

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

MINUTES

October 18, 2010

7:00 P.M.

Brooksville City Council met in regular session with Mayor Lara Bradburn, Vice Mayor Richard E. Lewis and Council Members Joseph E. Johnston, III and Frankie Burnett present. Also present were George Angeliadis, City Attorney; T. Jennene Norman-Vacha, City Manager; Janice L. Peters, City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Richard Radacky, Interim Director of Public Works; George Turner, Police Chief and Tim Mossgrove, Fire Chief. Members of the Hernando Today and Hernando Times were also present.

The meeting was called to order by Mayor Bradburn, followed by an invocation and Pledge of Allegiance.

PRESENTATIONS AND REQUEST FOR WAIVERS

“Florida City Government Week” Proclamation

Consideration of Proclamation declaring the week of October 17-23, 2010, as “Florida City Government Week” in conjunction with the Florida League of Cities’ sponsored annual statewide celebration of municipal government and its contributions to the quality of life of Floridians.

Mayor Bradburn read the proclamation in its entirety honoring Florida City Government Week.

Mayor Bradburn indicated Item G2, the Cascades Phase I Bond Safeguard, issue needed to be removed from the agenda as the final documents had not been received.

CITIZENS INPUT

Mayor Bradburn asked for public input.

Tom Dye advised that there is a hole about three (3) feet deep across from his home at 202 E. Liberty Street on City property.

Doug Davis thanked Council for the City’s efforts for Founder’s Day as the cemetery had the largest turnout ever.

CONSENT AGENDA

FDOT Traffic Signal Maintenance and Compensation Agreement

Consideration of amendment to the 2002 existing agreement which provides compensation to the maintaining agency (the City) for maintaining traffic signal lights within the City to include intersection control beacons on the traffic signals.

State Bid Patrol Car Purchase and Surplus of Retired Patrol Cars

Consideration of authorization purchase on state bid and to surplus and trade retired vehicles.

Utility Bill Printing Services Bid FI2010-17 Award

Consideration of award of bid to Southwest Direct for an amount not-to-exceed \$16,339.20

APPROVED BY BROOKSVILLE

CITY COUNCIL
ON 3/7/11 INITIALS JL

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Motion:

Motion was made by Council Member Johnston and seconded by Vice Mayor Lewis for approval of the Consent Agenda. Motion carried 4-0.

PUBLIC HEARINGS – COMPREHENSIVE PLAN AMENDMENTS

Mayor Bradburn called for proof of publication. City Clerk Peters indicated Items F1 through F17 were published on Friday, October 8, 2010, in the Hernando Today section of the Tampa Tribune and there is a copy of the affidavits for the record.

Steve Gouldman, City Planner indicated this is the second reading of the following ordinances, briefly reviewing the process up until now. He advised there is a sign in sheet for anyone wishing to receive updates from the Department of Community Affairs.

Ordinance No. 791 - Comprehensive Plan Amendment – Derrill S. McAteer – represented by Coastal Engineering Associates, Inc.

Consideration of request for a future land use map change from County Rural to City McAteer Residential Development District (MRDD) for property located north of Powell Road, south of Hope Hill Road and east of the CSX Railroad line.

Steve Gouldman indicated this to be an approximately 450 acre tract located north of Powell Road immediately east of the CSX Railroad line and west of Culbreath Road. The property was annexed into the City in 2006 and is presently designated Rural on the Hernando County Comprehensive Plan Future Land Use Map with a County zoning designation of Agricultural/Rural.

He reviewed issues expressed by the Department of Community Affairs relating to site suitability, housing, urban sprawl, water and sewer, transportation and schools, referring to attachment 3 in the packet.

He stated it was recommended that there be additional data analysis dealing with floodplain and natural resources for site suitability and referenced to the report in the packet that was submitted at their request.

He pointed out the housing need is also addressed in the report, which references the Comprehensive Plan Housing Element and states that by the year 2015, 3,400 units should be provided and affirmed the City is lagging in that regard. He denoted a biotic evaluation by Coastal Engineering prepared for the LandMar Group is also included in the packet.

Mr. Gouldman next addressed urban sprawl, referencing thirteen (13) criteria from the Florida Administrative Code composed by Coastal Engineering as staff adequately responded that they believe there is no urban sprawl.

The Department of Community Affairs questioned whether or not there is a plan for adequate water and sewer services and he stated in working with the Department of Public Works staff projected there to be adequate water and sewer by the year 2020.

The transportation issue was questioned for adequate capacity on the roadways as Coastal Engineering provided a transportation analysis confirming adequate capacity for all amendments.

Lastly, the primary issue with schools was concern of current full capacity at the elementary level as the Department of Education suggested that there be adequate planning strategy to address this issue. Included in the packet is staff response which pertains to the Land Development Code and the Hernando County School Board Interlocal Agreement indicating that with the final plat or equivalent thereof there will be mitigation provided if there is inadequate capacity.

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Mayor Bradburn asked for public input.

