

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

**AGENDA**

JUNE 4, 2007

7:00 P.M.

**A. CALL TO ORDER**

**B. INVOCATION AND PLEDGE OF ALLEGIANCE**

**C. CONSENT AGENDA**

**1. Minutes**

April 16, 2007 Appeals Public Hearings  
April 16, 2007 Regular Meeting

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

Consideration of approval to apply for FY2007/2008 funds in the amount of \$4,000. The Law Enforcement Trust Fund #109 will be utilized for the 25% grant match.

**3. Utilities Meter Reader Trucks**

Consideration of transfer of truck #529 to Parks and truck #528 to replace truck #576 in Utilities; and, truck #576 be declared surplus and authorize City Manager to dispose of accordingly.

**4. Transportation Outreach Program**

Authorization of the issuance of a purchase order in the amount of \$9,840 to pay Applied Sciences Consulting, Inc. for services rendered in modifying the frontage road plans to address changes necessitated by the City's modification of the project intent, which will be reimbursed through the TOP grant.

**5. Valve and Fire Hydrant Replacement Project**

Authorization to go out for bids to replace valves and fire hydrants without the requirement for payment and performance bonds.

**6. DPW Innocent Victim Storage Tank Cleanup**

Consideration of designation of Creative Environmental Solutions, Inc. as cleanup contractor for DPW Innocent Victim Storage Tank Cleanup Program, authorizing the Director of Public Works to sign the necessary documents and pay the \$500 deductible.

**7. Sludge Hauling Services Agreement - One Year Extension**

Consideration of waiver of purchasing policies and extension of agreement with Appalachian Material Services, Inc. for sludge hauling services for one year term through 07/05/08 for an amount not to exceed \$63,495.

# REGULAR CITY COUNCIL AGENDA - JUNE 4,2007

## CONSENT AGENDA APPROVAL (✓)

Recommendation: Approval of Consent Agenda  
Action: Motion to approve  
Attachments: 1) Minutes; 2) Memo from Police Lt. Hankins dated 05/24/07; 3) Memo from Director of Public Works dated 05/17/07; 4) Memo from Director of Community Development dated 05/22/07; 5) Memo from Director of Public Works dated 05/23/07; 6) Memo from Director of Public Works dated 05/25/07; 7) Memo from Director of Public Works dated 05/15/07

## D. CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

### 1. Margaret R. Ghiotto Beautification Award - Residential Award

Recognition of improvements to property owned by JM Construction & Remodeling, Inc., located at 249 E. Liberty Street.

Presentation: Mayor  
Attachments: Award Certificate; Letter from Board dated 05/23/07

## E. PUBLIC HEARING

### 1. Ordinance No. 745 - Annexation of Gamba Property - Presented by David Post

Consideration of annexation of 2.228 acres+ located at 1039 S. Mildred Avenue.

[First reading 05/21/07]

Presentation: Director of Community Development  
Recommendation: Approval of Ordinance as recommended by Staff and P&Z Commission on second and final reading upon roll call vote  
Action: Motion to approve  
Attachments: Memo from Director of Community Development dated 5/22/07; Proposed Ordinance and Map; Annexation Petition

### \*\* 2. Ordinance No. 747 - Hernando County Board of County Commissioners - Presented by 55 Ponce De Leon, LLC

Request for Rezoning property from R-3 (Multi-Family Residential) to PDP with a Special Exception Use for a Combined Planned Development Project.

[First reading 05/21/07]

Presentation: Director of Community Development  
Recommendation: Approval of Ordinance as recommended by Staff and P&Z Commission on second and final reading upon roll call vote  
Action: Motion to approve  
Attachments: Memo from Director of Community Development dated 5/22/07 ; Proposed Ordinance & Location Map; Petitions; Master Plan; Narrative

# REGULAR CITY COUNCIL AGENDA - JUNE 4, 2007

## F. REGULAR AGENDA

1. Resolution No. 2007-10 - Withlacoochee Regional Water Supply Authority (WRWSA) Grant Application

Consideration of resolution requesting \$50,000 matching grant funds from the WRWSA for a \$170,000 project to install submersible pump and related piping to connect previously drilled well at Hope Hill. Funds available in CIP #2001-UT03 Hope Hill Replacement in the 2007-08 Fiscal Year Budget.

Presentation: Director of Public Works  
Recommendation: Authority to apply for grant  
Action: Motion to approve  
Attachments: Memo from Director of Public Works dated 05/25/07; Proposed Resolution

2. Interlocal Agreements

Consideration of acceptance of various Interlocal Agreements:

a) Gas Tax Interlocal Agreement

Renewal of revised Agreement with Hernando County and the City of Weeki Wachee for an annual term through 09/30/2013 for distribution of local option gas tax funds and maintenance responsibilities for various City roads, traffic signals and other improvements.

b) ELMS Gas Tax Interlocal Agreement

Renewal of Agreement with Hernando County and the City of Weeki Wachee for an annual term through 09/30/2013 for distribution of the ELMS (2<sup>nd</sup> local option) Gas Tax funds.

c) Dr. M L King Jr., Blvd. - Paving Cost Sharing Interlocal Agreement

Interlocal Agreement offer from Hernando County for 50% sharing of costs to resurface Dr. M.L. King Jr. Blvd. from Broad St. East to Main St. for a cost to the City not to exceed \$115,000, with funding available in the Multi-Year Capital Fund 308.

Presentation: Director of Public Works  
Recommendation: Acceptance of individual Interlocal Agreements  
Action: Motion to approve  
Attachments: Memos from Director of Public Works dated 05/25/07; Interlocal Agreements

3. Acquisition of Utility Easement(s) from Hernando County along SR 50/Wiscon/Mobley for Future Water & Sewer Improvements

a) Future Utility Easement Parcels

Consideration of requesting Hernando County continue to proceed with setting aside a 20' wide utility easement across parcels H, G & F and across parcels B&C, if possible, for further purchase by the City for an amount not to exceed \$45,700, funds available in Utility Reserves.

## REGULAR CITY COUNCIL AGENDA - JUNE 4, 2007

b) **Easement for 20' Easement along Wiscon Rd.**

Consideration of offer of easement from Hernando County for \$5,300 for strip of land along Wiscon Road slightly West of Mobley Road, funds available in Utility Reserves.

Presentation: Director of Public Works  
Recommendation: (a)Authorize County Negotiations,  
(b)Acceptance of offer and/or  
(c)Direction to Staff  
Action: Motion to approve  
Attachments: Memo from Director of Public Works  
dated 04/16/07; Grant of Easement

4. **Water & Sewer Line Extension (Phase 3) from SR50 to Wiscon Road (aka Hospital Crossing)**

Consideration of extension of water and sewer line by HB Industries for a cost not to exceed \$129,297.30 with previously approved funding in current budget from account #401-000-196-19049.

Presentation: Director of Public Works  
Recommendation: Approval  
Action: Motion to approve  
Attachments: Memo from Superintendent of Utilities  
and Director of Public Works dated  
05/25/07; Project Diagram

5. **New City Attorney Hiring Procedure**

Discussion of the process for hiring a new City Attorney

Presentation: City Attorney  
Recommendation: Approval to proceed with advertising  
Action: Direction to Staff  
Attachments: Memo from City Attorney dated  
05/24/07; Prior Advertisement

G. **ITEMS BY COUNCIL**

H. **CITIZEN INPUT**

I. **ADJOURNMENT**

### CORRESPONDENCE TO NOTE

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

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

**MINUTES**

APRIL 16, 2007

7:00 P.M.

Brooksville City Council met in regular session with Mayor David Pugh, Vice Mayor Frankie Burnett, Council Members Joe Bernardini, Lara Bradburn and Richard E. Lewis. Also present were David LaCroix, City Attorney; Steve Baumgartner, Interim City Manager; Karen M. Phillips, City Clerk/Director of Administration; Janice L. Peters, Deputy City Clerk; Jim Delach, Acting Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Emory Pierce, Director of Public Works; Fire Captain Stan Mettinger, Brooksville Fire Dept.; and Frank Ross, Interim Police Chief, Brooksville Police Dept. Members of the Hernando Today, Hernando Times and Brooksville Belle were also present.

The meeting was called to order by Mayor Pugh.

CONSENT AGENDA

Minutes

Regular Meeting - March 19, 2007

CDL Third Party Administrator - Testing Contract

Consideration of agreement with the Florida Department of Highway Safety and Motor Vehicles for Commercial Driver License (CDL) Testing Authorization.

Take Action Grant: Healthy People, Places, and Practices in Communities Project

Ratification of grant application sponsored by the U.S. Office of Disease Prevention and Health Promotion and the Regional Health Administrates in the amount of \$4,975.95 to purchase exercise equipment for a youth fitness program.

JBCC Waiver of Fees for NAACP

Consideration of waiver of fees and insurance in the amount of \$426.83 for NAACP Community Health Forum on April 21 from 9:00 a.m. to 2:00 p.m. at the JBCC.

Code Enforcement and Utilities Mowing

Consideration of waiver of purchasing policy for continuation of services agreement with current contractor, Terry Chapman, for Utility Site and Code Enforcement Mowing Services for a 2-year period. Annual funds estimated at \$15,000 per year is budgeted in Utility Other Contractual Services line item.

Motion:

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

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Audited Financial Statements

Review and acceptance of Annual Audit for Fiscal Year ended 09/30/06 prepared by Oliver & Joseph Auditors, P.A.

Misty Price of Oliver and Joseph reviewed the financial statements and indicated it was a successful audit.

Staff was commended for their efforts and discussion followed as to bond covenants and the settling of utility issues. It was noted that the auditors did come up with a plan of action to deal with the issue.

Discussion also covered the prospect of additional reviews of the audit.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Lewis to accept the audit. Motion carried 5-0.

Interim City Manager Baumgartner thanked Oliver & Joseph for their efforts.

Margaret R. Ghiotto Beautification Award - Commercial Award

Recognition of improvements to property of Cheyenne Asphalt, Inc. located at 273 North Broad Street.

Mayor Pugh reviewed the award and stated that with no one being present to receive the award it would be delivered.

Juneteenth Celebration

Update on current plans for 2007 Juneteenth Celebration at Russell Park.

Paul Boston presented Council with a proposed celebration line up and history of Juneteenth. He requested use of the BERT Comfort Station, the PA system and for the Fire and Police Departments to be present.

City Attorney La Croix indicated Mr. Boston is promoting that the City of Brooksville is a partner in the event, which makes the City liable to some extent and covered the potential liabilities.

Director of Public Works Pierce will present costs of dumpsters with a waiver of fees and suggested that the promoters should be prepared to rent port-o-lets. He advised that he has no way to furnish electrical support.

Mr. Boston stated he had consulted with the Good Neighbor Trail and gained their approval for use of the facilities.

Council Member Bradburn was concerned about the cutting of the Good Nature Trail area, which Mike Walker elaborated on.

Mayor Pugh requested documentation concerning requested cost estimates.

Council Member Bradburn indicated there are documented endangered species she would like to see preserved on the Good Nature Trail.

Pierre Desjardens noted that the Bandshell Bash had asked for waivers which were denied and that money had to be raised on their own. He made reference to the slave experience and indicated he had a problem with the event in that he does not see the point of reliving the tragic event.

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### National Volunteer Week - April 15 - 21, 2007

Proclamation supporting volunteers in our community with Volunteer Reception on April 17 at JBCC.

Mayor Pugh read the proclamation in it's entirety, noting that the reception begins at 5:30.

### Arbor Day Proclamation

Proclamation supporting Arbor Day in our community, which will be recognized at Beautification Board event held on April 27 at Tom Varn Park.

Mayor Pugh read the proclamation in it's entirety.

## REGULAR AGENDA

### Utility Service Agreements

a) Sea Gate Land Holdings, Inc.

Consideration of acceptance subject to City Attorney's final review and comments.

Will Smith, Superintendent of Utilities, reviewed the agreement, noting that connection fees are to be paid within 6 months of acceptance. Discussion followed as to connection fees in relation to impact fee credits and the purpose of the Power of Attorney.

City Attorney La Croix indicated that on page 9 paragraph 6 the first 15 words should be removed as they were transposed from another paragraph.

#### Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Bradburn for approval as amended by City Attorney La Croix. Motion carried 5-0.

b) Brooksville Regional Medical Plaza, LLC

Consideration of approval of agreement subject to the City Attorney's final review and comments and approve the option for the Developer to construct the remaining portion of the 12" and 18" water and sewer line crossing of the hospital site.

Will Smith, Superintendent of Utilities, reviewed the agreement and requested the incremental payment plan. Discussion followed as to the feasibility of having this pipe line run now versus bidding out a project.

#### Motion:

Motion was made by Council Member Bradburn and seconded by Vice Mayor Burnett for approval. Motion carried 5-0.

### Street Survey Expenditures for Sidewalks

Consideration of authorization of amount not-to-exceed \$10,000 expenditure per street survey for: MLK from Main to US 41; North Ave. From Hwy. 98 to Howell; and Ft. Dade from Hwy. 98 to US 41. Budget amendment from reserve contingencies will be brought forward subsequently if approved.

Director Pierce indicated he did receive other quotes but still believes the one he presented is the best one. He asked if Council wanted to get going on these or wait to budget. Council Member Bradburn asked about the differences in the

## REGULAR CITY COUNCIL AGENDA - APRIL 16, 2007

bid amounts. She asked where the projects stood at this time. Director Geiger reviewed the proposal to The Board of County Commissioners.

Council Member Bradburn indicated North Avenue to be her top priority due to the school. Director Pierce agreed that North Avenue should be the one of the first priorities.

### Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Lewis for approval to proceed for a survey of North Avenue to Hwy. 98. Motion carried 5-0.

### Sewer Lateral Repairs on Private Property - 29 Sunset Drive

Consideration of reimbursement to property owner for repairs to sewer lateral in the amount of \$1,682.21; funding from WAP Grant Funds.

Director Pierce reviewed the request.

### Motion:

Motion was made by Council Member Bradburn and seconded by Vice Mayor Burnett for reimbursement to the homeowner. Motion carried 5-0.

### City Manager Search Process

Update on City Manager search process.

Interim City Manager Baumgartner gave an update on the process thus far. He asked Council if they wanted to choose the final person on Tuesday, May 1 and recommended the applicants not all be in Chambers at the same time. He said that the employee committee is being considered.

City Attorney LaCroix indicated that if the dinner takes place, no discussion can be had of items to come before Council and that the St. Pete Times had requested being allowed to attend the dinner. Council consensus was to allow the press if they paid their own way.

Discussion followed as to voting techniques and if the voting would take place at the meeting following the candidates being interviewed.

### Motion:

Motion was made by Council Member Bradburn and seconded by Vice Mayor Burnett to use the ranking process to make the decision the night of the meeting on May 1<sup>st</sup>. Motion carried 5-0.

Consensus was to have the final agreement with the first ranked person available for the May 7<sup>th</sup> agenda if possible, then to the second ranked person in the event an agreement cannot be reached with the first. The Mayor will be working with staff on the agreement.

It was suggested that the candidates could be asked to make a 5-minute presentation to Council with subject to be decided by Interim City Manager Baumgartner, who will work with department heads on the subject matter.

City Clerk Phillips asked for clarification of the questions for the applicants. Interim City Manager Baumgartner indicated they all need to be the same. Discussion followed.

Mayor Pugh asked Mike Walker if he had an estimate of the cost of the dinner, which he estimated to be \$30-35 per person.

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### ITEMS BY COUNCIL

City Clerk Phillips advised that a letter from Kelley Jo Stapleton was received, and she had requested it be read into the record [ATTACHMENT A], resigning from the Personnel Board effective immediately, which she did.

#### Council Member Richard E. Lewis

##### Personnel Board Member Petition

Discussion of Personnel Board member appointment.

Council Member Lewis thanked Ms. Stapleton for her diligence and brought to Council's attention, and reviewed, a petition from Public Works employees concerning her appointment.

Discussion followed in which a policy was discussed restricting the appointing of immediate family members of Council to boards and the process of appointing members in general.

City Attorney LaCroix recommended discussing it at the May 14<sup>th</sup> workshop with Reynolds Allen.

#### City Attorney La Croix

##### Litigation Status

City Attorney La Croix distributed a memo stating the status on all pending items, which included Condemnations for Southern Hills, forfeitures, Majestic Oaks litigations, Went lien foreclosure, Hernando Healthcare Pilot and DeMaria and Bell annexation challenge.

He advised, concerning the Hernando Healthcare Pilot, that when the property was sold through bankruptcy, the bond was retired, therefore, Hernando Healthcare has no obligation. He will double check to make sure the bond was paid.

#### Council Member Joe Bernardini

##### Plantings around the City

Council Member Bernardini commended Sandy Hoyle and her assistants on the plants and beautification efforts throughout the City.

#### Vice Mayor Frankie Burnett

##### Proclamations

Vice Mayor Burnett suggested nicer frames for proclamations to be presented at events throughout the County.

#### City Clerk, Karen M. Phillips

##### Ernie Wever Surgery

City Clerk Phillips stated that Mr. Wever will be undergoing surgery tomorrow and requested everyone keep him in their thoughts and prayers.

##### Congressional Art Student Reception

She reminded all that the Congressional Art Student Reception is Friday, April 27, the same day as Arbor Day. She added that the artwork for the reception is already displayed on the 2<sup>nd</sup> floor walls of the Art gallery.

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### Public Forum

She advised that the candidates for City Manager will attend a public forum on April 30<sup>th</sup> from 5:00 - 6:00 p.m. at City Hall with a reception on May 1 from 5:00 - 6:30 p.m.

### Council Member Lara Bradburn

#### Broad Street Communication Tower

Council Member Bradburn asked if the residents in that area are aware of the petition.

Director Geiger indicated the tower will be erected at the new church that is being built on the west side of US 41 South and that the only existing residential area close to the tower is a mobile home park but it is not in our jurisdiction.

#### DEP Site Assessment Reports

She asked about the site assessment reports from DEP for the Brooksville Avenue property.

Director Pierce advised that contamination had been found and he intended to apply to get into the Innocent Victim Storage Tank Program and hopefully have DEP cover the cost. He indicated the Public Works compound is in the Innocent Victim Program and they are working on a site at 15 Main Street ALSO probably more contamination to be found in the public right-of-ways. He advised a memo to Council will be forthcoming, which will cover information on all three sites.

### Mayor David Pugh

#### Setting of the Agenda

Mayor Pugh, referencing a memo from Council Member Lewis concerning the ability of the Mayor to set the agenda, asked for clarification for himself as well, considering the different interpretations possible.

City Attorney La Croix indicated that, in terms of setting the agenda, it is whatever policy Council adopts.

Mayor Pugh indicated there had been a specific item of concern of Council Member Lewis, who requested the item be added to the regular agenda. Mayor Pugh advised that he could bring it up during the Council Member agenda. For clarification, he asked how Council wanted to handle the items Council Members wanted to discuss, as a regular agenda item or under Items by Council.

Vice Mayor Burnett felt it should be left to the discretion of the Council Member bringing the item forward.

Council Member Bernardini stated he was always under the impression that the order of business was set by the Mayor. If the Mayor did not put an issue on the agenda after a request, it could be requested at the next Council meeting that the item be added to the agenda. At that time, if three Council Members agreed, it would be added to the regular agenda.

Council Member Lewis advised that under Sec. 2.12 of the Charter it states that the Mayor sets the order of the agenda, it does not say that he sets the items of the agenda. He gave examples of two different occasions in which he had requested items be added to the agenda, he was denied adding it to the regular

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agenda, but told he could bring it up under Items by Council, which carries no action. He made the motion to have it added to the agenda for discussion, the motion failed 2-3, as did the 2<sup>nd</sup> item and the three items brought up at the next meeting. Council Member Lewis had concerns that items were not on the regular agenda, even for discussion, much less action. He indicated he normally does not ask for much to be put on the agenda, especially frivolous items, and appreciated the Mayor bringing this forward for discussion.

Council Member Lewis indicated he does agree that the Mayor's duties, through the Charter, are ceremonial to run the meetings, to sign the checks, and different duties and also says, under Sec. 2.12 that he sets the order of the meeting. His interpretation of that is that he sets the order of the items, such as whether he wants to have Citizens Input early or late, or Proclamations before Presentations. He felt that, as a Council Member, he was denied the opportunity to have those items added to the agenda.

Mayor Pugh advised that if he is interpreting the meaning of the charter, he wants to know about it, but stated that the two particular items were voted on. The one thing he can do, he indicated, is that if the item is not available when the packet is ready, he does not have to add the item. Council Member Lewis stated that his items had made the deadline.

Mayor Pugh indicated the two items in question were of alleged Charter and Personnel Policy violations. He indicated that he looked at one and it was voted on and the other one the City Attorney and Labor Attorneys gave their opinion that it did not apply. He asked how long the issue was going to be beat over? He, as stated before, did not have a problem with Council Member Lewis bringing the items up under Items by Council. He asked for clarification as far as what Council wants to set in those cases.

Council Member Bernardini again stated that the order of business has always been set by the Mayor and that is what was on the agenda. If someone wanted to discuss something that was not on the agenda it could be voted on to be added.

For clarification, Council Member Lewis asked that if an item is brought up at one meeting and requested to be added to the next meeting's agenda it can. Mayor Pugh stated absolutely. Council Member Lewis used that as an example, saying he had done just that, and was denied. He requested an emergency meeting, brought the item in before the Friday deadline, City Clerk Phillips typed a memo, and it was not added to the agenda.

Mayor Pugh asked City Attorney La Croix his opinion of the order of business. He stated that, no matter who determines what goes on the agenda, at any time during a meeting, any Council Member can bring up something he wishes to discuss and with a majority vote of three Council Members it can be added to the agenda. Likewise, if there is something on the agenda that the majority does not want to deal with, it can be voted off. Its always majority rules as to what is considered at any meeting.

Mayor Pugh stated that, because of Council Member Lewis's concerns, he just wanted to clarify the issue. City Attorney La Croix advised that setting the order only deals with what order the items come up on the agenda, not what goes on the agenda. Council sets this issue, in some cities it is the City Manager who sets the agenda. Our policy has been that majority votes is recognized to add issues not already on the agenda.

Council Member Lewis indicated that in his previous terms as Mayor, he always met

## REGULAR CITY COUNCIL AGENDA - APRIL 16, 2007

with staff prior to the meeting to look over the agenda, check it and approve only. Staff had already set the agenda but if there was a Council Member that had an issue it was added as well.

Mayor Pugh advised that the items Council Member Lewis wanted added had already been discussed in length and there was no action to be taken, therefore he advised that it be brought up during Items by Council. He clarified that all he can do is approve the agenda, not disapprove, so his advice was to let staff continue to compile the agenda.

Council Member Lewis again indicated that, according to the Charter, the Mayor's position is ceremonial only and as far as setting the agenda, it takes him out of the legislative power and duties and puts him in an administrative capacity.

City Attorney La Croix stated that it seems Council needs to vote on who sets the agenda, the City Manager or the Mayor, and whether any Council Member has the authority to add an item to the agenda or not. But regardless, at any meeting, any Council Member can move to remove any item from the agenda.

In closing, Mayor Pugh recommended that any Council Member items be put under Presentations and that Council Members will have the opportunity to discuss the item or remove it.

Council Member Bradburn clarified that there had been several items she had requested be added to an agenda that did not make the cutoff and they were not added. She felt the Mayor has full power to set the agenda.

Council Member Lewis clarified that his items had met the cutoff.

Consensus was for the Mayor to set the agenda but that anyone wishing to add items is allowed.

Vice Mayor Burnett was under the impression that an item listed under Items by Council could be voted on to add to the regular agenda for discussion and action but once you get to Items by Council, you are just discussing the issue.

### Police Department

In response to Interim Chief Ross and his apprehension to hiring, Mayor Pugh made it clear that he has no intention of dissolving the Police Department. Vice Mayor Burnett stressed that this applies to the Fire Department as well.

Interim Chief Ross offered thanks on behalf of the Police Department.

### CITIZEN INPUT

#### Gail Samples

#### Agenda Process

Ms. Samples indicated a new City Manager is coming and recommended the Mayor meet with him/her to discuss this.

#### Employee Interviews

She asked for an explanation of the employee interviews to be held on May 1, which Mayor Pugh explained will be a panel of approximately 5 employees, chosen by the Interim City Manager to ask questions of each candidate. Interim City Manager Baumgartner advised that Chief Ross will coordinate.

**REGULAR CITY COUNCIL AGENDA - APRIL 16, 2007**

Personnel Board

She recommended to Council Member Bernardini that he should have excused himself from voting on the appointing of the Personnel Board Member involving his daughter.

City Manager Applicant Dinner

Ms. Samples recommended Council Members not sit together at the dinner so as not to violate any Sunshine Laws.

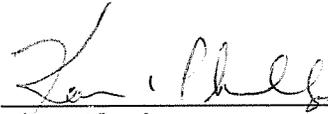
Board Appointments

She also indicated that part of the duties of Council is to know their constituents and that they should know people and identify those who would be good to serve on the boards. She urged them to ask people to serve on the boards.

City Attorney La Croix advised that, by law, Council Members have to vote on everything that comes before Council and can only abstain from voting when there is a conflict, as described by Florida Statutes, that involves personal gain to the Council Member or a family member of the Council Member. He further clarified that a family member of Council, serving on the Personnel Board, has no effect on them personally in that there is no private gain involved.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 11:30 p.m.



\_\_\_\_\_  
City Clerk

ATTEST: \_\_\_\_\_  
Mayor

REGULAR CITY COUNCIL AGENDA - APRIL 16, 2007

ATTACHMENT A

**Kellie Jo Stapleton**  
**24 Croom Road**  
**Brooksville, FL 34601**

April 13, 2007

City Of Brooksville  
201 Howell Avenue  
Brooksville, FL 34601

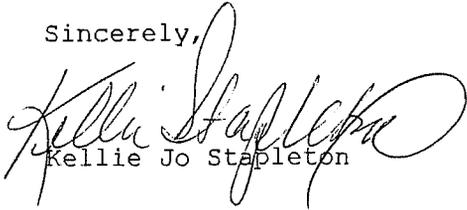
Re: Resignation

To Whom It May Concern:

After several notices to fill the Personnel Board vacancies went unheeded, I volunteered to serve and was appointed by unanimous consent of City Council. I was honored to be given the opportunity to serve the City in which I was born, raised and currently reside.

I am sensitive to the concern expressed recently by several City employees that they are uncomfortable with my position; and while it is my belief that my appointment was not improper, unethical or illegal, it has caused unwanted controversy and therefore would diminish my effectiveness on the Personnel Board. It is for this reason, I am tendering my resignation effective immediately.

Sincerely,

  
Kellie Jo Stapleton

04-13-07 P12:30 IN

cc  
pe: [unclear]  
4/13/07 [unclear]

ctn 5/7/07

8

**CITY OF BROOKSVILLE  
SPECIAL CITY COUNCIL MEETING/PUBLIC HEARING  
CITY COUNCIL CHAMBERS  
201 HOWELL AVENUE  
MINUTES**

April 16, 2007

6:00 P.M.

Brooksville City Council met in regular session with Mayor David Pugh, Vice Mayor Frankie Burnett, Council Members Joe Bernardini, Lara Bradburn and Richard E. Lewis. Also present were David LaCroix, City Attorney; Steve Baumgartner Interim City Manager; Karen M. Phillips, City Clerk/Director of Administration; Janice L. Peters, Deputy City Clerk; Jim Delach, Acting Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Emory Pierce, Director of Public Works; Fire Captain Stan Mettinger, Brooksville Fire Dept.; and Frank Ross, Interim Police Chief, Brooksville Police Dept. Members of the Hernando Today, Hernando Times and Brooksville Belle were also present. Court reporter was present on behalf of Mr. McAteer for the Garden Homes Zoning.

The meeting was called to order by Mayor Pugh followed by the invocation and pledge.

**SPECIAL AGENDA**

**\*Notice of Appeal of P&Z Commission Decision - Garden Homes Zoning**

Consideration of Appeal of Planning & Zoning Commission March 14, 2007, decision concerning the Petition for Variances from City Code for property located on the south side of Dr. MLK, Jr., Boulevard and west of Hale Avenue.

Mayor Pugh stated the issue concerns the zoning of Garden Homes and that in 1997 appeal proceedings were adopted, which will be followed. He asked that the published Notice of Appeal be read into the record (Attachment A), which City Clerk Phillips read.

City Attorney La Croix stated that while Council has an appeal provided for in the Code book, the Code does not state whether the appeal is limited to a review of the evidence and testimony presented at the Planning Commission or whether it is considered a denobo hearing, wherein Council takes evidence and testimony now. Since it is not spelled out, and this is quasi-judicial, he recommended doing both. He pointed out that Council was in possession of the minutes of the P&Z Board meeting and recommended they take testimony and evidence from the parties determined at the P&Z meeting, which included the applicant, Garden Homes, LLC, the City of Brooksville and the party interveners, Dennis Lamberti, Cherry Stettin, John Mason, Barbara Berke, Ruth Reeder, Bill Bailey and Loretta Dejoiney. He asked for those wishing to do so stand and be sworn by City Clerk Phillips, which was done.

City Attorney La Croix indicated that the P&Z Commission recognizes Bill Geiger's credentials as an expert in the field of land use planning and development and zoning, which carries forward with this hearing as well as Mr. Nicholson, who was recognized as an expert in Civil Engineering. Council recognized same by consensus.

Mayor Pugh reviewed the time limits set by Council.

## SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

Community Development Director Geiger entered the entire staff packet into the record as if it were read (Attachment B). He reviewed the request of the petitioner, which was to propose a residential planned development project, including two three-story building for a total of 36 residential units, a club house and a pool. The P&Z Commission reviewed the request and took testimony at their meeting and the staff recommendation to the Commission was as follows:

Petition be conditionally approved with the special exception use for a residential PDP, consistent with the Hale Avenue multi-family site plan prepared by Nicholson Engineering Associates, Inc. dated 02/03/06, subject to a list of conditions and stipulations.

Director Geiger noted that the property is zoned as a PDP, the portion where the residential development is being proposed has a multi-family mobile home land use on the future land use map of the City's Comprehensive Plan and the balance of the property located on the east side of the subject property has a designation of commercial that is being incorporated into the site plan primarily for a drainage retention area to meet drainage requirements for the proposed development.

He stated that the Planning and Zoning Commission, after hearing testimony of staff, the petitioner and the public made a recommendation as follows:

Motion was made by Commissioner Korbus and seconded by Commissioner Wever to deny the request because they felt the density to be too high for the area. Motion carried 2-1.

For clarification City Attorney La Croix affirmed that it was the revised petition presented to the P&Z Commission that was rejected. Director Geiger reviewed the revisions, dated 03/02/07 and distributed at the P&Z meeting, which included a reduction of height from four stories to three with no decrease in density, and parking being moved to the open space with the reduction of the natural buffer to 45' minimum along the western boundary of the property to allow for 72 parking spaces, initially planned for the first floor of the four story buildings.

Council Member Bradburn asked Director Geiger to point out the proposed drainage, parking areas and surrounding property usage on the overhead, which he did. He advised that the original buffer was 80 feet and it was recommended to reduce the buffer to 50 feet.

Mr. Nicholson brought full size maps for Council to refer to. He made reference to the elevations on the project and indicated the 45-degree buffer was agreed to, 45' deep trees and vegetation with the buildings being 150' away from adjoining properties, with the only access being MLK at this time.

He indicated it is already zoned multi-family, which authorizes 8-18 units per property, and he pointed out that less than eight are being proposed. P&Z turned it down for density when it is less than required with minimal impact on the property as necessary. As far as traffic, it was estimated that about 22 trips during peak hour would be generated, based on 6/10's per unit for multi-family.

Derrill McAteer, attorney for the petitioner, stated the P&Z action was illegal because it did not show due process and there was no evidence for denial of the petition, noting that the petition is consistent with the Future Land Use Map, Zoning and no fact-based testimony is given. He also expressed concerns about due process at the P&Z level and reminded Council that there has to be competent substantial evidence to sustain a denial on appeal. He advised there was no grounds for denial at the P&Z or Council levels.

## SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

Council Member Bradburn asked for point of clarity concerning the P&Z ruling. She asked if what was being appealed was based solely on the P&Z's motion or if the entire issue could be taken in consideration. City Attorney La Croix indicated Council should look at the entire project and either reverse P&Z's decision and send it back to them, reverse their decision and approve the request, or uphold P&Z's decision.

Attorney McAteer advised that if the project is denied additional litigation would ensue, indicating the ordinance is silent as to what can be looked at during this proceeding and requested the topographical maps be entered into the record (Attachment C).

Dennis Lamberti, having been sworn, thanked the Council Members who had come out and walked the property. He referenced a signed petition submitted at the first P&Z meeting concerning the property, which requested an 8 foot wall for privacy and noise reduction as well as to dissuade crime. He requested Council delay any motion on the petition pending a workshop or meeting under the guidance of Council. Another request of the surrounding property owners was a decrease to 2 story buildings and a slight decrease in density from 72 units, considering all three phases, down to 60.

Council Member Lewis stated that the drawing submitted calls for a 8-foot high masonry wall around the project for Phase I. Mr. Lamberti's recommendations encompassed the entire project. Attorney McAteer objected, indicating Phase I is the only portion before Council. Discussion continued in which it was clarified that the masonry wall was across the back only and that chain-link would be around the remaining property.

Cherry Stettin, being sworn, felt the wall should go on either side as well. For clarification, Mayor Pugh asked petitioner to show on the overhead where the wall would be. She stressed concern with traffic issues and the fact that the structure would be three stories.

Council Member Bradburn asked her to clarify the site clearance issue on MLK and Mildred.

Loretta Dejonj, of Hale Avenue, having been sworn, stated she is concerned about the traffic issues and asked who would be responsible for upkeep on the road. City Attorney La Croix stated the County is responsible for resurfacing if it is a County road. Mayor Pugh indicated the petitioner would need to address concurrency for determining widening.

Ruth Reeder, having been sworn, stated over half of the area is building or pavement and asked where the children would be playing. She also expressed concern for crime in the area.

John Mason, having been sworn, expressed concerned with the buffer zone on the west side being cut down from 50' to 45' and felt the children would be playing there. He was also concerned with traffic flow onto MLK and suggested bringing it out on Hale.

Bill Bailey, having been sworn, asked for confirmation that the red area is 4.8 acres and stated he is also concerned with the 3 stories being inconsistent with the area. He also had concerns with the single access onto MLK and felt there should be an entrance onto Hale as well.

City Clerk Phillips read the letter dated April 14, 2007, submitted to Council, with signatures of both County and City property owners bordering the planned development project, requesting Council postpone any immediate action on this

## SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

appeal until Nicholson Engineering & Associates and residents can meet, under guidance from Council, to address the issues of density, buffer areas, compatibility, security, etc., that they foresee with the present PDP as proposed.

Mr. Nicholson indicated the MLK traffic problem is an engineering issue. Traffic counts will be done and if there is a sight distance problem it will be discussed when the construction plans come forward and indicated the petitioner would be willing to put a right turn lane into the property if necessary. He also indicated the height of the building was to maintain the density of the property and elaborated.

Mr. McAteer reminded Council that they cannot accept speculative citizen testimony and call it competent substantial evidence and reminded that the project is consistent with the Comprehensive Plan and Zoning Code.

Council Member Bradburn asked Mr. McAteer if it his legal opinion that it is a requirement that the density being requested is to be allowed. He stated yes, that the Future Land Use Map and Zoning stipulate that it is a legal requirement.

She asked the same of Mr. LaCroix who stated that the City has an old Zoning Ordinance, which is scheduled for revisions in the near future, but normally, a special exception use has specific standards set out in the code, with requirements to be met, and if they are, you are entitled to the special exception use unless the City can demonstrate some public health, welfare and safety issue that would be adversely affected. He elaborated on the issues and felt the height to be the only real incompatibility issue.

Mr. McAteer reiterated that the project is below the 8-18 unit threshold and that the building height had been lowered and the project is consistent with the City's requirements. Discussion continued.

For clarification of the record, Council Member Lewis stated that the property that sits to the north has 3 buildings with 12 units to each.

Council Member Bernardini stated his concern about the access onto MLK concerning visibility and requested the entrance be moved to Hale Avene or have two access points.

Council Member Bradburn expressed concerns with the project, citing the 3-story building she did not feel to be compatible to the area, retaining a compromised buffer of 60-65' and the 72 parking spaces for the area and stated she is always in favor of having parking that allows water to get back into the aquifer. She recommended the masonry wall instead of chain link as well as an access point on Hale. Although she was not inclined to deny the project she did support having P&Z take another look at the project with Council recommendations for performance conditions.

Vice Mayor Burnett recommended having the developer meet with the area residents again to try to resolve the issues brought up tonight.

Mr. McAteer stated for the record that they had met with the residents twice and that having meetings for meetings sake is not useful.

Council Member Lewis recommended setting the performance standards at this time for the developer to have the 8 foot concrete wall extended to the East, West and Northern sides of the property and an access point on Hale Avenue. Mr. Nicholson stated agreements with the recommendations to be addressed at the appropriate time in the process.

## SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

Director Geiger clarified the land use process necessary to incorporate the requested change, followed by further discussion on parking and density.

Following discussion of whether the project is town homes or condos, Mr. Lamberti made reference to the fact that it was stated in the beginning that they would be town homes at \$240,000, at the next meeting it was down to \$200,000 and now its down to \$200,000 or less. He noted that a local 3/2 home for \$159,000 had been on the market for 2 months, referencing homes in the area that aren't selling. He indicated working force families cannot afford \$200,000 homes. He requested the opportunity to meet with Nicholson.

### Motion:

Motion was made by Vice Mayor Burnett to postpone a decision pending a workshop and reschedule for the next Council meeting; motion died for lack of a second.

### Motion:

Motion was made by Council Member Bernardini to redirect back to the P&Z Committee and direct staff to propose conditions to deal with the problems.

City Attorney LaCroix advised that to send it back to P&Z Council would have to overturn their decision and give direction to P&Z. He also recommended continuing the matter to a date and time rather than postpone so that it does not have to be readvertised and to give staff direction to formulate performance conditions.

Mr. McAteer advised that the petitioner has no interest in lowering the density and requested Council vote the plan either up or down.

### Motion:

The original motion was withdrawn and a new motion was made by Vice Mayor Burnett and seconded by Council Member Bernardini to continue to the May 7, 7:00 p.m. Council meeting, with staff to meet with developers to discuss potential performance standards to include the wall and access on Hale avenue.

Council Member Lewis recommended specific requirements be addressed and recommended keeping three stories.

Mayor Pugh asked the developer to come up with a finished floor elevation to present to Council.

Council Member Bernardini agreed with Council Member Bradburn that whatever is agreed to by Council for this phase concerning density would also have to be approved in any future phases.

Motion carried 5-0.

### \*Notice of Appeal of P&Z Commission Decision - Variance for Property located at 602 Ellington Street

Consideration of Appeal of Planning & Zoning Commission March 14, 2007 decision concerning the Petition for Variances from City Code for property located at 602 Ellington Street.

Vice Mayor Burnett stated he would need to abstain from voting on this issue and submitted Form B-8 [Attachment D].

City Clerk Phillips read the notice of publication into the record [Attachment E].

## SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

City Attorney La Croix advised that the appeal is quasi-judicial hearing, an appeal of an approval for variance by the P&Z Commission with the parties being property owner, Clara Suske, the City of Brooksville and Frankie Burnett, a party intervener. He indicated the parties do not have to be sworn but if they want their testimony to be under oath to stand and be sworn.

City Clerk Phillips swore in party interveners.

City Attorney La Croix advised that at the P&Z Commission meeting Director Geiger was recognized as an expert in the field of Land Use Planning, Development and Zoning and that recognition carries forward to this hearing. By consensus it was accepted.

