stated the first nominee in the order received as being himself, and asked all in favor to say aye, to which all were in favor of. Motion carried 5-0.

Selection of Vice Mayor

Council Member Wever nominated Vice Mayor Pugh as Vice Mayor to continue another year.

Vice Mayor Pugh nominated Council Member Burnett for Vice Mayor.

Council Member Staib asked if Council Member Burnett will be in attendance more, to which he answered affirmatively.

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

~~Motion was made by Mayor Johnston for the appointment of Vice Mayor to which all were in favor of. Motion carried.~~ /

/Corrected 3/09/06

Mayor Johnston stated the first nominee for Vice Mayor in the order received as being David Pugh, and asked all in favor to say aye, to which all were in favor of. Motion carried 5-0.

ITEMS BY COUNCIL

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

Internal Service Fund
Council Member Wever stated per the memos, both the auditor and expert acknowledge the funds can be in other than the Vehicle Replacement Fund and that the Internal Service Fund has nothing to do with the with the activity in those three savings accounts.

Motion:
Council Member Wever moved for approval of removing money from the Internal Service Fund and putting it into each of the funds they apply to, the General Fund, Utility Fund and Sanitation Fund; motion died for lack of a second.

Mayor Johnston asked how this is different from the previous motions voted down. Council Member Wever replied there was no difference but the auditor and expert agree the funds could be anywhere that the City wanted. Mayor Johnston pointed out that the previous three times it was determined the money is fine where it is. Council Member Wever argued the money does not qualify per the definitions of the Internal Service Fund. Mayor Johnston felt it would be pertinent to bring this up again during the next budget process.

Council Member Wever asked Council to realize the Fund was in existence ten years but there was still no policy to control it. He added the policy presented does not require the monies to be in specific funds unless the paragraph is added as he sent in a letter to the expert. City Manager Anderson stated the draft policy presented earlier this year was not yet adopted and may have to be revisited. Council Member Wever added the current policy did not work when Director Pierce tried to buy a vehicle with money that could not be used for the purchase. Mayor Johnston asked if that issue was addressed, to which City Manager Anderson replied Staff was directed to bring back a policy that would incorporate those concerns brought up recently. Council Member Wever stated the policy presented was worked on by City Attorney LaCroix and Finance Director Baumgartner. Mayor Johnson asked that this be brought back to the next meeting.

Hospital Easement
Council Member Wever asked the City Manager if he had checked on the hospital easement, to which City Manager Anderson replied not yet, but that he sent a memo to Director Pierce, who would not be back for month or two but will readdress it to Utilities Superintendent Smith. Council Member Wever stated the County Agenda for December 6, 2005 shows the deed is being presented to the County. He asked if the easement has been recorded, to which City Manager Anderson replied affirmatively. He added the WREC has a set of poles in what they think is their easement and he is not sure if it is the same property and it will be checked. Easement is not exclusive and they would not give. Per Superintendent Smith, the poles are in our easement, which is not exclusive and the easement is wide enough so the poles will not interfere with work that will be done.

Review of SWFWMD Participation
Council Member Wever reported he will be having a meeting with Tom Mountain 12/06/2005.

Utility Bill Inserts
He felt the inserts were working well.

David Pugh - Vice Mayor

HEART League Meeting
Vice Mayor Pugh advised there will be a presentation on B.E.R.T. and Hazmat on January 25, 2006 at 6:00 p.m.

Karen M. Phillips, CMC, City Clerk
City Clerk Phillips reported the parade being held on Saturday, December 10, 2005 will start at 10 a.m., followed by the Christmas Festival in City Hall from noon to 3 p.m. The Bandshell Bash at Hernando Park will be from 4 p.m. to 8 p.m. The Heritage Museum Candlelight Tour will be from 6 p.m. to 9 p.m. She asked that Council members planning to ride the float be at City Hall by 9:15 a.m.

Joseph E. Johnston, III - Mayor
Growth Management Workshop will be held at 6 p.m. on Wednesday, December 7, 2005.

CITIZENS INPUT
None at this time.

ADJOURNMENT
There being no further business to bring before Council, the meeting adjourned at 7:46 pm.

ATTEST: _____
Mayor

_____
City Clerk

NOTE: Minutes presented to Council on 03/06/06, tabled for verbage on Mayor/Vice Mayor nominations (page 5). Correction made to same by Clerk.

G:\WP_WORK\ClerkOffice\MINUTES\2005\12-05-05 Min.wpd

Attachment A

AGENDA ITEM NO. D-1
12-5-05

MEMORANDUM

To: Honorable Mayor & City Council Members

Via: Richard E. Anderson, City Manager

From: Bill Geiger, Community Development Director

Subject: Zoning Petition (RZ2005-05); Petitioner - Mark Vallery (Represented by Coastal Engineering Associates, Inc.); Petitioner's Requesting Planned Development Project (PDP) zoning with Special Exception Use Consideration for a Residential PDP for a 4.13 acre ± Property, and subsequent Master Plan Approval, that will provide for a single family residential development.