Attorney Clark Stilwell, representing Mr. and Mrs. McAteer, referenced the negative ORC report from the Department of Community Affairs and indicated sub-area policies have been adopted on site suitability which incorporates criteria from the Land Development Code as this shifts density of the project away from the wetland areas and floodplain. He indicated that according to objective One of the Housing Element, there is specific authorized need for new residential housing by the year 2015 and the demonstrated need question has been answered since the number is below what was anticipated. He referenced the urban service area map submitted as it pertains to urban sprawl and is one of the key criteria for the Department of Community Affairs.

He commended staff on the level of analysis that was put into the LOS issues on water/sewer traffic. He is confident that the Department of Community Affairs will send their approval to adopt the amendment as this was one of the better responses he has seen to an ORC report.

Don Lacy, Coastal Engineering, stated if the Department of Community Affairs does not like the proposed amendment they will ask for more data and to answer additional questions such as this incident. He commended staff for an excellent report as it will answer any questions that were asked by the Department of Community Affairs.

Mayor Bradburn reminded everyone these petitions will not have great detail to them since they have already been reviewed at a past meeting. She stated this is the normal procedure of adopting amendments to a Comprehensive Growth Management Plan.

Council Member Burnett clarified with Mr. Gouldman that the amendments were initially sent to the Department of Community Affairs and it came back with questions and now staff is responding but will not be sent prior to Council approval.

Motion:

Motion was made by Vice Mayor Lewis and seconded by Council Member Burnett for approval of Ordinance No. 791 with the correct date added.

City Clerk Peters read Ordinance No. 791 by title, as follows:

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

Motion carried 4-0 upon roll call vote, as follows:

Council Member Johnston	Aye
Council Member Burnett	Aye
Vice Mayor Lewis	Aye
Mayor Bradburn	Aye
Council Member Bernardini	Abs

Attorney Angeliadis indicated the designation should be changed to Attorney Warnstadt as the attorney of record for the City of Brooksville.

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Ordinance No. 792 – Comprehensive Plan Amendment – South Brooksville Planned Development District initiated by the City of Brooksville

Consideration of request establishing a land use category of South Brooksville Planned Development District (SBPDD), changing classifications for properties generally located south of Russell Street, east of Main Street, west of Union Street and north of Dr. M. L. King, Jr., Boulevard.

Steve Gouldman, City Planner, reviewed the specifications of the property and indicated the Department of Community Affairs asked staff to provide data that evaluates current development potential and what the potential development could be resulting in these amendments. They also questioned public facilities, potable water and waste water, public schools, transportation, percentage of distribution of uses, mix of housing types, lack of intensity standards and transit oriented development language. He indicated the packet includes responses from staff on each of these questions. He addressed terms of inadequate data and analysis as there are a number of different Comprehensive Plan designations that allow maximum amount of development and staff is proposing to present all types of plan uses and acreage areas for current potential to avoid any issues with maximum potential.

Council Member Johnston asked for the County's status on this item. Director Geiger indicated they will be meeting on Tuesday. Council Member Johnston also indicated the legal description seems to have errors and staff confirmed they will make sure the description matches the boundary area.

Mayor Bradburn asked for public input.

Richard Howell did not agree with using the words "consider" and "encourage" and recommended replacing them with "shall" when submitting a plan. He sees problems with acreage as not being clearly identified as redevelopment. He also was concerned with parcels identified in Mitchell Heights that are both in the City and the County and that there are two (2) South Brooksville Planned Development Districts. Mr. Gouldman indicated the modified language is the exact same language as Hernando County. He stated the acreage is in the Vision Plan as staff calculated what was available through density and intensity standards and does not specify location as the language states "approximately".

Council Member Johnston stated the uses have to be vague in order to allow permitted uses within that area.

Council Member Burnett stated the City can only deal with its portion as it is a unique situation where the City and County are involved.

Don Lacy clarified that the Comprehensive Plan, Vision Plan and Zoning allows the City to have certain uses and intensity within an area.

Richard Howell is concerned that the residents of South Brooksville are not certain of what the City plans are for that area.

Don Lacy stated it does not matter whether properties are in the City or the County because the same uses are allowed on both sides.

Doug Davis lives in the neighborhood and personally does not want to annex into the City because of discrepancies in zoning between the City and County. His fear is that some developer may come in and want Council to take their properties through eminent domain to develop.

Council Member Johnston indicated Council adopted policy to prevent that from happening in the City of Brooksville.

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Council Member Burnett referenced the Vision Plan which is being followed as closely as possible.

Mayor Bradburn reminded all that this project must be a success.

Motion:

Motion was made by Council Member Johnston and seconded by Council Member Burnett for approval of Ordinance No. 792 with corrections to date on page 1 and to the legal description. City Clerk Peters read Ordinance No. 792 by title, as follows:

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

Motion carried 4-0 upon roll call vote, as follows:

Council Member Burnett	Aye
Council Member Johnston	Aye
Vice Mayor Lewis	Aye
Mayor Bradburn	Aye
Council Member Bernardini	Abs

Mayor Bradburn referenced the pending ordinance doctrine which has been brought to the legislature and addressed by the courts as this could affect the Comprehensive Plan process. Referencing the doctrine she advised that the doctrine states that zoning applications may be held in abeyance until new zoning codes are adopted in order to prevent premature ratings. She asked legal and planners to research issue and possibly do a presentation at a future meeting.