Community Development Director Geiger reviewed the requests of the petition as being a reduction in the City's minimum lot and building line requirements from 75' to 50', minimum front yard setback from 25' to 12' and rear yard set back from 20' to 12' and the minimum lot size requirement from 12,000 sf to 11,000 sf. The petitioner demonstrated that there is a hardship related to the lots in question, which are 50' wide by approximately 110' in depth each.

He indicated the property is zoned R3, which is a multi-family designation and on the FLUM it is also multi-family designated. The P&Z Commission, after hearing testimony, approved the variances as requested.

Director Geiger read the motion into the record as follows:

Motion was made by Commissioner Korbus and seconded by Commissioner Wever to approve the variance request with all the conditions as set forth in the Staff Report with the additional requirement that the developer must install a 6' opaque masonry wall or wooden privacy fence along the western property line spanning the length of the building within 10' feet of Dude Street and within 10' of Armstrong Street.

As a final note he requested the staff report be entered into the record as if it were read [Attachment F].

Council Member Lewis reviewed the history of the Ellington properties and noted that the property in question is a long narrow lot.

Mayor Pugh asked for appellant comments.

Frankie Burnett of 310 Duke Street, having been sworn, addressed Council stating that most of the properties in the area are single family residences and that even a proposal for a single family structure on the lot would require variance consideration. He felt a single family structure with a 15' setback from the western property line would be more appropriate for the neighborhood than a duplex and would require minimum variances for the property owner to have reasonable use of their property.

Mayor Pugh asked if anyone had questions for the appellant; there were none.

He then asked for any other interveners who had questions to come forward. City Attorney La Croix indicated there were no other interveners but that the applicant was present.

Ana Tringue, having been sworn and representing the property owner, Mrs. Suske who is 92, indicated she has been trying to sell the property for two years and

## SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

the only people interested in buying are ones who want to put a duplex or triplex on the property. She indicated she is also assisting the buyers, Julie and Don Ravenall, with their plans for the property, which is zoned multi-family and would require a special variance no matter what structure is slated for the property.

She submitted a concept plan, which Council reviewed.

Council Member Bradburn, having spoken to Director Geiger, indicated there are issues with the lots being small and made suggestions for redevelopment in the area.

City Attorney La Croix indicated that a variance is only supposed to be allowed to the extent necessary to provide a reasonable use and no more.

Discussion continued on right-of-way's and realignments.

Paul Boston elaborated on the petition and the history of the area.

Ana Trinque reiterated to Council that the petitioner is anxious to move forward with the project.

Council Member Lewis asked Director Geiger what the minimum setbacks were for a project like this on the side line. Director Geiger stated it to be 12'. Discussion continued concerning setback requirements.

Mayor Pugh asked for clarification from Mr. Burnett if he was okay with the 15' setback in back and 12' on Ellington as a compromise. Mr. Burnett stated the 15' setback would be acceptable with a single family residence rather than a duplex.

Council Member Bradburn recommended keeping in mind her recommended proposal for redevelopment for the area. But as far as this project goes, it is already zoned for multi-family and was in favor of the 15' setback in the back with a privacy fence.

### Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Lewis to allow a 15' setback in the back with a privacy fence thereby reducing the front setback to 9' and allowing the duplex.

Discussion followed in which Council Member Lewis requested Council ask the petitioner if there is some way to engineer the project so that the buildings are expanded on the north and south ends, leaving the 12' setback in the front if Council Member Bradburn would accept that amendment to the motion. Council Member Bradburn indicated she would accept that amendment and recommended moving the project to the south somewhat.

Mayor Pugh stated he did not feel the project fit the area.

Motion failed 2-2, with Council Member Bernardini and Mayor Pugh voting in opposition.

Ana Trinque asked for guidance on resolving the problem.

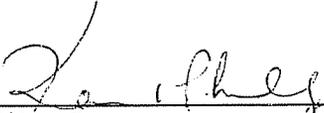
Mayor Pugh indicated he has a problem with the 12' setback along Ellington, citing safety issues. Discussion continued.

**SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007**

Mayor Pugh advised Council was at a stale mate therefore the appeal was denied, leaving the decision of the P&Z Commission in tack and allowing the petitioner to move forward with the project.

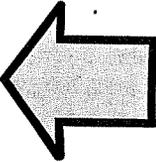
ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:40 p.m.

  
\_\_\_\_\_  
City Clerk

ATTEST: \_\_\_\_\_  
Mayor

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SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

City of Brooksville



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

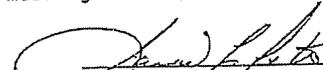
ATTACHMENT A

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the City Council of the City of Brooksville, Florida, will hold a public hearing on April 16, 2007 at 6:00 p.m., in the City Council Chambers, 201 Howell Ave. (located at the corner of Howell Ave. and Ft. Dade Ave.) for the appeal of Planning and Zoning Commission Decisions (Jorge Lopez for Garden Homes). The transcript and documents in its entirety may be inspected at the office of the City Clerk during regular workings hours.

All persons wishing to be heard, please take notice and govern yourselves accordingly. You are further advised that if a person decides to appeal any decision with respect to any matter considered at these proceedings, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's office 48 hours in advance of the meeting at 352/544-5407.

By:   
Janice L. Peters  
Deputy City Clerk

PUBLISH: Friday, April 13, 2007

FILE: 2007-11

NOTICE TO PAPER: Please run smallest legal ad possible in Hernando Section only and provide two (2) affidavits of publication upon completion.

Please bill the petitioners: Nicholson Engineering & Associates, Inc.  
c/o Mr. Nicholas W. Nicholson, P.E.  
P.O. Box 12230  
Brooksville, FL 34603  
(352) 799-0170

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201 Howell Avenue, Brooksville, Florida 34601-2041

SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007  
ATTACHMENT B

AGENDA ITEM NO. *Q-1*  
*4/16/07*  
PUBLIC HEARING

CITY OF BROOKSVILLE  
OFFICIAL POLICY  
9-97

APPEAL PROCEEDINGS

This meeting procedure is to be used whenever an appeal is brought before the City Council pursuant to City Ordinance No. 562.

Procedure:

1. The Chairperson will call the meeting to order.
2. Notice of publication will be read into the record.
3. Representatives of the parties will be sworn in by the City Attorney.
4. Staff presentation. (4 minutes)
5. Council questions of staff.
6. Appellant presentation. (5 minutes)
7. Council questions of appellant.
8. Staff rebuttal. (1 minute)
9. Additional questions of staff/appellant.
10. Council discussions.
11. Council motion, second, vote.

General

1. Additional time may be allotted to the staff/appellant so long as the time available is fairly apportioned. Time made available under this section will be printed on the Council Agenda and would supersede the standard times listed on the foregoing procedure.

# SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

## APPEALS OF COMMISSION DECISION

Sec. 137-43. Additional duties of planning and zoning commission.

1. (a) Generally. The commission shall have the following additional powers and duties:

(1) To hear and decide appeals where it is alleged there is an error in an order or determination made by the administrative official in the enforcement of the land use/zoning regulations of the city.

(2) To hear and decide special exception petitions to the land use/zoning regulations of the city.

(3) To hear and decide petitions seeking variances from the land use/zoning regulations of the city. No such variance will be granted unless the facts presented show that a literal interpretation and enforcement of the regulations would result in an unnecessary hardship to the petitioner. No variance will be granted for a condition which was caused by the petitioner.

(b) Decision of the commission. In the exercise of its powers and duties, the commission shall have all of the powers of the administrative official. The concurring vote of a majority of the commission shall be required to approve a variance or special exception request. Written confirmation of the decision of the commission shall be mailed to the applicant within two business days of the hearing on such decision.

(c) Appeals. Appeal of a decision of the administrative official may be taken to the commission by any person affected by such decision. Any appeal must be taken within 21 calendar days from the date the decision is rendered by the administrative official. Written notice of the appeal shall be delivered to the administrative official or his authorized representative. The administrative official will publish in a newspaper of local circulation (as defined in F.S. ch. 50) a notice of hearing at least seven calendar days prior to the hearing. The cost of such publication will be paid by the petitioner. The hearing before the commission shall be conducted pursuant to the rules and procedures established for such proceedings by the city council.

(d) Appeals of a commission decision. Anyone may appeal a decision of the commission to the city council. In order to appeal a decision, the petitioner must deliver a notice of appeal to the city clerk within ten calendar days of the date of the commission's decision. The notice of appeal must specify the decision being appealed and the specific reasons for the appeal. The notice of appeal shall be placed as an item on the next available regular agenda of the city council. No discussion of the merits of the appeal will be permitted; the mayor will request a vote of the council to determine if it wishes to hear the appeal. If a majority of the council votes to hear the appeal, a hearing at a special meeting of the city council will be scheduled within 21 days of the vote by the council. The city clerk will publish in a newspaper of local circulation (as defined in F.S. ch. 50) a notice of hearing at least three calendar days prior to the hearing. The cost of such publication will be paid by the petitioner. The hearing before the commission shall be conducted pursuant to the rules and procedures established for such proceedings by the city council.

(e) Stay of proceedings. An appeal to the commission of a decision of the administrative official or an appeal to the city council of a decision of the commission shall cause all matters relating to the appeal to be stayed until the conclusion of the appeal process. However, after receipt of the notice of appeal, the stay may be lifted by the administrative official if, in his opinion, the facts in the notice of appeal would cause imminent peril to life or property.

(Code 1988, pt. III, subpt. B, § 53)

SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

AGENDA ITEM NO. F-10  
4/2/07



**NICHOLSON ENGINEERING ASSOCIATES, INC.**

P.O. Box 12230 ~ Brooksville, FL 34603 • 7468 Horse Lake Rd.

Phone: 352-799-0170 • Fax: 352-754-9167

www.nicholson-engineering.com

March 15, 2007

City of Brooksville  
201 Howell Avenue  
Brooksville, FL 34601

Attention: City Clerk

Re: SE2007-01 -Jorge Lopez for Garden Homes  
Letter of Appeal

To Whom It May Concern:

Regarding the above referenced project which was turned down by the City of Brooksville's Planning & Zoning Board on 3-14-07, please note that by receipt of this letter, we are appealing their decision.

We believe the reason for this appeal is obvious. Mr. William Geiger and staff recommended approval of this project. There was no expert testimony from anyone for a reason to deny the project. Mr. Korbus made the motion to deny the project because he thought there were too many units. This is obviously not a reason to turn down this project. This property is already zoned for multi-family which allows anywhere from eight (8) to eighteen units to be placed on the property. The thirty six (36) units that we had requested are actually less than eight (8) units per acre. This is below the minimum of the City of Brooksville's stated allowance. It is our feeling that Mr. Korbus was incorrect in his statement and had no legal authority to make the motion to deny.

Therefore, we respectfully request that the appeal be heard and the project be approved as is legally required.

Sincerely,

Nicholas W. Nicholson, P.E.  
President

NWN:sad  
File No. 05-09-01

HAND DELIVERED AND RECEIVED BY:

Per [unclear]  
[unclear]  
[unclear]  
[unclear]  
3/16/07

• Structural Engineering • Commercial Site Design • Subdivisions • Utility & Roads

4/1/07 [unclear]  
[unclear]

SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007



**NICHOLSON ENGINEERING ASSOCIATES, INC.**

P.O. Box 12230 ~ Brooksville, FL 34603 • 7468 Horse Lake Rd.

Phone: 352-799-0170 • Fax: 352-754-9167

www.nicholson-engineering.com

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March 19, 2007

03-21-07 P02:11 IN

Brooksville City Council  
201 Howell Avenue  
Brooksville, FL 34601

To: Mr. David Pugh, Mayor  
Mr. Frankie Burnett, Vice Mayor  
Mr. Joe Bernardini  
Ms. Lara Bradburn  
Mr. Richard Lewis

Re: Hale Avenue Project-SE-2007-01

Currently we are requesting an appeal on the above referenced project that was recently turned down by the Planning & Zoning Board. I think it is important to note that of the 15 adjacent property owners on the above referenced project, only four properties are in the city. The rest of these properties are in the county.

We have included a copy of the APO for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick', written over a faint, larger signature.

Nicholas W. Nicholson, P.E.  
President

NWN:sad  
File No. 05-09-01

---

• Structural Engineering • Commercial Site Design • Subdivisions • Utility & Roads

---



SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

Richard C. Herman  
1607 Oak Arbor Lane  
Valrico, FL 33594-7204

Kathryn L. Rodgers  
841 S. Mildred Ave  
Brooksville, FL 34601

Cherry B. Stettin  
905 S Mildred Ave  
Brooksville, FL 34601

BGIV, Inc.  
5514 Park Blvd  
Pinellas Park, FL 33781-3326

Marianne H. Bennett  
2018 Pembroke Rd  
Brooksville, FL 34601

Andor & Loreta Jean Dejony  
P. O. Box 10676  
Brooksville, FL 34603-0676

Brooksville Housing Authority  
800 Continental Dr  
Brooksville, FL 34601

Robert A. Buckner  
11 N. Main Street  
Brooksville, FL 34601

Ruth H. Reece  
987 S. Mildred Ave  
Brooksville, FL 34601

Dexter Waddy  
Deanna Fields  
4065 Dristol Ave  
Spring Hill, FL 34609-2428

Barbara E. Berke  
P. O. Box 1492  
Brooksville, FL 34601

Charles D. & Brigitte Lamberti  
1003 S. Mildred Ave  
Brooksville, FL 34601

Phillip J. & Barbara Myrrea  
969 Hale Ave  
Brooksville, FL 34601

John F. & Marilyn Mason  
921 S. Mildred Ave  
Brooksville, FL 34601

Nicholson Engineering Assoc., Inc.  
P. O. Box 12230  
Brooksville, FL 34601

Owner: Jorge Lopez for Garden Homes, LLC  
7711 SW 20<sup>th</sup> Street  
Miami, FL 33155

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Atty.pdf

SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

City of Brooksville



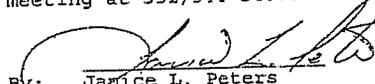
(352) 544-5400 (Phone)  
(352) 544-5424 (Fax)  
(352) 544-5420 (TDD)

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Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's office 48 hours in advance of the meeting at 352/544-5407.

  
By: Jamice L. Peters  
Deputy City Clerk

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201 Howell Avenue, Brooksville, Florida 34601-2041

SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

COUNCIL ACTION

MEETING DATE: 4/2

AGENDA ITEM NO.: F-10 Garden Homes Appeal  
TITLE: \_\_\_\_\_

RECOMMENDATION: \_\_\_\_\_

PRESENTED BY: only addressing that hearing & deny

DISCUSSION: see ed  
LD - meeting agenda forward done at C.C. on 4/10 at board

MOTION MADE BY: FB agreed 4/10 at C.C.

SECONDED BY: LB

CARRIED: Y-O DENIED: \_\_\_\_\_

DATE: \_\_\_\_\_ CITY CLERK'S INITIALS: KMP

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# SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

DRAFT

CITY OF BROOKSVILLE  
PLANNING AND ZONING COMMISSION MEETING  
Regular Meeting

March 14, 2007

6:30 P.M.

Attendees: Vice Chairman John Wanat, Elmer Korbus, and Ernie Weaver. Also attending were Bill Geiger, Community Development Director, David LaCroix, City Attorney, and Patricia Jobe, Planning & Zoning Coordinator/ Recording Secretary. ABSENT: Chairman George Rodriguez, Louise Taylor, Charles Miller, and Don Varn.

The meeting was called to order at 6:30 p.m. by George Rodriguez, followed by the invocation and pledge of allegiance.

APPROVAL OF MINUTES

Motion was made by Commissioner Wever, seconded by Commissioner Korbus, to approve the minutes of February 14, 2007, as written.

\*\* SE2007-01 - JORGE LOPEZ FOR GARDEN HOMES, LLC - PRESENTED BY NICHOLSON ENGINEERING ASSOCIATES, INC.

Petition for a Special Exception Usage for a Residential Planned Development Project - Continued from January 10, 2007.

The City Attorney explained that this is a quasi-judicial proceeding and that the public hearing was continued from the previous meeting. At that meeting, Mr. Nicholson had been sworn in and accepted by a consensus of the Commission as an expert witness in civil engineering and land use planning, and Director Geiger had also been sworn in and accepted by a consensus of the Commission as an expert witness in land use planning, development, and zoning. In addition, six persons had come forward at the previous public hearing and asked to be sworn in as intervening parties on this petition: Dennis Lamberti, Cherry Stettin, John Mason, Barbara Burke, Ruth Reeder, and Bill Bailey. Another person then stepped forward, Loretta Dejony, and requested that she be added as a party intervenor because she, too, was a concerned nearby resident of the subject area. The City Attorney then explained that the public hearing was still open and encouraged anyone new who wished to come forward in any capacity to speak on this subject to now come forward. Also, all those who had been sworn in at the previous public hearing were still under oath for the continuation of this hearing.

Director Geiger then explained that the intent of the continuation of the previous meeting and public hearing was to allow the petitioner and his representative, Nick Nicholson, to meet with neighboring property owners to go over their concerns so that they could try and address those concerns and possibly bring back a revised plan. He directed the Commission's attention to the revised conceptual plan for the project that had been given to them in their packet and requested that the staff report be entered into the record in its entirety, as follows:

The petitioner is requesting Special Exception Use approval for a Residential Planned Development Project on a 4.88 acre ± site. The property is located on the south side of Dr. MLK, Jr., Boulevard and west of Hale Avenue.

STAFF FINDINGS:

CURRENT LAND USE/ZONING

The subject property (Where the residential structures are being planned) is currently zoned as a Planned Development Project (PDP). The eastern portion of the same site is zoned C2. The property has a Comprehensive Plan Future Land Use (FLU) designation for Multifamily/Mobile Home and Commercial Uses respectively.

FACTUAL INFORMATION:

1. The western portion of the subject property is currently zoned as a PDP

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- with FLU designations for multifamily/mobile homes and the eastern portion of the site is zoned C2 with a FLU designation for commercial uses.
2. The total subject property is approximately 4.88 ± acres in size.
3. The site is currently undeveloped.
4. The developer is proposing to construct two buildings with eighteen residential units each on the PDP (western) portion of the site.
5. The proposed residential structures are four stories in height with an internal parking area.
6. Access to the site is proposed via Dr. MLK, Jr. Boulevard. A secondary access is proposed for connection to Hale Avenue with the completion of future phases of this project.
7. Development of this property for the proposed use is consistent with the City Comprehensive Plan.
8. The subject property is not located within any wellhead protection areas.
9. The developer will be required to negotiate a utility service agreement with the City of Brooksville to facilitate the provisions for and determine the availability of water and sewer services to the property.
10. In addition to water and sewer services, the property will be served by City police, fire and sanitation collection services.

## STAFF DISCUSSION & FINDINGS OF FACT:

The petitioner is proposing a 36-unit residential project. The petition has been reviewed for compliance with applicable standards and comments are as follows:

1. Table 2 of the City's PDP Land Area and Dimension Regulations requires a 10-foot minimum landscape separation strip along all property lines and streets serving the project. The code also provides latitude for the Commission to consider a requirement for the project to be permanently screened from adjoining and contiguous property by a wall, fence, evergreen hedge and/or other approved enclosures, as deemed applicable and appropriate. The detailed development plan for this proposal will be required to reflect and adhere to the standards of the City's Landscaping, Buffer and Tree Protection code (Chapter 9.5, City Code). This portion of the City code encourages the preservation of existing trees on the site and it is recommended that the developer give due consideration to this in the design and final plan layout. Given the height of the proposed buildings and the proximity of this project to existing SFR development on Mildred Avenue, the Commission may consider requiring that a specified natural buffer of at least 80' be maintained along the western boundary of this property.
2. Per Table 2 of the City's Planned Development Project regulations, the following square footage amounts represent the "maximums/minimums" permitted for the acreage involved with this PDP:
  - a. Maximum gross floor area permissible = 63,771.84 sq.ft.
  - b. Min. open space req'd (incl. roads & parking) = 159,429.6 sq.ft.  
(3.66 acres)
  - c. Min. open space required, less roads & parking = 102,034.94 sq.ft.  
(2.34 acres)
  - d. Min. recreation space that must be provided = 9,565.78 sq. ft.  
(.22 acres)
- e. Minimum number of parking spaces required = \*\* 72 parking spaces  
\*\* May vary depending upon the size of unit.

The petitioner will need to submit information related to total gross floor area, square footage of roads and parking, and square footage of the balance of open space and recreation space proposed for the site prior to construction plan submittal. This information will be used to determine if this project is in compliance with land use and intensity standards established by the City for Planned Development Projects.

3. Traffic - The developer proposes to utilize Dr. MLK, Jr., Boulevard as the primary access. A secondary access is proposed for connection to Hale

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- Avenue upon completion of the final phasing of this project (to be brought back to the commission for consideration at a later date).
4. It is recommended that the developer incorporate and provide appropriate pedestrian amenities with this development including sidewalks. Facilities constructed are required to be ADA accessible.
  5. Drainage - This project will be required to be designed to meet all applicable standards 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.
  6. Infrastructure & Services - The developer will be required to negotiate a utility service agreement with the City of Brooksville for water and sewer services. Connection to City water and sewer service will be required. Service availability and requirements include the following:
    - Potable water service is available via a 12-inch force main on the west side of Hale Avenue.
    - There is currently an 8" sewer line located on the east side of Hale Avenue and on the North side of Dr. MLK, Jr., Boulevard.
    - Fire hydrants must be installed and spaced to meet all applicable fire code (NFFA) standards.
    - Water lines on-site will be private and must be sized to provide adequate fire flow as per AWWA Manual M31.
    - Sanitation dumpster solid waste collection services will be provided by the City.
    - Transportation - According to the ITE Trip Generation Manual (6<sup>th</sup> edition - Use Code #'s 223/222), this project will generate approximately 16 PM Peak Hour Trips (.44 x 36 units) and 151± total daily trips (weekday/4.2 multiplier).
  7. City Concurrency Standards - The City requires concurrency review and analysis at the time when a development order/permit application is submitted. Concurrency review and adherence is not required in consideration of a land use or zoning action, as is the case for this petition. It may be noted that in reviewing the potential impacts associated with this proposal, it does not appear that any adopted level-of-service standards would be breached if permits were applied for at this time. The developer will be required to provide a "Statement of Impact - Concurrency Application" with each phase of development for this project that will be reviewed to ensure that level-of-service standards are being maintained within their adopted levels.
  8. Pursuant to an interlocal agreement between the City, County and the Hernando County School Board, the developer is encouraged to coordinate with the Hernando County School District to determine if adequate school capacity exists for each school level based on the number of residential units to be constructed by the development. If adequate capacity does not exist, the developer may propose and the school district may accept a proportionate share mitigation settlement to address any identified deficiency. School concurrency issues related to a proposed development should be resolved prior to the submittal of construction plans.
  9. Parking - The Developer will be required to provide 1.5 parking spaces per dwelling unit for 1 or 2 bedrooms units, and 2 parking spaces per dwelling unit for units with 3 or more bedrooms.
  10. The following specific performance standards should be considered for this project:
    - Four story/18-unit maximum per building
    - 40-foot minimum structure setback from M.L. King Boulevard
    - 140-foot minimum structure setback from western property line
    - 80-foot minimum natural buffer required along the western boundary of the property
    - 25-foot minimum structure setback from the southern boundary of the property
    - 190-foot structure (building) setback from Hale Avenue
    - 15-foot minimum building separation

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11. Unless specifically addressed to the contrary 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.
11. 36 Residential units are the maximum number requested for this project at this time.

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

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

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

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

#### STAFF RECOMMENDATION:

Conditionally approve the Special Exception Use Residential PDP, subject to the following conditions and stipulations:

1. The phased and/or final development plan(s) for this proposal will be required to reflect and adhere to the standards of the City's Landscaping, Buffer and Tree Protection code (Chapter 9.5, City Code). Additionally, the developer is required to maintain a natural buffer of at least 80' along the western boundary of this property.
2. The developer shall incorporate and provide appropriate pedestrian amenities with this development including sidewalks (along M.L. King Boulevard and Hale Avenue). Applicable facilities constructed are required to be ADA accessible.
3. The developer will be required to construct an on-site storm water drainage control system that meets the design and performance standards as specified by the technical requirements for open and closed basins in the *Environmental Resource Permitting Information Manual, latest edition*, as published by the Southwest Florida Water Management District. The proposed stormwater plan associated with this project must comply with all applicable federal, state and local standards.
4. Comprehensive site development plans shall be submitted. Said plans are subject to approval by the City Department's of Public Works and Community Development prior to the issuance of a building/construction permit.
5. The developer will be required to successfully negotiate a utility service agreement with the City prior to permitting.
6. This special exception use approval is conditioned with a three-year time period. If phasing and development plans are not submitted and construction contracts are not let within this time, this approval will be considered null and void.
7. The developer will be required to provide site lighting plan to ensure that the lights do not disturb the neighboring residents adjacent to this project.

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8. Pursuant to an interlocal agreement between the City, County and the Hernando County School Board, the developer is encouraged to coordinate with the Hernando County School District to determine if adequate school capacity exists for each school level based on the number of residential units to be constructed by the development. If adequate capacity does not exist, the developer may propose and the school district may accept a proportionate share mitigation settlement to address any identified deficiency. School concurrency issues related to a proposed development should be resolved prior to the submittal of any construction plans.
9. The following specific performance standards are required for this project:
  - Four story/18-unit maximum per building
  - 40-foot minimum structure setback from M.L. King Boulevard
  - 140-foot minimum structure setback from western property line
  - 80-foot minimum natural buffer required along the western boundary of the property
  - 25-foot minimum structure setback from the southern boundary of the property
  - 190-foot structure (building) setback from Hale Avenue
  - 15-foot minimum building separation
10. Unless specifically addressed to the contrary herein, City ordinance regulations which apply with regard to zoning district classification shall apply to this PDP as if it were zoned R3.
11. 36 Residential units are the maximum number approved for this phase.
12. The residential community entrances may incorporate appropriate signage, consistent with community standards and subject to approval by the City Manager or the City Manager's designee.

Director Geiger then directed the Commission's attention to the addendum that had been given to them this evening and stated that staff had received the addendum via e-mail just the day before. He explained that the addendum proposes a different site plan and has one additional request associated with it that was different from the plan that had been included in their agenda packet for this meeting. Essentially, the major changes the applicant is proposing are: 1) The development will have the same number of units but the buildings have been reduced to three-story instead of the four-story. (In the original plan, the first story had been exclusively for parking, but in the revised plan the parking has been taken out from under the building and has been moved out into the site, which is taking up additional open space on the site.) 2) The new petition also asks for a reduction from the 80-foot natural buffer in the original plan to a 45' buffer along the western property line because they now have to provide additional parking space out on the site. 3) The new addendum also requests the addition of a clubhouse and pool to the site plan. Director Geiger said there were a few additional minor changes that had been made, i.e., building reference numbers, but nothing else substantial.

In response to a question by Vice-Chairman Wanat regarding the 50' buffer mentioned in staff's performance condition number one, Director Geiger clarified that distance was the applicant's revised request previous to the addendum received yesterday requesting a 45' buffer. He said staff's performance conditions still specified a minimum 140' structure setback from the western property line, even though the applicant actually requested the building setback be set at less than that, to ensure that the three-story buildings didn't end up any closer than that for whatever reason.

In response to a question by Commissioner Wever regarding where the proposed connection to Hale Avenue would be, Mr. Nicholson replied that it would be at the corner of Hale Avenue and MLK Jr. Blvd. Director Geiger clarified that was where the property was located, but the actual connection was not being proposed at this time because the petitioner anticipates coming back later on with a proposal for a second phase that will provide the connection to Hale Avenue, but this first phase would only have one connection point which would be to MLK Jr. Blvd.

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He said that considering this, the Commission could only look at what was being proposed with this petition and they really couldn't contemplate what kind of changes might happen between now and any future phases.

Mr. Nicholson said it was mentioned that a connection to MLK Jr. Blvd. may not even be desirable because of the traffic, and he said it would be fine with his client that once we have the ability to connect to Hale Avenue that they would close the MLK Jr. Blvd. access, if that is what they would like to do. Director Geiger stated that from a planning point of view, two points of connection are actually better than one.

In response to a question by Commissioner Korbis, Director Geiger replied that the future connection point would be somewhere on Hale Avenue. Commissioner Korbis said he just wanted to make sure there would be an exit onto Hale Ave. because without it, if there was an accident in that area, emergency response vehicles couldn't get in and out.

The City Attorney interjected that this application needed to be considered by itself because whether anyone in the future came in with a second phase for this project, or not because of the real estate market, the current proposal might stand alone. Director Geiger agreed and added that the property could even be transferred to another owner and the Commission could be faced with another development proposal. The important thing the Commission might consider with the current development proposal is that this property provide for anticipated future connectivity to the property to the south.

In response to another question by Commissioner Korbis, Director Geiger confirmed that 36 units is the maximum number that could go on the property.

Mr. Nicholson stated that his staff had met twice with the surrounding concerned property owners since the last public hearing. He said that the first time they met they reviewed their original site plan with four-story buildings that the property owners did not like, so they told the property owners they would redesign the project with two-story buildings with the parking on the outside, which would have drastically reduced the buffer areas. However, his client was unwilling to go to two stories, but he felt three stories would be fine, with outdoor parking on the site. So Mr. Nicholson explained he redesigned the project for a third time and met again with the property owners, showing them the 3-story buildings with the outside parking. One of their major concerns with the third plan was the 8-foot privacy wall that they had agreed to build along the west & east property lines, and they wanted the wall built all the way down the side of the vacant property. Mr. Nicholson explained to them that really couldn't be done economically and it would have to be done as part of another project but that the 8-foot wall included in the current plan would adequately protect them from the impacts of their project. He felt the meetings with the property owners went very well, that the property owners had a lot of good comments, and he felt that they had addressed all of their major concerns.

In response to another question by Commissioner Korbis regarding what the elevation difference of the property is between the west property line and where the front of the proposed buildings will be because he was trying to visualize what the adjacent residents will see when they look out their windows at the new three-story buildings, Mr. Nicholson replied that the existing trees are extremely tall on that side of the property and these structures would be extremely difficult to see from those neighboring properties because of the proposed 45-foot natural vegetative buffer; they do not plan to disturb any of the existing trees.

Mr. Lamberti, nearby property owner, came forward and said that the first meeting with concerned property owners that Mr. Nicholson had mentioned had been scheduled for January 26, 2007, after the initial P&Z meeting on this item on January 10. He explained that he as well as the other affected property owners

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expressed their concerns at that meeting, but he didn't feel the new plan at all addressed their concerns regarding height or density, and it was also lacking the wall the applicant had promised that the residents had requested to prevent thugs, thieves, and crooks from coming over the project's back property line into their properties. Mr. Lamberti said the client hadn't shown up at that meeting and was not even present at tonight's meeting, so he requested that the Commission postpone this item until the client was present to answer questions.

John Mason came forward and reiterated what he had stated at the previous public hearing, that he strongly felt the proposed density of the project was too much for the size of the property and that kids would definitely overflow into the surrounding neighborhood onto their properties from the project.

Loretta DeJoney, resident of the area, came forward and stated that she was worried about the impact the increased traffic would have on already busy Hale Avenue, that the roads in the area were not wide enough to accommodate the increased traffic, and she also wanted to know who would maintain those roads because part of them were in the County.

In response to a question by Vice-Chair Wanat, Director Geiger explained that the traffic generation formula for the project for this type of use, based on the number of units, would generate approximately 16 p.m. peak hour vehicle trips (with 36 units, not everybody is driving on the road at the same time). Of these trips, approximately 9 of those would be entering back into the project, and 7 would be exiting, based on the similar uses as projected.

Ms. DeJoney was still concerned about the impact to Hale Avenue, and Vice-Chair Wanat clarified that there would not be an entrance onto Hale Avenue from the proposed project at this point, the entrance is from MLK Jr. Blvd. Ms. DeJoney explained that she had been told at the second meeting with Mr. Nicholson that they were going to let the traffic from the project flow out onto Hale Avenue. Vice-Chair Wanat clarified that would only happen if the project were to expand or if a phase two came in for development. Ms. DeJoney stated that she was still concerned because when she tried to get into her driveway the other night at 7:15 p.m., she'd had to wait for 17 cars to pass before she could pull into her driveway.

Director Geiger clarified that both MLK Jr. and Hale Ave. are local streets, and as such they would both be under the responsibility of the local government to maintain them. In response to a question by Vice-Chair Wanat, Director Geiger replied that the responsibility for maintenance of a portion of MLK Jr. Blvd. that had been a State Road was still under the County; it used to be considered a State Road and then it was turned over to the County some years ago. However, it is something that we will probably be addressing soon when the City renegotiates an interlocal agreement related to gas tax distribution.

Cherry Stettin, adjacent property owner and resident of Lot 20, located right on MLK Jr. Blvd. at the intersection of Mildred Ave., who had spoken at the previous public hearing, came forward and expressed concern that the traffic volume on MLK Jr. Blvd. was already very high, and she felt it would be increased to a dangerous level with the increased volume from the proposed development. She also felt the 8-foot wall that the developer had agreed to put in was inadequate because it would only be around phase one; what about the impact to them from any additional development that occurred in the future? She further thought that the amount of fencing the applicant had agreed to install was inadequate because the buffer was decreasing with each subsequent redesign of the plan (i.e., originally 80 feet, decreased to 50 feet, and now down to a 45-foot buffer), and she felt the inadequate amount of fencing was short-sighted and that adequate provisions needed to be made now with the future in mind.

Bill Bailey, nearby property owner who had also spoken at the previous public hearing, came forward and supported providing an additional access off of Hale

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Avenue because he felt it would substantially help the traffic flow. Regarding traffic on MLK Jr. Blvd., he was very concerned that the roadway was inadequate to support heavy construction trucks, much less the increased traffic volume. He also felt the high density of the project was inconsistent with the reasons he moved into Brooksville. He explained that he had sought out his single family residential land on the dead-end of a quiet street and had built a single family residence to live in, stay here, and retire and live out the rest of his life here; however, if this development goes in as proposed, he didn't think he would stay here as he had previously planned. He strongly felt the proposed plan is inconsistent with the surrounding area and that there are plenty of other areas where such a high density development could be built. Also, based on his perspective from working for the fire department for many years, he strongly felt that the emergency infrastructure of the area would not be capable of supporting the high density of the proposed development. Also, with the parking now being placed all around the property outside of the buildings, he felt that would impede the emergency vehicles from being able to get in and provide emergency services in a quick and efficient manner.

Ruth Reeder, owner of property directly adjacent to the proposed development, felt the proposed high density development would be very inappropriate for the existing very low density neighborhood. She did not want a development that had the high density of, for example, the Bronx area of New York, to be built in her neighborhood consisting of one- or two-acre lots with single family homes on them. She questioned if this could be considered "spot zoning."

Commissioner Korbis asked that if the current proposal was for apartments, and there is going to be children living there, when the school buses go out there and stop at the entrance to the development, what is the sight distance from the proposed driveway to the top of the hill? Specifically, is there enough room for drivers to stop when they see the lights of the stopped bus after they come up over the top of the hill. Director Geiger responded that where it is located on the site plan right now, there is approximately a distance of 250 feet from the top of the hill to where the buses will stop at the entrance to the development.

Mr. Nicholson again came forward and stated that this issue has come up before, and he and his client had already told Director Geiger that they would agree to adhere to any codes for sight distance requirements for that driveway. Further, if they needed to do modifications to MLK Jr. Blvd. to meet the sight distance requirements, they had agreed to do so at their expense (i.e., they would look at options such as lowering the hill by cutting it down, by putting in a deceleration lane, or whatever would be necessary to meet the sight distance requirements because they obviously didn't want anything to happen to any children).

Mr. Nicholson asked the Commission to explain to the people who had expressed their opposition to this project that the property had already been zoned by the City a long time ago to allow multi-family residential development, and all they were doing is trying to get approval for a master plan layout which meets zoning requirements that are already in place.

In response to a question by Commissioner Korbis whether the owner would be willing to reduce the number of units on the property, Mr. Nicholson explained that they have already reduced the number of units and the owner was not amenable to reducing it any further. Director Geiger clarified that multi-family is the land use that was approved for the subject property many years ago, and under the City's comprehensive plan designation, multi-family ranges anywhere from 8 units all the way up through 18 units, and single family can also be placed in multi-family designations. But, as far as the zoning of the property is concerned, it is actually zoned as a project, and any planned development project has to go through a special exception use approval process, which is what we are doing now, where it always comes back to the City to either this Board if it's a special exception, or to the City Council if it's an actual zoning, to make the

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determination on what is appropriate for that area as far as what densities, setbacks, and/or with what kind of special conditions or performance standards might be placed with giving approval to a project in this area. In this case, a petitioner is asking for what they would like to do and the Board can either approve it conditionally or approve it with modifications.

Mr. Nicholson clarified that the current zoning standards would allow them to develop the property with a density of from 8 to 18 units per acre, and they were only asking to develop it with the lowest units per acre. In addition, they were developing the property with buffers that are very large, and he didn't see how it could be economically feasible to have less than 9 units per acre on this property. The development was intentionally being geared toward workforce housing (i.e., affordable), and if the number of units were decreased any further, it would no longer be economically feasible for teachers, firemen, policemen, etc., to have an affordable place to live. Lastly, he said the proposed development would be visually aesthetic and would be a great improvement to the neighborhood, and they obviously wanted to make it a showcase and make it look good because the client wanted to do another project next door later on.

Director Geiger clarified that the proposed development was actually only going to be 7.38 units per acre, which was even less than minimum of 8 that was allowed, if they were looking at the total acreage of what is in the City. Mr. Nicholson clarified that they were not proposing the commercial component to it at this point, and the only thing they were doing was presenting their request for the density consideration. Vice-Chair Wanat clarified that the DRA is included in the acreage.

Mr. Nicholson reiterated that they were looking at a traffic increase of only 16 peak hour trips, which is not a lot of traffic.

In response to a question by Commissioner Korbus regarding where the closest apartment complex is located that is comparable to the proposed development, other than the City housing one across the street, Director Geiger responded that there are 3-story condominium projects that are currently under construction right now, but there aren't any other existing comparable projects in Brooksville.

Mr. Nicholson explained that as land values increase, the building heights are going up to offset the expense. He said that the one positive thing is that there is more open space when a building is built taller instead of spread out on a property. He then addressed the concern regarding inadequate infrastructure, and he explained that they were aware they would have to improve the existing infrastructures to meet all the City's requirements.

Director Geiger stated that from a concurrency point of view, before the issuance of a construction permit or development order for this project, they would be required to comply with concurrency requirements, which addresses level of service issues in regards to the infrastructure concerns (i.e., roads, water, sewer, and several other categories).

Vice-Chair Wanat asked about the property owners' concern over the wall that they said had been removed from the plans for the site of the future development, and Mr. Nicholson replied that they had never removed the wall. He explained that the wall for the currently proposed development will stop right there at the property line, and on the future site plans that they have, they had agreed to construct the 8-foot wall in the future, but he had told them it would not be economically feasible to construct that wall now. Of course they want to protect the adjacent property owners, and if they bring in another phase on that future development site, the 8-foot wall that is on the current development site will be continued onto that adjacent piece of property. If they are worried about containing the children, they would agree to fence it, but to build a wall right now would be very expensive. If the Board wanted the developer to fence the

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entire property, they would agree to put up a 6-foot chain link fence along the southern property boundary to connect the two block walls, even though his client owns both properties. But they would be agreeable to doing that if the Commission wanted to make that a stipulation, to protect the adjacent property owners from the children leaving the property.

Mr. Bailey again came forward and wanted clarification whether these were going to be apartments because he was under the impression they were going to be condominiums. Mr. Nicholson clarified that the units will be for sale and apologized for talking about rent earlier. The units will not be government-subsidized in any way. He explained that they are trying to keep the sale price of the units at less than \$200,000; however, that was directly contingent upon how many improvements they would be required to make to MLK Jr. Blvd. and the cost of improvements to any other infrastructure elements.