Location: The property boundaries are Howell Avenue, Highland Street, and Florida Avenue

Date: December 5, 2005 ORD # 709

SUMMARY OF REQUEST - GENERAL INFORMATION

The subject property is 4.13 acres ±, and is bound to the north by Highland Street, to the south by Florida Avenue and to the east by Howell Avenue. The legal description by metes and bounds for the subject parcel of this zoning petition is given in full in the petition packet. The petitioner is requesting a rezoning from the existing R-1B (Single Family Residential District) zoning designation to Planned Development Project (PDP), with a special exception use consideration for a Residential Planned Development Project (RPDP). Petitioner wishes to develop eleven (11) single family residential lots with a minimum lot width of sixty (60) feet. Currently, this property consists of three larger parcels in the Howell Estates Division subdivision (East of Moline Street) and two smaller parcels in the Highland Park subdivision (West of Moline Street). Part of the proposed drainage retention facilities are shown on the master plan as being located on the southwest corner of Highland Street and Moline Street.

CURRENT LAND USE/ZONING

The subject property is zoned R-1B (Single Family Residential) with a City Comprehensive Plan Future Land Use (FLU) designation of Single Family Residential. Surrounding property to the north and west are zoned R-1B (Single Family Residential) with a FLU designation of single family residential, some of the properties located to the southeast and east side of Howell Avenue are zoned P-1 (Professional District) and R-1B Single Family Residential with FLU designations of single family residential and commercial.

FACTUAL INFORMATION

1. The property is currently zoned R-1B (Single Family Residential).
2. The property for this petition's zoning is approximately 4.13± acres.
3. The site is undeveloped.
4. The subject property has potential access from Howell Avenue, Highland Street, Florida Avenue and Moline Street.
5. The subject property has a City Comprehensive Plan Future Land Use Map designation of Single Family Residential.
6. The on-site soil types include Sparr fine sand and Micanopy loamy fine sand.
7. The property is located in flood zone C (as per the FIRM).
8. This property is not located within a wellhead protection area (WPA) or special protection

area (SPA).

9. This property will need to be re-platted to facilitate the proposed subdivision. The subdivider will need to provide a preliminary plat that addresses 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).
10. The area surrounding the subject property is characterized predominantly by residential uses, some professional uses and undeveloped land.

STAFF DISCUSSION

The petitioner's request is to rezone the subject property from R-1B (Single Family Residential) to PDP with a Special Exception for a Residential PDP, and receive master plan approval for the proposed development. The petitioner proposes to develop the site with eleven (11) single family residences. If the Residential PDP zoning is approved, the developer will need to conform to the performance standards established for Planned Development Projects. The property will also need to be re-platted consistent with the City's subdivision platting standards. The Developer should coordinate closely with the City's Public Works Department with regard to proposed public improvements associated with the platting of the property. Additionally, the development must comply with other performance standards including tree preservation and landscaping, access management, wetland protection, parking, etc. Minimum (R)PDP setback and density standards are established in Table's 1 & 2 of Appendix B of the City's Land Use/Zoning Regulations. The developer has requested a reduction in the minimum lot width requirements for an R1B zoning district from 75-feet to 60-feet. In all other respects, the development should adhere to the R1B zoning standards.

Potable water lines to serve this proposed development will need to be upgraded for fire protection and sewer lines along Florida Avenue will need to be extended.

Construction activities are anticipated to tear up Moline Street. Moline Street will need to be re-paved (twenty (20) feet wide). Five (5) foot wide sidewalks need to be installed along all street frontages associated with this subdivision.

Police, fire, solid waste and utility services will be provided by the City of Brooksville.

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. Water and sewer services will need to be addressed via a separate utility service agreement between the City and Developer.

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

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

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

STAFF/PLANNING & ZONING COMMISSION RECOMMENDATION

On November 9, 2005, staff recommended and the Planning & Zoning Commission concurred to recommend that City Council approve an ordinance rezoning the property as a PDP, with a special exception use approval for a Residential PDP, and subsequently approve the Master Plan titled "Vallery Custom Homes" (receipt dated September 30, 2005) with the following performance conditions (modified by the Planning & Zoning Commission using strikeout/underline format):

a. Within one year of the Council's approval of the (R)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).

b. The petitioner/developer must obtain all permits and meet all applicable land development regulations for future construction or use of the property.

c. The maximum number of single family residential (detached) lots associated with this rezoning approval is eleven (11).