Ordinance No. 793 - Comprehensive Plan Amendment - Q2 Brooksville 191, LLC (Griggs) represented by Coastal Engineering Assoc., Inc.

Consideration of request for a future land use map change from County Residential to City Suburban Residential for property located south of Mondon Hill Road and east of Jasmine Drive.

City Planner Steve Gouldman reviewed the petition specifics. He indicated no DCA objections or comments were received for this amendment in the ORC Report, therefore the ordinance has not changed from its first reading on June 7th and recommended approval of the ordinance as written.

Mayor Bradburn asked for specifics on the transportation concerns relative to Mondon Hill Road on this property.

Don Lacy stated this is one of the amendments the Department of Community Affairs did not have a comment on since it is a reduction in density and there would be less impact on the roads.

Council Member Johnston indicated his brother has done work for the petitioner but it had nothing to do with this petition so there is no conflict.

Mayor Bradburn asked for public input; there was none.

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Motion:

Motion was made by Council Member Burnett and seconded by Vice Mayor Lewis for approval of Ordinance No. 793.

City Clerk Peters read Ordinance No. 793 by title, as follows:

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

Motion carried 4-0 upon roll call vote, as follows:

Mayor Bradburn asked for public input; there was none.

Council Member Johnston	Aye
Council Member Burnett	Aye
Vice Mayor Lewis	Aye
Mayor Bradburn	Aye
Council Member Bernardini	Abs

Ordinance No. 794 – Comprehensive Plan Amendment – Cornerstone Communities, Inc., represented by Coastal Engineering Associates, Inc.

Consideration of request for a future land use map change from County Residential to City Commercial for property located on the south side of Mondon Hill Road and North of the recently realigned Jasmine Drive.

City Planner Steve Gouldman reviewed the petition specifics. He advised that Council, at the first hearing on June 7th, requested a limit for a maximum of 100,000 square feet when developed in conjunction with the companion property (Ordinance No. 795 - S8). Language has been modified as requested.

Mayor Bradburn reminded there has been considerable concern by Council and adjacent property owners in regard to intensity and traffic. She said Council was pressured into making this decision based on what had been previously approved. Mr. Lacy said, as neighborhood commercial, traffic will be coming from Majestic Oaks and this property would only serve those nearby. It is absorbing it as opposed to generating it.

Don Lacy advised the County's designation would allow a significant amount of neighborhood commercial in this area and was the best designation for this property. Mayor Bradburn stated her concern with the intensity of this property. Mr. Lacy explained that as neighborhood commercial this will absorb traffic from surrounding developments travelling on Mondon Hill Road.

Mayor Bradburn asked for public input; there was none.

Council Member Johnston indicated his brother has done work for the petitioner but it had nothing to do with this petition so there is no conflict.

Motion:

Motion was made by Council Member Burnett and seconded by Vice Mayor Lewis for approval of Ordinance No. 794 as modified.

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City Clerk Peters read Ordinance No. 794 by title, as follows:

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

Motion carried 3-1 upon roll call vote, as follows:

Council Member Johnston	Aye
Council Member Burnett	Aye
Vice Mayor Lewis	Aye
Mayor Bradburn	Nay
Council Member Bernardini	Abs

Ordinance No. 795 – Comprehensive Plan Amendment – Robert J. Russell, Sr. represented by Cornerstone Communities, Inc. and Coastal Engineering Associates, Inc.

Consideration of request for a future land use map change from County Residential to City commercial for property located on the south side of Mondon Hill Road and North of the recently realigned Jasmine Drive.

City Planner Steve Gouldman reviewed the petition specifics. He indicated this is a companion to Ordinance No. 794 (S7), and on June 7th Council requested, and language has been modified to say that the parcel associated with S7 and S8 will be permitted a maximum of 100,000 feet of floor space and recommended Council approval as modified.

Don Lacy stated this is a small acreage piece of property surrounded on three (3) sides by the previous petition.

Mayor Bradburn asked for public input; there was none.

Motion:

Motion was made by Council Member Johnston and seconded by Council Member Burnett for approval of Ordinance No. 795.

City Clerk Peters read Ordinance No. 795 by title, as follows:

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

Motion carried 3-1 upon roll call vote, as follows:

Council Member Burnett	Aye
Council Member Johnston	Aye
Vice Mayor Lewis	Aye
Mayor Bradburn	Nay
Council Member Bernardini	Abs

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Ordinance No. 796 – Comprehensive Plan Amendment – Text Only – Hampton Ridge Developers, LLC – represented by Coastal Engineering Associates, Inc.

Consideration of request for a text amendment to the Southern Hills Plantation Mixed Use District to allow for an increase in residential units from 999 to 1,163 and an increase from 160,000 square feet of retail floor space to 240,000 square feet for property located east of U.S. Highway 41 South, southwest of Hope Hill Road and west of the CSX Railroad line.