Barbara Burke came forward and indicated that she was confused because at the first public hearing they had been told they were going to have a wall. Then the concerned property owners met with Nicholson Engineering and the proposed project went from four stories down to two stories after that first meeting. The property owners then went back for a second meeting and were told the project was redesigned again to three stories. However, before all this, when they came to the first public hearing, it was going to be condominiums that Mr. Nicholson said would be \$200,000 per unit. At that time, somebody asked when the project would start, and Mr. Nicholson replied not until all the units were sold. But at their second meeting at his office, they asked him again when construction would start on the project, he said it would start as soon as possible. She asked how they could be selling the units already if they haven't even seen a final plan or picture of the proposed project yet; in addition, she said that Mr. Nicholson had informed them that the architect had died so they had to get new drawings. She didn't see how they could build something if they didn't even have a firm concept of what they planned to build.

Vice-Chairman Wanat replied that they were only talking about a conceptual plan at this point. The developer didn't have to submit actual drawings until later on down the road.

Ms. Burke asked how the developer could tell them something different every time they turned around, and Commissioner Korbus clarified that what the developer is proposing right now is that there will be 36 living units on the property, but there are no further specifics right now regarding how many will be 3-bedrooms or how many will be 2-bedrooms, etc. All the Commission needs to look at right now is the 36 units.

Ms. Burke asked what about the wall the developer had promised to build to protect them and said that he hadn't told them when they met that it would be built with each phase. She explained that where they plan to stop the wall now with the first phase is where the pool and clubhouse are. Vice-Chair Wanat reiterated that Mr. Nicholson had just agreed to put in a chain link fence connecting the two walls.

Regarding what the property owners directly adjacent to the new development will see from their backyards, Ms. Burke said that she is upset because all she will see is the tall buildings of the new development because her property is of a pretty high elevation. Right now from the deck in her backyard, she can see all the way across the wooded property to the sheds on the other side of Hale Avenue, a view which she feels is better than looking at buildings.

Commissioner Korbus asked Mr. Nicholson if when he had met with the concerned property owners group at his office whether he had shown them any kind of conceptual plan, and Mr. Nicholson replied that they don't have any at this point in time. He explained that right now the only drawings they have are from the architect who died, which are the ones with the parking underneath the buildings,

# SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

DRAFT PLANNING & ZONING COMMISSION MEETING - MARCH 14, 2007

so plans are going to have to be completely redone. Mr. Nicholson went on to explain that it may sound like a conflict, but the developer will try to pre-sell the condos because it's the best plan financially, and construction will start as soon as possible, so it's not really a conflict.

MOTION:

Motion was made by Commissioner Korbus, seconded by Commissioner Wever, to DENY this variance request because they felt the proposed density was too high for the area. Motion carried 2-1, with Vice-Chairman Wanat in opposition.

Director Geiger explained that the applicant could appeal the Commission's decision to the City Council by filing a petition with the City Clerk's office within the next 10 days. It would then be put on the City Council's agenda for either their next regularly scheduled meeting of April 2, 2007, or one very soon thereafter, and the City Council will determine whether or not to entertain the petition for an appeal and will set a date for hearing the appeal if they decide to do so.

\*\*VR2007-03 - AMIN NATHANI-PRESENTED BY NICHOLSON ENGINEERING ASSOCIATES, INC.  
Petition request to reduce the minimum setbacks and to maintain status for a non-conforming structure.

The City Attorney explained that this is a quasi-judicial proceeding and asked anyone who would like to be recognized as an intervening party to the proceeding or who would like to be sworn as an expert witness to come forward.

The Commission swore in and accepted by consensus Mr. Amin Nathani, the petitioner, and again accepted by consensus Mr. Nick Nicholson as an expert in civil engineering and land use planning and Director Geiger as an expert in land use planning, development, and zoning.

Director Geiger requested that the staff report be entered into the record in its entirety, as follows:

SUMMARY OF REQUEST - GENERAL INFORMATION:

This property is located at 717 S. Broad Street (U.S. Highway 41). The petitioner is requesting a variance from the City's minimum front-yard setbacks for new structures on the site. The petitioner also wishes to maintain an existing, non-conforming structure on the site. A variance petition for this property requesting relief from setback and parking standards was considered at the January 10, 2007, Planning and Zoning Commission meeting. The Commission denied that petition and encouraged the petitioner to rework the configuration of the site and reapply with a plan that more closely conforms to the City's adopted setback and parking requirements. At this time, the petitioner has submitted this new petition and site plan requesting relief from the City's minimum front-yard setbacks. Specifically, the petitioner is requesting the following:

1. The petitioner wants to build a new 2,200 square foot building and replace/relocate gasoline pumps, canopy and car wash. A variance is requested from the City's Land Use/Zoning Regulations, Schedule F "Dimensions and Area Regulations for Nonresidential Districts," regarding minimum front-yard building setbacks. The City Code requires a 75-foot front yard building setback from the US 41 rights-of-way. The petitioner is requesting a reduction to a 50-foot front yard structure setback for the new 2,200 square foot building, a 25-foot front yard setback to the gasoline dispensing island canopy and a 35-foot yard setback to the pumps. The petitioner is proposing an 18-foot wide cross property access aisle at the rear of the property. Although 24-feet of pavement width would be the normal minimum for a frontage road, the 18-foot width may be accepted in a redevelopment circumstance to facilitate cross-access through the property.

# SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

## MEMORANDUM

**To:** Planning & Zoning Commission Members  
**From:** Patricia J. Jobe, Planning & Zoning Coordinator   
**Via:** Bill Geiger, Community Development Director  
**Subject:** SE2007-01 - Requesting Special Exception Use approval for a proposed Residential Planned Development Project on a 2.82 ± acre site.  
**Petitioner:** Jorge Lopez for Garden Homes, LLC (Represented by Nicholson Engineering Associates, Inc.)  
**Location:** South side of Dr. MLK, Jr., Boulevard and west of Hale Avenue  
**Date:** March 14, 2007

The petitioner is requesting Special Exception Use approval for a Residential Planned Development Project on a 4.88 acre ± site. The property is located on the southwest corner of Dr. M. L. King, Jr., Boulevard and Hale Avenue. This petition was continued from the January 10, 2007 Planning and Zoning Commission meeting to the February 14, 2007, and subsequently was continued to the March 14, 2007 meeting. The continuations were requested to allow the petitioner time to meet with the neighboring property owners to work out their concerns regarding building height, density, and consideration of a privacy fence. The petitioner originally requested the special exception to enable him to build two 4-story, 18-unit residential buildings. The petitioner has reduced the 4-story buildings to 3-story buildings, containing 18-units each, and has revised the site plan to include an 8-foot masonry wall to be constructed around the development. In conjunction with the modifications, the the buildings and parking area were redesigned in the site layout.

### STAFF FINDINGS:

#### CURRENT LAND USE/ZONING

The subject property (where the residential structures are being planned) is currently zoned as a Planned Development Project (PDP). The eastern portion of the same site is zoned C2. The property has a Comprehensive Plan Future Land Use (FLU) designation for Multifamily/Mobile Home and Commercial Uses respectively.

#### FACTUAL INFORMATION

1. The western portion of the subject property is currently zoned as a PDP with FLU designations for multifamily/mobile homes and the eastern portion of the site is zoned C2 with a FLU designation for commercial uses.
2. The total subject property is approximately 4.88 ± acres in size.
3. The site is currently undeveloped.
4. The developer is proposing to construct two buildings with eighteen residential units each (36 units total) on the PDP (western) portion of the site (equivalent to 7.38 units per acre).
5. The proposed residential structures are four three stories in height with an internal parking area.
6. Access to the site is proposed via Dr. MLK, Jr. Boulevard. A secondary access is proposed for connection to Hale Avenue with the completion of future phases of this project.
7. Development of this property for the proposed use is consistent with the City Comprehensive

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- Plan.
- 8. The subject property is not located within any wellhead protection areas.
- 9. The developer will be required to negotiate a utility service agreement with the City of Brooksville to facilitate the provisions for and determine the availability of water and sewer services to the property.
- 10. In addition to water and sewer services, the property will be served by City police, fire and sanitation collection services.

**STAFF DISCUSSION & FINDINGS OF FACT**

The petitioner is proposing a 36-unit residential project. The petition has been reviewed for compliance with applicable standards and comments are as follows:

- 1. Table 2 of the City's PDP Land Area and Dimension Regulations requires a 10-foot minimum landscape separation strip along all property lines and streets serving the project. The code also provides latitude for the Commission to consider a requirement for the project to be permanently screened from adjoining and contiguous property by a wall, fence, evergreen hedge and/or other approved enclosures, as deemed applicable and appropriate. The detailed development plan for this proposal will be required to reflect and adhere to the standards of the City's Landscaping, Buffer and Tree Protection code (Chapter 9.5, City Code). This portion of the City code encourages the preservation of existing trees on the site and it is recommended that the developer give due consideration to this in the design and final plan layout. Given the height of the proposed buildings and the proximity of this project to existing SFR development on Mildred Avenue, the Commission may consider requiring that a specified natural buffer of at least 50' be maintained along the western boundary of this property.
- 2. Per Table 2 of the City's Planned Development Project regulations, the following square footage amounts represent the "maximums/minimums" permitted for the acreage involved with this PDP:
  - a. Maximum gross floor area permissible = 63,771.84 square feet
  - b. Min. open space required (includes roads & parking) = 159,429.6 sq. ft. (3.66 acres)
  - c. Min. open space required, less roads & parking = 102,034.94 sq. ft. (2.34 acres)
  - d. Min. recreation space that must be provided = 9,565.78 sq. ft. (.22 acres)
  - e. Minimum number of parking spaces required = \*\* 72 parking spaces

\*\* May vary depending upon the size of unit.

The petitioner will need to submit information related to total gross floor area, square footage of roads and parking, and square footage of the balance of open space and recreation space proposed for the site prior to construction plan submittal. This information will be used to determine if this project is in compliance with land use and intensity standards established by the City for Planned Development Projects.

- 3. Traffic - The developer proposes to utilize Dr. M. L. King, Jr., Boulevard as the primary access. A secondary access is proposed for connection to Hale Avenue upon completion of the final phasing of this project (to be brought back to the commission for consideration at

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- a later date).
4. It is recommended that the developer incorporate and provide appropriate pedestrian amenities with this development including sidewalks. Facilities constructed are required to be ADA accessible.
  5. Drainage - This project will be required to be designed to meet all applicable standards 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.
  6. Infrastructure & Services - The developer will be required to negotiate a utility service agreement with the City of Brooksville for water and sewer services. Connection to City water and sewer service will be required. Service availability and requirements include the following:
    - Potable water service is available via a 12-inch force main on the west side of Hale Avenue.
    - There is currently an 8" sewer line located on the east side of Hale Avenue and on the North side of Dr. M. L. King, Jr., Boulevard.
    - Fire hydrants must be installed and spaced to meet all applicable fire code (NFPA) standards.
    - Water lines on-site will be private and must be sized to provide adequate fire flow as per AWWA Manual M31.
    - Sanitation dumpster solid waste collection services will be provided by the City.
    - Transportation - According to the ITE Trip Generation Manual (6<sup>th</sup> edition - Use Code #'s 223/222), this project will generate approximately 16 PM Peak Hour Trips (.44 x 36 units) and 151+ total daily trips (weekday/4.2 multiplier).
  7. City Concurrency Standards - The City requires concurrency review and analysis at the time when a development order/permit application is submitted. Concurrency review and adherence is not required in consideration of a land use or zoning action, as is the case for this petition. It may be noted that in reviewing the potential impacts associated with this proposal, it does not appear that any adopted level-of-service standards would be breached if permits were applied for at this time. The developer will be required to provide a "Statement of Impact - Concurrency Application" with each phase of development for this project that will be reviewed to ensure that level-of-service standards are being maintained within their adopted levels.
  8. Pursuant to an interlocal agreement between the City, County and the Hernando County School Board, the developer is encouraged to coordinate with the Hernando County School District to determine if adequate school capacity exists for each school level based on the number of residential units to be constructed by the development. If adequate capacity does not exist, the developer may propose and the school district may accept a proportionate share mitigation settlement to address any identified deficiency. School concurrency issues related to a proposed development should be resolved prior to the submittal of construction plans. Based on the planned number of residential units, approximately 12 students would be generated.
  9. Parking - The Developer will be required to provide 1.5 parking spaces per dwelling unit for 1 or 2 bedrooms units, and 2 parking spaces per dwelling unit for units with 3 or more bedrooms.
  10. The following specific performance standards may be considered for this project:

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- Four Three story/18-unit maximum per building
- 40-foot minimum structure setback from M.L. King Boulevard
- 140-foot minimum structure setback from western property line
- 50-foot minimum natural buffer required along the western boundary of the property
- 25-foot minimum structure setback from the southern boundary of the property
- 190-foot structure (building) setback from Hale Avenue
- 15-foot minimum building separation
- 8-foot masonry wall
- 11. Unless specifically addressed to the contrary 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.
- 12. 36 Residential units are the maximum number requested for this project at this time.

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

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

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

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

## STAFF RECOMMENDATION

Conditionally approve the Special Exception Use for a Residential PDP, consistent with the "Hale Avenue Multifamily Site Plan" prepared by Nicholson Engineering Associates Inc., dated 02/03/06, subject to the following conditions and stipulations:

1. The phased and/or final development plan(s) for this proposal will be required to reflect and adhere to the standards of the City's Landscaping, Buffer and Tree Protection code (Chapter 9.5, City Code). Additionally, the developer is required to maintain a natural buffer of at least

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2. § 50' along the western boundary of this property.
3. The developer shall incorporate and provide appropriate pedestrian amenities with this development including sidewalks (along M.L. King Boulevard and Hale Avenue). Applicable facilities constructed are required to be ADA accessible.
4. The developer will be required to construct an on-site storm water drainage control system that meets the design and performance standards as specified by the technical requirements for open and closed basins in the *Environmental Resource Permitting Information Manual, latest edition*, as published by the Southwest Florida Water Management District. The proposed stormwater plan associated with this project must comply with all applicable federal, state and local standards.
5. Comprehensive site development plans shall be submitted. Said plans are subject to approval by the City Department's of Public Works and Community Development prior to the issuance of a building/construction permit.
6. The developer will be required to successfully negotiate a utility service agreement with the City prior to permitting.
7. This special exception use approval is conditioned with a three-year time period. If phasing and development plans are not submitted and construction contracts are not let within this time, this approval will be considered null and void.
8. The developer will be required to provide a site lighting plan to ensure that the lights do not disturb the neighboring residents adjacent to this project.
9. Pursuant to an interlocal agreement between the City, County and the Hernando County School Board, the developer is encouraged to coordinate with the Hernando County School District to determine if adequate school capacity exists for each school level based on the number of residential units to be constructed by the development. If adequate capacity does not exist, the developer may propose and the school district may accept a proportionate share mitigation settlement to address any identified deficiency. School concurrency issues related to a proposed development should be resolved prior to the submittal of any construction plans.
10. The following specific performance standards are required for this project:
  - a. Four Three story/18-unit maximum per building
  - b. 40-foot minimum structure setback from M.L. King Boulevard
  - c. 140-foot minimum structure setback from western property line
  - d. § 50-foot minimum natural buffer required along the western boundary of the property
  - e. 25-foot minimum structure setback from the southern boundary of the property
  - f. 190-foot structure (building) setback from Hale Avenue
  - g. 15-foot minimum building separation
  - h. An 8-foot masonry wall will be constructed near the western and eastern residential portions of the property
11. Unless specifically addressed to the contrary herein, City ordinance regulations which apply with regard to zoning district classification shall apply to the residential portions of this PDP as if it were zoned R3.
12. 36 residential units are the maximum number approved for this phase.
13. The residential community entrances may incorporate appropriate signage, consistent with

**SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007**

*Page 6*

*Garden Homes, LLC*

*SE - Residential PDP Petition*

*March 14, 2007*

community standards and subject to approval by the City Manager or the City Manager's designee.

- Enclosures:
- (1) Special Exception Use Petition
  - (2) Letter from Nicholson Engineering Assoc., Inc. (dated Feb. 2, 2007)
  - (3) Site Plan - Revised
  - (4) Vicinity Map

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SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

PETITION FOR SPECIAL EXCEPTION USAGE

TO THE CITY OF BROOKSVILLE, FLORIDA  
PLANNING & ZONING COMMISSION

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

All of Lots 5 & 6, 11, and 12, together with the following contiguous roads, "C" Street, "D" Street, the E 1/2 of John's Avenue and the west half of Abbey Avenue, all in Parson's addition to Brooksville, as per plat thereof, as recorded in Plat Book 3, Page 17, Public Records of Hernando County, Florida.

Subject Property Street Address: SW Corner of Hale Avenue and  
Martin Luther King Jr. Blvd.

*Special Exception Petition*

1

*Community Development*

SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

PETITIONER IS SPECIFICALLY REQUESTING SPECIAL EXCEPTION USAGE FOR THE FOLLOWING:

36 Multifamily units, and a 10,500 square foot building,\* Commercial. This is part of a combined project with the parcels to the south. We are in the process of annexing Lot 4, Lot 13, Lot 14, into the City.

\* Note: The commercial building will be constructed after the adjacent property is rezoned.

Property future land use is: PDP (MF) & C2  
Current land use is: Vacant  
Property is zoned: PDP (MF) & C2

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

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

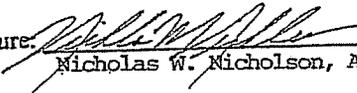
Wherefore, the Petitioner requests that the City of Brooksville, Florida, Planning and Zoning Commission convene to hear and take jurisdiction over the subject matter of this petition.

Petitioner's Name: Jorge Lopez for Garden Homes, LLC

Street Address: 3400 Coral Way Suite 600

City/State/Zip: Miami, FL 33145

Daytime Phone: 305-608-9180

Signature:   
Nicholas W. Nicholson, Agent

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Rev 09/14/97, 12/09/97

SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

APPOINTMENT OF AGENT

CITY OF BROOKSVILLE  
COUNTY OF HERNANDO  
STATE OF FLORIDA

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

All of Lots 5 & 6, <sup>(Insert Legal Description Below)</sup> 11, and 12, together with the following contiguous roads, "C Street, "D" Street, the E 1/2 of John's Avenue and the west half of Abbey Avenue, all in Parson's addition to Brooksville, as per plat thereof, as recorded in Plat Book 3, Page 17, Pub. Records of Hernando County, FL.

Dated: 4-25-07

Signed in the presence of

WITNESSES:

Signature [Signature]  
Print Name Jorge Bertrando

Signature [Signature]  
Print Name Jorge Bertrando

Signature [Signature]  
Print Name [Signature]

Signature [Signature]  
Print Name [Signature]

LANDOWNER(S):

Signature [Signature]  
Print Name Jorge Lopez

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Appointment of Agent

Community Development

SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

OWNER OR AGENT AFFIDAVIT

CITY OF BROOKSVILLE  
COUNTY OF HERNANDO  
STATE OF FLORIDA

I, JORGE LOPEZ, being duly sworn, hereby depose and say  
Jorge Lopez for Garden Home is the owner of the herein described property to-wit:

(Insert Legal Description Below)

All of Lots 5 & 6, 11, and 12, together with the following  
contiguous roads, "C Street, "D" Street, the E 1/2 of John's  
Avenue and the west half of Abbey Avenue, all in Parson's  
addition to Brooksville, as per plat thereof, as recorded in Plat  
Book 3, Page 17, Public Records of Hernando County, FL

Owner or Agent Affidavit

1

Community Development

SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

ACKNOWLEDGMENT

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

Witness Signature: [Signature]

Owner/Agent Signature: [Signature]

Jorge Lopez

STATE OF FLORIDA  
COUNTY OF DAD

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 9  
DAY OF RS 2006 BY THE ABOVE PERSON(S) Jorge Lopez  
WHO IS PERSONALLY KNOWN TO ME OR WHO HAS PRODUCED  
FIA DL AS IDENTIFICATION AND WHO (DID) (DID NOT) TAKE AN  
OATH.

[Signature]  
SIGNATURE OF NOTARY

Olga L Betancourt  
PRINTED NAME OF NOTARY



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Owner or Agent Affidavit

2

Community Development



SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

OFFICIAL RECORDS  
BK: 2088 PG: 449

Prepared by and return to:  
Stephen Daniel Hayman, Esq.  
Attorney at Law  
Rhoton & Hayman, P.A.  
412 E. Madison Street, Suite 1111  
Tampa, FL 33602  
813-226-5138  
File Number: 05-60  
Will Call No.:

Doc# 2005073786  
Hernando County, Florida  
05/24/2005 9:31AM  
KAREN HIGGAL, Clerk  
RECORDING FEE \$ 27.00  
DEED REC STAMP \$ 2,604.00  
05/24/2005 Deputy Clerk

R

[Space Above This Line For Recording Date]

Warranty Deed

This Warranty Deed made this 15<sup>th</sup> day of August, 2005 between LLE Southwest Properties, LLC, a Florida Limited Liability Company whose post office address is 10613 Hatteras Drive, Tampa, FL 33615, grantor, and Garden Homes LLC, a Florida Limited Liability Company whose post office address is 3400 Coral Way 600, Miami, FL 33145, grantees:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Hernando County, Florida to-wit:

Parcel 1:

Lots 13 and 14, together with vacated contiguous streets described as South 1/2 of "C" Street, all of "B" Street, N 1/2 of "A" Street, E 1/2 of John's Avenue, West 1/2 of Abbey Avenue, all in Parsons Addition to the City of Brooksville, as per plat thereof, as recorded in Plat Book 3, Page 17, Public Records of Hernando County, Florida.

Parcel 2:

Lot 4, less the South 42 feet thereof, all of Lots 5 and 6, 11 and 12, together with the following contiguous roads, "C" Street, "D" Street, the E 1/2 of John's Avenue and the W 1/2 of Abbey Avenue and the East 1/2 of Abbey Avenue, all in Parsons Addition to the Town of Brooksville, as per plat thereof, as recorded in Plat Book 3, Page 17, Public Records of Hernando County, Florida.

Parcel Identification Numbers: R27222/19/3010/0000/0130 and R27222/19/3010/0000/0050 and R27222/19/3010/0000/0110 and R27222/19/3010/0000/0040.

Subject to taxes for 2005 and subsequent years, covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

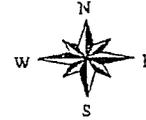
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said

Initials SDH LO d/g

# SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007



SE2007-01  
Garden Homes, LLC  
Dr. MLK, Jr., Boulevard  
March 14, 2007



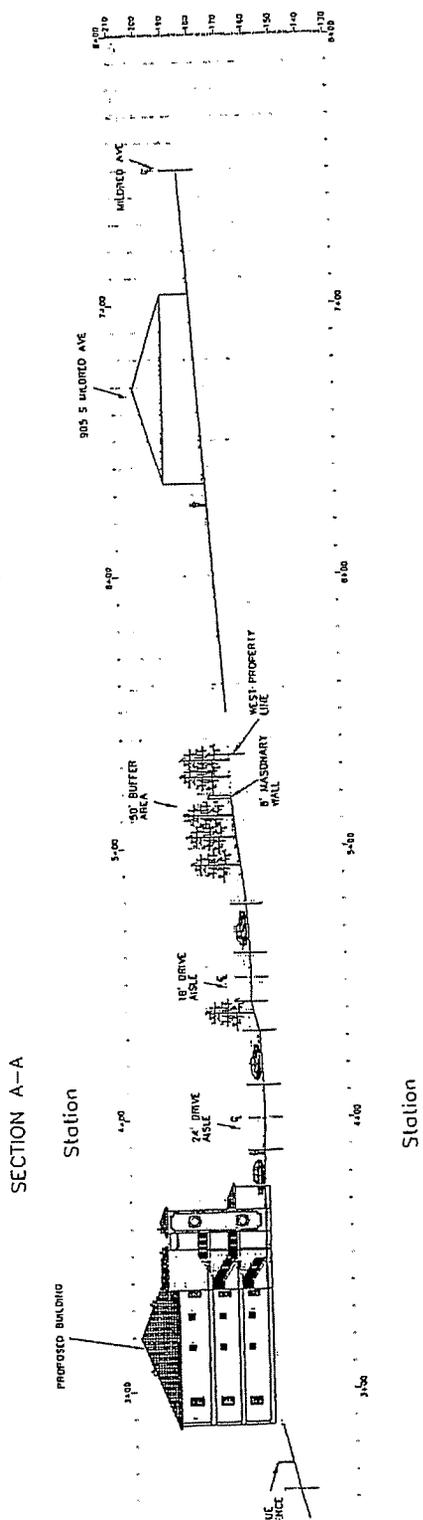
**Legend**

-  Garden homes special exception.shp
-  City Boundary (12/05/2005)

Prepared by  
City of Brooksville  
Community Development Department  
March 14, 2007

SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

ATTACHMENT C







**SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007**  
**ATTACHMENT D**

<b>FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS</b>	
LAST NAME--FIRST NAME--MIDDLE NAME <u>BURNETT, FRANKIE</u>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <u>BROOKSVILLE CITY COUNCIL</u>
MAILING ADDRESS <u>201 HOWARD AVE</u>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <u>BROOKSVILLE FL</u>	NAME OF POLITICAL SUBDIVISION: <u>CITY OF BROOKSVILLE</u>
DATE ON WHICH VOTE OCCURRED <u>APRIL 16, 2007</u>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

**WHO MUST FILE FORM 8B**

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

Your responsibilities under the law when faced with 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 special private gain. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained (including the parent organization or subsidiary of a corporate principal by which he is retained); to the special private gain of a relative; or to the special private gain 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, 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.
- 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.

SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

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, \_\_\_\_\_, hereby disclose that on \_\_\_\_\_, 19 \_\_\_\_\_:

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

- inured to my special private gain;
- inured to the special gain of my business associate, \_\_\_\_\_;
- inured to the special gain of my relative, \_\_\_\_\_;
- inured to the special gain of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain 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:

4/16/07  
Date Filed

Signature  
*Frankie Burnett*

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1991), 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 \$5,000.

SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

ATTACHMENT E

City of Brooksville



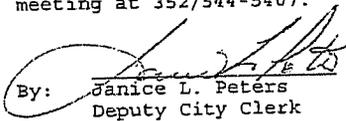
(352) 544-5400 (Phone)  
(352) 544-5424 (Fax)  
(352) 544-5420 (TDD)

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the City Council of the City of Brooksville, Florida, will hold a public hearing on April 16, 2007 at 6:00 p.m., in the City Council Chambers, 201 Howell Ave. (located at the corner of Howell Ave. and Ft. Dade Ave.) for the appeal of Planning and Zoning Commission Decisions (Variance for property located at 602 Ellington Street). The transcript and documents in its entirety may be inspected at the office of the City Clerk during regular working hours.

All persons wishing to be heard, please take notice and govern yourselves accordingly. You are further advised that if a person decides to appeal any decision with respect to any matter considered at these proceedings, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's office 48 hours in advance of the meeting at 352/544-5407.

By:   
Janice L. Peters  
Deputy City Clerk

PUBLISH: Friday, April 13, 2007

FILE: 2007-12

NOTICE TO PAPER: Please run smallest legal ad possible in Hernando Section only and provide two (2) affidavits of publication upon completion.

Please bill the petitioner: Mr. Frankie Burnett  
201 Howell Avenue  
Brooksville, FL 34601

G:\WP\_WORK\ClerkOffice\NOTICES\APPEAL NOTICE OF HEARING - Suske Property.wpd

201 Howell Avenue, Brooksville, Florida 34601-2041

SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

ATTACHMENT F

AGENDA ITEM NO. C-2  
4-16-07  
PUBLIC HEARING

NOTICE OF APPEAL

In accordance with Section 137-43(d) of the City of Brooksville Code, I do hereby file with the City Clerk this Notice of Appeal regarding the decision made by the City of Brooksville Planning & Zoning Commission on March 14, 2007, concerning the matter of Petition #VR2007-02.

Appellant's Name: Frankie Burnett

Board/Individual whose Decision is being Appealed: Planning & Zoning Commission

Petition Reference Number: VR2007-02

Petitioner: Clara A. Suske

Subject of Petition: Requesting a variance to reduce the minimum lot size, minimum front yard setback and the minimum rear yard setback requirements.

Location of Petition Request: 602 Ellington Street, Brooksville, FL 34601

Action Being Appealed: At their meeting on March 14, 2007, the Planning and Zoning Commission made the determination that Petition number VR2007-02 satisfactorily met the criteria stipulated in the City of Brooksville Code Section 101-36, consistent with findings stated within the staff report for said petition, and subsequently approved variances for the referenced property as follows:

1. Minimum Lot size reduced from 12,000 to 11,000 square feet
2. Minimum Lot width from 75' to 50'
3. Minimum Front Yard setback from Ellington Avenue from 25' to 12'
4. Minimum Rear Yard setback (West property line) from 20' to 12'

In conjunction with approving the variances listed, the Commission also stipulated a performance condition for the petitioner to construct and maintain a six-foot opaque privacy fence along the western property line to within 10 feet of the north and south property lines.

Specific Reasons for Appeal: The Appellant resides adjacent to the subject site, and was determined by the Planning & Zoning Commission to have standing to Intervene as a Party in this case. The variance petitioner, Clara Suske, is proposing the construction of a duplex on the subject property. Most of the existing properties in this area are single-family residences. It is understood that even a proposal to place a single family structure on this property would require variance consideration since the property is only 50' deep and has frontage setbacks to three public rights-of-way. It is the Appellant's feeling that a single-family structure with a 15' setback from the western property line would be more appropriate for the neighborhood (than the duplex proposed), and would more closely meet the criteria for granting the "Minimum" variance necessary for the property owner to have reasonable use of their land.

Appellant Affidavit: The information provided in this NOTICE OF APPEAL is in all respects true and correct to the best of my knowledge and belief.

Signature of Appellant: Frankie Burnett

(For office use only below this line)

Date Notice of Appeal filed with City Clerk: March 15, 2007

Date scheduled for City Council Consideration: April 2, 2007

Date for Special Meeting for Appeal (if approved by City Council): \_\_\_\_\_

4/2/07

# SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

DRAFT PLANNING & ZONING COMMISSION MEETING - MARCH 14, 2007

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.

**\*\*VR2007-02 - CLARA A. SUSKE, REPRESENTED BY ANA TRINQUE**

Petition request to reduce the minimum lot size, minimum lot width and setbacks.

The City Attorney explained that this is a quasi-judicial proceeding and asked anyone who would like to be recognized as an intervening party to the proceeding or who would like to be sworn as an expert witness to come forward.

Commission swore in and accepted by consensus Mr. Frankie Burnett as an intervening party because he lives right next door to the subject property, and Ana Trinique, representing the petitioner, Clara A. Suske.

Commission accepted Bill Geiger by consensus as an expert witness in land use planning, development, and zoning, and his qualifications are on file in the Community Development Department.

Director Geiger requested that the staff report be entered into the record in its entirety, as follows:

SUMMARY REQUEST - GENERAL INFORMATION:

The petitioner is specifically requesting a reduction in the City's minimum lot width at building line from the required 75 feet to 50 feet, the minimum front yard setback from the required 25 feet to 12 feet, the minimum rear yard setback from the required 20 feet to 12 feet and the minimum lot size from 12,000 square feet to 11,000 square feet. The petitioner has indicated a hardship in meeting the City of Brooksville Code requirements based on these lots being only 50' x 220' combined (each lot 50' x 110') and abutting three streets.

LAND USE/ZONING:

The subject property and surrounding properties are zoned R-3 (multi-family residential), and have a Multi-family Residential Future Land Use Map designation in the City of Brooksville Comprehensive Plan.

STAFF FINDINGS:

The subject parcel can not meet all the R-3 (Multi-Family Residential District) performance standards for either multi-family or single family residential development unless variances to code standards are considered.

In accordance with City Code Section 101-36 (Ordinance No. 629), the following is a synopsis of the findings that the City's Planning & Zoning Commission must make (accompanied by staff findings/comments related to this specific petition request) in order to approve the variance requests:

1. Special conditions. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district and that the special conditions and circumstances do not result from the actions of the applicant. Staff Review Comments (SRC) - The majority of the lots in this subdivision are 50 feet in width. Historically, lots in this area were either developed prior to the establishment of zoning standards in the City, or were combined to be large enough to meet the standards once they were in place. The Petitioner did not create the conditions related to the size of this parcel.

# SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

**DRAFT** PLANNING & ZONING COMMISSION MEETING - MARCH 14, 2007

2. No special privilege. That the granting of the variance(s) requested will not confer on the applicant any special privilege that is denied by the Code of the City of Brooksville, Florida, to other lands, buildings or structures in the same zoning district. SRC - In granting the variances requested, no special privilege will be conferred to the applicant. All other code standards will be adhered to that would be expected of other lands, buildings or structures in the same zoning district.
3. Hardship. That literal interpretation of the provisions of the Code of the City of Brooksville, Florida, would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Code and would work an unnecessary and undue hardship on the applicant. SRC - The petitioner has indicated that the width of the parcel creates a hardship in that it would be impossible to comply with the dimensions and area regulation for residential, either multi-family or single family districts in regards to the minimum lot size, the minimum lot width at the building line and the required minimum setbacks. This lot, by itself, may not be used to construct a multi-family or single-family residence, unless the Commission grants a variance from the required minimum lot size, the minimum lot width at the building line standard and the minimum setback requirements. The petitioner does not own the lots on either side of these vacant lots.
4. Minimum variance. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure. SRC - This appears to be the minimum variance necessary to enable the Petitioner to construct a duplex or single-family residence on these parcels.
5. Purpose and intent; public interest. That the granting of the variance will be in harmony with the general intent and purpose of the Code of the City of Brooksville, Florida, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. SRC - It is staff's opinion that in granting these variances, development of these parcels would be in harmony with the general intent and purpose of the Code of the City of Brooksville, Florida, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Section 101-36 of the City's Land Development Code (Reference Ord. No. 629) provides specific authority to the Planning and Zoning Commission to consider granting a dimensional variance in this circumstance to allow the owner the reasonable use of the premises.

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

**STAFF RECOMMENDATION:**

Staff recommends that the Planning & Zoning Commission find that the variances requested satisfactorily meet the criteria stipulated in City of Brooksville Code Section 101-36, consistent with City Staff findings/comments as stated within this report, and subsequently approve the variances as follows:

1. Minimum Lot size reduced from 12,000 to 11,000 square feet
2. Minimum Lot width from 75' to 50'
3. Minimum Front Yard setback from Ellington Avenue from 25' to 12'
4. Minimum Rear Yard setback (West property line) from 20' to 12'

If deemed appropriate, the Commission may condition approvals for variance requests. Such conditions may include adding stipulations for additional buffering and/or modifying the scope of the variances requested.

**NOTE:** Any appeal of the Commission's decision must be filed with the City Clerk within ten calendar days of the date of the Commission's decision. If the

# SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

**DRAFT** PLANNING & ZONING COMMISSION MEETING - MARCH 14, 2007

*petition is approved by the Commission and no appeals are filed within the specified time frame, this variance, including any attached conditions or restrictions, shall be recorded at the expense of the applicant in the Hernando County office of the Clerk of the Circuit Court.*

Ana Trinqué, real estate agent representing Clara A. Suske, came forward and stated that they agreed with the staff report and recommendations. She just wanted to comment that she has had this property for sale for over two years, and during that time only three parties have indicated interest. The first two wanted to build a triplex, but both times staff advised that would probably not be approved. They attempted to try and start this process last summer with the second party, but after staff strongly indicated that a triplex probably wouldn't work, that fell apart. They are here again with this third party, and this party is wanting to build a duplex, has paid for all of the filing fees, and has complied with everything that is required. However, the main problem as Director Geiger had mentioned is that because the property is only a 50-foot wide lot, even a single family home would need a variance. The lot is plenty long at 220 feet, but the width can't accommodate anything based on City zoning codes. She explained that Mrs. Suske is now 92 years old, and she just went into an assisted living facility the day before. She has been wanting to get rid of this property for a long time but has been unable to. Ms. Trinqué said she has been doing everything she can as a real estate agent to try and comply with all the requirements and to accommodate Mrs. Suske and help her out, and the current buyer seems very willing to work with the City and do what is necessary to get this thing done.

Frankie Burnett, 310 Duke Street, came forward and stated that he was here tonight with several other people in the audience, and they were asking that the Board deny the staff's recommendation for approval of the variance request. He explained the reason is that where the petitioner wants to place the house is only 12 feet off of the property line up to 310 Duke Street. They feel that is too close, and when he uses the terminology "we" he wants the Board to understand that all of the property owners who live in that area have been polled, along with the church organizations, and 100% of them agree that the Board should deny the requested variance. Also, coming down there on Ellerton Street, where they are already having traffic problems, they didn't think a setback of only 12 feet off of that road is justified. Also, with the conformity of the homes that are already there, to allow the proposed house to be built with the requested variances, it would not be uniform with the surrounding houses.

In response to a question by Commissioner Korbus regarding how wide his lot on Duke Avenue is that is right next door to the subject property on the west side, Mr. Burnett replied that it is twice as big as that lot, and all the rest of the lots there are, too. They own two lots on that side and one across the road. In response to another question by Commissioner Korbus regarding how far it is from the side of the east side of his house, Mr. Burnett said it bumps up there and that is why they want that 12-foot variance, and they are all saying no to that. The building on his lot is approximately 20 feet from his property line. Commissioner Korbus clarified that if the proposed structure was allowed to be built where requested, there would be 20 feet from his house to his property line plus the 12 feet from the property line to the new structure, for a total of 32 feet between the two buildings. Mr. Burnett did not agree with looking at it that way, and he went on to explain that from where his property line is, the petitioner is asking for a 12-foot variance from his property line. Commissioner Korbus said there are several homes right in that area now that are 15 feet off the property line.

Commissioner Korbus asked if there are any houses in that area which are any closer than 20 feet apart, and Mr. Burnett confirmed that most of the houses are a little bit further apart.

In response to a question by Commissioner Weaver, Mr. Burnett replied that his

# SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

PLANNING & ZONING COMMISSION MEETING - MARCH 14, 2007

house sits back about 14-16 feet from Duke Street.

In response to a question by Vice-Chairman Wanat, Mr. Burnett said that there is an existing house next to this property on Armstrong Street on a single lot that lines up with all the rest of the houses.

Ms. Tringue came forward again and directed the Board's attention to the copy of the property plat that was included in their packets. She stated that she was told that there had been a structure on that property at one time, years and years ago. She said she understands what Mr. Burnett is saying, but she feels a hardship exists because nothing can be built on the property that will meet the City's codes, and she thinks it's unfair to the party who is now attempting to develop the property. She reiterated that the three parties who have been interested in the property all had this same type of purpose in mind, and she felt it wasn't fair to expect the property owner to just let the property stay undeveloped because of such strict codes.

Commissioner Korbus asked if we went by normal setbacks on this property, how wide of a building could be placed there. Director Geiger replied that the property has three street frontages, so front yard setbacks have to be met for all three streets, i.e., you've got 25 feet from each of the street right-of-ways, so 25 feet with a 50-foot deep lot pushes you back to next to nothing. You've got half the lot left, but then the remaining lot line where you have a property that abuts streets on three sides is your rear lot line, and the rear setback is 20 feet, so that leaves five feet of building area, which would be virtually impossible to build. Commissioner Korbus said that no matter what you do in this instance, they were going to have to do some kind of variance, no matter what it is.

Director Geiger stated that what the Board needs to consider is that normally you look at what the property owner can do with the property with the least variance request, and the logical step would be maybe one single family residence configured on the property in some way to effect that. However, as Ms. Tringue had stated, she was addressing it from a marketing perspective and whether anyone will realistically come forward and propose a single family residence on the property. It's not just the marketing real estate aspect of it, but there are many other considerations that go with the value of the property. What she is talking about is that it is difficult to do that, but she has someone who is proposing a duplex, which is why this proposal is before the Board for their consideration as to whether or not that use would be appropriate at this point. The Board has received input from the public, and it comes back to the Board to make the hard decision on whether or not it is appropriate.