d. The minimum perimeter building setbacks are approved as follows:

From Highland Street	~~24~~40'
From Florida Avenue	25'
From Moline Street	25'
From Howell Avenue	25'

e. Development of this property will be required to adhere to the standards of the R1B zoning district, with the exception of the minimum lot width standard which is reduced from 75-feet to 60-feet.

f. The petitioner shall provide adequate landscape buffers around the perimeter of the property, where applicable, that are consistent with or exceed City adopted standards.

g. Moline Street to be re-paved (twenty (20) feet wide). Five (5) foot wide sidewalks need to be installed along all street frontages associated with this subdivision.

h. In the development of the subject parcel, the developer will be required to construct an on-site storm water drainage control system that meets the design and performance standards as specified by the technical requirements for open and closed basins in the *Environmental Resource Permitting Information Manual, latest edition,* as published by the Southwest Florida Water Management District.

The Planning & Zoning Commission determined to require the 40-foot setback from Highland Street

to effect a larger reservation of space for cars to park onsite at the residence as opposed to parking within the street rights-of-way. The Commission added item "h." to ensure that the drainage system is designed to meet the Water Management District's 100-year storm event permitting standards, even if the property is considered to be under the District's permitting threshold.

Two people (Robert Pruitt and Don Varn) petitioned to intervene as a party at the Planning & Zoning Commission meeting on November 9, 2005. The Commission granted their intervening party status since both parties own land directly adjacent to the subject site. Issues pertinent to this petition raised by the party interveners included concerns with the proposed lot width, parking on Highland Street, cutting down trees on the site, soil contamination from past uses on the property and drainage runoff created from development of the site.

On November 21, 2005, the City Council approved the first reading of Ordinance No. 709 to zone this property as a Planned Development Project with a Special Exception Use for a Residential PDP, subject to recommended conditions. The Council directed that Condition "g" be modified to allow flexibility for the preliminary plat to be brought to City Council for review and action in the event the developer's proposed preliminary plat does not adhere to this specific condition. The City Attorney's recommended language (strikeout/underline format) to accommodate this directive for Condition "g" is as follows:

g. Moline Street to be re-paved (twenty (20) feet wide); provided, however, that this requirement may be waived, in whole or in part, by the City Council, during the platting process. Five (5) foot wide sidewalks need to be installed along all street frontages associated with this subdivision.

This language for item "g." has been added for the second & final reading of Ordinance No. 709, as well as the addition of the word "minimum" to condition d. as underlined in the Ordinance.

ACTION ITEM

It is recommended that City Council find that zoning this property as a PDP with a Special Exception Use of Residential (with noted conditions) is consistent with the City's Comprehensive Plan, and approve the second & final reading of Ordinance No. 709 to implement said zoning designation.

Enclosures:
1) Zoning Amendment/Special Exception Use Petitions
2) Rezoning Narrative
3) Vallery Custom Homes Master Plan - date stamped September 30, 2005
4) Proposed Home Elevation Drawings
5) Location Map
6) Ordinance No. 709

G:\Bgeig\Development Projects\Howell Avenue Property\cc12052005 Howell Avenue Property.wpd

11/21/05
AGENDA ITEM
NO. E-1

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

VALLEY REZONING

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Johnston III, Joseph E.	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 11/21/05	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 November 21, 20 05:

(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:

matters regarding Vallery Custom Homes project, Zoning Petition RZ2005-05.

I own a home within 150 feet of the proposed project and received formal notice as a person effected by the petition.

11/30/05
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
3/20/06

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

MINUTES

DECEMBER 19, 2005 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 La Croix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, Director of Administration/City Clerk; Julie Sherraden, 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. Members of Hernando Today and The Brooksville Belle were also present.

The meeting was called to order by Mayor Johnston.
[Note: Invocation and Pledge of Allegiance were conducted during preceding LPA Meeting.]

CONSENT AGENDA

Minutes
Special Meeting - October 6, 2005

Telemetry Equipment
Authorize purchase of Telemetry Equipment to interconnect seven (7) additional lift stations in the amount of $55,069 from Data Flow Systems (sole source vendor). Funds available from the RUS (Rural Utilities Service) Sewer Grant.

Council Member Wever asked if all the RUS grant money was supposed to be used on the U.S. 41 South project. Utilities Superintendent Smith replied that the current director said the money could be spent on anything sewer related. Council Member Wever asked if the U.S. 41 South project would need all of the grant money to complete the sewer part of the project, to which Superintendent Smith replied that it had been completed.

Engineering/Administration - Providence Blvd. Extension (CDBG-Economic Development)
Authorize execution of negotiated agreements with Applied Sciences Consulting Inc. (sole bidder) for Engineering and Grant Administration Services in the not to exceed amounts of $43,500 and $40,000, respectively, for the Reverse Service Road/Providence Blvd. Project (Clinton to W. Jefferson), subject to grant funding.