Steve Gouldman, City Planner, reviewed the petition, indicating the Department of Community Affairs had problems with schools, since it was not included, whether those units were approved for platting and confirmed in staff response that they had been platted. There is an adequate planning strategy in place as stated in the interlocal agreement and Land Development Code requirements for mitigation at final plat.

Don Lacy stated the Department of Community Affairs has reviewed this previously as part of a binding letter in modification of vested rights indicating it would not be a development of regional impact. This amendment increases the number of residential units for the first time since the district was established.

Mayor Bradburn asked for public input; there was none.

Mayor Bradburn commented that Southern Hills is a top quality development and has great potential but those involved with this project understood that their intent was to maximize the threshold without going through the DRI process. She stated it is her opinion that Amendment 4 stands a strong chance of passing due to the Department of Community Affairs and local government failing to apply sustainable growth processes.

Don Lacy disagreed and indicated he felt the unit count is appropriate in proportion to the amount of land that was added.

Motion:

Motion was made by Council Member Johnston and seconded by Vice Mayor Lewis for approval of Ordinance No. 796.

City Clerk Peters read Ordinance No. 796 by title, as follows:

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

Motion carried 3-1 upon roll call vote, as follows:

Council Member Johnston	Aye
Council Member Burnett	Aye
Vice Mayor Lewis	Aye
Mayor Bradburn	Nay
Council Member Bernardini	Abs

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Ordinance No. 797 - Comprehensive Plan Amendment – Joseph M. Mason – represented by Coastal Engineering Associates, Inc.

Consideration of request for a future land use map change from County Residential to City Suburban Residential for property located north of Richbarn Road, south of Martin Drive and east of Domingo Drive.

City Planner Steve Gouldman reviewed the petition specifics. He indicated no DCA objections or comments were received for this amendment in the ORC Report. Therefore, the ordinance has not changed from its first reading on June 7th and recommended approval of the ordinance as written.

Mayor Bradburn pointed out that this petition is for lowering the density.

Mayor Bradburn asked for public input; there was none.

Motion:

Motion was made by Council Member Burnett and seconded by Vice Mayor Lewis for approval of Ordinance No. 797.

City Clerk Peters read Ordinance No. 797 by title, as follows:

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

Motion carried 4-0 upon roll call vote, as follows:

Council Member Johnston	Aye
Council Member Burnett	Aye
Vice Mayor Lewis	Aye
Mayor Bradburn	Aye
Council Member Bernardini	Abs

Ordinance No. 798 – Comprehensive Plan Amendment – Initiated by The City of Brooksville on behalf of Flagstone Pavers, Inc.

Consideration of request for a future land use map change from County Industrial to City Industrial for property located east of Cobb Road and north of Fort Dade Ave.

City Planner Steve Gouldman reviewed the specifics of the petition, indicating this item received an objection from the Department of Community Affairs regarding transportation. He indicated this site is currently developed and there is no intent to redevelop or increase intensity. Therefore, staff instead addressed the maximum allowable square footage limit.

Mayor Bradburn asked for public input; there was none.

Motion:

Motion was made by Council Member Johnston and seconded by Council Member Burnett for approval of Ordinance No. 798.

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City Clerk Peters read Ordinance No. 798 by title, as follows:

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

Motion carried 4-0 upon roll call vote, as follows:

Council Member Burnett	Aye
Council Member Johnston	Aye
Vice Mayor Lewis	Aye
Mayor Bradburn	Aye
Council Member Bernardini	Abs

Ordinance No. 799 – Comprehensive Plan Amendment – Garden Homes, LLC represented by Nicholson Engineering

Consideration of request for a future land use map change from County Residential to City Commercial for .077 acres along Hale Avenue and City Mobile Home/Multi-Family Residential for the remaining westerly 2.9 acres.

City Planner Steve Gouldman reviewed petition specifics and the Department of Community Affairs objections on schools, water and sewer and transportation, which have all been addressed.

Mayor Bradburn asked that transportation and sidewalks be addressed. Mr. Gouldman assured that transportation will have adequate capacity and sidewalks will be built along their portion of the roadway.

Council Member Johnston questioned why this amendment was approved as residential mobile home/multi-family and is included in the language on page 2 of 3 of the ordinance. Mr. Gouldman indicated staff will modify accordingly.

Mayor Bradburn asked for public input; there was none.

Motion:

Motion was made by Council Member Johnston and seconded by Vice Mayor Lewis for approval of Ordinance No. 799 with the deletion of references to “mobile homes”.

City Clerk Peters read Ordinance No. 799 by title, as follows:

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

Motion carried 4-0 upon roll call vote, as follows:

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Council Member Johnston	Aye
Council Member Burnett	Aye
Vice Mayor Lewis	Aye
Mayor Bradburn	Aye
Council Member Bernardini	Abs

Ordinance No. 800 – Comprehensive Plan Amendment – Initiated by the City of Brooksville on behalf of Crosland-Southern Hills Boulevard, LLC

Consideration of request for a future land use map change from County Rural to City Suburban Residential for property located east of U.S. Highway 41 and south of Southern Hills Boulevard.

City Planner Steve Gouldman reviewed the petition specifics. He indicated no DCA objections or comments were received for this amendment in the ORC Report. Therefore, the ordinance has not changed from its first reading on June 7th and recommended approval of the ordinance as written.