Commissioner Korbus explained that he was beginning to realize that even if they made the building a different size, it wouldn't help because it actually wasn't going to help no matter what was done with the building.

Director Geiger said that they might be able to come up with something that might be a little bit better, compromising the setbacks on both sides, but it would be very difficult with only 50 feet to work with.

Commissioner Korbus asked Mr. Burnett if, on his side and probably the person behind him, if they gave the owner the variance and they put a fence up in between there in addition to putting up this building, would he be amenable to that. Mr. Burnett said no, that would not be satisfactory to him or any of the people he was speaking for. He reiterated that 100% of the property owners in the area, as well as the church organizations, do not agree with the variance request. He said the rules have been made, and as far as he was concerned, when people buy property they ought to be aware of what they can build on it or what they cannot. That came up in the discussions about the variance to be placed there, and all 100% said no.

# SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

**DRAFT** PLANNING & ZONING COMMISSION MEETING - MARCH 14, 2007

Vice-Chairman Wanat asked Mr. Burnett what he suggested should be built on that property, because it wasn't reasonable to expect it to stay vacant. Mr. Burnett said he couldn't answer that because he isn't the owner of that property.

Commissioner Korbus explained that the Board cannot deny a property owner the use of this property; they've got to be able to use property otherwise the property is worthless. The Board had to come to some kind of solution. He asked Mr. Burnett what he thought was a reasonable amount between the proposed building and his property line. Mr. Burnett said that they were requesting the regular setback variance already set in the policy. Commissioner Korbus said that because it's on a corner, that just isn't possible because they would be looking at a 5-foot wide building, which is not buildable, and then the property is rendered not worth anything, and somebody has been paying taxes on the property for years for no good reason. Mr. Burnett said that the property owner has been paying taxes on the property for years, but it has been vacant for many years and the people in the area have actually been keeping it up.

Commissioner Wever said that the possibility is that the front door of the one facing Duke Street would be looking at Mr. Burnett's back door, and Mr. Burnett agreed.

The Commissioners and staff spent a few minutes discussing among themselves the plot plan and trying to come up with an alternative solution.

Director Geiger said that there is the small chance that a lesser request could come before the Board, but whether a lesser request would ever be presented because of the economics involved, he couldn't say.

Commissioner Korbus said that there are a number of 50- and 55-foot lots around Brooksville, whereas there weren't many in the past. But in recent years because of the price of land and things like that, a lot of lots have come up that are 50 and 55 feet, and they're putting houses on them but they have smaller side setbacks. And a lot of them have even come before the Board and asked for 7-1/2 foot setbacks, so he did not feel 12 feet was unreasonable when compared with others. He tried to put the issue in perspective for Mr. Burnett by explaining that because he and his neighbors have lived there for many years, they are comfortable with 20 feet, and 20 feet on the other side of the property line which gives them a 40 foot buffer, but nowadays with the price of land people are trying to get things a little bit closer. He was sympathetic to them not wanting to look out their windows and see whoever was living in the new structure up close and personal, but it's a very hard thing to work out because the Board can't really tell a property owner that they can't use their property, and then the owner will go to the Property Appraiser's Office and say they've been paying taxes on it all these years but now couldn't do anything with it, and want all their money back.

Mr. Burnett indicated he understood what Commissioner Korbus was saying, and said that with all due respect, a full 100% of his neighbors and the church organizations all agreed they didn't want the variances granted.

Commissioner Korbus asked about fencing in the area, and Mr. Burnett said that the only fence currently there is the 4-foot chain-link fence that he and the neighbor on the south side have on their property lines. Director Geiger commented that the Board could recommend a performance condition that required higher fencing, up to the 6-foot maximum allowed in the code. Mr. Burnett stated they didn't want any barriers of any type.

Director Geiger added that he knows the Board has considered variances for other properties that were 50 feet wide before, but they didn't have the three street frontages and that is what makes this property particularly difficult to develop. The three street frontages really squeeze the buildable area of this property down.

# SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

**DRAFT** PLANNING & ZONING COMMISSION MEETING - MARCH 14, 2007

The City Attorney said that the funny thing about this property is that it is actually two separate lots. If each lot were developed individually for a single family home, the lot line that's the longest one (alongside Mr. Burnett's property) would be a sideyard with a 10-foot setback. Director Geiger clarified that it would actually be a 12-foot setback in the R-3 zoning district that it's located in. The City Attorney pointed out that would be exactly what the variance request is for now. Director Geiger said that if they split the lot and it was two single family residential properties, it would still have the 25-foot front setbacks from both of the street frontages, but it would be only two street frontages now, and the rear setback would be the 20 feet, which would actually leave more buildable area to consider building a home as an alternative. There could be two single family residences, but they would be very small.

The City Attorney emphasized that the point he was trying to make was that the setback on that side lot line would be 12 feet without any variance.

Director Geiger added that if the Board was looking at possibly approving this variance request, they could consider adding additional performance standards to address issues related to the issue regarding setbacks from neighboring properties, i.e., maybe increasing buffers, types of buffers, fences, etc. Commissioner Korbus said that a buffer would make the problem worse because if you get into buffers, they are already down to 12 feet now, and if they required a buffer on top of that, then they would be cutting into the size of the building again. Director Geiger said that the type of buffer he was referring to would be like an enhanced vegetative buffer; there are more types of buffers than just fences. Commissioner Korbus commented that maybe a six-foot opaque fence could possibly be a compromise solution so that at least Mr. Burnett wouldn't be looking out the back door of his house into the new neighbor's front door, or whatever it may be.

Director Geiger clarified that as far as a performance condition in a variance consideration, the Board could specify that a privacy fence be placed up to, for example, within 10 feet of the end of the property line and then be dropped to four feet from that point to the front for sight visibility issues.

Commissioner Weaver was concerned about visibility out of the driveway, and he suggested that the 6-foot high privacy fence start 10 feet from Duke Street and end 10 feet from Armstrong Street.

#### Motion:

Commissioner Korbus made a motion, seconded by Commissioner Weaver, to approve the variance request, with all the conditions as set forth in the staff report, with the additional requirement that the developer must install a 6-foot opaque masonry wall or wooden privacy fence along the western property line, spanning the length of the building from within 10' of Duke Street to within 10' of Armstrong Street. Motion carried 3-0.

Director Geiger explained that if Mr. Burnett and/or his neighbors wanted to appeal the Commission's decision to the City Council, they could do so by filing a petition with the City Clerk's office within the next 10 days. It would then be put on the City Council's agenda for either their next regularly scheduled meeting of April 2, 2007, or one very soon thereafter, and the City Council will determine whether or not to entertain the petition for an appeal and will set a date for hearing the appeal if they decide to do so.

\*\*RZ2007-02 and SE2007-02 - CROSLAND, INC - PRESENTED BY COASTAL ENGINEERING  
Request for Retoning from City and County Agricultural Zoning District to Planned Development Project (PDP) with a Special Exception for a Residential Planned Development Project and Master Plan Approval.

Director Geiger informed the Commission that an e-mail had been received from the

SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

City of Brooksville



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

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Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's office 48 hours in advance of the meeting at 352/544-5407.

By:   
Janice L. Peters  
Deputy City Clerk

PUBLISH: Friday, April 13, 2007

FILE: 2007-12

NOTICE TO PAPER: Please run smallest legal ad possible in Hernando Section only and provide two (2) affidavits of publication upon completion.

Please bill the petitioner: Mr. Frankie Burnett  
201 Howell Avenue  
Brooksville, FL 34601

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201 Howell Avenue, Brooksville, Florida 34601-2041

SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

✓ Nathaniel & Vera Chester  
P. O. Box 10152  
Brooksville, FL 34605

Donald & Julie Ravenell  
5039 Ayrshire Dr  
Spring Hill, FL 34609

Debra A. Everett  
100 Mockingbird Dr  
Phenix City, AL 36869-3456

Beatrice Bell  
855 Josephine St  
Brooksville, FL 34601

Annie M. Elliott  
306 Duke St  
Brooksville, FL 34601

Margaret L. Clarke  
620 Dire Dawa Ave  
Brooksville, FL 34601

Mildred Drake  
5411 Hendricks Ave  
Brooksville, FL 34601

Ernest Lee & Pearlina Drake  
307 Armstrong St  
Brooksville, FL 34601

Pauline Wells  
309 Armstrong St  
Brooksville, FL 34601

Willie J. Brooks Ttees  
P. O. Box 1292  
Brooksville, FL 34605

James P. Anderson  
P. O. Box 545  
Wildwood, FL 34785-0545

Naomi Davison  
705 S. Brooksville Ave  
Brooksville, FL 34601

Estate of Elizabeth Williams  
62 McLedon Rd  
Fort Mitchell, AL 36856-5400

Barbara J. Mason  
322 Duke St  
Brooksville, FL 34601

Elizabeth Boyle  
40 Mount Rainer Dr  
Toms River, NJ 08753-1424

Doris Henry  
311 Armstrong St  
Brooksville, FL 34601

The New Jerusalem Church  
748 Carter St  
Orlando, FL 32805-3209

Estate of Woody Everleen  
309 Armstrong St  
Brooksville, FL 34601

Bethlehem Progressive Baptist  
P. O. Box 1292  
Brooksville, FL 34605

Estate of David Johnson  
304 Duke St  
Brooksville, FL 34601

Emma White Rembert  
P. O. Box 3382  
Fort Pierce, FL 34948-3382

SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

Chester B. James  
403 Armstrong St  
Brooksville, FL 34601

Pauline Lane  
309 Armstrong St  
Brooksville, FL 34601

Estate of Ida Lee Stubbs  
4138 Sheridan Meadows Dr  
Florissant, MO 63034-3485

Karen E. Washington  
308 Armstrong St  
Brooksville, FL 34601

Eddie Baylor  
8100 WPA Rd  
Brooksville, FL 34601

Fred Fletcher  
P. O. Box 1544  
Brooksville, FL 34601

Bill & Rebecca Pope  
719 S. Brooksville Avenue  
Brooksville, FL 34601

Gloria Washington Harris  
509 Sharon St  
Brooksville, FL 34601

David C. Stewart  
829 Twigg St  
Brooksville, FL 34601

Estate of Willie L. Gaynor  
311 E. Dr. M. L. King, Jr., Blvd  
Brooksville, FL 34601

Mildred Sims  
306 Armstrong St  
Brooksville, FL 34601

Lillian Scriven Hampton  
2409 Teri St  
Auburndale, FL 33823-4835

Clara A. Suske  
3288 Gulfview Dr  
Hernando Beach, FL 34607-3033

Ana Trinqué, GRI  
Re/Max Showcases  
13103 Spring Hill Drive  
Spring Hill, FL 34609

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SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

City of Brooksville  
MEMORANDUM

To: Planning & Zoning Commission Members  
Via: Bill Geiger, Community Development Director *AG*  
From: Patricia J. Jobe, Planning and Zoning Coordinator  
Subject: VR2007-02 - Requesting a variance to reduce the minimum lot size, minimum front yard setback and the minimum rear yard setback requirements.  
Petitioner: Clara A. Suske, Represented by Ana Trinique - Agent  
Location: 602 Ellington Street  
Date: March 14, 2007

SUMMARY REQUEST - GENERAL INFORMATION

The petitioner is specifically requesting a reduction in the City's minimum lot width at building line from the required 75 feet to 50 feet, the minimum front yard setback from the required 25 feet to 12 feet, the minimum rear yard setback from the required 20 feet to 12 feet and the minimum lot size from 12,000 square feet to 11,000 square feet. The petitioner has indicated a hardship in meeting the City of Brooksville Code requirements based on these lots being only 50' x 220' combined (each lot 50' x 110') and abutting three streets.

LAND USE/ZONING

The subject property and surrounding properties are zoned R-3 (multi-family residential), and have a Multi-family Residential Future Land Use Map designation in the City of Brooksville Comprehensive Plan.

STAFF FINDINGS

The subject parcel can not meet all the R-3 (Multi-Family Residential District) performance standards for either multi-family or single family residential development unless variances to code standards are considered.

In accordance with City Code Section 101-36 (Ordinance No. 629), the following is a synopsis of the findings that the City's Planning & Zoning Commission must make (accompanied by staff findings/comments related to this specific petition request) in order to approve the variance requests:

1. **Special conditions.** That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district and that the special conditions and circumstances do not result from the actions of the applicant. *Staff Review Comments (SRC) - The majority of the lots in this subdivision are 50 feet in width. Historically, lots in this area were either developed prior to the establishment of zoning standards in the City, or were combined to be large enough to meet the standards once they were in place. The Petitioner did not create the conditions related to the size of this parcel.*
2. **No special privilege.** That the granting of the variance(s) requested will not confer on the applicant any special privilege that is denied by the Code of the City of Brooksville, Florida, to other lands, buildings or structures in the same zoning district.

SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

VR2007-02  
Clara A. Suske  
602 Ellington Street  
Page 2  
March 14, 2007

*SRC - In granting the variances requested, no special privilege will be conferred to the applicant. All other code standards will be adhered to that would be expected of other lands, buildings or structures in the same zoning district.*

3. **Hardship.** That literal interpretation of the provisions of the Code of the City of Brooksville, Florida, would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Code and would work an unnecessary and undue hardship on the applicant. *SRC - The petitioner has indicated that the width of the parcel creates a hardship in that it would be impossible to comply with the dimensions and area regulation for residential, either multi-family or single family districts in regards to the minimum lot size, the minimum lot width at the building line and the required minimum setbacks. This lot, by itself, may not be used to construct a multi-family or single-family residence, unless the Commission grants a variance from the required minimum lot size, the minimum lot width at the building line standard and the minimum setback requirements. The petitioner does not own the lots on either side of these vacant lots.*
4. **Minimum variance.** That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure. *SRC - This appears to be the minimum variance necessary to enable the Petitioner to construct a duplex or single-family residence on these parcels.*
5. **Purpose and intent; public interest.** That the granting of the variance will be in harmony with the general intent and purpose of the Code of the City of Brooksville, Florida, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. *SRC - It is staff's opinion that in granting these variances, development of these parcels would be in harmony with the general intent and purpose of the Code of the City of Brooksville, Florida, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

Section 101-36 of the City's Land Development Code (Reference Ord. No. 629) provides specific authority to the Planning and Zoning Commission to consider granting a dimensional variance in this circumstance to allow the owner the reasonable use of the premises.

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.

SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

VR2007-02  
Clara A. Suske  
602 Ellington Street  
Page 3  
March 14, 2007

**STAFF RECOMMENDATION:**

Staff recommends that the Planning & Zoning Commission find that the variances requested satisfactorily meet the criteria stipulated in City of Brooksville Code Section 101-36, consistent with City Staff findings/comments as stated within this report, and subsequently approve the variances as follows:

1. Minimum Lot size reduced from 12,000 to 11,000 square feet
2. Minimum Lot width from 75' to 50'
3. Minimum Front Yard setback from Ellington Avenue from 25' to 12'
4. Minimum Rear Yard setback (West property line) from 20' to 12'

If deemed appropriate, the Commission may condition approvals for variance requests. Such conditions may include adding stipulations for additional buffering and/or modifying the scope of the variances requested.

*NOTE: Any appeal of the Commission's decision must be filed with the City Clerk within ten calendar days of the date of the Commission's decision. If the petition is approved by the Commission and no appeals are filed within the specified time frame, this variance, including any attached conditions or restrictions, shall be recorded at the expense of the applicant in the Hernando County office of the Clerk of the Circuit Court.*

- Enclosures:
- (1) Petition
  - (2) Letter from Ana Trinke, agent for Clara A. Suske (dated January 12, 2007)
  - (3) Conceptual site plan for a duplex
  - (3) Vicinity Map

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SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

PETITION FOR VARIANCE OF LAND USE REGULATIONS

TO THE CITY OF BROOKSVILLE, FLORIDA  
PLANNING & ZONING COMMISSION

The undersigned Petitioner/Property Owner hereby submits this Petition for a Variance of Land Use Regulations for the following described property, to wit:

*(Insert typewritten legal description)*

T. S. RICE SUB Lots 20, 31  
ORB 359 PG 754

Subject Property Address: 602 Ellington Ave  
Brooksville, FL 34601

SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

PETITIONER IS SPECIFICALLY REQUESTING VARIANCES FROM THE FOLLOWING:

We wish the Council to consider the double Lot as one whole Lot of 50 x 220. We are requesting 12' ft set backs for front & back, the sides would be 67', Ample Amount for driveway & parking.

Property has a future land use of: Multi - Single Family Residential  
Property is zoned as: R-3 Multi Family

Petitioner requests that this Land Use Regulations Variance be granted to provide for a less restrictive proposed usage of above said property.

It is in the opinion of the Petitioner that such variance, if granted, will not be materially detrimental to the Public Welfare, nor to the persons or properties located in the immediate area.

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

Petitioner's Name Clara A. Suske (Ana Tringue-Agent)  
Street Address 3288 Gulfview Dr.  
City/State/Zip Hernando Bch, FL 34607

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SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

OWNER OR AGENT AFFIDAVIT

CITY OF BROOKSVILLE  
COUNTY OF HERNANDO  
STATE OF FLORIDA

I, David R. Corder Esquire, being duly sworn, hereby depose and say  
Clara A. Suske, A Single person is the owner of the herein described property to-wit:

(Insert Legal Description Below)

T.S. RICE SUB Lots 20, 31  
ORB 359, PG 754

APPOINTMENT OF AGENT

CITY OF BROOKSVILLE  
COUNTY OF HERNANDO  
STATE OF FLORIDA

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

(Insert Legal Description Below)

T.S. RICE SUB Lots 20, 31  
ORB 359 PB 754

Parcel Key # 00013283

Dated: 7-1-05

Signed in the presence of:

WITNESSES:

Signature Gail Gagliardi  
Print Name Gail Gagliardi

Signature [Signature]  
Print Name AK [Signature]

Signature \_\_\_\_\_  
Print Name \_\_\_\_\_

Signature \_\_\_\_\_  
Print Name \_\_\_\_\_

LANDOWNER(S):

Signature [Signature]  
Print Name Clara A. Suske

Signature \_\_\_\_\_  
Print Name \_\_\_\_\_

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Appointment of Agent

Community Development

ACKNOWLEDGMENT

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

Witness Signature: Gail Gagliardi

Owner/Agent Signature: Clara A. Suske

STATE OF FLORIDA  
COUNTY OF Hernando

The foregoing instrument was acknowledged before me this 1<sup>st</sup> day of July 2005,  
19 by the above person(s) Clara A. Suske who is personally known to me or who  
has produced \_\_\_\_\_ as identification and who ~~(did)~~ (did not) take an  
oath.

  
SIGNATURE OF NOTARY



J R DeMint Reynolds  
MY COMMISSION # DD083050 EXPIRES  
January 9, 2006  
DONOR THROUGH FAN RELIANCE, INC

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SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

*T.C. Shurmut*  
Witness T.C. Shurmut

*Jo Ann Pilgrim*  
Jo Ann Pilgrim, Deputy Clerk

*Joan E. Pinkard*  
Witness JOAN E. PINKARD

KAREN NICOLAI  
Clerk of Circuit Court  
Hernando County, Florida

**\*\* OFFICIAL RECORDS \*\***  
**BK: 1558 PG: 1096**

State of Florida  
County of Hernando

On this 7th day of August 2002, before me appeared JOANN PILGRIM, Deputy Clerk, for KAREN NICOLAI, Clerk of Circuit Court in and for the State and this county personally known to me to be the person described in, and who executed the foregoing instrument, and acknowledged the execution of this instrument to be her own free act and deed for the use and purposes therein mentioned, and who did not take an oath.

Witness my hand and official seal date aforesaid.

*Tracey Cremata*  
Notary Signature



SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007



JAN 25 2007

*Above  
the  
Crowd!*

January 12, 2007

City of Brooksville, FL  
Planning and Zoning Commission

Dear Commissioners;

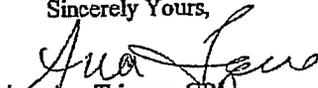
Clara A. Suske, a widow along with Donald Ravenell, purchaser, are petitioning to have a change in variance on 602 Ellington Ave, Ms. Suske's property. I am representing Ms. Suske as her agent in this matter. The property is zoned R-3 for either a single family or multi-family home. Most of the surrounding area is made up of like properties; duplexes, triplexes, and single-family homes.

Unfortunately, due to the property dimension, after set back requirements, and total square foot, the property does not qualify for putting anything for what it is zoned. Whether it is a duplex or a single-family home, this property would require a variance either way. We are asking for two considerations; 1) front and rear setbacks should be 20 & 25 ft respectively, our diagram shows 12 & 12 ft, 2) total square feet of area should be 12,000 and the 50 x 220 lot is only 11,000 sf. This is not a very deep lot, just long.

Ms. Suske has been trying to sell this property a number of years now. Our only Buyers have been individuals wanting to put a duplex or triplex on this property. This would require a variance.

We do not believe building a duplex would negatively impact this area. It would be an increase in tax revenue to the city. We currently have an executed contract on this property by Mr. Ravenell contingent on this variance being approved. Ms. Suske would be most grateful for your consideration to this matter.

Sincerely Yours,

  
Ana Trinque, GRP  
Re/Max Showcase  
352-585-3297 Cell

**RE/MAX** Showcase

13103 Spring Hill Dr. Brooksville, FL 34609  
The Trinque Team  
Ana & Art Trinque  
Office: 352-688-6888  
Ana's Cell 352-585-3297  
Art's Cell 352-398-6552

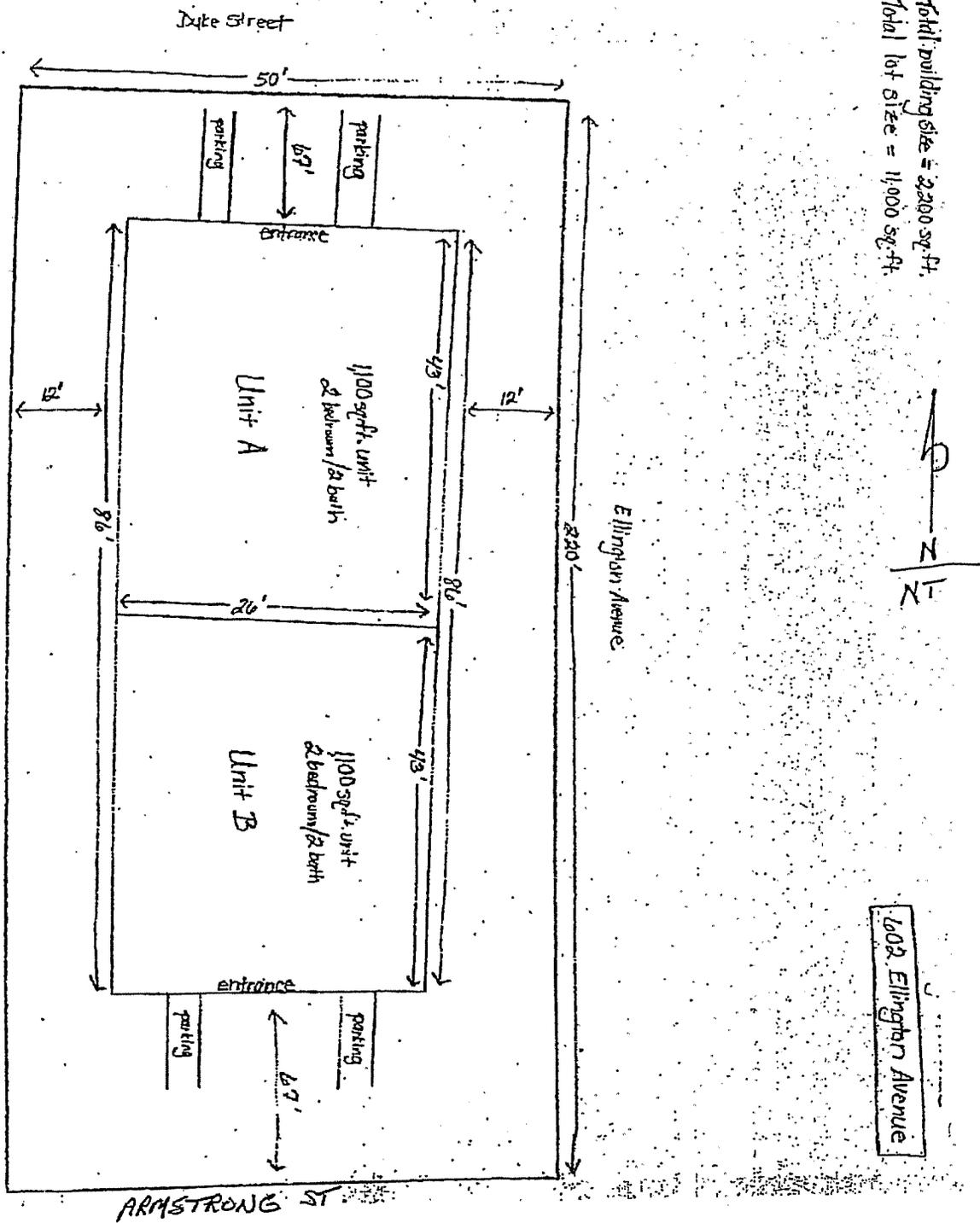


SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

FROM : RAVENEL

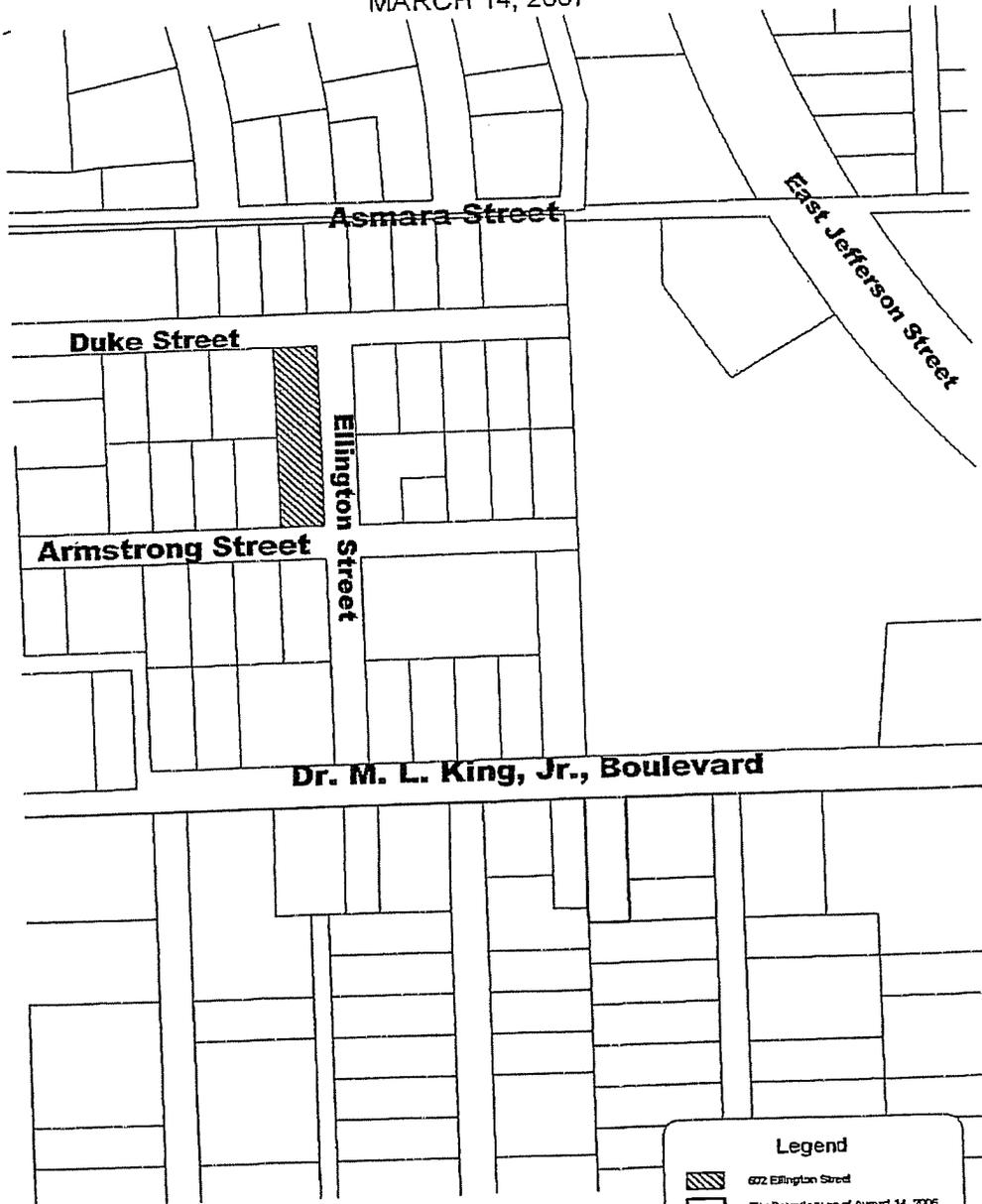
FAX NO. : 3052345548

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SPECIAL CITY COUNCIL PUBLIC HEARING - APRIL 16, 2007

VR2007-02 - VARIANCE PETITION  
CLARA A. SUSKE  
602 ELLINGTON STREET  
MARCH 14, 2007



**Legend**

-  602 Ellington Street
-  City Boundary as of August 14, 2006

Prepared by  
City of Brooksville  
Community Development Department  
03/14/2007

# Memo

**To:** Honorable Mayor and City Council Members  
**From:** Richard C. Hankins, Police Lieutenant  
**CC:** Frank Ross, Interim-Police Chief  
**Date:** May 24, 2007  
**Re:** Byrne Grant Approval

---

We respectfully request authorization to apply for the FDLE approved allocation of grant funds from the 2007/2008 Federal Edward Byrne Memorial Grant. The awarded funds in the amount of 4,000.00 plus 25% match will be utilized in the agencies continued effort to educate the youth of the Brooksville Elementary School to resist the use of alcohol, tobacco and violence through the D.A.R.E. Core Curriculum. The Law Enforcement Trust Fund #109 will be utilized to meet the grant match.



Florida Department of  
Law Enforcement

Gerald M. Bailey  
*Commissioner*

**Office of Criminal Justice Grants**  
Post Office Box 1489  
Tallahassee, Florida 32302-1489  
(850) 410-8700  
www.fdle.state.fl.us

Charlie Crist, *Governor*  
Bill McCollum, *Attorney General*  
Alex Sink, *Chief Financial Officer*  
Charles H. Bronson, *Commissioner of Agriculture*

May 1, 2007

5/7/07  
gjb

The Honorable Mary E. Whitehouse  
Chairperson, Hernando County  
Board of Commissioners  
20 North Main Street, Room 460  
Brooksville, Florida 34601

Re: Federal Fiscal Year 2007 Edward Byrne Memorial Justice Assistance Grant  
(JAG) Program

Dear Chairperson Whitehouse:

The Florida Department of Law Enforcement (FDLE) anticipates an award in the amount of \$11,779,041 from the United States Department of Justice for Federal Fiscal Year 2007 JAG funds. JAG blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) Programs to provide agencies with the flexibility to prioritize and place justice funds where they are needed most. The FDLE, Office of Criminal Justice Grants, is the State Administrative Agency for these grant funds which will be distributed in accordance with the provisions of Chapter 11D-9, Florida Administrative Code.

FDLE has set aside \$104,150 of these funds for use by all units of government within Hernando County. The Federal Fiscal Year 2007 (State Fiscal Year 2008) Program Announcement is enclosed for your use and provides guidance for submission of applications for these funds. These funds may be used by local units of government to support a broad range of activities to prevent and control crime and to improve the criminal justice system.

As a condition of participation in this program, the units of government in each county must reach a consensus concerning the expenditure of these funds. This consensus must include the projects to be implemented as well as the agency responsible for such implementation.

gjb

The Honorable Mary E. Whitehouse  
May 1, 2007  
Page Two

Developing such consensus will require someone to exercise leadership and assume a coordinating role in the development of applications for these funds. FDLE recommends that the Board of County Commissioners assume this responsibility.

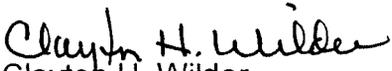
In the event the county declines to serve in this capacity, the Department will request the governing body of each municipality in the county, in descending order of population, to serve as the coordinating unit of government.

The enclosed Certification of Participation form requests the identification of an individual coordinator. We will send this individual further information regarding the application process in FDLE's on-line grant management system. Please complete the enclosed Certificate of Participation and return it within 30 days from the date of this correspondence to:

Florida Department of Law Enforcement  
Office of Criminal Justice Grants  
2331 Phillips Road  
Tallahassee, Florida 32308  
Attention: Clayton H. Wilder

We look forward to working with you. If you have any questions or if we can provide you with any assistance regarding the JAG Program, please contact me at (850) 410-8700.

Sincerely,

  
Clayton H. Wilder  
Administrator

CHW/JP/mb

Enclosures

cc: Mayors in Hernando County  
Law Enforcement Agencies in Hernando County  
Project Directors in Hernando County

## **PROGRAM ANNOUNCEMENT FEDERAL FISCAL YEAR 2007**

### **Edward Byrne Memorial Justice Assistance Grant (JAG) Program**

**The State of Florida, Department of Law Enforcement (FDLE), anticipates an award from the United States Department of Justice for \$11,779,041 in Justice Assistance Grant funds. This announcement is to notify eligible applicants of program requirements.**

#### **Eligible Applicants**

Units of local government are eligible to receive subgrants from FDLE. "Units of local government" means any city, county, town, township, borough, parish, village, or other general-purpose political subdivision of a State and includes Native American Tribes that perform law enforcement functions as determined by the Secretary of the Interior.

#### **Program Strategy and Purposes**

Units of local government applying for these federal funds must use them to implement projects that offer a high probability of improving the functioning of the criminal justice system, aggressively and effectively to support a broad range of activities to prevent and control crime based on their own local needs and conditions.

JAG blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) Programs to provide agencies with the flexibility to prioritize and place justice funds where they are needed most. JAG funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice for any one or more of the following purpose areas:

- 1) Law enforcement programs
- 2) Prosecution and court programs
- 3) Prevention and education programs
- 4) Corrections and community corrections programs
- 5) Drug treatment programs
- 6) Planning, evaluation, and technology improvement programs.

Any law enforcement or justice initiative previously eligible for funding under Byrne or LLEBG is eligible for JAG funding.

#### **Program Development**

Each county is allocated a sum of money for use by all local governments within the county. This amount is determined through a funding algorithm established in administrative rule.

Chapter 11D-9.005, Florida Administrative Code, requires that units of government in each county reach consensus concerning the expenditure of these funds, including the projects to be implemented and the agency responsible for such implementation.

Maximum coordination is required to meet this program requirement and the Department requests the county board of commissioners to coordinate requests for all local governments within the county. The Chairman, Board of County Commissioners, in each county so notified is requested to return to the Department a statement of certification indicating the county's willingness to serve as the coordinating unit of government for at least 51 percent of the units of government which also represents at least 51 percent of the population located in said county. This certification must be returned within 30 days from the date of receipt of notification. In the event the county declines to serve in this capacity, the Department will request the governing body of each municipality in the county, in descending order of population, to serve as the coordinating unit of government.

### **Match Requirements**

There is no match requirement under the guidelines of the JAG program.

### **Application Requirements and Deadlines**

Once the Certificate of Participation form designating the coordinator for your county is received, the Office of Criminal Justice Grants will send this individual further information regarding the application process.

Applicants must apply on-line using FDLE's grant management system. In addition to the on-line submission, applicants must print out the completed application and submit **two (2) hard copies** (both with *original signatures*) no later than **5:00 P.M., Friday, June 29, 2007.** **A separate application must be submitted for each proposed project.** Applications should be mailed or hand delivered to the following:

Mr. Clayton H. Wilder  
Administrator  
Office of Criminal Justice Grants  
Department of Law Enforcement  
2331 Phillips Road  
Tallahassee, Florida 32308

Applications must be accompanied by letters of approval representing agreement among at least 51 percent of all units of local government representing at least 51 percent of the county population as to the allocation of dollars to each project in the county.

**Questions regarding this Program Announcement should be directed to Clayton H. Wilder, Florida Department of Law Enforcement, at (850) 410-8700.**

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

To: Steve Baumgartner, City Manager  
From: Emory H. Pierce, Director of Public Works  
Re: **Utilities Meter Reader Trucks**  
Date: May 17, 2007



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We have received our two new extended cab Ford Ranger meter reader trucks and would like the two old trucks to be used as follows:

1994 Ford Ranger Truck #529 to be transferred to Parks

1994 Ford Ranger Truck #528 to stay in Utilities and replace truck #576, a 1996 Ford 3/4 ton Pickup with 125,212 miles

Truck #576 to be declared surplus and sold on gov.deals.com this truck has major transmission problems, plus fuel injection and needs new power steering pump.

**STAFF REPORT**

**To:** Honorable Mayor and City Council  
**Via:** Steve Baumgartner, Interim City Manager  
**From:** Bill Geiger, Community Development Director *BA*  
**Subject:** Transportation Outreach Program (TOP)- SR 50 Reverse Frontage Road & Utility Project - Engineering Fee Reimbursement Request  
**Project Area:** Near the Southeast Corner Area of the Intersection of SR 50 (Cortez Blvd.) & SR 50-A (W. Jefferson Street)  
**Date:** May 22, 2007

**BACKGROUND**

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

At the December 18, 2006 meeting, City Council reduced the scope of the frontage road project and authorized staff to proceed with implementing the construction of only those portions of the project within rights-of-way currently owned by the City. Additionally, City Council directed staff to research the possibility of using surplus TOP funds to do pedestrian-related improvements in the downtown area.

Engineering, design, surveying, appraisal & grant administration services for the TOP project are currently being provided by Applied Sciences Consulting Incorporated.

**CURRENT STATUS**

City staff have been working with the consultant (Applied Sciences Consulting Incorporated) to scale back the frontage road plans to construct only that part which is currently owned by the City. The FDOT has indicated that it would be acceptable for TOP funds to be used to pay for project redesign. Plan and profile sheets, project transitions and signage documents had to be modified to comply with engineering and safety requirements at the project intersections and limits. This project is currently out to bid.

The consultant provided additional services in the amount of \$9,840 to modify the plans to address changes to the extent of the project. The current balance of unexpended/unencumbered TOP funds is approximately \$641,521. All funds expended by the City to date, have been reimbursed through grant funds.

City staff have also met with FDOT staff concerning the proposal to construct sidewalks and a crosswalk on portions of Broad Street and a crosswalk on Jefferson Street. The City's Public Works Department is currently preparing the plans for this proposal which will be submitted to FDOT for review in the near future.

*Page 2*

***Transportation Outreach Program (TOP)  
Engineering Fee Reimbursement Request***

**STAFF RECOMMENDATION:**

Authorize the issuance of a purchase order in the amount of \$9,840 to pay Applied Sciences Consulting Incorporated, for services rendered in modifying the frontage road plans to address changes necessitated by the City's modification of the project extent (The City will be reimbursed for this expense through the TOP grant).

Attachment: Plan Modification Services (Breakdown sheet dated 5/6/2007)

pc: file



**PLANS MODIFICATIONS ADDITIONAL SERVICES  
SR50 FRONTAGE – PROVIDENCE BOULEVARD & WHITEFIELD AVENUE**

	\$120.00	\$80.00	\$40.00	
TASK	Project Manager	Engineering Technician	Clerical	Cost
<b>Modify Original Plans</b>				
Roadway Profile Adjustments	4	16		\$ 1,760
Potable Water	4	4		\$ 800
Wastewater	4	4		\$ 800
Stormwater	6	12		\$ 1,680
Signage, Marking, and Stripping	8	16		\$ 2,240
Technical Specifications	2	4	4	\$ 720
Quantities and Cost Estimate Modification	4	4	2	\$ 880
<b>Utility Coordination</b>	4	4	4	\$ 960
<b>Permitting Assistance</b>				\$ -
<b>TOTAL:</b>	<b>36</b>	<b>64</b>	<b>10</b>	<b>\$ 9,840</b>

**ATTACHMENT A**

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

To: Steve Baumgartner, Interim City Manager  
From: Emory H. Pierce, Director of Public Works  
Re: Valve and Fire Hydrant Replacement Project  
Date: May 23, 2007



---

In 2002 we bid out the Misc. Valve and Fire Hydrant Replacement Project and Mueller Service Co. was the winning (lowest cost) bidder. Since that time, Mueller held their original bid prices, so we have had Council approve annual agreements with them to replace old inoperable valves or install new ones to minimize the number of people we leave without water service during routine or emergency maintenance. This year, when contacted, they said they could no longer do the work for the same prices.