Vice Mayor Pugh asked what had happened with Berryman and Heniger. Community Development Director Geiger explained a large part of their staff, many who had been involved with the development of the plans, were currently with Applied Sciences, Inc. Vice Mayor Pugh asked if the $40,000 was left from the previous grant to finish up the work. Director Geiger explained this was a brand new grant and $40,000 was a standard fee which is a percentage of the grant amount for the administrative services from beginning to close of a CDBG grant. Engineering Services will amount to $43,500. He added there was little left to be done in the permitting process. Vice Mayor Pugh felt the work that Berryman and Heniger fixed at $20,000 was now being fixed at $40,000 by the same people.

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

Director Geiger explained the services provided for the previous grant were paid for and that $40,000 was appropriate for what remains to be done on the project.

Florida Communities Trust (FCT) Proposed Amendment

Authorizing amendment to the Florida Communities Trust Grant Award Agreement removing parcel being purchase by Hernando County for right-of-way for Jasmine Dr. Realignment, with $19,800 proceeds returned to FCT.

Mayor Johnston asked if flooding will be mitigated with the realignment, to which Director Geiger replied Engineering Staff indicated flooding would be addressed. They will be widening it, putting shoulders on it and raising it.

JBCC Fee Waivers

(a) Consideration of waiver of fees totaling $380 for a "Week of the Young Child" community event on April 1, 2006, by Early Learning Coalition of Pasco-Hernando, Inc.

(b) Consideration waiver of fees totaling $260 for a Health Fair Community Screening community event on January 14, 2006 by Hernando Mission.

Dumpster Capital Purchase

Consideration of authorizing piggyback on the City of Tampa bid with Florida Can, Inc. in the amount of $16,849 to purchase 33 dumpsters in varying sizes (10 of which include sliding doors). Budgeted funding is available in the Sanitation Dept. Line Item #54317.

Council Member Staib stated her figures add up to $17,249. City Clerk Phillips explained from the purchase order that the items with doors are slightly more.

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

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Beautification Board - Christmas Holiday Decoration Contest

Recognition of annual holiday decoration contest winners:

a) Residential Display - 302 S. Brooksville Avenue
Owners: Sherri Drake MacKenzie

Sally Sperling presented the award to Sherri Drake MacKenzie, whose Victorian style home was selected by unanimous vote of the Beautification Board for its ice lights displayed from the tall peaked roof, the abundance of poinsettias and the beautiful lighted bell.

b) Commercial Display - 307 Howell Avenue
Owners: Atlantic Community Care, Inc. dba Tangerine Cove

Sally Sperling described the lovely holiday decorations at Tangerine Cove as including a large santa, snowman, ice lights and its massive columns decorated as candy canes. The award was accepted by Paul Kenny and Deb Adams.

Certificate of Appreciation

Mayor Johnston presented a Certificate of Appreciation to Police Chief Boyce E. Tincher for twenty years of service as Chief of Police. Chief Tincher felt

honored that an employer was kind enough to keep him around for twenty years and that he has always tried to balance the needs of the City Council and our community. He thanked Council for all their support.

PUBLIC HEARING AGENDA

Evaluation and Appraisal Report (EAR) - Resolution No. 2005-28

a) Review Report and Agency comments on the draft EAR, the City's response to the same, the LPA's recommendation, and open meeting for public input.

b) Consideration of resolution adopting the EAR and authorizing transmittal of same, together with supporting documentation, to the State for sufficiency review.

Community Development Director entered his entire December 19, 2005 staff report and attachments into the record in its entirety. **[ATTACHMENT A]** 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 EAR and response document to the Department of Community Affairs (DCA), with addition of a statement to Item No. 3 in the response report to indicate that the City in the past has cooperated with Hernando County and has entered into agreements related to expending impact fee money on the County road network to deal with the impact of proposed development that is within the City of Brooksville and also to build a road when it was determined that it would be necessary based on the capacity impact on the state highway network.

There was no public input.

City Clerk Phillips read Resolution No. 2005-28 by headnote, as follows:

> "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, ADOPTING THE EVALUATION AND APPRAISAL REPORT FOR THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN; STATING THE INTENT OF THE CITY COUNCIL TO AMEND THE COMPREHENSIVE PLAN BASED UPON RECOMMENDATIONS CONTAINED IN THE REPORT; AND APPROVING TRANSMITTAL OF THE REPORT TO THE DEPARTMENT OF COMMUNITY AFFAIRS IN ACCORDANCE WITH SECTION 163.3191, FLORIDA STATUTES."