Mayor Bradburn asked for public input; there was none.

Motion:

Motion was made by Council Member Burnett and seconded by Vice Mayor Lewis for approval of Ordinance No. 800.

City Clerk Peters read Ordinance No. 800 by title, as follows:

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

Motion carried 4-0 upon roll call vote, as follows:

Council Member Johnston	Aye
Council Member Burnett	Aye
Vice Mayor Lewis	Aye
Mayor Bradburn	Aye
Council Member Bernardini	Abs

Ordinance No. 801 – Comprehensive Plan Amendment – Initiated by the City of Brooksville on behalf of Lowman/Griffin Families

Consideration of request for a future land use map change from County Residential to City Suburban Residential for property located west of the proposed North/South connector Road (Governor Boulevard) and south of Imogene Lane.

City Planner Steve Gouldman reviewed the petition specifics. He indicated no DCA objections or comments were received for this amendment in the ORC Report. Therefore, the ordinance has not changed from its first reading on June 7th and recommended approval of the ordinance as written.

Mayor Bradburn asked for public input; there was none.

Motion:

Motion was made by Council Member Burnett and seconded by Council Member Johnston for approval of Ordinance No. 801.

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City Clerk Peters read Ordinance No. 801 by title, as follows:

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

Motion carried 4-0 upon roll call vote, as follows:

Council Member Burnett	Aye
Council Member Johnston	Aye
Vice Mayor Lewis	Aye
Mayor Bradburn	Aye
Council Member Bernardini	Abs

Ordinance No. 802 – Comprehensive Plan Amendment – Initiated by the City of Brooksville on behalf of AJ&J Investment Properties

Consideration of request for a future land use map change from County Residential to City Commercial for property located west of U.S. Highway 98 (Ponce De Leon Boulevard) and south of Gantz Drive.

City Planner Steve Gouldman reviewed the petition specifics. He indicated no DCA objections or comments were received for this amendment in the ORC Report. Therefore, the ordinance has not changed from its first reading on June 7th and recommended approval of the ordinance as written.

Mayor Bradburn asked, since this is located on U.S. 98, a letter was sent to Department of Community Affairs regarding potential for a moratorium in response to the Quarry Preserves option to build six (6) miles on U.S. 98 north and stopping at the City border which could result in a moratorium for that entire quadrant of the City. Director Geiger indicated that any potential development either directly or indirectly located on U.S. 98 is going to have additional impact and would require mitigation or non-approval of development. He indicated it is preferred that development occurs sooner rather than waiting for improvements to the road it impacts as this property has great potential for its use.

Mayor Bradburn asked for public input; there was none.

Motion:

Motion was made by Council Member Johnston and seconded by Vice Mayor Lewis for approval of Ordinance No. 802.

City Clerk Peters read Ordinance No. 802 by title, as follows:

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

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Motion carried 4-0 upon roll call vote, as follows:

Council Member Johnston	Aye
Council Member Burnett	Aye
Vice Mayor Lewis	Aye
Mayor Bradburn	Aye
Council Member Bernardini	Abs

Ordinance No. 803 – Comprehensive Plan Amendment – Initiated by the City of Brooksville on behalf of The Humbarger Family

Consideration of request for a future land use map change from County Rural to City Suburban Residential for property located west of Hope Hill Road and north of Powell Road.

City Planner Steve Gouldman reviewed the petition specifics. He indicated no DCA objections or comments were received for this amendment in the ORC Report. Therefore, the ordinance has not changed from its first reading on June 7th and recommended approval of the ordinance as written.

Mayor Bradburn pointed out this property was subdivided without permission.

Mayor Bradburn asked for public input; there was none.

Motion:

Motion was made by Vice Mayor Lewis and seconded by Council Member Johnston for approval of Ordinance No. 803.

City Clerk Peters read Ordinance No. 803 by title, as follows:

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

Motion carried 4-0 upon roll call vote, as follows:

Council Member Johnston	Aye
Council Member Burnett	Aye
Vice Mayor Lewis	Aye
Mayor Bradburn	Aye
Council Member Bernardini	Abs

Ordinance No. 804 – Comprehensive Plan Amendment – Initiated by the City of Brooksville (Mendez)

Consideration of request for a future land use map change from County Residential to City Public Facilities and Land for property located north of Southern Hills Boulevard and east of U.S. Highway 41 South to be used for Governor's Boulevard.

City Planner Steve Gouldman reviewed the petition specifics. He indicated no DCA objections or comments were received for this amendment in the ORC Report. Therefore, the ordinance has not changed from its first reading on June 7th and recommended approval of the ordinance as written.

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Mayor Bradburn asked for public input; there was none.

Motion:

Motion was made by Council Member Johnston and seconded by Council Member Burnett for approval of Ordinance No. 804.