We have \$50,000 budgeted in the 06/07 Capital Needs Plan for water and sewer (project number 2000-UT20) and we are requesting permission to go out to bid as soon as possible. In 2002 we did not require payment and performance bonds (although we did require a \$500 bid bond). Since we are supplying all materials (valves and fittings) and this type of work rarely includes any subcontractors, we are also requesting permission to not require payment and performance bonds again.

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

To: Steve Baumgartner, Interim City Manager  
From: Emory H. Pierce, Director of Public Works   
Re: Seeking Council Approval to Enter Petroleum Contamination Clean up Program  
Date: May 25, 2007

---

I have just been notified that our polluted DPW site at 602 S. Brooksville Ave was approved to be in the Petroleum Contamination Clean up Program. I request council approve our participation, which includes payment of a \$500 deductible to the Florida Department of Environmental Protection. We will then be in the Innocent Victim Petroleum Storage System Restoration Program. There are no other costs associated with the cleanup once you become accepted into the program. I also request that I be permitted to sign as the "authorized representative" on page 4 of the application and that Creative Environmental Solutions Inc. (George Foster) be our local contractor in charge of the program. We owe no money to Mr. Foster's company, DEP pays the contractor directly.

We have included all the program documents. There is a time limit of 60 days that we must have the check and application back to DEP. We received the contractor information portion of the form this morning and we are ready to apply.



# Florida Department of Environmental Protection

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

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

Bureau of Petroleum Storage Systems - Petroleum Cleanup Preapproval Program

## CONTRACTOR DESIGNATION FORM & REAL PROPERTY OWNER/RESPONSIBLE PARTY AFFIDAVIT

- This Contractor Designation supersedes all previous designations for this site made by the Real Property Owner or Responsible Party whose signature appears below.
- Please read this entire four-page form carefully and complete all applicable portions, it contains important information regarding the cleanup of your site.
- Please Print or Type all required information (except for the signature block in Part 6).
- This request will not be processed without the completed Owner/RP Affidavit in Part 6.
- If you prefer not to designate a specific contractor, you may request that the Department select the cleanup contractor in Part 4 of this form.

1. The Florida Department of Environmental Protection (Department) is required by statute to preapprove the scope of work and cost for the cleanup of a petroleum contaminated site if state funds will be used to pay for that cleanup [Section 376.30711(1)(b), Florida Statutes (F.S.)].

2. The current Real Property Owner or Responsible Party for the cleanup must use this form to designate a contractor that meets certain criteria (Sections 376.30711(2)(b)-(c), F.S.) for the Department to work with on their site. In addition, if the Department should coordinate its actions with your representative, you can use this form to designate such an alternative contact.

3. If the current Real Property Owner is not the person responsible for completing the cleanup, then the Responsible Party should complete this form and submit it along with a copy of the legal agreement between them and the current Real Property Owner that details their cleanup responsibility. Responsible party agreements with former Real Property Owners will not be accepted without a signed letter from the current Real Property Owner which indicates that they either concur with the responsible party agreement or do not object to the Responsible Party (identified in Part 3 of this form) selecting the contractor.

4. Please fill out this form completely and carefully. The form will be rejected if there is any omission, error or correction (including "white-out") in any of the required information, including the notary portion of the form. This will delay the cleanup of your site.

5. The current Real Property Owner or Responsible Party may designate a contractor or request a change to a new contractor at any time by submitting a completed Contractor Designation Form (CDF). **However, changes in contractor designation are limited to no more than two (2) in any 12-month period.** Changes in contractor designation may also create a delay in the cleanup of your site. Also, the current Real Property Owner or Responsible Party will be liable for payment for any work that the new contractor must perform in order to assume the site cleanup if the Department previously paid for such work. If a new contractor is designated, then any work in progress will be completed by the contractor to whom the work was awarded through the end of the current Work Order unless that contractor is being replaced for documented poor performance or it voluntarily agrees (in writing) to forgo the remaining work. A new designation does not take effect until the completed CDF is accepted and approved by the Department.

CONTRACTOR DESIGNATION FORM & REAL PROPERTY OWNER/RESPONSIBLE PARTY AFFIDAVIT

6. Designating a contractor means that you are responsible for its actions. Pursuant to Section 2.j. of the Petroleum Cleanup Preapproval Program work order issued by the Department, your contractor is required to pay all subcontractors and vendors within 7 days of receipt of payment from the Department that includes their costs for non-final invoices and prior to submittal of the final invoice for each work order (unless there is a written agreement between the contractor and subcontractor/vendor to the contrary). **To protect their financial interests, subcontractors and vendors may file a lien against your property that can be exercised in the event the contractor does not pay them in full.** Accordingly, you should take steps to insure that your contractor pays all of its subcontractors and vendors. Furthermore, it is advised that you request that your contractor demonstrate that they are financially solvent and that they have an acceptable performance record with respect to successful completion of cleanup projects and payments to subcontractors and vendors.

7. Pursuant to Florida Law, "It is unlawful for a site owner or operator, or his or her designee, to receive any remuneration, in cash or in kind, directly or indirectly, from a rehabilitation contractor performing site cleanup activities..." under the preapproval program (Section 376.30711(6) F.S.). It is also unlawful for any contractor to offer any remuneration in cash or in kind, either directly or indirectly, to a site owner, operator or their designee. This prohibition includes payment of any program deductible by a contractor. See Sections 2.1 and 7.13 of the BPSS Standard Operating Procedures Manual.

8. Please return the form with original signatures (copies cannot be accepted) to **Petroleum Cleanup Section One, Mail Station 4540**, in the **Bureau of Petroleum Storage Systems** at the letterhead address. If you choose not to designate a cleanup contractor, you may ask the Department to select one for you in Part 4 below. If you have any questions, please call Leila Shuffler at (850) 245-8839. Thank you for your cooperation.

---

**Part 1. FDEP Facility Name and Identification # (required):**

- a. Name of Facility/Site: City of Brooksville Dept. of Public Works, 602 S. Brooksville Ave
- b. FDEP Facility Identification #: 278520262

**Part 2. Real Property Identification and Current Ownership Verification (required):**

This information must match that listed in the applicable County Property Appraiser's Office. While the real property owner listed here may be the same as that listed in Part 3, the actual designation of the cleanup contractor occurs **only** by the entity listed in Parts 3 and 6 of this form.

- a. Real Property Street Address of Record: 602 S. Brooksville Ave  
Brooksville, FL 34601
- b. Parcel # or Property Identification # of Record: Key # 00149459
- c. Legal Property Description of Record (may attach legible copy): 602 S. Brooksville Ave.  
Brooksville, FL 34601
- d. Name of Current Real Property Owner(s) of Record: City of Brooksville
- e. If There is Any Reason Why the Property Appraiser's Records May Not Be Accurate, Provide an Explanation and Attach Documentation: \_\_\_\_\_

Bureau of Petroleum Storage Systems - Petroleum-Cleanup-Preapproval Program

CONTRACTOR DESIGNATION FORM & REAL PROPERTY OWNER/RESPONSIBLE PARTY AFFIDAVIT

Part 3. Entity Designating the Preapproval Program Cleanup Contractor (required):

- a. Name of the Entity Designating the Preapproval Cleanup Contractor (if business, include name/title of representative): City of Brooksville / Emory Pierce,  
Director of Public Works
- b. (Check One):  Current Real Property Owner Or  Responsible Party
- c. Mailing Address and Telephone # of the Entity Designating the Contractor: 600 S.  
Brooksville Ave, Brooksville, FL Phone (352) 544-5465  
34601

Part 4. Preapproval Program Cleanup Contractor Designation (required):

Please check one of the options below. You may request that the Department select the cleanup contractor (State) or you may designate a specific cleanup contractor (Owner/RP). Complete section a through d below only if Owner/RP designated contractor.

- (Check One)  State Designated Contractor Or  Owner/RP Designated Contractor
- a. Designated Contractor Name: Creative Environmental Solutions, Inc.
  - b. Designated Contractor Mailing Address: 611 N. Broad St  
Brooksville 34601
  - c. Contact Person for Designated Contractor: George Foster
  - d. Telephone # for Contact Person: (352) 796-3374
  - e. E-Mail address for Contact Person gfoster@creativeenvironmental.com

Part 5. Alternate Contact Designation for Current Real Property Owner or Responsible Party (optional):

Use this section to designate an alternative point of contact to act on behalf of the entity named in Part 3.a. This person will serve as your representative regarding the cleanup of this site and receive all further notices on your behalf. Do not list the contact person for the contractor. If you do not wish to designate an alternate point of contact, then leave this part blank.

- a. Alternate Contact Name: Laureen Busacca
- b. Alternate Contact Address and Telephone #: 600 S. Brooksville Ave  
Brooksville FL 34601 Phone (352) 544-5465
- c. Relationship of Alternate Contact to Current Real Property Owner or Responsible Party: Construction Project Manager

Part 6. Real Property Owner/Responsible Party Affidavit (required)

This affidavit must be completed and signed by the current real property owner or responsible party in the presence of a notary public when designating a contractor for the Petroleum Cleanup Preapproval Program. The signature of the current real property owner or responsible party shall be notarized as set forth below. No work will be authorized on your site until this form is accepted by the Department. By signing below you are certifying that you have read and understand all of the information on all four pages of this form and that all of the information listed above is true and correct to the best of your knowledge. The name in Part 6.a. must match that listed in Part 3.a.

Bureau of Petroleum Storage Systems - Petroleum Cleanup Preapproval Program

CONTRACTOR DESIGNATION FORM & REAL PROPERTY OWNER/RESPONSIBLE PARTY AFFIDAVIT

- a. I, Emory H. Pierce am the Director of Public Works of  
(name of person appearing) (title of person appearing)  
City of Brooksville and hereby certify:  
(name of real property owner or responsible party listed in Part 3.a.)
- b. That the Contractor Designated in Part 4 of this form is authorized to perform work in the Petroleum Cleanup Preapproval Program on the real property identified in Parts 1 and 2 of this form.
- c. That the contractor has not offered any remuneration in cash or in kind directly or indirectly in exchange for designating them as my contractor.
- d. That I have not solicited or accepted remuneration in cash or in kind directly or indirectly from the contractor in exchange for designating them as my contractor.
- e. That I acknowledge that soliciting or accepting remuneration in cash or in kind directly or indirectly in exchange for designation of a contractor is prohibited pursuant to Section 376.30711(6), F.S., and may result the loss of eligibility for State funded petroleum contamination cleanup assistance at this site.
- f. That the person appearing is authorized to make the statements set forth in this affidavit.

\_\_\_\_\_  
(Signature of the Owner, RP or authorized representative listed above)

----- Notarization of Signature of Real Property Owner or Responsible Party (required) -----

State of Florida County/Parish of Hernando

Sworn to and subscribed before me by \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Personally known ( )  
Produced Identification ( ) Type of ID: \_\_\_\_\_ (if produced identification)

\_\_\_\_\_  
(notary's signature)

My Commission Expires \_\_\_\_\_

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

Commission Number (if applicable) \_\_\_\_\_

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

To: Steve Baumgartner, Interim City Manager  
From: Emory H. Pierce, Director of Public Works   
Re: One Year Extension of Agreement for Sludge Hauling Services  
Date: May 15, 2007

---

The Council approved agreement for sludge hauling with Appalachian Material Services, Inc. (AMS) will expire on July 5, 2007. I am requesting that council approve a one year extension of this agreement (July 6, 2007 to July 5, 2008). AMS has been contacted and has agreed to continue hauling for us for original contract amount of \$0.0498/gallon (new contract attached).

It has been our experience that finding a reliable sludge hauler can be very difficult. Since there are many state and federal requirements for proper disposal, I hesitate to change contractors when we already have a smooth working relationship with AMS and they have agreed to their original price. Complicating the issue further is that there are very few vendors qualified to do this work because finding agricultural land appropriate for the disposal is a problem in the area. Hernando County is paying \$0.05/gallon with another vendor and they anticipate that the vendor will request an increase.

AMS has been providing dependable and efficient service and we respectfully request that Council agree to extend their contract for one year for the not to exceed amount of \$63,495.00.

Company Name Appalachian Material Svc Inc Date: May 17, 2007 RECEIVED  
MAY 18 2007

DESCRIPTION OF SERVICE	QTY*	UNIT	UNIT PRICE	TOTAL AMOUNT**
Domestic Sewage Sludge Removal from City of Brooksville Cobb Rd. WRF (stabilization by City)	1,275,000	GALLON	<u>.0498</u>	<u>63495</u>

\* This quantity is an estimated amount for a one (1) year contract period, the actual figure could be lower.

The price can not increase from the figure quoted in this table before the end of the one (1) year contract.

8. Additive Alternate Bid:

DESCRIPTION OF SERVICE	QTY	UNIT	UNIT PRICE	TOTAL AMOUNT
Additional price per gallon for contractor stabilization	325,000	GALLON	<u>.10</u>	<u>32500</u>

Business structure: (  ) Corporation, ( ) Partnership, ( ) Individual, ( ) Other \_\_\_\_\_

If a Partnership:

Name(s) of Partner(s): \_\_\_\_\_

If a Corporation:

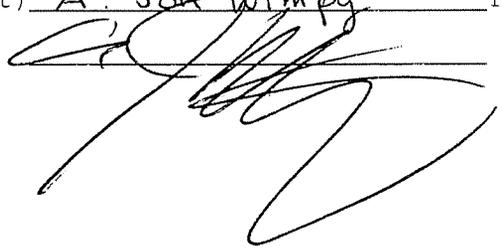
Incorporated in State of: FL Date of Incorporation 6-9-89

Business Address: P.O. Box 97

City, State, Zip: Terra Ceia State FL Zip 34250

Telephone Number: (941) 776-8706 Fax (941) 776-8707

Submitted By: (Print) A. Jan Wimpy Title: President

Signature: 

Name of Bidder: Appalachian Material Svc Inc

Business structure: (  ) Corporation, ( ) Partnership, ( ) Individual,  
( ) Other \_\_\_\_\_

If a Partnership:

Name(s) of Partner(s): \_\_\_\_\_

If a Corporation:

Incorporated in State of: \_\_\_\_\_ Date of Incorporation \_\_\_\_\_

Business Address: P.O. Box 97

City, State, Zip: Terra Ceia State FL Zip 34250

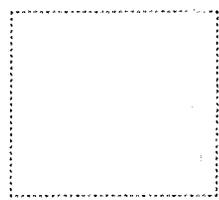
Telephone Number: (941) 776-8706 Fax (941) 776-8707

Submitted By: (Print) A. Jon Wimpy Title: President

Signature: \_\_\_\_\_

ATTEST: Secretary

By: Kathleen M. Smith  
\_\_\_\_\_  
Print Name



Affix Corporate Seal  
(If Corporation)

State of Florida  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of MAY,  
2007, by \_\_\_\_\_, who is personally known to me or who presented  
\_\_\_\_\_ as identification, and who (did) (did not) take an oath.

William D. Hauser  
[Signature of Notary Public]

William D. Hauser  
[Printed, typed or stamped name of  
Notary Public]

[Commissioner of State of Florida]  
**WILLIAM D. HAUSER**  
Comm# **DC0003900**  
Expires **5/21/2008**  
Bonded thru (800)432-4254  
Florida Notary Assn. Inc.

**NOTE: BIDS MAY BE REJECTED IF ALL DOCUMENTS ARE NOT COMPLETE AND EXECUTED, AND THE NUMBER OF COPIES SPECIFIED/REQUESTED OF EACH ARE NOT SUBMITTED WITH THE BID.**

# City of Brooksville



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

AGENDA ITEM NO. D-1  
6/4/07

May 23, 2007

JM Construction & Remodeling Inc.  
13603 Linden Drive  
Spring Hill, FL 34609-4162

Dear Business Owner,

The City of Brooksville Beautification Board is pleased to advise you that you have been selected to receive the monthly Margaret R. Ghiotto Residential Beautification Award for beautifying your residence at 249 E. Liberty Street.

The Certificate of Recognition and outdoor sign will be presented to you by a Board Representative at the next regular Council Meeting to be held Monday, June 4, 2007 at 7:00 p.m. in the City Hall Council Chambers at 201 Howell Avenue. Please call the Deputy City Clerk, Janice Peters, and let her know no later than Tuesday, May 29<sup>th</sup>, 2007, if you will or will not be able to attend this meeting or if you have any further questions, 352-544-5407 x130.

We extend our appreciation for your outstanding efforts in the improving and beautifying not only your residence, but the City of Brooksville.

Sincerely,

Lou Kavouras, Chairman  
Beautification Board

LK/lam

cc: Steve Baumgartner, Interim City Manager  
Karen M. Phillips, City Clerk/Dir. of Administration  
Lindsay Morgan, Beautification Board Secretary

Margaret R. Givotto

# CERTIFICATE OF RECOGNITION



City Council and the Beautification Board for the City of Brooksville, Florida  
recognize and honor the named recipient for improvements and beautification to  
their property located within the City

JM Construction & Remodeling Inc.

249 E. Liberty Street, Brooksville, Florida 34601

Presented this 4th day of June 2007

Margaret

Dawn M. Pless  
City Clerk

**MEMORANDUM**

**To:** Honorable Mayor & City Council Members  
**Via:** Steve Baumgartner, Interim City Manager  
**From:** Bill Geiger, Community Development Director *BG*  
**Subject:** AX2007-03; Voluntary annexation of 2.228 acres ±.  
**Petitioner:** Michael F. and Laura G. Gamba, Presented by David Post  
**Location:** The property is located at 1039 S. Mildred Avenue (East side of Mildred Avenue at the southern terminus) - See attached drawing  
**Date:** May 22, 2007 ORD. # 745

The subject property is 2.228 acres ± located at 1039 S. Mildred Avenue (East side of Mildred Avenue at the southern terminus). Legal descriptions by metes and bounds are given in full in the petition packet. The petitioner is requesting, through the voluntary annexation process outlined in Chapter 171 Florida Statutes, for their property to be annexed into the City of Brooksville.

**CURRENT LAND USE/ZONING**

The subject property has a County land use designation of Residential on the Future Land Use Map of the Hernando County Comprehensive Plan. The property is currently zoned Residential in Hernando County, and contains a 2,156 square foot SFR structure built in 1961.

**STAFF FINDINGS**

The petitioner is seeking to have the subject property annexed into the City of Brooksville. The petition appears to meet all of the requirements of Section 171.044, Florida Statutes, for voluntarily annexing into the City of Brooksville. If the annexation is approved, then the City's Comprehensive Plan Future Land Use Element will need to be amended to reflect the incorporation, and an appropriate land use designation will need to be assigned that is suitable to the property and consistent with the proposed use as approved by the City. Any development/use proposed prior to the City adopting said Comprehensive Plan Amendment must be consistent with the County's land use and zoning regulations.

It may be noted that future redevelopment of this property will be analyzed for impact to roads, utilities, drainage, public services, the environment and all other applicable land use criteria, and will be subject to meeting all federal, state and local agency permitting requirements. Comprehensive Plan Amendment and zoning petitions/applications will be coordinated with the Hernando County School Board and Hernando County Planning Department (as applicable) to solicit input pursuant to and consistent with existing interlocal agreements.

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

The only action being considered by the City at this time is the petitioner's request for annexation of their property into the City.

**STAFF/PLANNING & ZONING COMMISSION RECOMMENDATION**

At their May 9, 2007 meeting, the Planning & Zoning Commission concurred with staff to find that the annexation of land associated with Petition No. AX2007-03 is in compliance with Chapter 171, Florida Statutes for being integrated into the incorporated area of the City of Brooksville through the voluntary annexation petition process, and recommend that City Council approve the annexation of the 2.228 ± acre tract of land, subject to the following conditions:

1. If development occurs on this parcel prior to the City adopting a Comprehensive Plan Amendment assigning a land use designation to this property, and zoning the property consistent with the land use designation, then said development would be required to comply with Hernando County land use and zoning regulations and be consistent with City of Brooksville performance standards.
2. Annexation shall include the integration of all public rights-of-way lying directly adjacent to the annexed property.

At the May 21, 2007 meeting, City Council accepted the staff and Planning and Zoning Commission recommendation and approved the first reading of Ordinance No. 745, authorizing the public hearing and second and final reading to be scheduled for June 4, 2007 at 7:00 pm in the City Council chambers.

- Enclosures:**
- 1) Annexation Petition
  - 2) Annexation Ordinance No. 745
  - 3) Location Map

**ORDINANCE NO. 745**

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

WHEREAS, a petition by Michael F. and Laura G. Gamba, has been filed pursuant to Chapter 171, Florida Statutes, particularly Section 171.044, requesting the integration, annexation, and incorporation of certain real properties into the City of Brooksville, Florida, as shown on Exhibit "A", which is hereby incorporated herein by this reference, legally described as:

Commencing at the Northeast corner of the Southwest 1/4 of Section 27, Township 22 South, Range 19 East, Hernando County, Florida, go thence North 88°38'58" West along the 1/4 section line a distance of 847.04 feet, thence South 01°50'32" West a distance of 666.67 feet to the POINT OF BEGINNING, thence continue South 01°50'32" West a distance of 125.0 feet, thence South 87°24'58" East a distance of 353.0 feet, thence North 01°50'32" East a distance of 125.0 feet, thence North 87°24'58" West a distance of 353.0 feet to the POINT OF BEGINNING.

LESS the Westerly 40 feet thereof to be used for road right-of-way purposes.

Said lands lying in and being a part of the Southwest 1/4 of Section 27, Township 22 South, Range 19 East, Hernando County, Florida.

AND

Commencing at the Northeast corner of the Southwest 1/4 of Section 27, Township 22 South, Range 19 East, Hernando County, Florida, thence North 88°38'58" West along the 1/4 section line a distance of 847.04 feet, thence South 1°50'32" West a distance of 791.67 feet to the POINT OF BEGINNING, thence continue South 1°50'32" West a distance of 150.0 feet, thence South 87°24'58" East a distance of 353.0 feet, thence North 87°24'58" West a distance of 353.0 feet to the POINT OF BEGINNING.

LESS the West 20 feet thereof AND ALSO LESS the East 20 feet of the West 40 feet thereof reserved for road right-of-way purposes.

Said lands lying in and being a part of the Southwest 1/4 of Section 27, Township 22 South, Range 19 East, Hernando County, Florida.

Location: 1039 S. Mildred Avenue

WHEREAS, said petition and supporting documentation has been reviewed to satisfy each and every requirement pursuant to Section 171.044, Florida Statutes, and, the area to be annexed meets the criteria in Chapter 171, Florida Statutes, and;

WHEREAS, the City Manager has determined the City's service delivery systems can accommodate the annexation of this parcel without adversely impacting other property within the City or the residents of the City, and;

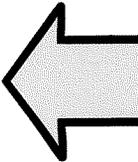
WHEREAS, the City of Brooksville Planning and Zoning Commission recommended at its May 9, 2007 meeting that the City Council annex the referenced property, and;

WHEREAS, the City Council of the City of Brooksville, Florida, has reviewed the petition and the individual signatures thereto, to integrate certain territory into the City of Brooksville and hereby declares same to be sufficient under the terms and requirements of City Code and Chapter 171, Florida Statutes.

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

1. The above recitals are incorporated herein and made a part hereof.
2. The property described hereto is hereby annexed by the City of Brooksville, subject to the conditions set forth as follows:
  - a. Annexation shall include the integration of all of the public right-of-way lying directly adjacent to the annexed property.
  - b. If development occurs on this parcel prior to the City adopting a Comprehensive Plan Amendment assigning a land use designation to this property, and zoning the property consistent with the land use designation, then said development would be required to comply with Hernando County land use and zoning regulations and be consistent with City of Brooksville performance standards.
3. Upon its effective date, this ordinance shall become and be made a part of the Official Code of Ordinances of the City of Brooksville and the sections of this ordinance may be renumbered to accomplish such intent.
4. Should this Ordinance contain provisions herein that are in conflict with any laws, rules, or regulations of higher authority, or be declared null and/or void of constitutional authority by courts of competent jurisdiction, such provisions so declared shall stand severed herewith and in which case all remaining provisions of this Ordinance not so declared, shall stand and continue in effect and shall take effect upon passage and will remain in force until superseded, supplemented, amended, repealed or otherwise altered.
5. All City of Brooksville boundary maps, charter and ordinance provisions pertaining to boundaries, codes and regulations, shall be automatically hereby amended so as to conform with the boundary revision described herein. The boundary lines of the City of Brooksville shall thereupon automatically be redefined so as to include supplementary the land described and incorporated into this ordinance.
6. This ordinance shall become effective immediately upon its adoption.

**CITY OF BROOKSVILLE**



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

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

PASSED on First Reading           MAY 21, 2007          

PASSED on Second & Final Reading \_\_\_\_\_

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

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

  
 \_\_\_\_\_  
 David La Croix, City Attorney



AXZ2007-03 Annexation  
Michael & Laura Gamba Property  
May 21, 2007



Prepared by  
City of Brooksville  
Community Development Department  
May 21, 2007

AX2007-03 - Annexation  
Ordinance No. 745  
Exhibit "A"

# CITY OF BROOKSVILLE ANNEXATION PETITION

APPLICATION TO ANNEX REAL PROPERTY INTO THE CITY OF BROOKSVILLE

DATE \_\_\_\_\_ FILE # \_\_\_\_\_

*Please print or type all information.*

APPLICANT(S): Michael F. Gamba and Laura G. Gamba  
\_\_\_\_\_  
\_\_\_\_\_

Mailing Address: 1039 S Mildred Avenue  
Brooksville, Fl 34601  
\_\_\_\_\_

Daytime Telephone: \_\_\_\_\_

REPRESENTATIVE: David Post  
\_\_\_\_\_  
\_\_\_\_\_

Mailing Address: 5911 Sheldon Road  
Tampa, Fl 33615  
\_\_\_\_\_

Daytime Telephone: 813-882-0991

LEGAL DESCRIPTION: Section 27 Township 22 Range 19

Size of Area Covered by Application: 2.228 Acres  
\_\_\_\_\_

Highway & Street Boundaries: Mildred Avenue West of Hale Road  
\_\_\_\_\_

# ACKNOWLEDGMENT

This petition is filed pursuant to Section 171.044, Florida Statutes, for the purpose of voluntarily annexing the land described above into the City of Brooksville. This land is situated in the State of Florida, County of Hernando, and is contiguous to the present city boundary and is reasonable compact.

I, David Post, do hereby state and affirm that all answers to the questions in this application and all sketches and data attached to and made part of this application are honest and true to the best of my knowledge and belief. I further state and affirm that this petition contains the signatures of all the owners of the property proposed to be annexed.

  
\_\_\_\_\_  
Signature (Owner/Representative)

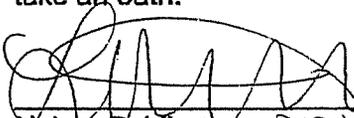
\_\_\_\_\_  
Owner Signature(s)

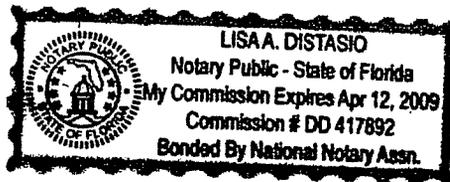
\_\_\_\_\_  
Owner Signature(s)

STATE OF FLORIDA  
COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me this 23 day of February, 2007  
by the above person(s) DAVID G. POST who is personally known  
to me or who has produced Driver's License as identification and who (did) (did not)  
take an oath.

P230167651780  
exp. 5/18/2012

  
\_\_\_\_\_  
Notary Public LISA A. DISTASIO



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# APPOINTMENT OF AGENT

CITY OF BROOKSVILLE  
COUNTY OF HERNANDO  
STATE OF FLORIDA

I, Michael F. and Laura G. Gamba, the owner(s) in fee simple of the below described real property hereby appoint David Post as my (our) agent to file required petitions, sign required documents, make representations as to issues of fact and to appear, as may be necessary, before the appropriate City of Brooksville authority. My agent shall also have the authority to commit myself as owner to the necessary future performance conditions as may be directed by the appropriate City authority as a condition of granting my petition.

(Insert Legal Description Below)

PARCEL : R 27 422 19 0000 0270 0000 Key: 00358231  
A LOT 125 X 313 FT & A LOT 150 X 313 FT BOTH LYING  
IN NE 1/4 OF SW 1/4 DES IN ORB 1233 PG 1210

Dated: 02-08-07

Signed in the presence of:

WITNESSES:

Signature Anna Ward  
Print Name ANNA WARD

Signature [Signature]  
Print Name RICHARD BUNTS

Signature Anna Ward  
Print Name ANNA WARD

Signature [Signature]  
Print Name RICHARD BUNTS

LANDOWNER(S):

Signature Michael F. Gamba  
Print Name Michael F. Gamba

Signature Laura G. Gamba  
Print Name Laura G. Gamba

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12/18/97

Appointment of Agent

1

Community Development

# OWNER OR AGENT AFFIDAVIT

CITY OF BROOKSVILLE  
COUNTY OF HERNANDO  
STATE OF FLORIDA

I, David Post, being duly sworn, hereby depose and say  
I Am ~~the owner~~ of the herein described property to-wit:  
agent

(Insert Legal Description Below)

SEE ATTACHED LEGAL DESCRIPTION

EXHIBIT "A"

Commencing at the Northeast corner of the Southwest 1/4 of Section 27, Township 22 South, Range 19 East, Hernando County, Florida, go thence North 88°38'58" West along the 1/4 section line a distance of 847.04 feet, thence South 01°50'32" West a distance of 666.67 feet to the POINT OF BEGINNING, thence continue South 01°50'32" West a distance of 125.0 feet, thence South 87°24'58" East a distance of 353.0 feet, thence North 01°50'32" East a distance of 125.0 feet, thence North 87°24'58" West a distance of 353.0 feet to the POINT OF BEGINNING.

LESS the Westerly 40 feet thereof to be used for road right-of-way purposes.

Said lands lying in and being a part of the Southwest 1/4 of Section 27, Township 22 South, Range 19 East, Hernando County, Florida.

AND

Commencing at the Northeast corner of the Southwest 1/4 of Section 27, Township 22 South, Range 19 East, Hernando County, Florida, thence North 88°38'58" West along the 1/4 section line a distance of 847.04 feet, thence South 1°50'32" West a distance of 791.67 feet to the POINT OF BEGINNING, thence continue South 1°50'32" West a distance of 150.0 feet, thence South 87°24'58" East a distance of 353.0 feet, thence North 1°50'32" East a distance of 150.0 feet, thence North 87°24'58" West a distance of 353.0 feet to the POINT OF BEGINNING.

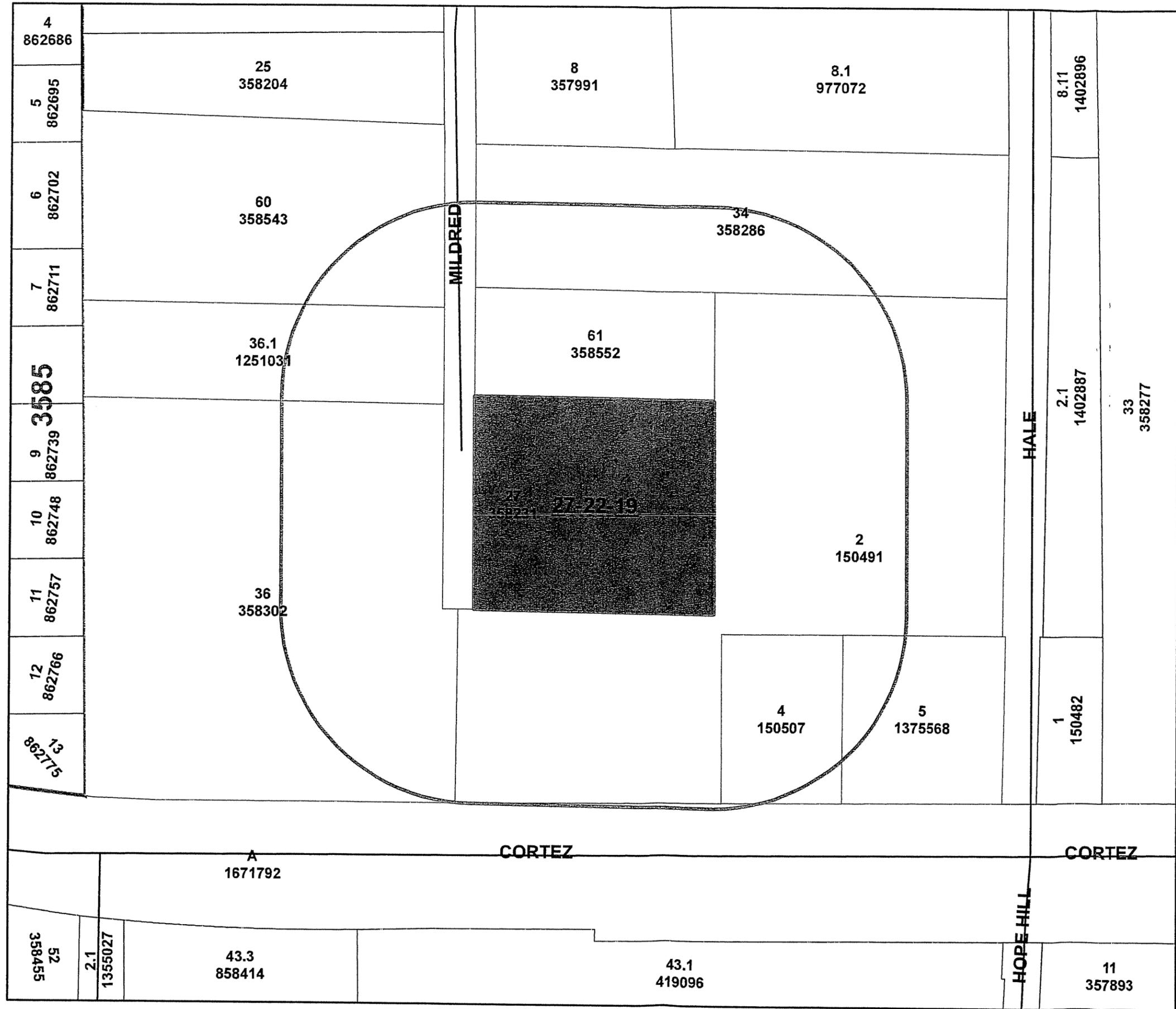
LESS the West 20 feet thereof AND ALSO LESS the West 20 feet of the West 40 feet thereof reserved for road right-of-way purposes.

Said lands lying in and being a part of the Southwest 1/4 of Section 27, Township 22 South, Range 19 East, Hernando County, Florida.

Parcel ID#R27 22 19 0000 0270 0000

Re: Hogan/Gamba (#03-017)

GAMBA APO



Not To Scale

- Legend**
-  SUBJECT PARCEL
  -  Dashed - Easement
  -  Dashed - Historic
  -  Dashed - Subdivision
  -  PARCELS WITHIN 25
  -  PARCEL SEARCH
  -  250FT BUFFER

Alvin R. Mazourek, CFA  
 This map was prepared by this office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification.  
 Map reflects parcels, and boundaries as they existed on 02-21-07

## STAFF REPORT

**To:** Honorable Mayor and City Council Members  
**Via:** Steve Baumgartner, Interim City Manager  
**From:** Bill Geiger, Community Development Director *BJG*  
**Subject:** RZ2007-03 and SE2007-06; Petition request to rezone from R-3 to PDP with a Special Exception for a Combined Planned Development Project  
**Petitioner:** Hernando County Board of County Commissioners; Presented by 55 Ponce De Leon, LLC  
**Location:** 55 Ponce DeLeon Blvd., 60 Veterans Avenue & County parcel on the north side of Desoto Avenue (Property located off Ponce De Leon Blvd, Benton Avenue, Veterans Avenue and DeSoto Avenue) - Ref. HCPA Parcel Key # 00143927 and # 00143918  
**Date:** May 22, 2007 OKD # 747

The subject property is 11.00 acres  $\pm$ , currently zoned R-3 (Multi-Family Residential) and is located on the west side of Ponce De Leon Boulevard, north and south side of DeSoto Avenue, north of Benton Avenue and east of Veterans Avenue (See attached location map). The legal description by metes and bounds is given in full in the petition packet. The Petitioner is specifically requesting that the property be rezoned from R-3 to PDP, with a special exception use request for a Combined Planned Development Project to enable remodeling and subdivision of the property (previously the site of the Brooksville Regional Hospital) into an assisted living facility, government offices, offices, retail stores, restaurant, and educational facility. Future outparcel development may include a bank, offices and a restaurant, subject to meeting all applicable performance standards.

### LAND USE/ZONING

The subject property is zoned R-3 (Multi-Family Residential) with a City Comprehensive Plan Future Land Use (FLU) designation of Public Facilities and Land. Property located on the north side of DeSoto Avenue is R-3 (Multi-Family Residential) with a FLU designation of Commercial, and properties to the south, east and west are all C-2 Commercial, with a FLU designation of Commercial.

### STAFF FINDINGS

The petitioner is requesting this re-zoning and special exception use to enable the property to be remodeled to accommodate an assisted living facility, government offices, general offices, retail stores, restaurant, and educational facility. Future outparcel development may include a bank, offices and a restaurant, subject to meeting all applicable performance standards.

1. Landscaping/Buffers - The detailed development/redevelopment plans for this property will be required to reflect and adhere to the standards of the City's Landscaping, Buffer and Tree Protection code (Chapter 109, City Code). This portion of the City code encourages the preservation of existing trees on the site, and the developer will be required to give due consideration to this in the design and final plan layout.
2. Traffic - Any modifications to existing access points that may be proposed in conjunction with this property redevelopment will be subject to meeting City performance standards,

- including frontage road requirements.
3. Sidewalks - The developer will be required to install appropriate pedestrian amenities including sidewalks in areas adjacent to public road rights-of-way and internal to the project as applicable, and crosswalks where deemed appropriate, subject to approval through the subdivision plat review process. All facilities must meet ADA standards.
  4. Drainage - Proposals for outparcel development that increase the existing impervious surface area of the project will be subject to meeting all applicable standards and permit requirements established by the Southwest Florida Water Management District and the City of Brooksville.
  5. Infrastructure & Services - The developer will be required to enter into a utility service agreement with the City of Brooksville for water and sewer services.
  6. Sanitation - Solid waste collection services will be provided by the City. Special solid waste services (such as compactor service) are subject to city approval.
  7. Subdivision Requirements - To accommodate this project, the property must be platted in accordance with the City's subdivision regulations. Individual use areas will be further delineated and platted consistent with the City's standards.
  8. City Concurrency Standards - The City requires concurrency review and analysis at the time when a development order/permit application is submitted. Concurrency review and adherence are not required in consideration of a land use or zoning action, as is the case for this petition. The developer will be required to provide a "Statement of Impact - Concurrency Application" with each phase of development for this project that will be reviewed to ensure that level-of-service standards are being maintained within their adopted levels.
  9. Unless specifically addressed to the contrary by conditions referenced herein, City ordinance regulations which apply with regard to zoning district classification should be applied to this PDP as though it were zoned C2.

Future actions required in conjunction with the redevelopment of this property include subdivision platting, rights-of way vacation and construction plan approval. Renovations to the existing structure may be initiated prior to receiving final plat approval.