Motion:
Motion was made by Council Member Staib and seconded by Council Member Burnett for approval of Resolution No. 2005-28, accepting the EAR report and response document, as amended above, and authorizing transmittal to DCA. 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

HMGP Grant - Brooksville Fire Station Retrofit - Resolution No. 2005-29

Consideration of resolution supporting Hernando County's acceptance of Florida Department of Community Affairs Subgrant Agreement in the amount of $28,837 for storm protection retrofit of City's Fire Station #1, and

committing local match funds not to exceed $7,209 (to be transferred from General Fund Reserves).

Director of Administration Phillips reported that the grant for the Fire Station Retrofit under the joint City/County Local Mitigation Strategy (LMS) project had been approved. She further advised that authority to go out for bids would also be necessary, unless the County hears of any of their similar grants being approved, which would then allow us to piggy-back on their bids. Vice Mayor Pugh inquired if there was anything in the works as far as the Police Station next door since dispatch is conducted out of that building for the Fire Station as well. Phillips advised that the Police Building already has window protection and it is a newer building that was built more appropriate for that purpose with dispatch being central in it without windows. Further, she believed that if something happened at the Police Station, everything would automatically go to the County dispatch. In response to inquiry from Council Member Wever, the agreement was the standard document prepared by the State.

City Clerk Phillips read Resolution No. 2005-29 by headnote only, as follows:

"A RESOLUTION BY CITY COUNCIL OF THE CITY OF BROOKSVILLE HERNANDO COUNTY, FLORIDA; SUPPORTING HERNANDO COUNTY'S ACCEPTANCE OF HMGP GRANT FUNDING FOR FIRE STATION #1 RETROFIT PROJECT; PLEDGING MATCH FUNDS; AND PROVIDING AN EFFECTIVE DATE."

Motion:
Motion was made by Council Member Staib and 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

Phillips further advised that we are still awaiting word on the City Hall Building Retrofit Project, and if it is approved by the State staff will analyze whether doing the window portion of the project through HMGP or USDA funds will be more financially feasible.

Motion:
Motion was made by Council Member Wever to authorize staff to issue a Notice of Bid to retrofit the Fire Station; seconded by Council Member Burnett and carried 5-0.

Cemetery Lot Price Adjustments - Resolution No. 2005-30

Consideration of resolution restating Lot Sale price Schedule A, which also eliminates Monument Permits and separate Grave Marking fees.

Parks & Recreation Director Walker reported that the Advisory Board has approved the prices presented except for the last two on the front page for the special cremation section and the special use section. However, he clarified that he discussed this with Luther Cason, who is the Board Chair and the Funeral Director most responsible for dealing with the Special Use Cemetery Section and he did not have a problem with the changes.

Additionally, Walker reported that the resolution removes a monument permit fee,

which contradicts Florida law, and grave marking fees for new sales are rolled into the increase in fees, although previously purchased sites would still be charged a grave marking fee. Council Member Burnett asked for clarification on how lots are sold via funeral directors, to which Walker responded that there are only a couple of lots in the Cemetery that some funeral directors own (which are used primarily for cremations) and there are the ones in the Special Use Section, which sales are handled by Mr. Cason and then he pays the City. Walker pointed out that once the Cemetery is full, maintenance would still be required so that was why he was looking to increase the funds available in the future.

City Clerk Phillips read Resolution No. 2005-30 by headnote only, as follows:

> "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE REPEALING AND RESTATING SCHEDULE A TO PREVIOUS RESOLUTION PROVIDING A PRICE LIST FOR CEMETERY LOTS AND OTHER COMMODITIES; AND PROVIDING AN EFFECTIVE DATE."

Motion:
Motion was made by Council Member Wever and seconded by Council Member Staib. Upon roll call vote, motion carried 5-0, as follows:

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

Southern Hills Plantation
Deed and Easement - East/West Entrance Road (Southern Hills Boulevard)
Consideration of accepting corrected Right of Way Deed and Drainage Easement from Hampton Ridge Developers, LLC [Continued from 11/21/05 Meeting]

City Attorney LaCroix reported that the little triangle between the roadway that is being deeded to the City and what was shown on the map as DOT right of way was deeded to DOT as additional right of way, so what the City will own will adjoin DOT right of way just like any other City street adjoins a state roadway.

Motion:
Motion was made by Council Member Staib and seconded by Council Member Burnett, which carried 5-0.