City Clerk Peters read Ordinance No. 804 by title, as follows:

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

Motion carried 4-0 upon roll call vote, as follows:

Council Member Burnett	Aye
Council Member Johnston	Aye
Vice Mayor Lewis	Aye
Mayor Bradburn	Aye
Council Member Bernardini	Abs

Ordinance No. 805 – Comprehensive Plan Amendment – Initiated by the City of Brooksville (Brocato)

Consideration of request for a future land use map change from County Residential to City Public Facilities and Land for property located southeast of Ray Browning Road and west of Hope Hill Road to be used for Governor's Boulevard.

City Planner Steve Gouldman reviewed the petition specifics. He indicated no DCA objections or comments were received for this amendment in the ORC Report. Therefore, the ordinance has not changed from its first reading on June 7th and recommended approval of the ordinance as written.

Mayor Bradburn asked for public input; there was none.

Motion:

Motion was made by Council Member Burnett and seconded by Council Member Johnston for approval of Ordinance No. 805.

City Clerk Peters read Ordinance No. 805 by title, as follows:

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

Motion carried 4-0 upon roll call vote, as follows:

Council Member Johnston	Aye
Council Member Burnett	Aye

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Vice Mayor Lewis	Aye
Mayor Bradburn	Aye
Council Member Bernardini	Abs

Ordinance No. 806 – Comprehensive Plan Amendment – Initiated by the City of Brooksville on behalf of Cascades At Southern Hills

Consideration of request for a future land use map change from County Residential to City Suburban Residential for property located north of Pine Cabin Road and east of U.S. Highway 41 South originally planned for drainage.

City Planner Steve Gouldman reviewed the petition specifics. He indicated no DCA objections or comments were received for this amendment in the ORC Report. Therefore, the ordinance has not changed from its first reading on June 7th and recommended approval of the ordinance as written.

Mayor Bradburn pointed out the intent is still drainage.

Mayor Bradburn asked for public input; there was none.

Motion:

Motion was made by Vice Mayor Lewis and seconded by Council Member Burnett for approval of Ordinance No. 806.

City Clerk Peters read Ordinance No. 806 by title, as follows:

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

Motion carried 4-0 upon roll call vote, as follows:

Council Member Johnston	Aye
Council Member Burnett	Aye
Vice Mayor Lewis	Aye
Mayor Bradburn	Aye
Council Member Bernardini	Abs

Ordinance No. 807 – Comprehensive Plan Amendment – Initiated by the City of Brooksville on behalf of the Continelli Family, F/K/A Earle)

Consideration of request for a future land use map change from County Residential to City Suburban Residential for property located south of VFW Road and west of Daffodil Drive.

City Planner Steve Gouldman reviewed the petition specifics. He indicated no DCA objections or comments were received for this amendment in the ORC Report. Therefore, the ordinance has not changed from its first reading on June 7th and recommended approval of the ordinance as written.

Mayor Bradburn pointed out this amendment reduces the density by half.

Vice Mayor Lewis referenced page 2 of 3 with a correction to “South of VFW Road and east of Daffodil” to read “South of VFW Road and west of Daffodil”.

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Mayor Bradburn asked for public input; there was none.

Motion:

Motion was made by Vice Mayor Lewis and seconded by Council Member Johnston for approval of Ordinance No. 807 with correction to Ordinance.

City Clerk Peters read Ordinance No. 807 by title, as follows:

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

Motion carried 4-0 upon roll call vote, as follows:

Council Member Burnett	Aye
Council Member Johnston	Aye
Vice Mayor Lewis	Aye
Mayor Bradburn	Aye
Council Member Bernardini	Abs

In closing, City Planner Steve Gouldman indicated on June 7, 2010 these ordinances had their First Reading and they were sent to the Department of Community Affairs which returned an ORC report with objections, recommendations and comments. Staff provided an adequate draft response and is now looking for direction from City Council to be able to send that document on to the Department of Community Affairs as well as the ordinances as they have been approved tonight.

Motion:

Motion was made by Council Member Johnston and seconded by Vice Mayor Lewis for approval. Motion carried 4-0.

REGULAR AGENDA

Resolution 2010-21 - Olive Street Cemetery

Consideration of resolution recognizing the City's commitment to the Mickler Family's condition to limited future burials in the Olive Street Cemetery.

Attorney Angeliadis indicated this resolution restricts any future burial rites to lineal descendants of the Mickler Family in order to maintain historical preservation and significance of the property and also serves as an agreement.

Vice Mayor Lewis indicated the issue has not come before the Cemetery Board of which he is a member. It is his understanding that a recent survey took place. He asked that the issue be tabled and that Mr. Brewer be allowed to speak.

Mayor Bradburn indicated the issue has been ruled on by Council and the intent of this resolution is to clarify that burials be restricted to the Mickler Family.

Vice Chair of the Cemetery Board Pat Brewer, indicated Chairman Cason was unable to be here but that other members of the board were present. He stated this cemetery project has been an ongoing

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process for the past three (3) years and felt the resolution to be premature in nature. He asked Council to not take action until the property has been surveyed with ground radar and platted.

Mayor Bradburn asked Mr. Brewer his intent with this property. Mr. Brewer indicated he would like to bring this to City Council in a proper manner, platted with grave spaces, and to see if there are any spaces left while maintaining historic integrity. He was not aware the Catholic Church ever owned the property. He located two (2) surviving relatives of the Mickler Family who have no interest in being buried at this location as they are both living elsewhere.