It is the City staff's opinion that the land use/zoning as proposed by the petitioner is consistent with and furthers the Community's plan for redevelopment. 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.**

#### **STAFF/PLANNING & ZONING COMMISSION RECOMMENDATIONS**

At their meeting on May 9, 2007, the Planning & Zoning Commission concurred with staff to recommend that City Council approve the re-zoning of this property from R-3 (Residential - Multi-Family) to PDP (Planned Development Project) with a Special Exception for a CPDP (Combined Planned Development Project) subject to the following conditions:

1. Permitted uses associated with this CPDP include an assisted living facility, government offices, general offices, retail stores, restaurant and an educational facility. Future outparcel development may include a bank, offices and a restaurant, subject to meeting all applicable performance standards. The "REZONING PLAN FOR OAKTOWNE CENTRE" dated 4/25/07 is subject to modification to address subdivision platting and city code performance standards.
2. Within two years of the City Council's approval of this Combined Planned Development Project (CPDP) zoning, the petitioner/developer will need to initiate the subdivision process, providing preliminary plat plans that address infrastructure needs, construction plans that reflect the preliminary plat (once approved) and a final plat (all being consistent with the requirements of the City's subdivision regulations). Otherwise, this SEU approval becomes null and void.
3. The petitioner/developer must obtain all required permits and meet all applicable land development regulations, for construction or use of the property.
4. Landscaping/Buffers - The detailed development/redevelopment plans for this property will be required to reflect and adhere to the standards of the City's Landscaping, Buffer and Tree Protection code (Chapter 109, City Code). This portion of the City code encourages the preservation of existing trees on the site, and the developer will be required to give due consideration to this in the design and final plan layout.
5. Traffic - Any modifications to existing access points that may be proposed in conjunction with this property's redevelopment will be subject to meeting City performance standards,

- including frontage road setbacks and requirements. A traffic analysis showing the capacity of the road network impacted by this proposed development/redevelopment is to be completed and submitted to the City prior to or in conjunction with the preliminary plat plan submittal.
6. Sidewalks - The developer will be required to install appropriate pedestrian amenities including sidewalks in areas adjacent to public road rights-of-way and internal to the project, as applicable, and crosswalks where deemed appropriate, all being subject to approval through the subdivision plat review process. All facilities must meet ADA standards.
  7. Drainage - Proposals for outparcel or parking lot development that increase the existing impervious surface area of the project will be subject to meeting all applicable standards and permit requirements established by the Southwest Florida Water Management District and the City of Brooksville. To this extent, The developer will be required to construct an on-site storm water drainage control system that meets the design and performance standards as specified by the technical requirements for open and closed basins in the *Environmental Resource Permitting Information Manual, latest edition*, as published by the Southwest Florida Water Management District. The proposed stormwater plan associated with this project must comply with all applicable federal, state and local standards. The developer will be required to coordinate with the City's Department of Public Works and Community Development to properly plan for and address drainage.
  8. Infrastructure & Services - The developer will be required to enter into a utility service agreement with the City of Brooksville for water and sewer services.
  9. Sanitation - Solid waste collection services will be provided by the City. Special solid waste services (such as compactor service) are subject to city approval.
  10. Subdivision Requirements - To accommodate this project, the property must be platted in accordance with the City's subdivision regulations. Individual use areas will be further delineated and platted consistent with the City's standards.
  11. City Concurrency Standards - The developer will be required to provide a "Statement of Impact - Concurrency Application" with each phase of development for this project that will be reviewed to ensure that level-of-service standards are being maintained within their adopted levels.
  12. Unless specifically addressed to the contrary by conditions referenced herein, City ordinance regulations which apply with regard to zoning district classification shall be applied to this PDP as though it were zoned C2.
  13. Future actions required in conjunction with the redevelopment of this property include subdivision platting, rights-of way vacation and construction plan approval. Renovations to the existing structure may be initiated prior to receiving final plat approval.

At the May 21, 2007 meeting, City Council concurred with the staff and Planning and Zoning Commission recommendation and approved the first reading of Ordinance No. 747 to re-zone this property from R-3 (Residential - Multi-Family) to PDP (Planned Development Project) with a Special Exception Use for a CPDP (Combined Planned Development Project) subject to the stated performance conditions numbered 1 through 13. The petition has been advertised for public hearing and second and final reading on June 4, 2007, at 7:00 pm in the City Council chambers.

**Page 5**  
**RZ2007-03 & SE 2007-06**  
**Hernando County BCC Properties**  
**55 Ponce De Leon, LLC**  
**June 4, 2007**

**Attachments: Rezoning Petition**  
**Special Exception Petition**  
**Rezoning plan for Oaktowne Centre**  
**Letter dated 03/29/07 from Bill Rain, President, 55 Ponce De Leon, LLC**  
**Zoning Ordinance No. 747**

ORDINANCE NO. 747

AN ORDINANCE REZONING CERTAIN PROPERTY FROM R-3 (MULTI-FAMILY RESIDENTIAL DISTRICT) TO PLANNED DEVELOPMENT PROJECT (PDP) DISTRICT WITH A SPECIAL EXCEPTION USE FOR A COMBINED PLANNED DEVELOPMENT PROJECT (COMBINED-PDP) FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

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

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

Parcel Key No. 00143927 - All of Block 4, All of Block 6, Lots 2 through 12, inclusive, of Block 7, and Lots 2 through 6, inclusive, of Block 8; ALL in Section No. 2 of Halemont Addition, as per plat thereof recorded in Plat Book 5, Page 34, Public Records of Hernando County, Florida. As recorded in the Warranty Deed dated June 23, 1960 in Official Records Book 45, Page 701.

AND

Lot 1 of Block 7 and Lot 1 of Block 8, Section No. 2 of Halemont Addition, as per plat thereof recorded in Plat Book 5, page 34, Public Records of Hernando County, Florida. As recorded in the Warranty Deed dated June 23, 1960, in Official Records Book 45, Page 702.

AND

Parcel Key No. 00143918

Lots 20 and 21, Block 3, Halemont Addition Section No. 2, according to the plat thereof recorded in Plat Book 5, Page 34, Public Records of Hernando County, Florida. As recorded in Warranty Deed dated April 14, 1998, in Official Records Book 1191, Page 560.

Location: East side of Ponce De Leon Boulevard, North of Benton Avenue, West of Veterans Avenue and North and South of De Soto Avenue.

Petitioner: Hernando County Board of County Commissioners

1. The property described herein is hereby zoned Planned Development Project (PDP) with a Special Exception Use for a Combined Planned Development Project (Combined-PDP), and the zoning map of the City of Brooksville shall be amended accordingly. The Special Exception Use consideration for a Combined Planned Development Project is subject to the following conditions.
  - a. Permitted uses associated with this Combined PDP include an assisted living facility, government offices, general offices, retail stores, restaurant and an educational facility. Future outparcel development may include a bank, offices and a restaurant, subject to meeting all applicable performance standards. The "REZONING PLAN FOR OAKTOWNE CENTRE" dated 4/25/07 is subject to modification to address subdivision platting and city code performance standards.
  - b. Within two years of the City Council's approval of this Combined Planned Development Project (Combined PDP) zoning, the petitioner/developer will need to initiate the subdivision process, providing preliminary plat plans that address

- infrastructure needs, construction plans that reflect the preliminary plat (once approved) and a final plat (all being consistent with the requirements of the City's subdivision regulations). Otherwise, this SEU approval becomes null and void.
- c. The petitioner/developer must obtain all required permits and meet all applicable land development regulations, for construction or use of the property.
  - d. Landscaping/Buffers - The detailed development/redevelopment plans for this property will be required to reflect and adhere to the standards of the City's Landscaping, Buffer and Tree Protection code (Chapter 109, City Code). This portion of the City code encourages the preservation of existing trees on the site, and the developer will be required to give due consideration to this in the design and final plan layout.
  - e. Traffic - Any modifications to existing access points that may be proposed in conjunction with this property's redevelopment will be subject to meeting City performance standards, including frontage road setbacks and requirements. A traffic analysis showing the capacity of the road network impacted by this proposed development/redevelopment is to be completed and submitted to the City prior to or in conjunction with the preliminary plat plan submittal.
  - f. Sidewalks - The developer will be required to install appropriate pedestrian amenities including sidewalks in areas adjacent to public road rights-of-way and internal to the project, as applicable, and crosswalks where deemed appropriate, all being subject to approval through the subdivision plat review process. All facilities must meet ADA standards.
  - g. Drainage - Proposals for outparcel or parking lot development that increase the existing impervious surface area of the project will be subject to meeting all applicable standards and permit requirements established by the Southwest Florida Water Management District and the City of Brooksville. To this extent, The developer will be required to construct an on-site storm water drainage control system that meets the design and performance standards as specified by the technical requirements for open and closed basins in the *Environmental Resource Permitting Information Manual*, latest edition, as published by the Southwest Florida Water Management District. The proposed stormwater plan associated with this project must comply with all applicable federal, state and local standards. The developer will be required to coordinate with the City's Department of Public Works and Community Development to properly plan for and address drainage.
  - h. Infrastructure & Services - The developer will be required to enter into a utility service agreement with the City of Brooksville for water and sewer services.
  - i. Sanitation - Solid waste collection services will be provided by the City. Special solid waste services (such as compactor service) are subject to city approval.
  - j. Subdivision Requirements - To accommodate this project, the property must be platted in accordance with the City's subdivision regulations. Individual use areas will be further delineated and platted consistent with the City's standards.
  - k. City Concurrency Standards - The developer will be required to provide a "Statement of Impact - Concurrency Application" with each phase of development for this project that will be reviewed to ensure that level-of-service standards are being maintained within their adopted levels.
  - l. Unless specifically addressed to the contrary by conditions referenced herein, City ordinance regulations which apply with regard to zoning district classification shall be applied to this PDP as though it were zoned C2.

m. Future actions required in conjunction with the redevelopment of this property include subdivision platting, rights-of way vacation and construction plan approval. Renovations to the existing structure may be initiated prior to receiving final plat approval.

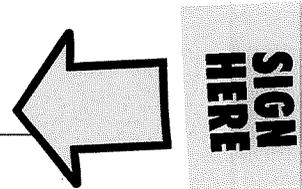
Section 2. - This Ordinance and zoning classification for the property described is consistent with the City of Brooksville Future Land Use Element of its Comprehensive Plan and shall take effect immediately upon its adoption.

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

CITY OF BROOKSVILLE

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

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



PASSED on First Reading \_\_\_\_\_

PASSED on Second & Final Reading \_\_\_\_\_

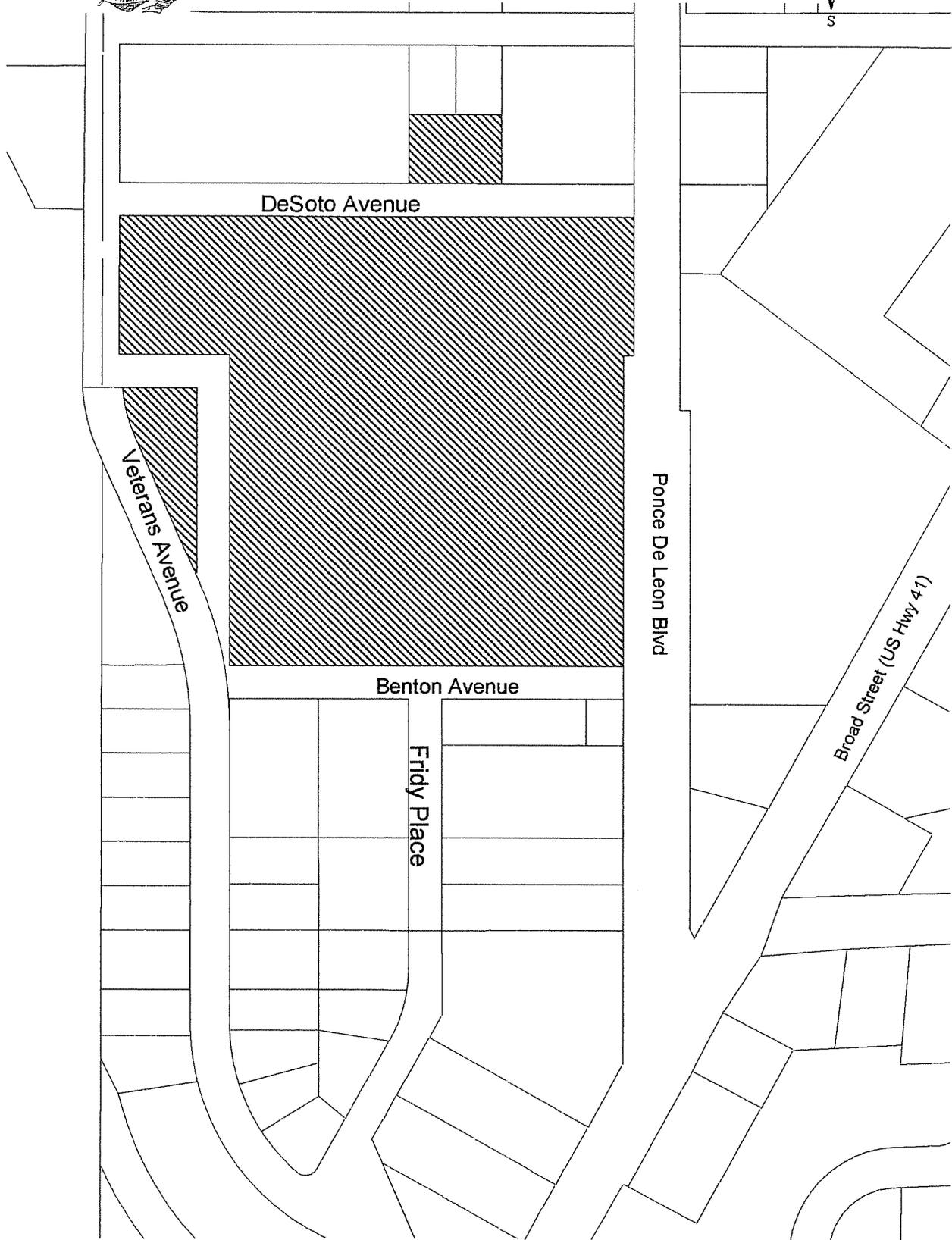
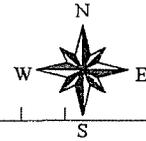
Approved as to form and content  
for the reliance of the City of  
Brooksville only:

  
\_\_\_\_\_  
David La Croix, City Attorney

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



RZ2007-03 & SE2007-06  
 55 Ponce De Leon, LLC  
 (Old Hospital Site & Outparcel)  
 May 9, 2007



Prepared by  
 City of Brooksville  
 Community Development Department  
 May 9, 2007

Rezoning  
 Ordinance No. 747  
 Exhibit "A"

**Legend**

 Old hospital site & property shp



# ACKNOWLEDGMENT

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

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

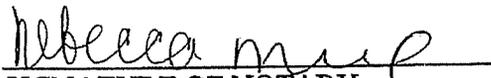
I am the legal representative of the owner or lessee of the property described which is the subject matter of this application.



Signature

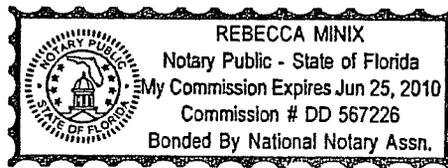
STATE OF FLORIDA, COUNTY OF Hillsborough

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 29 DAY OF MARCH, 192007 BY THE ABOVE PERSON(S) William Rain WHO IS PERSONALLY KNOWN TO ME OR WHO HAS PRODUCED AS IDENTIFICATION AND WHO (DID) (DID NOT) TAKE AN OATH.

  
SIGNATURE OF NOTARY

Rebecca Minix  
PRINTED NAME OF NOTARY

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Rev 09/14/97



APR 05 2007

## PETITION FOR SPECIAL EXCEPTION USAGE

TO THE CITY OF BROOKSVILLE, FLORIDA  
PLANNING & ZONING COMMISSION

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

*See Attached*

Subject Property Street Address: 55 Ponce De Leon Ave.  
Brooksville, FL

APR 05 2007

PETITIONER IS SPECIFICALLY REQUESTING SPECIAL EXCEPTION USAGE FOR THE FOLLOWING:

Combined Planned Development Project

Property future land use is: C2 CURRENT: PUBLIC FACILITIES & LAND  
Current land use is: R3 PROPOSED: COMMERCIAL & ACF RESIDENTIAL  
Property is zoned: R3

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

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

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

Petitioner's Name: 55 PONCE DE LEON, LLC

Street Address: 18136 Regents Square Dr

City/State/Zip: Tampa FL 33647

Daytime Phone: 813-349-8626

Signature: [Handwritten Signature]

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Rev 09/14/97, 12/09/97

# OWNER OR AGENT AFFIDAVIT

CITY OF BROOKSVILLE  
COUNTY OF HERNANDO  
STATE OF FLORIDA

I, Bill Rain, being duly sworn, hereby depose and say  
55 Ponce De Leon, LLC is the owner of the herein described property to-wit:

(Insert Legal Description Below)

Parcel ID      R22 222 19 2270 0040 0010 Key 00143927  
                    R22 222 19 2270 0036 0200 Key 00143918

Old Brooksville Regional Hospital site and adjacent property on North Side of De Soto Avenue

Key No. 00143927

All of Block 4, All of Block 6, Lots 2 through 12, inclusive, of Block 7, and Lots 2 through 6, inclusive, of Block 8; ALL in Section No. 2 of Halemont Addition, as per plat thereof recorded in Plat Book 5, Page 34, Public Records of Hernando County, Florida. As recorded in the Warranty Deed dated June 23, 1960 in Official Records Book 45, Page 701.

AND

Lot 1 of Block 7 and Lot 1 of Block 8, Section No. 2 of Halemont Addition, as per plat thereof recorded in Plat Book 5, page 34, Public Records of Hernando County, Florida. As recorded in the Warranty Deed dated June 23, 1960, in Official Records Book 45, Page 702.

Key # 00143918

Lots 20 and 21, Block 3, Halemont Addition Section No. 2, according to the plat thereof recorded in Plat Book 5, Page 34, Public Records of Hernando County, Florida. As recorded in Warranty Deed dated April 14, 1998, in Official Records Book 1191, Page 560.

# ACKNOWLEDGMENT

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

Witness Signature: *William Rain*

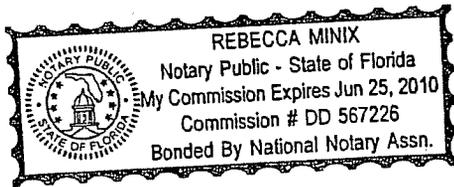
Owner/Agent Signature: *BOE*

STATE OF FLORIDA  
COUNTY OF Hillsborough

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 29<sup>th</sup>  
DAY OF MARCH, 2007 BY THE ABOVE PERSON(S) William Rain  
WHO IS PERSONALLY KNOWN TO ME OR WHO HAS PRODUCED  
F.D.C. AS IDENTIFICATION AND WHO (DID) (DID NOT) TAKE AN  
OATH.

*Rebecca Minix*  
SIGNATURE OF NOTARY

Rebecca Minix  
PRINTED NAME OF NOTARY



G:\WP\_WORK\Bgcig\Planning\old\BOARDS\PET\_FORMOWN\_AFF.WPD

ORIGINAL

APPOINTMENT OF AGENT

CITY OF BROOKSVILLE  
COUNTY OF HERNANDO  
STATE OF FLORIDA

I, Hernando County, the owner(s) in fee simple of the below described real property hereby appoint SS Ponce De Leon LLC as my (our) agent to file required petitions, sign required documents, make representations as to issues of fact and to appear, as may be necessary, before the appropriate City of Brooksville authority. My agent shall also have the authority to commit myself as owner to the necessary future performance conditions as may be directed by the appropriate City authority as a condition of granting my petition.

(Insert Legal Description Below)  
Attached

Dated: 3/26/07

Signed in the presence of:

WITNESSES:

Signature Doris N. Cupoles  
Print Name DORIS N. Cupoles

Signature Alice Gura  
Print Name ALICE GURA

Signature \_\_\_\_\_  
Print Name \_\_\_\_\_

Signature \_\_\_\_\_  
Print Name \_\_\_\_\_

LANDOWNER(S):

Signature Jeff Stabins  
Print Name JEFF STABINS

Signature \_\_\_\_\_  
Print Name \_\_\_\_\_

C:\WORK\Bing\Planning\CD\BOARDS\PET\_FORM\APP7\_AGT.WPD

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
BY KW KW 3/26/07  
County Attorney's Office

March 29, 2007

Bill Geiger  
Community Development Director  
City of Brooksville, The  
201 Howell Ave  
Brooksville, FL 34601-2041

RE: Zoning Change to PDP for 55 Ponce De Leon Ave.

Dear Bill,

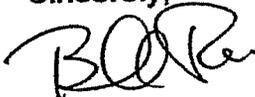
Per our meeting on March 1, 2007 concerning the re-development of the former Brooksville Regional Hospital into the mixed-use Oaks Towne Centre.

The following package contains our request for rezoning to PDP with 2 or more uses for the property at 55 Ponce De Leon Ave from Multi-Family with a hospital overlay to PDP with a C2 overlay to allow an Assisted Living Facility (ALF), Government Office, Office, Retail, Restaurant, Educational Facility and future outparcel development ( to include Bank, Office and Restaurant).

Our request is consistent with the City of Brooksville long range plan for the property. All of the adjacent property is zoned C2. Our use will be less impactful than the former use of the property as a regional hospital. We are also doing selective demolition of approximately 10,000 sqft reducing the building size from 118,000 sqft to 108,000 sqft. We feel this will further lessen the impact and allow future outparcel development without impacting the DRI or concurrency.

If you have any further question, please call. We look forward to getting this project started.

Sincerely,

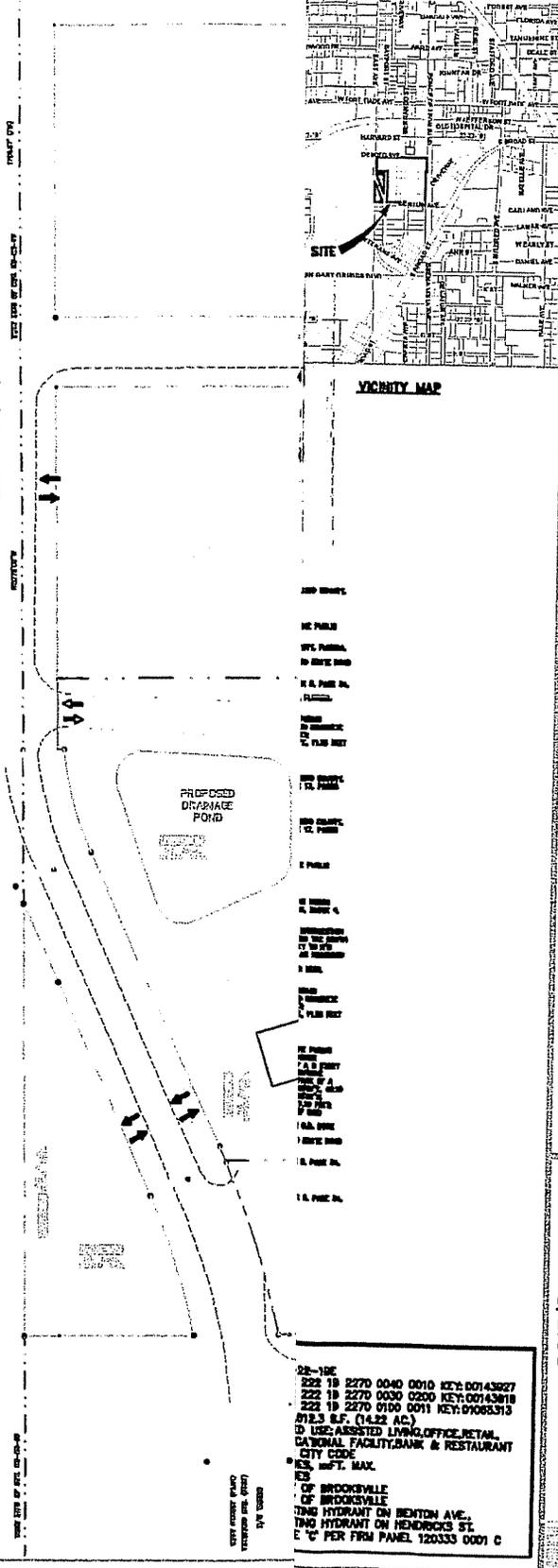


Bill Rain  
President

Rec'd  
3-30-07  
J. J. [unclear]



WIDTH VARIES  
TYPICAL 20'  
VETERANS AVE. (GRD)



22-19C  
222 19 2270 0040 0010 KEY: D0143827  
222 19 2270 0030 0200 KEY: D0143818  
222 19 2270 0100 0011 KEY: 91085315  
712.3 S.F. (14.22 AC.)  
10 USE: ASSISTED LIVING, OFFICE, RETAIL,  
CATIONAL FACILITY, BANK & RESTAURANT  
CITY CODE  
KEY, 10 FT. MAX.  
KEY  
10 OF BROOKSVILLE  
10 OF BROOKSVILLE  
10 HYDRANT ON BENTON AVE.  
10 HYDRANT ON HENDRICKS ST.  
10 "C" PER FIRM PANEL 120333 0001 C

**Klasinger Campo & Associates Corp.**  
2000 NORTH WIDE WINGING BLVD. 1000  
TAMPA, FL 33607  
813 977-5367  
BOARD OF PROFESSIONAL ENGINEERS  
COLLEGE OF PROFESSIONAL ENGINEERING



# REZONING PLAN FOR OAKTOWNE CENTRE

**OWNER**

METRO BAY DEVELOPMENT, LLC  
1818 REYNOLDS SQUARE DRIVE  
TAMPA, FL 33607  
(813) 940-8828



**CITY OF BROOKSVILLE**  
**M E M O R A N D U M**

To: Steve Baumgartner, Interim City Manager  
From: Emory H. Pierce, Director of Public Works  
Re: Permission to Apply for the WRWSA Grant  
Date: May 25, 2007



---

I request permission to apply for the WRWSA Grant for installing a submersible pump and related piping to connect a previously drilled well to our water system at Hope Hill. Attached is a Resolution to present to council at the next meeting.

The total project budget will be \$170,000. If the grant is approved we will be reimbursed \$50,000.

RESOLUTION NO. 2005-12

A RESOLUTION OF THE CITY COUNCIL OF BROOKSVILLE, FLORIDA,  
REQUESTING A GRANT FROM THE WITHLACOCHEE REGIONAL WATER  
SUPPLY AUTHORITY.

WHEREAS, the City of Brooksville is desirous of improving its water  
production capabilities; and,

WHEREAS, the City has approved a construction project to install a  
submersible pump and piping to connect a previously drilled well to our  
potable water system at Hope Hill in Brooksville; and,

WHEREAS, this project will improve the water supply to serve existing  
customers and allow the City to eliminate one old inefficient supply well;  
and,

WHEREAS, the project will increase the City's ability to provide  
potable water to new customers; and,

WHEREAS, the Withlacoochee Regional Water Supply Authority has  
established a matching grant program to assist local governments with water  
resource development; and,

WHEREAS, the City has committed funding for the balance of the project  
and, has established a time frame for completion.

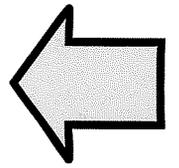
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
Brooksville, Florida, in regular session duly assembled, that said Council  
hereby requests the Directors of the Withlacoochee Regional Water Supply  
Authority to approve matching grant funding to assist the City in completing  
a water supply study.

PASSED AND ADOPTED this \_\_\_\_ Day of \_\_\_\_\_, A.D., 2007.

CITY OF BROOKSVILLE, FLORIDA

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

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



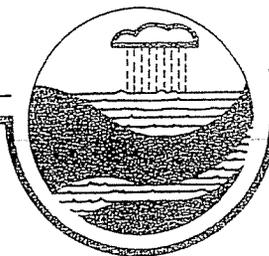
APPROVED AS TO FORM AND CONTENT  
FOR THE RELIANCE OF THE CITY OF  
BROOKSVILLE ONLY:

*David Lacroix*  
\_\_\_\_\_  
David Lacroix, City Attorney

VOTE OF COUNCIL

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

WITHLACOOCHEE REGIONAL



WATER SUPPLY AUTHORITY

## MEMORANDUM

March 9, 2007

To: All Local Governments and Utility Directors in the Withlacoochee Region  
 From: Jack Sullivan, Executive Director, WRWSA

Re: WRWSA Grant Applications for Water Supply Projects

This memorandum is to announce that the Withlacoochee Regional Water Supply Authority will open the application period for its local government grant program as of May 1 through June 30, 2007. This program is sponsored by the Withlacoochee Regional Water Supply Authority to fund local water supply projects on a matching basis. **In 2007, the Board will continue to place the highest funding priority on water conservation projects.**

The Authority Board of Directors has decided to sponsor this cooperative program on an annual basis by opening up requests from local governments each May 1st with the application process running through June 30. The applications will be considered by the Board during its July and August Board meetings as necessary. Awards will be made no later than the September Board meeting. Please review the attached program guidelines and checklist for applications for details.

If any of you have questions about the information above, please contact me at my direct dial number, which is (850) 513-3604. If you desire to contact me by FAX, my FAX numbers are (850) 222-0398 and (850) 385-0223 and my e-mail addresses are "jsullivan@carltonfields.com" or "jesull@comcast.net".

## MAILING LIST:

Utility Directors

Robert Knight, Citrus County  
 John Lettow, Crystal River  
 Brad Cornelius, Sumter County  
 Hicks, Henry, City of Ocala  
 Adams, Kay, Hernando County  
 William Smith, Brooksville  
 Bruce Hinkle, Bushnell  
 Russell Kreager, Inverness  
 Bret Zigler, Wildwood  
 Mike Alderman, Webster

County/City Managers

June M. Fisher, Citrus Co.  
 Gary Kuhl, Hernando Co.  
 Richard Anderson, Brooksville  
 Frank DiGiovanni, Inverness  
 Paul Nugent, Ocala  
 Jim Stevens, Wildwood  
 Sandra Howell, Sumter County  
 Vince Ruano, Bushnell  
 Andy Houston, Crystal River

PC: COUNCIL  
 READ  
 SB/KCP

ofn 4/2/07

**INTERLOCAL AGREEMENT**

**THIS IS AN AGREEMENT** entered into on this \_\_\_\_\_ day of June 2007, between **HERNANDO COUNTY, a political subdivision of the State of Florida**, (hereinafter referred to as "the **COUNTY**"), and the **CITY OF BROOKSVILLE, a Florida municipal corporation**, (hereinafter referred to as "the **CITY**"), and the **CITY OF WEEKI WACHEE, a Florida municipal corporation**, (hereinafter referred to as "the **TOWN**") for the purposes of determining **CITY** and **COUNTY'S** responsibilities for maintenance of the various roads and other improvements mentioned herein and for providing for the division and distribution of the proceeds of the local option gasoline tax imposed by **COUNTY** pursuant to § 336.025(1)(a), (1<sup>st</sup> Local Option Gas Tax), Florida Statutes, and as may be amended from time to time and replacing certain agreements executed and entered in by **COUNTY, CITY, and TOWN** on July 2, 2001.

In consideration of the premises and pursuant to the authorizations contained in § 336.025, Florida Statutes, as it may be amended from time to time **COUNTY, CITY and TOWN** agree that:

1. **CITY** is a municipality located within Hernando County, Florida, and **CITY** represents that it is eligible to receive a portion of the gasoline taxes referred to in § 336.025(1)(a), Florida Statutes, hereinafter referred to as the "Local Option Gasoline Tax."

2. **TOWN** is a municipality located within Hernando County, Florida, and **TOWN** represents that it is eligible to receive a portion of the Local Option Gasoline Tax. **TOWN** hereby agrees that all of its portion of the Local Option Gasoline Tax which it is eligible to receive will be remitted and paid over to **COUNTY** which in turn will be responsible for the maintenance and upkeep of **TOWN'S** roads, but only to the extent that **TOWN'S** gas tax proceeds are sufficient to maintain **TOWN'S** roads.

3. For the fiscal year commencing October 1, 2007, and ending on September 30 of the next following calendar year up to and including September 30, 2013 the gas tax shall be divided and distributed to **COUNTY** and **CITY**. On or about June 1<sup>st</sup> of each year **CITY'S** proportionate share of the gas tax shall be computed and adjusted annually based upon the latest population estimates provided by the University of Florida's Bureau of Economic and Business Research.

4. At least ninety (90) days prior to July 1, 2013, **CITY, TOWN, and COUNTY** will meet and agree on a new distribution formula to be effective October 1, 2013. Should **CITY, TOWN, and COUNTY** not be able to reach an agreement by July 1, 2013, until a new agreement is executed the distribution shall be as follows:

a. **TOWN - COUNTY** will continue to receive all of **TOWN'S** gasoline tax revenues for which **TOWN** is eligible and **COUNTY** will maintain and repair **TOWN'S** roads.

b. **CITY** - If **COUNTY** and **CITY** cannot agree on a new distribution formula on or before July 1, 2013, then until such a new agreement is reached and executed the gas tax proceeds shall be distributed according to the provisions of § 336.025(4), Florida Statutes (2000), as it may be amended from time to time.

5. This agreement shall become effective on October 1, 2007, and terminate on September 30, 2013, the distribution formula stated herein shall govern the distribution of the proceeds of the Local Option Gasoline Tax during the term of this agreement. At least ninety (90) days before July 1st of each year any party to this agreement may notify the other parties of its intention to discuss any issues relating to the Interlocal Agreement. The parties in good faith shall meet to discuss any issues relating to this agreement but are not obligated to make any changes to this agreement. In the event that changes in state or federal law invalidates this agreement or makes this agreement impossible or impractical to perform the agreement will terminate on the close of each party's fiscal year. After being approved by the governing boards of the **CITY**, **TOWN**, and **COUNTY**, this agreement shall be filed with the Clerk of the Circuit Court of Hernando County, Florida, and a certified copy shall be sent to the Department of Revenue.

6. In accordance with this agreement **COUNTY** agrees to maintain the pavement of Main Street, Howell, and Fort Dade Avenues within the City limits of Brooksville as they exist now or may exist during the term of this agreement. **COUNTY'S** maintenance of pavement shall only include normal striping, patching, and repaving which shall be in **COUNTY'S** sole discretion to determine when and to what extent these maintenance matters need to be performed. It will be **CITY'S** sole responsibility to maintain and keep in good repair all driveways, utilities, drainage, sidewalks, and provide right-of-way maintenance associated with the above mentioned streets and roads. Nothing in this agreement should be construed as prohibiting **CITY** at its own expense from causing these roads to be repaved or otherwise maintained by **CITY**.

A. **CITY** shall be responsible and liable for issuing any permits for any special activities, events, or parades necessitating the closing of any of the streets or roads mentioned in this agreement. **CITY** shall also bear the complete expense of restoring the pavement including without limitation removing any paint, non-county provided striping or damage to the pavement caused by any person, parade, or event allowed by **CITY** to use the referenced streets or roads whether any permit is issued

or not.

**B.** The installation, adjustment, utilization, repair, or any non-emergency work in, under, or upon any street or road referenced in this agreement that will in anyway affect or may affect the paved portion of the roadway shall require the issuance of a County permit before such activity is permitted. Notwithstanding the above, regardless of whether a County permit is sought or issued, **COUNTY** shall not be liable or responsible for any damage to the roads or streets referenced herein by the activities of others.

**C.** It is mutually agreed that whenever **CITY**, during the term of this agreement, annexes any additional parcels of land, **CITY** shall also annex the road rights-of-way directly adjacent to the parcel being annexed. When such local road rights-of-way is bounded on both sides by **CITY** annexed parcels, except for those streets or roads referenced by name stated hereto in Section 6, the **CITY** will assume maintenance for those annexed portions of **COUNTY** local streets or roads. In such situations where the annexed parcels do not incorporate the land on both sides along the entire length of the local road, the cost of maintenance on the subject local road will be shared between the **CITY** and **COUNTY** based on the percentage of the annexed linear footage of the rights-of-way segment with **CITY** incorporated parcels, compared with the total linear footage of the segment to be repaired/maintained. Since the **COUNTY** has the larger road maintenance program it is anticipated that the **COUNTY** would do the subject maintenance and the **CITY** would contribute its prorated share as described hereto. **CITY** shall notify **COUNTY** of the linear footage of the annexed local roads and streets with incorporated areas on both sides and unless **COUNTY** by express written consent agrees to continue to assume responsibility to maintain annexed **COUNTY** local streets or roads it shall be **CITY'S** obligation to do so, as written above.

**D.** For the term of this agreement, **COUNTY** agrees to become the maintenance authority for all traffic signals located on state, county, or local roads which would normally be **CITY'S** responsibility to maintain, but **CITY** shall pay all utility costs for operation of the signals. For purposes of this agreement maintenance shall include repair and replacement of the signals or the maintenance or replacement of any signals on any roads or streets that would be the responsibility of **CITY** but for this agreement. **CITY** shall maintain adequate casualty and liability insurance on its traffic signals and beacons. Liability insurance shall be a minimum of \$1,000,000 with **COUNTY** covered as an additional insured.

**E.** **COUNTY** further agrees to assume all maintenance responsibilities including repair or

replacement of existing traffic signals or beacons (as identified by the attached list) as it may be amended from time to time on **CITY** roads currently maintained by **CITY** or that would be maintained by **CITY** but for this agreement. **CITY** shall pay all utility costs for operation of any signal or beacon maintained by **COUNTY** on behalf of **CITY**. Should **CITY** desire the installation of additional traffic signals or beacons on **CITY** roads during the term of this agreement, **COUNTY** shall have the discretion to determine whether to install and maintain the requested signals or beacons. **COUNTY** hereby agrees to maintain new signal(s) or beacon(s), after acceptance by **COUNTY**, **CITY** shall pay all costs including but not limited to installation and utility costs of any signal or beacon accepted and approved by **COUNTY**. **CITY** must agree to submit all design plans and specifications to **COUNTY** for written approval. **COUNTY** shall have the right to perform periodic inspections during construction of the signal or beacon to ensure that the installation meets **COUNTY** standards. Upon completion of any new installation, **COUNTY** shall perform a final inspection of the signal or beacon before formally accepting maintenance of the signal or beacon. The entire cost of any new signal or beacon installations on any road, street, or highway within **CITY** limits or installed at the behest of **CITY** during the term of this agreement shall be the sole responsibility of **CITY**. **CITY** shall pay all utility costs for operation and installation of additional signals or beacons.

**F.** **CITY** or **TOWN** as the case may be shall indemnify and save **COUNTY** harmless as permitted by law from any and all liability loss, damages, expense, causes of action, suits, claims, administrative actions, or judgments arising from injury to persons or property resulting from this agreement. **CITY** or **TOWN** shall at its own cost and expense defend any and all suits or claims which may be brought against **COUNTY** and either alone or in conjunction with others shall satisfy, pay and discharge any and all judgments fines or penalties that may be recorded against **COUNTY** in any such action or actions provided, however, that **COUNTY** shall give **CITY** or **TOWN** written notice and cooperate with **CITY** or **TOWN** in the defense of any such claim or demand.

**G.** Attached to this agreement and made a part hereof is a list of all traffic signals and beacons incorporated herein as **Exhibit "A"**, which **COUNTY** agrees to be responsible for pursuant to this agreement; any traffic signal or beacon not on the attached list will not be maintained by **COUNTY** and will be the responsibility of **CITY**. This list of traffic signals and beacons may be amended and updated from time to time during the term of this agreement as traffic signals and beacons are added to or deleted from this list.

**H.** As compensation to **COUNTY** for its costs and expenses associated with maintaining

and repairing signals and beacons CITY shall pay COUNTY any Florida Department of Transportation reimbursement compensation received by CITY for traffic signal maintenance.