Impact Fee Credits and Reuse Reimbursable Expenses
Approval of a) certain offsite water, sewer and transportation improvement expenses as impact fee credit eligible, and b) wastewater reuse system reimbursable expenses according to the November 30, 2005 report prepared by Costal Engineering, subject to acceptance of improvements by Director of Public Works.
[Continued from 11/07/05 & 11/21/05 Meetings]

Tom Mountain, Coastal Engineering Associates representing the Developer, explained that there were previous questions on the report dated 11/15/2005 regarding SWFWMD's reimbursements, specifically relating to engineering costs and that of the pro-rated share of the State from state funding, which would have been 20% of the overall project costs. He advised that the report was corrected to remove the engineering costs from that list, since they were not covered based on stipulations in the Developer's Agreement and the SWFWMD Cooperative

Agreement, as pointed out by Council Member Wever.

As to whether the state would provide 20% funding of the project on top of the developer's match and SWFWMD's match, Mountain related that in previous documents SWFWMD indicated that it would be 20% of the overall project costs. Since then, in conversations with the staff at SWFWMD, at this point, they have only approved from that state funding, 20% of the costs as budgeted for fiscal year 2006, which was approximately $1,080,000. The only reimbursement from the state funding at this point is approximately $217,000. Their application of this funding will be as such that when they do apply it when the developer turns in their invoices the first $217,000 in invoices that go through will be reimbursed with those funds. After that, there will be a 50%-50% split between SWFWMD and the Developer. He stated that they are now submitted for the 2007 budget year with SWFWMD and once their Board approves those applications, they will determine what additional state funding will be put into that. For those funds budgeted in 2004-2005 by the state have not been approved so the report in this case simply takes a simple approach and identifies the cost for the reuse program as of April 1, 2005 and simply shows a 50-50 split with SWFWMD. The additional funds from SWFWMD at this point they would take as of April 1, 2005 ($554,000 actual costs) so the state will apply that $217,000 actual cost from the state and take it off and then split the difference 50-50.

Mr. Mountain explained they were asking Council to look at those funds eligible for water and sewer impact fee credits that were completed as of April 1, 2005. Those funds have been identified by the County Engineer as well as Coastal as $521,859.30 for water impact fee credits for completion of work for potable water main Phase I as described in the Development Agreement between Hampton Ridge LLC and the City of Brooksville. In addition there is another $333,544.85 for sewer impact fee credits for the completion of the force main from Southern Hills Plantation to the Fairgrounds as identified in the Development Agreement. He pointed out that these funds do not include any items that are incomplete at this time, such as the master lift station, which will be submitted for reimbursement as completed.

Superintendent Smith confirmed that he has reviewed the report and it appeared accurate.

Motion:
Motion made by Council Member Burnett and seconded by Council Member Staib to accept the approved reimbursable costs to date for booking impact fee credits as of April 1, 2005. Motion carried 5-0.

Intergovernmental, Board Assignments and Organizations - City Council Member Appointments
Appointments to various Boards and Committees

City Boards/Committees	Current Council Representative
Beautification Board	Mary A. Staib
Brooksville Cemetery Advisory Board	Mary A. Staib
CDBG Citizens Task Force	E.E. "Ernie" Wever, Jr.
Good Neighbor Trail Advisory Committee	Frankie Burnett
Parks and Recreation Advisory Board	David Pugh

External Boards/Committees	Current Council

	Representative
Anti Drug Coalition	Mary A. Staib
Brooksville Again	David Pugh
~~Committee Against Assault on Law Enforcement Officers~~	~~Mary A. Staib~~
Community Alliance	Mary A. Staib
Heart of Florida	David Pugh
	Richard E. Anderson-Alt.
Hernando County Fair Association	~~David Pugh~~
	Frankie Burnett
Juvenile Justice Council	Mary A. Staib
Metropolitan Planning Organization	Joseph E. Johnston, III
Sheriff's Department/Community Board	Frankie Burnett
Suncoast League of Municipalities	~~E.E. "Ernie" Wever, Jr.~~
	David Pugh
	Frankie Burnett-Alt.
Take Stock in Children	Frankie Burnett
Tourist Development Council	Joseph E. Johnston, III & Mary A. Staib
Youth and Family Alternatives	Mary A. Staib
Withlacoochee Regional Planning Council	Joseph E. Johnston, III
Withlacoochee Regional Water Supply	E.E. "Ernie" Wever, Jr.

It was clarified that the recent appointment of Council Member Staib to the Tourist Development Council as an additional member was to replace the City of Weeki Wachee membership on the board since they did not attend.

Council Member Staib also pointed out that she resigned from the Committee Against Assault on Law Enforcement Officers since there is Police Department representation on this committee and she did not feel they were dealing with anything other than the annual luncheon for the officers. It was decided not to fill this position and the Police Department would keep Council apprised of any new developments as necessary.

Motion:
Motion was made by Council Member Burnett, seconded by Council Member Staib and carried 5-0 with position appointments as amended above.

Palm Lane - Traffic Control

Consideration of petition from local residents for traffic control assistance on Palm Lane.