Attorney Angeliadis explained it was acquired by quiet title action which conveyed the property to the Diocese of St. Petersburg and there are public records in Hernando County that reflect that. Part of the quiet title action included conditions regarding future burial restriction. He also stated there was a deed which gratuitously conveyed the property to the City of Brooksville.

Council Member Johnston further explained both the church and the Mickler Family owned a portion of the cemetery and through the years there was confusion from the church over ownership. There was a title search done, indicating only a portion was owned by the church. As a result, the quiet title was initiated giving them the entire property, which they conveyed to the City of Brooksville.

Mr. Brewer felt it would be beneficial for the City to know exactly what they have and let the Cemetery Advisory Board continue to plat the property.

Council Member Johnston pointed out this resolution, per court order, does not stop the advisory board from platting the property. He agreed with the Cemetery Board action as the City would need to know if there is space available in the event that one of the Mickler Family descendants decides to be buried there.

Mr. Brewer stated the University of Florida would use ground penetrating radar to survey the ground at no cost to the City.

City Manager Norman-Vacha stated this procedure is debatable in that it does cause controversy in the community with beliefs that it disturbs burials and is not typically done unless there is concern of unearthing an existing grave and is not a function of the advisory board. She plead to Council that this procedure is unnecessary and would be disturbing the cemetery.

Council Member Johnston stated he does not believe ground penetrating radar disturbs the cemetery and would be a means to identify graves for a plot plan. Vice Mayor Lewis agreed and he has never heard of any citizen complaints over this procedure at any location.

Motion:

Motion was made by Council Member Johnston and seconded by Mayor Bradburn (who passed the gavel to Vice Mayor Lewis) for approval of Resolution No. 2010-21.

Council Member Burnett stated he is in favor of the resolution but is concerned that the Cemetery Advisory Board was not informed that Council would be taking action tonight. He stated they should have been given the opportunity to come to Council with their recommendation.

Attorney Angeliadis further clarified that this property was donated to the City of Brooksville for purposes of historical preservation and there were prior legal conditions placed upon the Diocese of St. Petersburg which have to be taken into consideration by Council and is not a distinct process of an advisory board.

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Vice Mayor Lewis stated the Cemetery Advisory Board has been working to see that the cemetery is preserved for the City of Brooksville. He feels this is not the appropriate time to take action on this resolution and asked that it be tabled until the survey has been completed. He indicated the board members do not have a problem with restricting future burials to the Mickler Family.

Mayor Bradburn stated City Council is now following through on the advisory board's recommendation. She indicated that she is comfortable with passing this resolution since every member of the committee does not have a problem restricting burials to the Mickler Family and advised that an agenda item be created to address their next recommendation.

Mr. Brewer asked that the advisory board be given an opportunity to finish what they started and then address the resolution after the cemetery is platted since there may not be any spaces available.

Attorney Angeliadis clarified that there is no mandatory responsibility to the City to grant burial rites absolute in the future to the lineal descendants of the Mickler Family and this resolution is a statement of City Policy to preserve the historical significance of this piece of land.

Mayor Bradburn stated it was the intent of the diocese under the quit claim deed to restrict burials exclusively to descendants of the Mickler Family. Vice Mayor Lewis questioned whether or not the City was mandated to restrict burial rites. Attorney Angeliadis clarified it was the quiet title action which conveyed certain rights to the Diocese of St. Petersburg under certain conditions. Council Member Johnston explained the Diocese of St. Petersburg filed a quiet title action to dispute title to the property and the judge entered an order that since the Mickler Family owned a portion of the interest that final judgment included that they should have certain rights.

City Clerk Peters read Resolution No. 2010-21 by title, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, PROVIDING FOR THE PRESERVATION OF THE HISTORICAL OLIVE STREET FAMILY CEMETERY; ESTABLISHING BURIAL RESTRICTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion tied at 2-0 upon roll call vote, as follows:

Council Member Johnston	Aye
Council Member Burnett	Nay
Vice Mayor Lewis	Nay
Mayor Bradburn	Aye
Council Member Bernardini	Abs

The resolution will be brought back to Council on November 15th.

Vice Mayor Lewis asked that the item be added to the agenda that City Council authorize the check of the Olive Street Cemetery with ground penetrating radar at no cost to the City to be able to plat the cemetery and to be able to inform the Mickler Family of the findings and for the preservation of historical records.

Motion:

Motion was made by Vice Mayor Lewis and seconded by Council Member Johnston to add the item to the agenda. Motion passed 3-1 with Mayor Bradburn voting in opposition.

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Motion:

Motion was made by Vice Mayor Lewis and seconded by Council Member Johnston to authorize the Cemetery Advisory Board to proceed with non-invasive inventory of the burials at the Olive Street Cemetery by ground penetrating radar.

Mayor Bradburn indicated she would like to hear from those who specialize in genealogy and historical research of cemeteries as there could possibly be some who have a belief that ground penetrating radar disturbs the dead. The only way to do that is to place the radar penetrating item on a future agenda.