7. In all other respects except as contained herein, CITY is responsible for maintaining and shall assume all liability for all driveways, utilities, drainage, and any city sidewalks located anywhere within the municipal boundaries of CITY as these boundaries exist now or as they may be expanded during the term of this agreement.

8. This agreement may be executed in counterparts and each fully executed counterpart shall be deemed an original instrument.

IN WITNESS WHEREOF, the parties hereto caused the execution hereof by their duly authorized officials on the dates stated above.

**BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA**

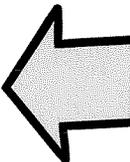
Attest: \_\_\_\_\_  
KAREN NICOLAI  
Clerk

By: \_\_\_\_\_  
Jeff Stabins  
Chairman

**CITY OF BROOKSVILLE**

Attest: \_\_\_\_\_  
KAREN PHILLIPS  
City Clerk

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



**CITY OF WEEKI WACHEE**

Attest: \_\_\_\_\_  
SARAH TENISON  
City Clerk

By: \_\_\_\_\_  
ROBYN (WEISS) ANDERSON  
Mayor and City Commissioner

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

By: David La Croix  
David La Croix  
City Attorney

## **EXHIBIT “A”**

### **CITY OF BROOKSVILLE TRAFFIC SIGNALS AND BEACONS (Revised 5/15/2007)**

#### **TRAFFIC SIGNALS/INTERSECTION LOCATIONS**

1. SR 50 & Buck Hope Rd. (3 way)
2. SR 50 & SR 45/US 41
3. SR 45/US 41 & South Plaza Entrance
4. SR 45/US 41 & Chatman/MLK Blvd.
5. SR 45/US 41 & SR 700 (3 way)
6. SR 45/US 41 & Brook Plaza
7. SR 45/US 41 & Main St.
8. SR 45/US 41 & SR 50A E. Jefferson
9. Main St./Howell Ave. & Ft. Dade
10. SR 50A & Main St.
11. SR 50A & Mildred (3 way)
12. SR 50 A & SR 700 /Ponce De Leon Blvd.

#### **SIGNAL BEACONS**

- |  |                                  |
|--|----------------------------------|
| 13. Broad (US 41) at Ft. Dade/Mondon Hill Rd | [Overhead Flashing Light Signal] |
| 14. Darby Lane at Tom Varn Park              | [Two-Post Mount Beacons]         |
| 15. Brooksville Avenue                       | [Two-Fire Station Beacons]       |
| 16. Stafford Avenue                          | [High Water Indicator Beacon]    |

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

To: Steve Baumgartner, City Manager

From: Emory H. Pierce, Director of Public Works



Re: **Interlocal Agreement for Distribution of Local Option Gas Tax Proceeds  
(Gas Tax Agreement)  
and  
Interlocal Agreement for Distribution of ELMS Gas tax Proceeds  
(ELMS Agreement)**

Date: May 25, 2007

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Both agreements have been in existence previously and are periodically renewed every six years. The Gas Tax Agreement includes a clarification of what streets the County will maintain (paragraph 6), (no change from previous agreements); a clarification of how maintenance costs will be shared for County local roads that are annexed into the City (paragraph 6C), (this is a new item); and a listing of the traffic control devices and signals that the County will maintain (paragraphs 6D & E and Exhibit A), (no change from previous agreement, except Ex. A has been updated). The attached version has been approved by City and County Attorneys except for some very minor typographical errors that have been corrected.

The ELMS Agreement is attached as approved by both City and County Attorneys.

**INTERLOCAL AGREEMENT FOR DISTRIBUTION  
OF ELMS GAS TAX MONEYS**

**THIS IS AN AGREEMENT** entered into on this 5th day of June 2007, between **HERNANDO COUNTY**, a political subdivision of the State of Florida, (hereinafter referred to as "the **COUNTY**"), and the **CITY OF BROOKSVILLE**, a Florida municipal corporation, (hereinafter referred to as "the **CITY**"), and the **CITY OF WEEKI WACHEE**, a Florida municipal corporation, (hereinafter referred to as "the **TOWN**"), for the purposes of distribution of the proceeds hereinafter referred to as the ("ELMS Gas Tax") or ("2<sup>nd</sup> Local Option Gas Tax") imposed by **COUNTY** pursuant to § 336.025(1)(b), Florida Statutes (2000), as it may be amended from time to time.

In consideration of the premises herein and pursuant to the authorization contained in §336.025(1)(b)2, Florida Statutes, as it may be amended from time to time **COUNTY**, **CITY**, and **TOWN** agree that:

1. **CITY** is a municipality located within Hernando County, Florida, and **CITY** represents, that it is eligible to receive a portion of the ELMS (2<sup>nd</sup> Local Option Gas Tax) Gas Tax.
2. **TOWN** is a municipality located within Hernando County, Florida, and **TOWN** represents that it is eligible to receive a portion of the ELMS (2<sup>nd</sup> Local Option Gas Tax) Gas Tax. **TOWN** hereby agrees that all of its portion of the ELMS (2<sup>nd</sup> Local Option Gas Tax) Gas Tax for which it is eligible will be remitted and paid over to **COUNTY** which in turn will use the funds in exactly the same manner and for the same purposes that **COUNTY** may use its own ELMS (2<sup>nd</sup> Local Option Gas Tax) Gas Tax funds, for **TOWN'S** roads and streets but only to the extent of the amount of moneys collected from **TOWN'S** distribution of ELMS Gas Tax proceeds.
3. For the fiscal year commencing October 1, 2007, and ending on September 30 of the next

following calendar year and for all other fiscal years thereafter, so long as this agreement shall be in effect; the gas tax shall be divided and distributed to **COUNTY** and **CITY**. On or about June 1<sup>st</sup> of each year **CITY**'s proportionate share of the gas tax shall be computed and adjusted annually based upon the latest population estimates provided by the University of Florida's Bureau of Economic and Business Research.

For the purposes of this Interlocal Agreement, **TOWN**'S shares of the gas tax revenues are included in **COUNTY**'S total.

4. This agreement shall become effective on October 01, 2007, or on the date the gas tax authorized to be imposed by § 336.025(1)(b), Florida Statutes, actually becomes effective if such date is different from October 01, 2007. The distribution formula stated herein shall govern the distribution of the proceeds of the ELMS Gas Tax during the term of this agreement. This distribution formula set forth herein shall remain effective as long as **COUNTY** collects the ELMS Gas Tax. This agreement shall be renewed automatically for each succeeding fiscal year up to the termination date of September 30, 2013, at which time a new agreement shall be entered into by the parties.

5. Any party to this agreement, at least ninety (90) days prior to July 01 of any calendar year, shall notify the other parties of its intention to terminate this agreement. This agreement may only be terminated on September 30 of any calendar year at the close of **COUNTY**'S fiscal year.

6. In the event that changes in state or federal law invalidate this agreement or make this agreement impossible or impractical to perform, the agreement will terminate on September 30 of any calendar year immediately following the invalidating event.

7. After being approved by the governing boards of **CITY**, **TOWN**, and **COUNTY**, this agreement shall be filed with the Clerk of Circuit Court of Hernando County, Florida, and a certified copy shall be sent to the Department of Revenue.

8. This agreement repeals those Interlocal Agreements concerning the ELMS (2<sup>nd</sup> Local Option Gas Tax) gas tax distribution entered into on June 25, 1996 and August 26, 1997, and any other agreement regarding the distribution of the ELMS (2<sup>nd</sup> Local Option Gas Tax) Gas Tax.

9. This agreement may be executed in counterparts and each fully executed counterpart shall be deemed an original instrument.

IN WITNESS WHEREOF, the party's hereto cause the execution hereof by the duly authorized officials on the date stated above.

**BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA**

Attest: \_\_\_\_\_  
KAREN NICOLAI  
Clerk

By: \_\_\_\_\_  
JEFF STABINS  
Chairman

**CITY OF BROOKSVILLE**

Attest: \_\_\_\_\_  
KAREN PHILLIPS  
City Clerk

By: \_\_\_\_\_  
DAVID PUGH, JR.  
Mayor

**CITY OF WEEKI WACHEE**

Attest: \_\_\_\_\_  
SARAH TENISON  
City Clerk

By: \_\_\_\_\_  
ROBYN ANDERSON  
Mayor

F:\MSWORD\CYND\ELMSGASTAX

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
BY Erica D. Moore 4/20/07  
County Attorney's Office

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
BY David Pugh, Jr.  
City Attorney

**CITY OF BROOKSVI**  
**MEMORANDUM**

To: Steve Baumgartner, City Manager  
From: Emory H. Pierce, Director of Public Works  
Re: **MLK Blvd. Re-paving from Main St. To US 41**  
Cost Sharing Interlocal Agreement  
Date: May 25, 2007



---

As the result of complaints about the condition of this road, the County has produced the attached cost estimate for having it fixed using their unit price contractor. The estimate shows two options: the cheapest (\$199,861.26) is to do some minor repairs and grind up and reuse the existing asphalt; the more expensive option (\$246,408.16) is to grind up the existing asphalt and use that material to improve the existing base course and then laying down new asphalt about 2"-2 1/2" thick.

Based on the approximate distribution of the linear footage of the project that has City annexed land on both sides the County is requesting that we share 50% of the cost of the \$199,861.21 option which is \$99,930.61. Please keep in mind that it will be County staff inspecting and supervising their paving contractor which will save us considerable staff time.

At the present time we have \$112,688 available in our (Multi Year Capital Fund 308) which is the fund we are intending to use to fund re-paving and re-stripping various existing City streets; we show a projected expenditure of \$70,000 for this fiscal year, which was to be for overlaying and stripping some other City streets.

Since the County has not budgeted money for this work they probably could not do it until after October 1, 2007; assuming their budget request for their share of the cost is approved. Likewise, we could budget more money by then also. The County would also like us to sign the attached interlocal agreement which commits us to pay to the County 50% of the cost, up to the not-to-exceed-amount of \$115,000.

The first version of this agreement, which was approved by the County atty's staff, left out the \$115,000 upset limit. We have told the County that we are not going to enter into such an agreement unless it has an upset limit.

Requesting direction from City Council on responding to this, "offer", from the County.

FORM TO GENERATE RELEASE ORDER - CONTRACT #07-000  
 COLLECTOR ROAD -  
 MLK Blvd from S Main St to US-41/ Broad St  
 Estimated Paving Completion Date: 8/20/2007

RO #

ITEM #	DESCRIPTION	UNIT TYPE	UNIT COST	QTY THIS REL. ORDER	Asphalt leveling course, OGHM crack relief w/ 2" overlay, topping	Reclaim existing pavement, overlay with 2" S-1	Overlay costs	Reclaim Costs
ASPHALT PAVING OPERATIONS								
ASPHALT OVERLAYS								
101	Mobilization - Paving	ea.	\$ 705.00	1.00		1.00	\$ 705.00	\$ 705.00
103	Special Preparation of Surface	rd mile	\$ 1,650.00				\$	\$
104	Full-Depth Patching	sq. yd.	\$ 59.15				\$	\$
300	Bituminous Tack Coat	gal.	\$ 1.40	2,213.33			\$ 3,098.67	\$
331	Dense-Graded Asphalt - Type S - (min. of 100+ lb per sq yd)	ton	\$ 73.65	1,936.67		1,106.67	\$ 142,635.50	\$ 81,506.00
337	Open-Graded Subsurface ( Crack Relief Layer)	ton	\$ 82.00	830.00			\$ 68,060.00	\$
101-a	Priority Mobilization - Paving	ea.	\$ 705.00				\$	\$
300-a	Bituminous Prime Coat	gal	\$ 2.30				\$	\$
331-a	MicroPaving ACSC ( 80 lb per sq yd)	sq. yd.	\$ 3.95				\$	\$
ROAD WIDENING							\$	\$
286-3	Excavation for Widening	cu yd	\$ 8.85				\$	\$
286-4	Widening with OGHM ( 4" to 8" depth)	ton	\$ 92.40				\$	\$
286-5	Widening with lime rock base material min. 4' ( 6" to 12" depth)	ton	\$ 28.00				\$	\$
RECLAIMED ASPHALT BASE							\$	\$
283-a	Mobilization - Reclaiming	ea.	\$ 705.00			1.00	\$	\$ 705.00
283-b	Reclaimed Base Course	sq. yd.	\$ 2.32			11,066.67	\$	\$ 25,674.67
283-c	Furnish Stabilizing Agent - AE-200	gal.	\$ 4.80				\$	\$
283-d	Furnish Stabilizing Agent - Lime	ton	\$ 328.65				\$	\$
283-e	Furnish Stabilizing Agent - Portland Cement	ton	\$ 317.00				\$	\$
283-f	Additional lime rock base material	ton	\$ 16.82			2,213.33	\$	\$ 37,228.27
MISCELLANEOUS							\$	\$
110	Clearing and Grubbing	ls/ac	\$ 4,785.00				\$	\$
125	Regular Excavation	cy	\$ 14.50				\$	\$
120	Embankment (Contour open ditch swales)	cy	\$ 14.18				\$	\$
130	Remove and Replace Mailbox	ea.	\$ 140.00				\$	\$
162	Fill Soil	sq. yd.	\$ 1.72	1,844.44		1,844.44	\$ 3,172.44	\$ 3,172.44
207	Silt Fence	ft.	\$ 1.20				\$	\$
210	Prepare lime rock base for paving (Lime rock, grade, compact and prime)	sq yd	\$ 2.00			11,066.67	\$	\$ 22,133.33
212	Roadway Vacuum Sweeper / regenerative type (Sweeping hrs)	hrs	\$ 1.22				\$	\$
575	Sod, Bahia	sq. yd.	\$ 2.85	4,611.11		4,611.11	\$ 13,141.67	\$ 13,141.67
575-a	Sod, St Augustine	sq. yd.	\$ 4.45				\$	\$
MAINTANANCE OF TRAFFIC							\$	\$
TRAFFIC CONTROL							\$	\$
102	TRAFFIC CONTROL		\$ 5,500.00				\$	\$
102-a	Moving Operation-606 (Traffic Ln)	hour	\$ 75.85	70.00		70.00	\$ 5,309.50	\$ 5,309.50
102-7	Uniformed Officer	hour	\$ 37.00	70.00		70.00	\$ 2,590.00	\$ 2,590.00
102-5.7	Additional Flagger	man-hour	\$ 16.30	140.00		140.00	\$ 2,282.00	\$ 2,282.00
SIGNAGE (MUTCD)							\$	\$
6F-1	Post mounted signage w/ "B" lites	unit-day	\$ 2.35	6.00		6.00	\$ 14.10	\$ 14.10
102-9.8	Arrow Board	unit-day	\$ 29.00				\$	\$
102-9.2	Additional Work Zone Signs	unit-day	\$ 0.90	24.00		24.00	\$ 21.60	\$ 21.60
6F.63	Barricades, Type II & Drums	unit-day	\$ 0.70	80.00		80.00	\$ 56.00	\$ 56.00
6F.59	100 Additional Cones	lot-event	\$ 25.00				\$	\$
TRAFFIC MARKING							\$	\$
710-25	Traffic Marking Stripe White paint 6"	lf	\$ 0.22	8,300.00		8,300.00	\$ 1,826.00	\$ 1,826.00
710-26	Traffic Marking Stripe Yellow paint 6"	lf	\$ 0.22	8,300.00		8,300.00	\$ 1,826.00	\$ 1,826.00
710-27	Traffic Marking Skip Stripe White paint 6" ( 10 - 30)	lf	\$ 0.22				\$	\$
710-28	Traffic Marking Skip Stripe Yellow paint 6" ( 10 - 30)	lf	\$ 0.15	2,075.00		2,075.00	\$ 311.25	\$ 311.25
710-29	Traffic Marking Stripe White paint 24"	lf	\$ 1.64				\$	\$
710-30	Traffic Marking Stripe Yellow paint 8"	lf	\$ 0.55				\$	\$
710-6	Traffic Marking Arrows White paint	ea.	\$ 27.30				\$	\$
706	Traffic Marking, Raised Pavement Markers	ea.	\$ 4.91	276.67		276.67	\$ 1,358.43	\$ 1,358.43

\$ 246,408.16 \$ 199,861.26

Estimated Square Yards	11,067
Estimated Miles	0.79
per sq yard	\$ 22.27
per mile	\$313,502

Release Order \$ 246,408

Length	4,150
width	various
sqyds	11,067
miles	0.79

**CITY HALL RENOVATIONS FUND 307**

	Actual 03/04	Actual 04/05	Budgeted 05/06	Projected 05/06	Adopted 06/07
<b>INCOME</b>					
Intergovernmental Revenue	\$0	\$0	\$0	\$0	\$0
Interest Income	114	18	10	20	0
Transfers In	0	0	2,500	2,500	0
Prior Year Carry forward	6,981	637	647	655	3,175
<b>Total Income</b>	<b>\$7,095</b>	<b>\$655</b>	<b>\$3,157</b>	<b>\$3,175</b>	<b>\$3,175</b>
<b>EXPENDITURES</b>					
Capital Outlay	\$6,458	\$0	\$0	\$0	\$0
Transfers Out	0	0	0	0	3,175 (1)
Reserves	637	655	3,157	3,175	0
<b>Total Expenditures</b>	<b>\$7,095</b>	<b>\$655</b>	<b>\$3,157</b>	<b>\$3,175</b>	<b>\$3,175</b>

(1) Transferred Out to Public Facilities Repair and Maintenance Fund 306 to close out City Hall Renovations Fund 307.

**MULTI YEAR CAPITAL PROJECT ACCUMULATION FUND 308**

	Actual 03/04	Actual 04/05	Budgeted 05/06	Projected 05/06	Adopted 06/07
<b>INCOME</b>					
Intergovernmental Revenue	\$0	\$0	\$0	\$0	\$0
Interest Income	148	259	225	1,200	2,000
Miscellaneous	0	0	0	0	0
Transfers In	0	25,000	75,000	75,000	0
Prior Year Carry forward	9,081	9,229	34,429	34,488	110,688
<b>Total Income</b>	<b>\$9,229</b>	<b>\$34,488</b>	<b>\$109,654</b>	<b>\$110,688</b>	<b>\$112,688</b>
<b>EXPENDITURES</b>					
Operating Expenditures	\$0	\$0	\$70,000	\$0	\$70,000 (1)
Capital Outlay	0	0	0	0	0
Transfers Out	0	0	0	0	0
Reserves	9,229	34,488	39,654	110,688	42,688
<b>Total Expenditures</b>	<b>\$9,229</b>	<b>\$34,488</b>	<b>\$109,654</b>	<b>\$110,688</b>	<b>\$112,688</b>

(1) \$70,000 for repaving.

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## INTERLOCAL AGREEMENT

Between CITY OF BROOKSVILLE and HERNANDO COUNTY, providing Joint Participation for Improvement to Dr. M. L. King, Jr. Blvd. from Broad Street east to Main Street,

THIS AGREEMENT entered into this 5th day of June, 2007, by and between CITY OF BROOKSVILLE, a Florida municipal corporation, acting by and through its City Council, the governing body thereof, hereinafter referred to as "the CITY" and HERNANDO COUNTY, a political subdivision of the State of Florida, acting by and through its Board of County Commissioners, the governing body thereof, hereinafter referred to as "the COUNTY".

### WITNESSETH:

WHEREAS, Chapter 163, Florida Statutes, permits local governmental units to make the most effective use of their resources by enabling them to cooperate with other local governmental units on a basis of mutual advantage, and thereby provides services and facilities in a manner that will permit the most effective deliverance of services to accommodate the needs and development of local communities; and

WHEREAS, Dr. M. L. King, Jr. Blvd. from Broad Street east to Main Street, is part of both the CITY and the COUNTY road maintenance system; and

WHEREAS, Dr. M. L. King, Jr. Blvd. from Broad Street east to Main Street, is in need of maintenance by asphalt resurfacing; and,

WHEREAS, the CITY and the COUNTY do hereby enter into this Agreement for the purpose of providing asphalt resurfacing of Dr. M. L. King, Jr. Blvd. from Broad Street east to Main Street, for the safety and well-being of the residents of both the city and the county;

NOW, THEREFORE, the CITY and the COUNTY hereby agree as follows:

1. The COUNTY shall resurface Dr. M. L. King, Jr. Blvd. from Broad Street east to Main Street.
2. The CITY shall, within sixty (60) days after completion of the paving, pay to the COUNTY a sum equal to one-half of the cost of resurfacing, but not to exceed \$115,000.00
3. This Agreement shall become effective upon execution by both parties.
4. This Agreement may be terminated at any time upon mutual consent of the parties.

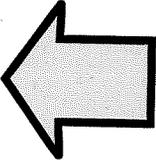
IN WITNESS WHEREOF, the parties hereto have caused the execution hereof by their duly authorized official on the date and year first above written.

DONE AND RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

(SEAL)

CITY OF BROOKSVILLE, FLORIDA

By: \_\_\_\_\_  
DAVID PUGH, JR., Mayor



ATTEST:

By: \_\_\_\_\_  
KAREN PHILLIPS, City Clerk

APPROVED AS TO LEGAL FORM AND CONTENT  
OFFICE OF THE CITY ATTORNEY

*David Tolson*  
\_\_\_\_\_  
City Attorney

(SEAL)

BOARD OF COUNTY COMMISSIONERS  
OF HERNANDO COUNTY, FLORIDA

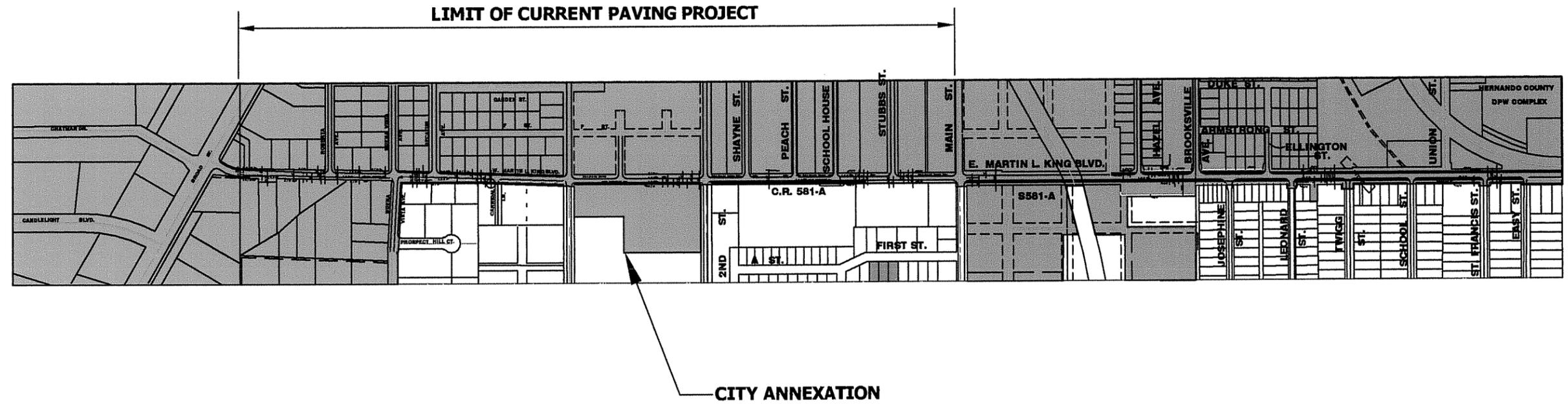
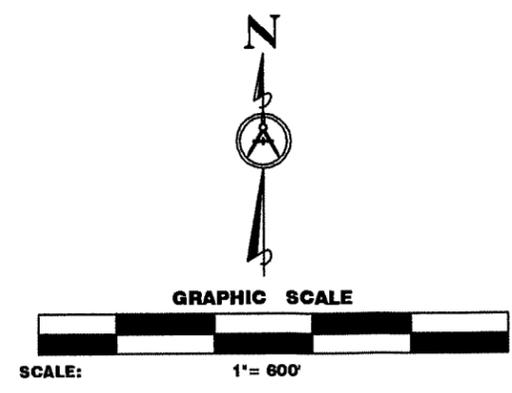
By: \_\_\_\_\_  
JEFF STABINS, Chairperson

ATTEST:

By: \_\_\_\_\_  
KAREN NICOLAI, Clerk of Court

APPROVED AS TO LEGAL FORM AND CONTENT  
OFFICE OF THE COUNTY ATTORNEY

\_\_\_\_\_  
County Attorney



**NOTES:**

1. R/W BASED ON F.D.O.T. SECTION 08520-2603 STATE ROAD NO. 581-A (06/21/68)
2. R/W BASED ON F.D.O.T. SECTION 08520-2605 STATE ROAD NO. 581-A (06/21/68)
3. WATER WAS INSTALLED ON MARTIN LUTHER KING BLVD. (SUMMIT ROAD) S.R. 581-A IN 1969 WITH AS-BUILTS COMPLETED IN 1971; SEWER WAS INSTALL IN 1960 WITH SANITARY SEWAGE SYSTEM FOR SAXON HEIGHTS AREA, AND FROM HAZEL AVENUE TO SCHOOL STREET WITH A COMMUNITY BLOCK GRANT REHAB. PROGRAM IN 1993.

SCALE: AS NOTED  
 DRAWN BY: DCS  
 DATE: 03/16/07

City of Brooksville  
 Dept of Public Works  
 600 South Brooksville Avenue



Rev #	Revision	Date

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

To: Steve Baumgartner, City Manager  
From: Emory H. Pierce, Director of Public Works  
Re: **Wiscon Road Easement(s)**  
Date: April 16, 2007



Attached document is for a utility easement from the County to the City for a strip of land composed of two parcels totaling about 600' along Wiscon Road slightly west of Mobley Road and 20' wide. The price would be \$5,300.00 or about \$20,000.00/ac and that amount is available in utility reserves. Former Council Members felt that acquiring easements in this area was important because at that time there were developers inquiring about water and sewer service for nearby parcels.

In addition, the County is in active negotiations for the purchase of adjacent parcels A, D, E, F, G & H and would be willing to sell us a 20' strip across parcels H, F & G that front on Wiscon Road. Unfortunately, the owner is asking \$75,000/acre. The County may also be able to acquire a strip of land across parcels B & C for future road widening and they would be willing to acquire an additional 20' wide strip for us at the same estimated \$75,000/acre rate. The estimated cost for a 20' wide strip across parcels B, C, H, F & G, a distance of approximately 1,327 l.f. could be  $(1,327 \times 20 \div 43,560 \times \$75,000) \$45,695.59$ . Again this amount is available in Utility reserves.

As we have discussed before, we plan/need to loop our 12" water line and sewer force main from SR 50 across the Hospital property and along Wiscon Road back to US 41. At some time in the future we will also need to install a reuse line along Wiscon Road from Mobley Road. Anything that goes in along Wiscon Road needs to be in an easement outside of any area the County needs for future road widening. These 20' wide easements for our utilities will be located accordingly.

Our problem is that at this time we cannot be sure that this side of Wiscon is the, "best", location for our easement nor can we be sure of exactly when we will need such an easement. Also, the County is only in the, "negotiating stage", and must obtain appraisals and later get approval to actually purchase the properties. It does not seem logical that we purchase one isolated easement (\$5,300) until we can make a decision about easements across parcels B, C, H, F & G.

It appears that some of our options are as follows:

- I. Request County to proceed with setting aside a 20' wide utility easement across parcels H, G & F, and across parcels B & C, if possible; then the City would purchase same from County for the not to exceed cost of \$45,700.00, plus the existing easement for \$5,300. Total cost not to exceed \$51,000.
- II. Decline to purchase existing easement and let County proceed on its own with regard to other easements.

Requesting direction from City Council.

This instrument prepared under the direction and supervision of:  
Kent Weissinger  
Hernando County Attorney's Office  
20 N. Main Street, Suite 462  
Brooksville, Florida 34601-2850  
By: Michael E. Silvey, Property Management Coordinator  
Hernando County Department of Public Works/Engineering Division

## PERPETUAL UTILITY EASEMENT

THIS EASEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2007, between **Hernando County**, a political subdivision of the State of Florida, by and through its Board of County Commissioners, whose address is 20 N. Main Street, Room 460, Brooksville, Florida 34601 hereinafter referred to as "Grantor"; and the **City of Brooksville**, a municipal corporation under the laws of the State of Florida, whose address is 201 Howell Avenue, Brooksville, Florida 34601, hereinafter referred to as "Grantee"

### WITNESSETH:

The Grantor in consideration of the sum of ten dollars and no cents (\$10.00) and other good and valuable consideration in hand paid by the said Grantee to the Grantor, receipt whereof is hereby acknowledged, has granted, quitclaimed and conveyed unto the said Grantee, its successors and assigns forever, a Perpetual Utility Easement and right-of-way for the purpose of clearing, excavating, constructing, inspecting, improving, repairing and maintaining public utility facilities for water and sewer in, upon, under, over, across and through the following described land in the County of Hernando, State of Florida, to wit:

See "**Exhibit A**" attached hereto and made a part hereof by reference.

Property Appraiser's Parent Tract Parcel Identification Number: R29 422 19 0000 0300 0000

TO HAVE AND TO HOLD the same unto said Grantee, its successors and assigns forever, together with the reasonable right to enter and depart over and upon adjoining lands of the Grantor for the purpose of exercising the rights herein granted, so long as the land is restored to as good or better condition than originally found upon completion of construction and/or maintenance.

The Grantor covenants to the Grantee that it is lawfully seized of said land and that it has good, right and lawful authority to grant this Easement.

**This easement shall be recorded in the Public Records of Hernando County, Florida.**



DESCRIPTIONS

UTILITY EASEMENT

PARCEL "C"

A PARCEL OF LAND LYING IN AND BEING A PART OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 22 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID WEST 1/2; THENCE N 00° 06' 31" W, ALONG THE WEST BOUNDARY OF SAID WEST 1/2, A DISTANCE OF 80.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 00° 06' 31" W, 20.00 FEET; THENCE N 88° 41' 19" E, 237.12 FEET; THENCE S 01° 18' 41" E, 20.00 FEET TO REFERENCE POINT "A"; THENCE S 88° 41' 19" W, 237.54 FEET TO TO THE POINT OF BEGINNING.

CONTAINING 0.11 ACRES, MORE OR LESS.

PARCEL "D"

COMMENCE AT AFOREMENTIONED POINT "A", THENCE N 88° 41' 19" E, 60.78 FEET TO THE POINT OF BEGINNING; THENCE N 00° 45' 26" W, 20.00 FEET; THENCE N 88° 41' 19" E, 365.67 FEET TO THE EAST BOUNDARY OF SAID WEST 1/2; THENCE S 00° 10' 02" E, ALONG SAID EAST BOUNDARY, 20.00 FEET, THENCE S 88° 41' 19" W, 365.46 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.17 ACRES, MORE OR LESS.

NOTES

- (1) THIS IS NOT A BOUNDARY SURVEY. IT IS A SKETCH OF THE DESCRIPTIONS SHOWN.
- (2) THE BEARINGS SHOWN ARE BASED ON THE SOUTH BOUNDARY OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 22 SOUTH, RANGE 19 EAST HAVING A BEARING OF S 88° 41' 19" W.

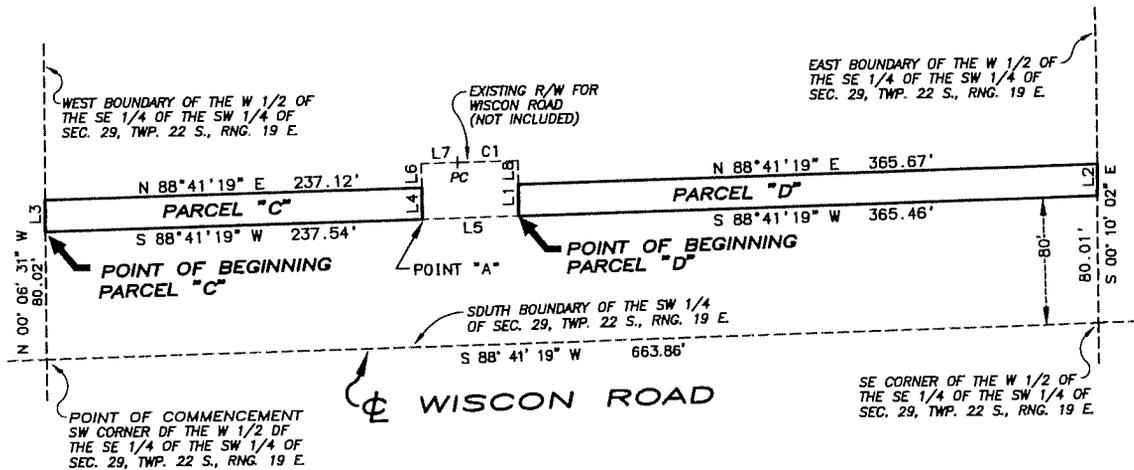
LEGEND

- SEC. = SECTION
- TWP. = TOWNSHIP
- RNG. = RANGE
- R/W = RIGHT OF WAY
- PC = POINT OF CURVATURE
- PT = POINT OF TANGENCY
- C3 = CURVE NUMBER (SEE TABLE)
- L4 = LINE NUMBER (SEE TABLE)



NO.	RADIUS	DELTA	ARC	CHORD	BEARING
C1	3934.72'	00° 33' 15"	38.06'	38.06'	N 88° 57' 56" E

NO.	BEARING	DISTANCE
L1	N 00° 45' 26" W	20.00'
L2	S 00° 10' 02" E	20.00'
L3	N 00° 06' 31" W	20.00'
L4	S 01° 18' 41" E	20.00'
L5	N 88° 41' 19" E	60.78'
L6	N 01° 18' 41" W	15.00'
L7	N 88° 41' 19" E	23.06'
L8	N 00° 45' 26" W	14.82'



W.D. GREENE LAND SURVEYING, INC.

PROFESSIONAL SURVEYING AND MAPPING SINCE 1982  
 600 WEST JEFFERSON STREET - BROOKSVILLE, FLORIDA 34601  
 PHONE : (352) 796-0042 - FAX : (352) 796-0019

DATE : AUGUST 7, 2006	REVISIONS
SCALE : 1" = 80'	
DRAWING NUMBER : G-5983	
JOB ORDER NUMBER : 0802144	
FIELD BOOK : NA	SHEET 1 OF 1

SKETCH OF DESCRIPTIONS

SEC. 29, TWP. 22 S., RNG. 19 E.

PREPARED FOR AND CERTIFIED TO:

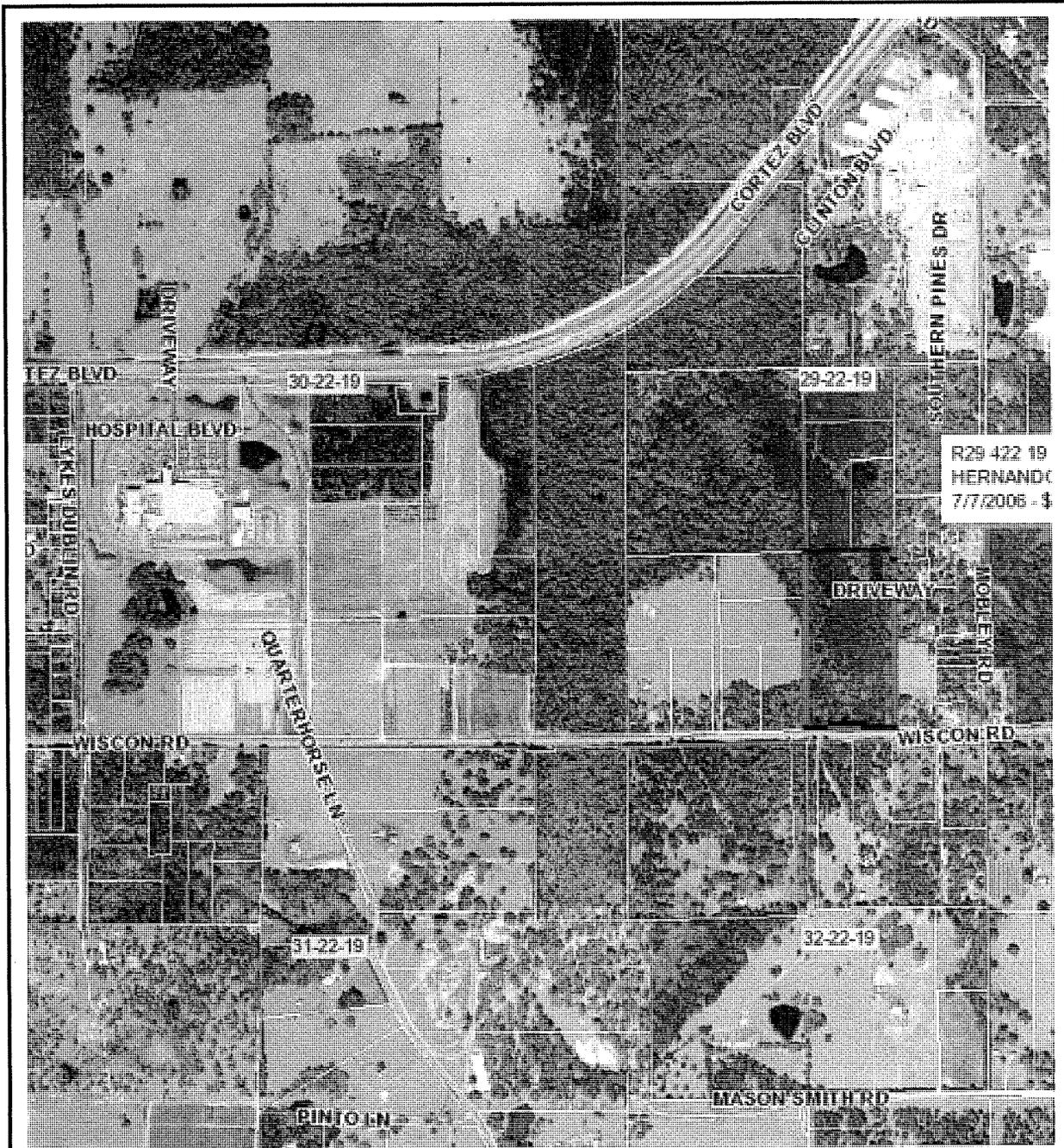
CITY OF BROOKSVILLE

FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER 3704

*Dwight M. Huff*  
 DWIGHT M. HUFF  
 PROFESSIONAL LAND SURVEYOR  
 FLORIDA REGISTRATION NUMBER 3391  
 AUG 09 2006  
 DATE OF SIGNATURE

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER





R29 422 19  
HERNANDO  
7/7/2006 - \$

**Hernando County Property Appraiser**  
Alvin R. Mazourek CFA - Brooksville, Florida - 352-754-4190

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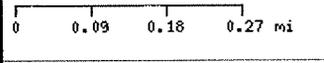
**PARCEL: R29 422 19 0000 0300 0000 | KEY: 00360326**

**W1/2 OF SE1/4 OF SW1/4 AND LESS R/W FOR WISCON RD ORB 647 PG 962**

Name: HERNANDO COUNTY	LandVal	\$246,643.00
Site:	BldgVal	\$0.00
Mail: 20 N MAIN ST RM 460	JustVal	\$246,643.00
BROOKSVILLE FL 34601	Assd	\$3,849.00
7/7/2006 \$1,300,000.00 (M)	Exmpt	\$3,849.00
	Taxable	\$0.00
Sales Info 3/18/1996 \$100.00 (D)		
2/1/1981 \$100.00 (D)		

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Levy: CRES    Map: 69A    GIS: B042    Class:    Quality:    TPPCnt: 0



This information was derived from data which was compiled by the Hernando County Property Appraiser Office solely for the governmental purpose of property assessment. This information should not be relied upon by anyone as a determination of the market value, ownership, or zoning of the property. Zoning information should be obtained from the Hernando County Development Department. No warranties, expressed or

# Board of County Commissioners

Hernando County



Public Works Department - Engineering Division

1525 East Jefferson Street  
Brooksville, Florida 34601  
(352) 754-4062  
FAX: (352) 754-4423

January 25, 2007

Mr. Emory Pierce, P.E., Public Works Director  
City of Brooksville  
201 Howell Avenue  
Brooksville, Florida 34601-2041

SUBJECT: Perpetual Utility Easement – Wiscon Road

Dear Mr. Pierce:

The County has reviewed your request for the grant of a Utility Easement needed for the planned extension of utilities East of the Brooksville Regional Hospital property to Mobley Road on County-owned property purchased for the Peck Sink ESL program along Wiscon Road and would recommend approval for the grant of easement to the City of Brooksville for \$5,300.00. Enclosed is a Perpetual Utility Easement that has been prepared for your review and approval.