City Manager Anderson advised a petition was received from local residents in regards to difficulties they are experiencing with traffic. He explained people are using Palm Lane as a shortcut to Fort Dade Avenue. Public Works and the Police Department examined the area.

Chief Tincher believed the residents have a valid concern. There were a number of approaches to answer the concern, such as signage to indicate no outlet there and to have sidewalks in the area. Residents believe speed bumps would be a good calming device. Director of Public Works Pierce recommended speed bumps put at an angle with an opening in between for drainage. There would be some charge back to the residents for sidewalks.

Mayor Johnston asked what area the speed humps would be used in. Chief Tincher replied it would be the portion of Palm Lane north of Ward Avenue. He felt the situation was created when Ponce De Leon Boulevard was blocked at Fort Dade Avenue. He added the problem would continue with signage and speed humps and preferred signage and sidewalks.

Mayor Johnston asked which direction the drivers were coming from. Chief Tincher replied drivers were going both to and from Fort Dade Avenue.

Council Member Burnett suggested meeting with the residents to understand what the residents are recommending. Chief Tincher stated the petition asks for speed humps. Council Member Burnett felt the residents were there seeing what was going on and if they did not understand the impact speed humps may have then they should be met with so something can be worked out.

Council Member Staib stated signage was necessary and could be put in almost immediately.

Mayor Johnston felt improvements could be made to the unimproved right-of-way, possibly a cul-de-sac for turnarounds. He was in favor of signage.

Council Member Wever advised DOT specifications require speed humps must be at a 90 degree angle (squared) to the side of street, however, a cut could be put in them. Chief Tincher suggested a twelve inch opening in the center, if used, but because of the possibility of drainage issues, recommended signage and to look at further future improvements in the area.

Vice Mayor Pugh felt signage would not resolve the speed issue that is causing danger to the area residents and pedestrians.

Public Input

Sara Rittenhouse
Ms. Rittenhouse, 320 Palm Lane, discussed the speed problems and related that when her pet was killed, the officer that came to investigate saw for himself that drivers were running the stop sign and speeding through the area. She felt speed bumps should be put in regardless of drainage issues. She stated she would rather have a speed bump and a flooding problem than a dead child and no flooding.

Council Member Staib asked if there were certain hours when the problem was occurring more than others, to which Ms. Rittenhouse replied that it seemed there were problems throughout the day and evening. She added the children at the daycare playground in the area are walked in and out along Ward Avenue.

Council Member Staib asked how far her house was set back from the road. Ms. Rittenhouse estimated 35 feet or at least 3 car lengths, adding there was no ditch and the yard was level to the street. She stated cars are spinning in her yard and advised there was no room for a cul-de-sac. Drivers get to the end and realize there is no way out and just drive back down the street in reverse, that is how her mailbox was run over. She felt if sidewalks were put in, drivers would still be running the pedestrians down and wanted a way found to slow the drivers down. She proposed rumble (slow down) strips at the intersection on Palm Lane from Fort Dade (going north) before the drivers get to Ward Avenue so they would realize they can not go fast and skip that stop sign.

Chief Tincher was in favor of rumble strips but advised they were noisy. Vice Mayor Pugh believed the noise would not be much of a problem compared to noisy vehicles going through the area.

Council Member Burnett asked for updates on this issue.

Motion:
Council Member Staib moved for approval of authorizing Staff to address the issue; seconded by Council Member Burnett. Motion carried 5-0.

ITEMS BY COUNCIL MEMBERS

Frankie Burnett - Council Member

Happy Holidays
Council Member Burnett wished everyone a Merry Christmas and a Happy New Year.

Mary A. Staib - Council Member

Elder Affairs Committee
Council Member Staib mentioned she will be attending the upcoming centenarian birthday party and advised those attending were asked to limit attendance to two people from each organization in order to accommodate the family member of the honorees. Mayor Johnston stated he would be attending also.

Christmas Day At The Hospital
She would welcome a visit while on duty at the hospital.

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

Happy Holidays
Council Member Wever wished everyone a Happy Christmas and a Merry New Year.

Ron Baker - Human Resources Director

Additional Pension Benefit
He advised there was an option to individually purchase additional pension benefit and Council Members could contact him if there was any interest to do so.

Karen M. Phillips - Director of Administration/City Clerk

Tangerine Time
City Clerk Phillips reminded Council Tangerine Time would be held 9 p.m. - Midnight New Year's Eve.

Joseph E. Johnston, III - Mayor

Missing Link
Mayor Johnston felt sidewalks should be considered from the old Shopping Basket Plaza to the old hospital site.

Council Member Staib stated there was a for sale sign for the property on the corner and Council should find out what they will do.

Vice Mayor Pugh asked if anyone developing the old hospital site would have to pay if the City had put in sidewalks. Attorney LaCroix advised sidewalks could

be assessed for.