Cemetery Board Member Jan Knowles stated their intent is for historical purposes. She said there is a fairly new monument in the cemetery for four (4) infants and Mr. Richard Estabrook from the University of South Florida offered to perform the inventory at no cost to the City. She assured that this procedure would not disturb graves as Mr. Estabrook is an archaeologist and has used this equipment in the past.

Mayor Bradburn asked Ms. Knowles to contact Mr. Estabrook and arrange that he come before Council to explain his process.

Cemetery Sexton Richard Howard indicated ground penetrating equipment only reads shadows and the only way to guarantee a vault in the ground is to probe with a steel rod. He referred to the stone for the babies Ms. Knowles had mentioned which states the original stone was moved to the family plot in 1984 but that the babies are still buried at the Olive Street Cemetery. He stated it is his opinion that it is not proper to disturb the graves.

Motion carried 3-1 with Mayor Bradburn voting in opposition because she has requested that Mr. Estabrook come before Council and explain explicitly what he is going to do. She thanked Ms. Knowles for arranging that.

Request for Executive Session

Consideration of request for Executive Session.

Council consensus was for approval of the executive session to discuss various pending litigation and strategy on Monday, November 1, 2010, at 6:00 p.m.

CITIZENS INPUT

Mayor Bradburn asked for public input.

Kojack Burnett commended Council on their handling of tonight's issues.

Doug Davis spoke of the non-invasive radar and respectful process of the cemetery documentations as this is not new technology and is currently being done throughout other cemeteries in the County as well. He indicated the Cemetery Board has worked diligently on the project but the process has not yet been completed and was not ready to be brought before Council.

Mayor Bradburn explained the department head brings board items to Council and then the Council Liaison advises Council during its Meeting. She indicated she voted against it because she would like to hear from Mr. Estabrook before authorizing the board to proceed with the process. She wanted Mr. Davis to keep in mind that if the data is unreliable then it cannot be determined whether or not someone is buried there.

Jan Knowles indicated had she known it would be an issue tonight she would have made sure Mr. Estabrook attended.

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ITEMS BY COUNCIL

Frankie Burnett, Council Member

South Brooksville Area Clean Up

Council Member Burnett invited all to participate in a clean-up on October 30th at 8:00 p.m. at the East Side Church of God on Twigg Street.

Great Brooksvillian

He stated during the Great Brooksvillian presentation last Thursday he omitted to mention that former City Council Member John Tucker was also present and apologized for the oversight.

Joe Johnston, Council Member

Reminder of Absence

Council Member Johnston advised he will not be here at the next Council Meeting.

Bicycle Race

He thanked all who were involved in the Bicycle Race as it was a well attended event.

Water Tower Painting

He asked why all the shrubbery and trees were taken out by the water tower. Director Radacky indicated the tent comes out fourteen (14) feet beyond the tank and the sandblasting would destroy the shrubbery.

Mayor Bradburn reminded all that the process began today at the corner of Liberty Street and Brooksville Avenue.

City Manager Norman-Vacha

Land Use Workshop

City Manager Norman-Vacha reminded all that the Land Use Code Workshop is on December 13th at 6:00 p.m.

Decorated Hay Bales

She reviewed the winners being "Best of Show" Methodist School Center; "First Place" Hernando High School; "Second Place" Star Education Center; "Third Place" Brooksville Elementary School; "Honorable Mention" Moton Elementary School, Hernando Christian Academy and D.S. Parrott Middle School. She thanked the judges who were Robert Buckner of Buckner & Associates; Sally Peepler, Branch Manager for SunTrust Bank; Brande Sanders, owner of Edward Jones Investments; Pierre Desjardins, owner of the Hillhouse Bed & Breakfast and Trish Bechtelheimer, owner of Westover's Flowers & Gifts.

Lara Bradburn, Mayor

U.S. 41 Median Landscaping

Mayor Bradburn asked for an update. City Manager Norman-Vacha indicated there have been several discussions with Paff Landscaping and the work is under warranty. The issue has been referred to the City Attorney in hopes of sending a letter of resolution as staff has been unsuccessful in getting a response.

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Land Use Workshop

She indicated that she has invested several hours in the Land Development Codes and she will need to meet with staff to review further changes. She advised there may need to be a third workshop to be sure all changes have been made accordingly as there is still much work left to be done.

Bicycle Race

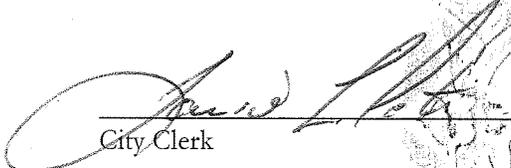
She was inspired by people who travelled a long distance to participate in the race, professionalism of the racers, and sponsorship by major corporations. She commended Karen Greenway and Laura DeWitt, Brooksville Natural Foods/Spring Hill Natural Foods; and Pablo Santa Cruz for organizing the event. She spoke with vendors who were ecstatic over the turn out and a restaurant owner who broke her sales record, as well as a professional cyclist who won his division and said he would nominate this event as "Event of the Year".

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:55 p.m.

Attest:


Mayor


City Clerk