City Manager Anderson mentioned there was a similar request for Martin Luther King Jr. Boulevard.

Happy Holidays
Mayor Johnston wished everyone Merry Christmas and Happy Holidays.

CITIZENS INPUT

Sheila Chambers

Fee Waiver Request
Ms. Chambers, representative of the Week Of The Young Child Festival, asked for a waiver of fees for the Festival. Council advised the waiver of fees was approved in the Consent Agenda.

Charles "Kojak" Burnett

Cemetery Prices
He asked about Cemetery prices and was given a schedule. He hoped prices were the same for the African-American community.

January Meetings
He received confirmation the January Council meetings would be held on the 9th and 23rd.

Late Fees
He asked the City to consider extending the turnaround period for water bill late fees because the bill has come out late. Council Member Burnett concurred that bills are received up to five days later than normal with only a three day grace period for late fees.

City Manager Anderson to bring back information for Council.

Happy Holidays
Charles "Kojak" Burnett wished everyone Happy Holidays.

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

ATTEST: _____
Mayor

_____
City Clerk

G:\WP_WORK\ClerkOffice\MINUTES\2005\12-19-05mtg

Attachment A

AGENDA ITEM NO. E-1
12/19/05

MEMORANDUM

To: Honorable Mayor & City Council Members
Via: Richard E. Anderson, City Manager
From: Bill Geiger, Community Development Director
Subject: Adoption of the Evaluation and Appraisal Report (EAR) of the City's Comprehensive Plan
Date: December 19, 2005

On October 17, 2005, the City Council authorized the Withlacoochee Regional Planning Council (WRPC) to transmit the first draft of the City's Evaluation and Appraisal Report (EAR) to applicable State and local agencies for courtesy review and comment. On November 29, 2005, the City recieved comments back from the Department of Community Affairs related to the draft document. Additional agencies that have submitted comment to the City with regard to the draft EAR are Hernando County, the Florida Department of Transportation and the Florida Department of State Division of Historical Resources. Primary issues noted in the comments received from the various agencies involve population projections, identification of funding sources for anticipated capital improvements, identification of existing transportation service volumes and an indication on what capital improvements may be required to address infrastructure deficiencies, if any.

City and WRPC staff have reviewed the comments received, and have prepared a response to the same. A copy of the comments received and the referenced response are attached to this Memorandum.

The EAR process for the City started back in early 2005. Several meetings have been held in which community issues were identified and agreed upon, researched, and the EAR report was written accordingly. The report essentially is an audit of the City's Comprehensive Plan, and was prepared to be in compliance with statutory and administrative code requirements for such reports.

At this time the City is required to hold two public hearings in consideration of the adoption of the EAR. One public hearing must be as the Local Planning Agency (LPA) to review, accept public input and provide a recommendation to the governing body. The other public hearing will be by the City Council, as the governing body, to review recommendations submitted by the public, staff and the LPA, and then take action on the adoption of the EAR, with or without modifications as determined by the Council.

PLEASE BRING THE DRAFT OF THE EAR THAT WAS TRANSMITTED TO YOU ON OCTOBER 4, 2005, TO THE DECEMBER 19, 2005 CITY COUNCIL MEETING. Numerous minor changes have been made to the first draft to address typographical errors, general corrections and clarifications, however, in the name of environmental conservation, this first draft may continue to be used as a reference. A complete, revised draft will be on file in the Council office, as well as the office of the City Clerk and the Community Development Department. Electronic and/or hard copy versions of the EAR document being considered for adoption will be made available to anyone who desires to obtain a copy of it as well.

RECOMMENDATIONS:

(For the LPA) Staff recommends that the Local Planning Agency (LPA) recommend that City Council accept the response to Agency comments and adopt the EAR, and authorize its transmittal to the State for sufficiency review.

(For the City Council) Staff recommends that the City Council accept the response to Agency comments and the LPA's recommendation, adopt the EAR via Resolution No. 2005-28, and authorize transmittal of the EAR and supporting documentation to the State for sufficiency review.

Note: The sufficiency review by the State may take up to three months. The City will be required to adopt an EAR-based amendment to its Comprtehensive Plan within eighteen months of the adoption date of the EAR.

Attachments:
1. Resolution No. 2008-28
2. Draft transmittal letter for the adopted EAR
3. Response to Agency Comments on the EAR
4. Agency Comments:
   a.) Department of Community Affairs (11/23/905)
   b.) Hernando County (11/17/05)
   c.) Department of Transportation (11/17/05)
   d.) Department of State (Division of Historical Resources - 11/14/05)
   e.) WRPC (11/14/05)

G:\Bgeig\EAR\EAR 2006\cc12192005 EAR Adoption.wpd