If the City of Brooksville agrees to the purchase of the Utility Easement for \$5,300.00, the Utility Easement will be presented to the Hernando County Board of County Commissioners (BOCC) for their consideration. If approved by the BOCC, the Easement will be signed by the Chairman and recorded in the public records of Hernando County upon receipt of the City's payment in the amount of \$5,300.00. Please let me know if this is acceptable and when you have received approval by your City Council so I may schedule the Easement for presentation to the BOCC.

Sincerely,

Michael E. Silvey  
Property Management Coordinator

MES  
Enclosure

cc: Gregg Sutton, P.E., Assistant County Engineer; Charles Mixson, P.E., Director,  
County Engineer; Dawn Velsor, Lead Environmental Planner

**MEMORANDUM**

AGENDA ITEM NO. F-4  
6/4/07

**To:** Stephen Baumgartner, Interim City Manager

**From:** Emory Pierce, Director of Public Works  
Will Smith, Utilities Superintendent

**Date:** May 25, 2007

**Subject:** SR50 West Water & Sewer Line Extension Phase 3  
Hospital Property Crossing Between SR50 & Wiscon Rd.



I am requesting this item be placed on the next regular meeting agenda for consideration by the City Council.

The City has been working on the installation of a water and sewer line extending from Cobb Road west on SR50 then south across the hospital property to Wiscon Rd. and then east on Wiscon Rd. and connecting to existing lines in Wiscon Rd. near US41. Funds were approved and two phases of this project were completed in past budget years.

The third phase of this project involves crossing the hospital property on the east property line from the R/W of SR50 and to the R/W of Wiscon Rd. Funding for this portion of the project was approved in the current budget year for \$416,000 in account #401-000-169.19049 Project #2001-UT36. The total footage for this project is 2625 feet of both 12" & 8" pipe.

At a previous meeting, this subject was discussed with Council concurrent with a utility service agreement for the Brooksville Medical Plaza. The agreement for the medical plaza requires the developer to extend a 12" water line and a 8 inch sewer force main along entire west property line of his development in exchange for connection fee credits. His west property line is also the east property line of the hospital site. This is amounts to 900 feet of both 12" & 8" pipe.

The agreement also gives the City an option to have the developer extend water line and force main from where his property ends to the right-of-way of Wiscon Road. The City will pay the developer for this additional work in cash when the line is completed and accepted by the City. This is about 1725 feet of both 12" & 8" pipe.

The agreement required the developer to obtain competitive bids for the work. The following bids were obtained for the additional work:

- |    |                      |              |
|----|----------------------|--------------|
| 1. | HB Industries        | \$117,543.00 |
| 2. | JEL Site Development | \$164,725.00 |
| 3. | Boykin Construction  | \$223,185.55 |

HB Industries is the site contractor for Brooksville Medical Plaza.

Staff was instructed to investigate this option and bring this issue back for consideration once costs were known.

We are requesting approval for the \$117,543.00 contract and a 10% contingency of \$11,754.30 for a total budgetary expenditure for this project not to exceed \$129,297.30 without further Council approval.

We believe the bid by HB Industries to be a valid bid and the best bid for the Brooksville Medical Plaza developer to extend the additional pipe across the hospital site as described herein.



***David La Croix***  
***Attorney***

AGENDA ITEM NO. F-5  
6/4/07

***Land Use Planning  
and Zoning  
Local Government Law  
Appellate Practice***

***Post Office Box 381  
Brooksville, FL 34605  
Tel. & fax: (352) 382-1373  
davidlac@earthlink.net***

MEMORANDUM

TO: City Council Members

FROM: David La Croix, City Attorney

SUBJECT: Advertising for New City Attorney

DATE: May 24, 2007

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Once you determine the form of an ad you want to use in soliciting proposals for a new City Attorney, there are, in my opinion, three appropriate places to advertise. The first, of course, is local newspapers. The second is the Florida League of Cities' weekly bulletin. The third is the Florida Bar news.

The Florida Bar News is a little expensive, but has the highest circulation to attorneys who might have some interest and the necessary qualifications. The Florida Bar News requires a significant lead time for ads. Therefore, if you have a deadline for applications of, say, July 31, 2007, you might want to have someone contact the Bar News now to see what the last date is for placing an ad in the July 1 edition.

**EXAMPLE OF PRIOR ADVERTISEMENT**  
**FOR CITY ATTORNEY**

ATTORNEY FOR THE CITY OF BROOKSVILLE, FLORIDA

The City of Brooksville is currently conducting a search for a City Attorney for the five-member City Council. City Council Members are elected at large for four year terms with the Mayor selected by Council from its members each year. The form of government is Manager/Council, which was adopted in 1980. Brooksville offers full services, including water, sewer, sanitation and cemetery enterprise divisions, as well as police, fire, parks and public works.

Minimum Qualifications: Membership in the Florida Bar Association and five years legal practice, including governmental law experience. Preference will be given to applicants who have experience in municipal law. Please send your application in resume form reflecting significant personal and professional qualifications with references to:

City of Brooksville  
201 Howell Ave.  
Brooksville, Fl. 34601  
Attn: City Clerk  
Phone No.: (352) 544-5407  
(352) 544-5424

The resume should include the following:

1. Academic credentials
2. Years of legal practice
3. Three main areas of law practiced at this time
4. Residence and place of practice for last five years

Should you have any additional questions, please do not hesitate to call. Upon receipt of all applications, an initial review process will be conducted and thereafter a short list of attorneys will be interviewed and selected by the City Council.

Salary: Negotiable - Please submit salary requirements with letter of application

[Current retainer - \$2,000 per month for up to 20 hrs. legal service per month; additional services paid at rate of \$100 per hr.]

Closing Date and Time: Resumes must be received no later than Friday, May 4, 2001 at 5:00 p.m.

Important Notice: All applicants for this position are subject to the Florida Public Records Act and "Government in the Sunshine" provisions of Florida law. Applications cannot be held in confidence.

# CORRESPONDENCE-TO-NOTE

## REGULAR COUNCIL MEETING - June 04, 2007

1. TYPE: Letter  
DATE: May 1, 2007  
RECEIVED FROM: Senator Mel Martinez  
ADDRESSED TO: Mayor Pugh  
SUBJECT: Invitation to attend the 5/30/07 Forum at the University of South Florida regarding the nation's long term fiscal policy including Social Security and Medicare and opportunities for reform.
2. TYPE: Letter  
DATE: May 1, 2007  
RECEIVED FROM: Shimane Newman, Senior Vice President/Bank of America  
ADDRESSED TO: City of Brooksville/Business Owner  
SUBJECT: Class action lawsuit details regarding prices that credit card/ATM customers were charged to make transactions in a foreign currency or with a foreign merchant between 2/1/1996 and 11/8/2006.
3. TYPE: Memorandum  
DATE: May 1, 2007  
RECEIVED FROM: Carol Welch, Tax Specialist I, Property Tax Administration Program/Florida Department of Revenue  
ADDRESSED TO: All Regular Taxing Authorities and Property Appraisers  
SUBJECT: 2007 Truth in Millage (TRIM) Workshops
4. TYPE: Letter  
DATE: May 7, 2007  
RECEIVED FROM: Paul C. Tash, Editor, CEO and Chairman/St. Petersburg Times  
ADDRESSED TO: Valued Advertisers  
SUBJECT: Update on the growth of the St. Pete Times.
5. TYPE: Memorandum  
DATE: May 8, 2007  
SENT BY: Emory H. Pierce, Director of Public Works  
ADDRESSED TO: Steve Baumgartner, Interim City Manager  
SUBJECT: Details of 424 North Lemon sewer back-up call.
6. TYPE: Email  
DATE: May 8, 2007  
RECEIVED FROM: Michael Sittig, Executive Director/Florida League of Cities (via Serena West)  
ADDRESSED TO: Mayor Pugh  
SUBJECT: Forwarding letter to Governor Crist, requesting he not allow HB 529 to become law.

7. TYPE: Letter  
DATE: May 9, 2007  
RECEIVED FROM: Rene Flowers, President/Florida League of Cities  
ADDRESSED TO: City Clerk  
SUBJECT: Information regarding the fourth annual 'Florida Cities of Excellence Award' Program.
8. TYPE: Memorandum  
DATE: May 10, 2007  
SENT BY: Stephen J. Baumgartner, Interim City Manager  
ADDRESSED TO: Mayor and Council Members  
SUBJECT: Update on the deployment of the City Fire Department's personnel and equipment for the ongoing spring wildfires in Florida.
9. TYPE: Letter  
DATE: May 10, 2007  
SENT BY: Stephen J. Baumgartner, Interim City Manager  
ADDRESSED TO: Lester B. Baird, Sr.  
SUBJECT: In appreciation for Mr. Baird taking part in the application/selection process for a new Brooksville City Manager.
10. TYPE: Memorandum  
DATE: May 10, 2007  
SENT BY: David LaCroix, City Attorney  
ADDRESSED TO: Frankie Burnett, Council Member  
SUBJECT: City Liability for Actions of Brooksville Housing Authority
11. TYPE: Letter  
DATE: May 10, 2007  
SENT BY: Stephen J. Baumgartner, Interim City Manager  
ADDRESSED TO: Mitchell N. Bobowski  
SUBJECT: In appreciation for Mr. Bobowski taking part in the application/selection process for a new Brooksville City Manager.
12. TYPE: Memorandum  
DATE: May 10, 2007  
SENT BY: Patricia J. Jobe, Planning and Zoning Coordinator via Wendy Jespersen, Administrative Assistant  
ADDRESSED TO: Mayor, Council Members, City Manager, City Attorney and Department/Division Heads  
SUBJECT: Summary of May 9, 2007, Planning and Zoning Commission Meeting.
13. TYPE: Email  
DATE: May 10, 2007  
RECEIVED FROM: Richard Johnson, Video Assistant, Hernando County Government Broadcasting  
ADDRESSED TO: Julie Sherraden, Int. Asst. to City Manager  
SUBJECT: Schedule of broadcasting times for Brooksville City Council Meetings.

14. TYPE: Email  
DATE: May 10, 2007  
RECEIVED FROM: Brett Thompson  
ADDRESSED TO: City Manager  
SUBJECT: Information regarding 'NovusHR', an online job applicant tracking and routing application designed to improve efficiency in the hiring process.
15. TYPE: Memorandum  
DATE: May 11, 2007  
SENT BY: Stephen J. Baumgartner, Interim City Manager  
ADDRESSED TO: Mayor and Council Members  
SUBJECT: Opinion that City should not consider loaning the Brooksville Housing Authority the \$500,000 they have requested, until it receives its 2007/08 budget information and final Ad Valorem rulings.
16. TYPE: Email  
DATE: May 14, 2007  
RECEIVED FROM: Carole, Hernando County Welcome Center  
ADDRESSED TO: Miscellaneous  
SUBJECT: Reminder of upcoming Tourist Development Council Meeting to be held May 24, 2007, 3pm at the Welcome Center at 30305 Cortez Boulevard, Brooksville, FL 34602.
17. TYPE: Letter  
DATE: May 14, 2007  
RECEIVED FROM: Fran Flannery, GRI, Realtor-Associate  
ADDRESSED TO: Stephen J. Baumgartner, Interim City Manager  
SUBJECT: Notifying City that there is a parcel for sale, next to the Department of Public Works building, with the address of 724 Brooksville Avenue.
18. TYPE: Email  
DATE: May 14, 2007  
RECEIVED FROM: Gloria Gorby of 'Youth and Family Alternatives' (via Frankie Burnett)  
ADDRESSED TO: Members  
SUBJECT: Request to confirm attendance for 5/16/07 meeting and copy of draft minutes from 5/7/07 meeting.
19. TYPE: Email  
DATE: May 15, 2007  
SENT BY: Ronnie Gossett, Police Department Communications Supervisor  
ADDRESSED TO: Rick Hankins, Norm Cartwright, Karen Phillips, Jason Brough and Duke Maeder.  
SUBJECT: May 15, 2007, Bank Robbery Alert Bulletin, regarding crime committed at the Hernando County Bank at 1187 S. Broad Street, Brooksville, FL.
20. TYPE: Email  
DATE: May 16, 2007  
RECEIVED FROM: Joy Jackson, Hernando County Fairgrounds Manager  
ADDRESSED TO: Miscellaneous  
SUBJECT: Updated information regarding the Fair's Annual Membership Dinner/Meeting on May 24, 2007, 6pm in the fair auditorium. Also, information regarding monthly flea markets.

21. TYPE: Email  
DATE: May 16, 2007  
SENT BY: City Clerk Phillips  
ADDRESSED TO: Mayor and Council Members (copied to miscellaneous city employees)  
SUBJECT: Confirmation of 7/31/07 joint meeting with the Hernando County School Board at 3pm in the School Board Chambers on North Broad Street, Brooksville, FL.
22. TYPE: Letter  
DATE: May 16, 2007  
RECEIVED FROM: Florida House of Representatives/Democratic Office  
ADDRESSED TO: Senator Mike Haridopolos and Rep. Dean Cannon  
SUBJECT: Draft of the House Democratic Caucus tax relief and reform package.
23. TYPE: Email  
DATE: May 16, 2007  
SENT BY: City Clerk Phillips  
ADDRESSED TO: Michael E. Alt, Owner/All Sports Sales & Marketing, Inc.  
SUBJECT: Information regarding Hernando High School fund raiser.
24. TYPE: Memorandum  
DATE: May 16, 2007  
SENT BY: Stephen J. Baumgartner, Interim City Manager  
ADDRESSED TO: Mayor and Council Members  
SUBJECT: Details of impending purchase of a 2007 Peterbilt 320 LCF garbage truck for the Department of Public Works, at a cost of \$148,470.22.
25. TYPE: Memorandum  
DATE: May 16, 2007  
SENT BY: Stephen J. Baumgartner, Interim City Manager  
ADDRESSED TO: Mayor and Council Members  
SUBJECT: Notification that Mr. Baumgartner attended the 5/15/07 appreciation luncheon for local Law Enforcement Officers and attendee, Lisa M. Marshall of Senator Nelson's Office, requested police security for upcoming town hall meeting. (Date of meeting will be furnished later)
26. TYPE: Email  
DATE: May 16, 2007  
SENT BY: Steve Baumgartner, Interim City Manager  
ADDRESSED TO: City Clerk Phillips  
SUBJECT: Information forwarded by Police Chief Ross regarding obtaining certain telecommunications equipment, free of charge, for the City's Police Department.
27. TYPE: Email  
DATE: May 16, 2007  
SENT BY: Steve Baumgartner, Interim City Manager  
ADDRESSED TO: Paul Boston  
SUBJECT: Update on City Council's commitments to the Juneteenth Festival.

28. TYPE: Email  
DATE: May 17, 2007  
RECEIVED FROM: Gregg Sutton  
ADDRESSED TO: City Clerk Phillips  
SUBJECT: In appreciation to the City for recently refurbishing the racquetball courts at Tom Varn Park.
29. TYPE: Email  
DATE: May 17, 2007  
RECEIVED FROM: Alys Brockway (via Jackson E. Sullivan)  
ADDRESSED TO: Central Florida Authorities  
SUBJECT: Notification of recent accident which claimed the life of John Parker, Southwest Florida Water Management District's Brooksville Water Use Regulation Manager.
30. TYPE: Email  
DATE: May 17, 2007  
RECEIVED FROM: Dean Cannon, State Representative District 35 (via Police Chief Ross)  
ADDRESSED TO: Stephen J. Baumgartner (cc: Karen Phillips)  
SUBJECT: Update on Property Tax issues.
31. TYPE: Letter  
DATE: May 17, 2007  
SENT BY: Stephen J. Baumgartner, Interim City Manager  
ADDRESSED TO: David L. Moore, Executive Director/Southwest Florida Water Management District  
SUBJECT: Notification that City Engineer, Emory Pierce, is accepting Mr. Moore's invitation to participate on the Public Supply Advisory Committee.
32. TYPE: Email  
DATE: May 18, 2007  
RECEIVED FROM: Brenda Frazier, Hernando County Community Relations Coordinator  
ADDRESSED TO: City Clerk Phillips  
SUBJECT: Forwarding copy of the Hernando County Board of County Commissioners' recent request for Governor Crist to veto HB 529/SB998 regarding cable franchises, as they feel this legislation severely undermines local government authority.
33. TYPE: Email  
DATE: May 18, 2007  
RECEIVED FROM: Alvin R. Mazourek, CFA, Hernando County Property Appraiser (via Diana Bunn)  
ADDRESSED TO: Miscellaneous Hernando County Authorities  
SUBJECT: Notification that John Emerson has been appointed Chief Deputy for the Property Appraiser's Office.
34. TYPE: Email  
DATE: May 18, 2007  
SENT BY: City Clerk Phillips  
ADDRESSED TO: Paul Boston  
SUBJECT: Confirmation that the security deposit required for the Juneteenth Celebration has not been waived by Council, and information regarding restroom facilities.

35. TYPE: Memorandum  
 DATE: May 24, 2007  
 SENT BY: David LaCroix, City Attorney  
 ADDRESSED TO: Vice Mayor Frankie Burnett  
 SUBJECT: Requirements and Procedures for Municipal Recall Elections.

Monthly Reports (April/May will be in 6/18/07 CTN)

Miscellaneous Minutes

Beautification Board	March 12,	2007
	March 13,	2007
Withlacoochee Regional Planning Council	April 19,	2007
Hernando County Community Anti-Drug Coalition	April 25,	2007

Bulletins/Newsletters/Miscellaneous Publications & Reports

Public Sector Digest Newswire	April	2007
Metropolitan Planning Organization's 'Transportation Talk' Newsletter	April	2007
Metropolitan Planning Organization's '2025 Regional Long Range Transportation Plan'	May 15,	2007
Senator Bill Nelson's Newsletter	May 17,	2007

Miscellaneous

Withlacoochee Regional Water Supply Authority ~ Revised Legislative Summary Briefing.	May 5,	2007
Invitation ~ 5/25/07 75 <sup>th</sup> Anniversary of the SubTropical Agricultural Research Station/Chinsegut Hill Road, Brooksville FL 34601.	May 8,	2007
News Releases ~ Board of County Commissioners Budget Workshop to be held 5/17/07 at 9am in the John Law Ayers Room, Hernando County Government Center.	May 11,	2007
Wildfire Smoke Advisory.	May 11,	2007
Chinsegut Nature Center Schedule July through September 2007.	May 15,	2007

Response To Motion To Disqualify Counsel ~ (Boyce E. Tincher, Plaintiff vs City of Brooksville, FL, a Municipal Corporation, Stephen J. Baumgartner and David LaCroix.)	May 15,	2007
Property Tax Updates ~	May 14,	2007
	May 15,	2007
(2)	May 16,	2007
Hernando County Chamber of Commerce ~ New members for month of April, 2007.	May 9,	2007
Events for week of May 14-18, 2007	May 15,	2007
Information on Education Series entitled 'Keys to Success'.	May 16,	2007
Biennial Report ~ National Flood Insurance Program/Department of Homeland Security Emergency Preparedness & Response Directorate	May 17,	2007
Community Forum & Panel Discussion ~ To be held 5/23/07 from 1-3pm at the Pasco- Hernando Community College North Campus.	May 17,	2007

NOTE: Copies of all correspondence on file in office of the City Clerk

G:\WP\_WORK\ClerkOffice\Correspondence-to-Note\06-04-07 CTN.wpd

MEL MARTINEZ  
FLORIDA  
(202) 224-3041

05-10-07 12:17 10

COMMITTEES:  
ARMED SERVICES  
BANKING  
ENERGY AND NATURAL RESOURCES

# United States Senate

WASHINGTON, DC 20510-0906

May 1, 2007

Mayor David Pugh  
City of Brooksville  
201 Howell Avenue  
Brooksville, FL 34601-2041

Dear Mayor Pugh,

It is my pleasure to invite you to attend and participate in a substantial discussion on the state of our nation's long term fiscal policy including Social Security and Medicare and opportunities for reform. This discussion will be held on Wednesday, May 30, 2007 at 1:00 p.m. on the campus of the University of South Florida.

As you might know, federal entitlement programs consume more than half of annual federal spending and are currently experiencing tremendous growth, both in the size and number of program outlays. At the current expansion rate, federal entitlement programs are unsustainable unless dramatic changes occur. That is why I am inviting you to participate. To ensure a brighter future for our children and grandchildren, we have to begin a nationwide dialogue and know what options are on the table.

With great assistance from USF President Dr. Judy Genshaft, the discussion will be led by the non-partisan Concord Coalition and moderated by USF Distinguished Professor Dr. Susan MacManus. This event will feature U.S. Comptroller General David Walker and guest speakers from the Brookings Institution and the Heritage Foundation. While these panelists might differ on proposed solutions, all agree the magnitude of the problem demands action.

Please join me in welcoming this important and informative forum to Florida. I sincerely hope you will attend. Please RSVP by May 21 by calling the University of South Florida at (813) 974-2791.

Sincerely,



Mel Martinez  
United States Senator

orig: DP  
KC  
5/15/07  
CJ 4/4/07  
and email copy

May 1, 2007

05-16-07 P02:12 III



Business Owner  
City of Brooksville  
201 Howell Ave.  
Brooksville, FL 34601-2042



BASIC < -> MAMM  
5/12/07  
JP

Dear Business Owner,

Enclosed please find a Notice of Class Action Settlement ("Notice"). The Notice provides detailed information about a proposed settlement of a class action lawsuit regarding the prices that cardholders of Visa, MasterCard and Diners Club credit cards and debit/ATM cards were charged to make transactions in a foreign currency or with a foreign merchant between February 1, 1996 and November 8, 2006. The proposed settlement covers all members of Visa and MasterCard, including Bank of America. Bank of America denies the claims in the lawsuit.

Under the proposed settlement, there are three options:

- Submit a claim to the Settlement Administrator
- Request exclusion from the settlement damages class
- Object to the proposed settlement

If you have further questions about the proposed settlement after reading the Notice, please visit [www.ccfsettlement.com](http://www.ccfsettlement.com) or call the Settlement Administrator at 1.800.945.9890.

Should your company decide to submit a claim, please use either the Web site or the toll-free phone number referenced above to request an Agency/Company password. Using this password, you may securely submit your claim online. If you are unable to submit your claim online, the Settlement Administrator can arrange for you to submit the claim on an encrypted claim disk via certified mail. If City of Brooksville decides to submit a claim, please submit the claim to the Settlement Administrator by January 9, 2008.

Sincerely,

Shimane Newman  
Senior Vice President  
Bank of America

Enclosure  
21032-L2-MAMM



Real  
M: Mary C  
Jen  
Steve

5/18/07  
JP

can 4/407 Q



Jim Zingale  
Executive Director

05-10-07 P12:13 IN

General Tax Administration  
Child Support Enforcement  
Property Tax Administration  
Administrative Services  
Information Services

May 1, 2007

**MEMORANDUM**

To: All Regular Taxing Authorities and Property Appraisers

From: Carolyn Welch, Tax Specialist I *aw*  
Property Tax Administration Program

Re: Truth in Millage (TRIM) Workshops

The TRIM staff will offer workshops designed to give basic information and practical assistance with TRIM compliance. The workshops are designed for anyone with compliance problems in prior years, new employees involved with the TRIM process, and as a review for the 2007 TRIM season. These workshops **WILL NOT** deal with budget matters.

The TRIM workshops for Regular Taxing Authorities will be in the following locations:

Wednesday, May 30, 2007, Tallahassee  
Wednesday, June 6, 2007, Bradenton  
Tuesday, June 12, 2007, Sunrise  
Thursday, June 14, Cape Canaveral  
Wednesday, June 20, 2007, Ft. Walton  
Tuesday, June 26, 2007, St. Augustine

There are no fees to attend the workshops. Please complete the appropriate registration and fax it to us as soon as possible. If more information is needed, please contact the following TRIM staff:

Letecia Blick	850-922-7963
Carolyn Welch	850-922-7964
Chito Landrito	850-922-7965

Fax # 850-414-1308

May 7, 2007

To our valued advertisers:

We are committed to help grow your business, and to that end, we've also been growing our own. I thought you might be interested in some ways we've been investing in our products and expanding our reach.

Starting with the St. Petersburg Times, our flagship, we continue to build our Tampa Bay audience. Our Sunday circulation is up nicely, and we have widened our lead as Florida's largest newspaper – and the clear favorite in Tampa Bay.

For the six months ending March 31, 2007, Times Sunday circulation grew by 8,483 copies (+2.0%) from a year ago, according to the Audit Bureau of Circulations. Around the nation, only one other newspaper among the Top 25 reported a Sunday increase. This growth brings us to an average of 430,893 paid copies on Sundays – 88,461 copies more than the Miami Herald, and 132,219 copies more than the Tampa Tribune.

Our daily circulation dipped by less than half a percent (a loss of 1,155 copies), but with paid circulation of 324,899 copies, the Times remains the largest daily newspaper in Florida. Moreover, those numbers do not include our free daily newspaper, tbt\* Tampa Bay Times.

Edited for younger, time-pressed consumers, tbt\* Tampa Bay Times is the nation's fastest-growing paper in the top 20 metro markets. Distribution has increased 45 percent in just one year, now up to 95,000 copies on Friday, and 66,000 copies on other weekdays.

The metro area's largest local news Web site, tampabay.com also is showing extraordinary growth. With 1,565,300 visitors a month, its audience is up nearly 40 percent from a year ago.

With our Web site, tampabay.com and our free daily, tbt\* Tampa Bay Times, the St. Petersburg Times now reaches a total audience of 1,331,100 Tampa Bay adults each week. Year by year, the Times is becoming the newspaper for all of Tampa Bay. We're especially encouraged by our strong growth in Tampa and Hillsborough County.

We are pleased to have you as a partner. Your advertising support matters to us, and your message matters to our readers. Thank you for your business.



fc: Margie  
Bill  
LAM

5/15/07  
hand ip  
on 6/4/07

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

To: Steve Baumgartner, Interim City Manager  
From: Emory H. Pierce, Director of Public Works  
Re: Sewer Back Up Call at 424 N. Lemon  
Date: May 8, 2007



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I was contacted by Lara Bradburn at approximately 10:00 pm on 4/24/2007 that the resident of 424 N. Lemon was having a sewer back up/problem, "water leaking out from under the walls". I contacted PD, who in turn dispatched our on call person, Larry Galloway. When he got to the house he saw that there was no water backed up in the lateral at either the cleanout at the property line or at the one up near the house. Larry then had the resident run water in the kitchen and he observed that it ran smoothly past both cleanouts thru the lateral and into the main. He also looked in a nearby manhole on Lemon and observed water running normally in the main. At my suggestion he did not run water in the bathroom in case there was an internal plumbing problem there. The owner was notified that the problem was not in the City part of the system and that she needed to call a plumber.

The next day, 4/25/07, Stokes Plumbing was at the home for several hours. Laureen Busacca contacted Stokes and spoke with the plumber that had been to the home. He told her that he discovered some rusted and rotted galvanized drain pipes in the kitchen and bathroom areas and that he replaced them. We were notified at last nights Council meeting that there was still a problem at this location and we contacted Stokes plumbing again. Stokes assured Laureen that the problem is in the internal plumbing of the home and has nothing at all to do with the lateral, the main sewer line, or the rehab work. Also, since the water meter is not spinning when all fixtures are shut off, the plumber is convinced that the problem is not a water line behind a wall leaking, but is more rusted out galvanized piping in the drainage system within the house.

*per hand*  
5/15/07  
*[Signature]*

C

**Karen Phillips**

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**From:** "Serena West" <swest@flicities.com>  
**To:** <dpugh@ci.brooksville.fl.us>  
**Sent:** Tuesday, May 08, 2007 3:52 PM  
**Attach:** Veto Cable Bill.pdf  
**Subject:** Veto House Bill 529

DAVID -  
WANT TO  
DO  
ANYTHING?  
KP 4/9

Please see attached message from Michael Sittig, Executive Director, Florida League of Cities

5/9/07  
SO IC STELLS

lead R

5/18/07  
SO

CTN 6/4

5/8/2007



# FLORIDA LEAGUE OF CITIES, INC.

05-14-07 P12:38 IN

May 9, 2007

Dear City Clerk:

To spotlight the countless good things that cities do to improve the quality of life in Florida, the Florida League of Cities is pleased to announce the fourth annual “**Florida Cities of Excellence Award**” program.

This award program focuses public attention on Florida’s cities, towns and villages, and honors outstanding municipal leaders and programs. Often, Florida’s exceptional city leaders, employees and services go unrecognized. Now, it is your turn to shine...

Once again there will be a category for “**City Clerk of the Year.**” Other categories are: City of Excellence, City Spirit Award, Mayor of the Year, Council Member of the Year, City Manager of the Year, City Finance Official of the Year, City Attorney of the Year, City Employee of the Year, and City Citizen of the Year.

Not only are the Florida Cities of Excellence Awards a great way to recognize and honor programs and people who make cities successful, they also are a wonderful way to promote your city!

This year’s awards banquet will be held on Friday, November 19, 2007, at the Hyatt Regency Orlando International Airport Hotel, following the Florida League of Cities Legislative Conference.

A nomination brochure for the awards program is enclosed. The nomination deadline is August 10, 2007. A list of the 2006 finalists and winners is available at [www.flcities.com/awards.asp](http://www.flcities.com/awards.asp).

For more information, call Lynn Tipton or Beth Mulrennan at the League’s Tallahassee office at (850) 222-9684 or e-mail [lтиpton@flcities.com](mailto:lтиpton@flcities.com) or [bmulrennan@flcities.com](mailto:bmulrennan@flcities.com).

Sincerely,



Reñe Flowers, President  
Florida League of Cities  
Councilwoman, City of St. Petersburg

Enclosure

PC  
5/15/07  
8

cc mail  
SB  
Chron  
etc



# CITY OF BROOKSVILLE

## Memorandum

**TO:**

- (X) Mayor David Pugh
- (X) Vice Mayor Frankie Burnett
- (X) Council Member Joe Bernardini
- (X) Council Member Lara Bradburn
- (X) Council Member Richard E. Lewis

**ACTION:**

- ( ) As you requested
- (X) For your information
- ( ) Appropriate action
- ( ) Review and return
- ( ) Review & route

**FROM:** Stephen J. Baumgartner  
Interim City Manager

**DATE:** May 10, 2007

**SUBJ:** Wildfire Deployment Update

---

Attached is a brief memo from Fire Chief Mossgrove concerning the Wildfire Deployment of the Brooksville Fire Department's personnel and equipment.

Lead  
B  
5/15/07  
(JW) 6/4/07

# City of Brooksville



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

May 10, 2007

Lester B. Baird, Sr.  
510 Fifth Avenue  
LaBelle, FL 33935

*Lester*

Dear Mr. Baird:

Thank you for your interest, applying and interviewing for the City Manager position for the City of Brooksville. We were all impressed with your many years of experience and service in the public sector in various capacities. The City Council as you know, selected another candidate Mitchell Bobowski. However since his selection, he has withdrawn from further negotiations, and the Mayor is now negotiating with Jennene Norman-Vacha.

I personally think very highly of you, and wish you the very best in your future search for employment. I did pass onto Council your best wishes and thanks you graciously expressed in our phone conversation.

On another issue, with regard to the receipts you submitted, according to City Clerk/Director of Administration, Karen Phillips and Acting Human Resources Director, Margaret Bosack the City did not agree to pay any other expenses while you were interviewing for the City Manager position. We agreed only to the hotel and providing certain meals.

Again, our thanks for the time you spent here in Brooksville. May God bless you.

Sincerely,

*Stephen J. Baumgartner*

Stephen J Baumgartner  
Interim City Manager

G:\WP\_WORK\Crobe\Letters\Letters 2007\lester baird ltr.wpd

*lrb*  
*5/15/07*  
*5/14/07*

# David La Croix Attorney

*Land Use Planning  
and Zoning  
Local Government Law  
Appellate Practice*

*Post Office Box 381  
Brooksville, FL 34605  
Tel. & fax: (352) 382-1373  
davidlac@earthlink.net*

## MEMORANDUM

TO: Frankie Burnett, Council Member  
FROM: David La Croix, City Attorney  
SUBJECT: City Liability for Actions of Housing Authority  
DATE: May 10, 2007

---

The City of Brooksville and its Council have no statutory liability for any actions (or inaction) of the Brooksville Housing Authority, which is a special district created by the State and a separate legal entity from the City.

The only other ways the City can be liable to someone is through the negligence of its officers and employees, through the intentional tortuous acts of its officers and employees acting in their official capacities, and through lawful contracts entered into by the City.

No entity or individual can be liable for negligence except where the law places a duty on the entity or individual and that duty is negligently performed (or the entity or individual negligently fails to perform it). The City has assumed no duties with regard to the Housing Authority and the law places upon the City no such duties.

Since the City has no obligation or duty with regard to the Housing Authority, no City employee or officer is acting in his or her official capacity with regard to any business of the Housing Authority.

The City has not contracted to assume any duty or obligation on behalf of the Housing Authority; therefore, the City has no contractual liability with regard to any business of the Housing Authority.

Even though the Housing Authority is subject to the City's zoning, building code, and other ordinances, the same as any other property owner in the City, the City and its officers and employees have no liability to property owners for such things as negligent inspections and approvals. The law places upon the property owner, through his own employees and agents, the obligation of ensuring

*lead* 

*5/15/07* (TO 6/4/07)

# City of Brooksville



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

May 10, 2007

Mitchell N. Bobowski  
916 Bay Point Drive  
Madeira Beach, FL 33708

Dear ~~Mr.~~ Bobowski: *MITCH*

Thank you for your interest and for applying for the City Manager position for the City of Brooksville. We were impressed with your many years of experience, accomplishments and service in the public sector in various capacities. The gracious eloquence you expressed when withdrawing from further negotiations for the position was quite impressive.

I am sure many opportunities will avail themselves to you so that your many talents, experience and professionalism will be utilized for the good of many.

Again, thank you for the time you spent for the selection process, it was truly a pleasure meeting you, and Helen. My very best to you in the future.

Sincerely,

Stephen J Baumgartner  
Interim City Manager

*Feb*  
*6/4/07*  
*5/15/07*  
*JB*

**CITY OF BROOKSVILLE  
MEMORANDUM**

TO: Honorable Mayor and City Council Members  
City Manager and City Attorney  
Department/Division Heads

05-11-07 11:12 IN

FROM: Patricia J. Jobe, Planning and Zoning Coordinator

VIA: Wendy Jespersen, Administrative Assistant 

DATE: May 10, 2007

SUBJECT: Summary - May 9, 2007, Planning and Zoning Commission Meeting

NOTE: THIS MEMORANDUM IS FOR YOUR INFORMATIONAL PURPOSES ONLY AND DOES NOT REFLECT DISCUSSION. COPY OF COMPLETE PACKET LOCATED IN CITY COUNCIL OFFICE AND COMMUNITY DEVELOPMENT DEPARTMENT.

\*\*\*\*\*

C. APPROVAL OF MINUTES OF APRIL 11, 2007

ACTION: APPROVED

D. \*\* RZ2007-02 and SE2007-02 - CROSLAND, INC - PRESENTED BY RUDEN MCCLOSKEY AND HEIDT & ASSOCIATES

Request for Rezoning from City and County Agricultural Zoning District to Planned Development Project (PDP) with a Special Exception for a Residential Planned Development Project and Master Plan Approval.

ACTION: COMMISSION APPROVED subject to the following performance conditions:

1. Within two years of the Council's approval of the Residential Planned Development Project (RPDP) zoning and SEU approval, the petitioner/developer will need to initiate the construction or subdivision process (as applicable); providing preliminary plat plans that address infrastructure needs, and construction plans that reflect the preliminary plat (all being consistent with the requirements of the City's subdivision and/or planned development project regulations). Otherwise, this SEU approval becomes null and void.
2. The petitioner/developer must obtain all permits and meet all applicable land development regulations, for construction or use of the property.
3. The maximum number of residential dwelling units associated with this Zoning/SEU approval is one-hundred-sixty-four (164).
4. The minimum building setbacks for this project are as follows:

From Southern Hills Boulevard -	35'
From Governor Boulevard -	35'
From South (Rear) property Line -	25'
From East (Side) property line -	25'
Separation between buildings -	20'
Setbacks from internal drive lanes -	10'
5. The maximum building height is three stories.
6. A maximum of one access drive to Southern Hills Boulevard and one access drive to Governor Boulevard is approved.
7. The residential community entrances may incorporate appropriate signage, consistent with community standards and subject to approval

*Handwritten signatures and dates:*  
5/15/07  
cm 4/4/07

**Julie Sherraden**

---

**From:** "Richard Johnson" <RJohnson@co.hernando.fl.us>  
**To:** <jsherraden@ci.brooksville.fl.us>  
**Sent:** Thursday, May 10, 2007 1:32 PM  
**Subject:** FW: City Council Broadcast Times

---

**From:** Richard Johnson  
**Sent:** Thursday, May 10, 2007 9:25 AM  
**To:** 'jsherraden@ci.brooksville.us'  
**Subject:** City Council Broadcast Times

Good morning. As requested, here are the scheduled broadcast times for the City Council Meetings.

On the weeks when the normal City Council meetings are held (1st & 3rd Mondays), the meetings will be broadcast Wednesday at 6 pm and Friday at 9 am.

On the weeks when the Council does not normally meet (2nd & 4th Mondays), we will broadcast the City Council Thursday at 9 a.m. and Saturday at 6 p.m.

On the nights we broadcast the City Council at 6 p.m., we normally repeat the broadcast at 12 midnight (unless the Council meeting is unusually long).

If you have any questions, please don't hesitate to contact me.

Richard Johnson  
Video Assistant  
Hernando County Government Broadcasting  
352-540-6777

Re: cc  
Steve  
Karen  
Dept. Heads  
Bulletin Bids 5/10/2007  
ETN 6/4/07  
5/11/07  
J

*Margaret B.*

**City Manager**

---

**From:** "Brett Thompson" <brett@novusolutions.com>  
**To:** <citymgr@ci.brooksville.fl.us>  
**Sent:** Thursday, May 10, 2007 2:43 PM  
**Subject:** Job Applicant tracking question

Hello ,

Hope all is well. The reason for my email is to schedule a few minutes of your time to show you NovusHR, an easy to afford online job applicant tracking and routing application designed to improve efficiency in your current hiring process.

NovusHR is designed to let qualified applicants and support staff to easily submit applications or resumes using only a web browser. NovusHR also allows HR staff to review an application, attach files, comment and electronically route the application to hiring managers and committees who will only need a web browser to manage the recruits Most importantly, NovusHR is hosted by you and priced to meet your tight budgets.

Will you be available for a few minutes next Wednesday at 11:00 A.M. or next Thursday at 3:00 P.M. to review NovusHR together online, over the phone? I look forward to showing you all the benefits of NovusHR.

Thank you and have a great day,

Brett Thompson  
NovuSolutions  
800-274-5624  
[brett@novusolutions.com](mailto:brett@novusolutions.com)

Create and inform

*5/11/07*  
*PC: 'read' solution etc*  
*Stella*  
*Karen*



# CITY OF BROOKSVILLE

## Memorandum

cc Mail  
SK  
YB  
CC 5/11/07

**TO:**

(X) Mayor David Pugh  
(X) Vice Mayor Frankie Burnett  
(X) Council Member Joe Bernardini  
(X) Council Member Lara Bradburn  
(X) Council Member Richard E. Lewis

**ACTION:**

( ) As you requested  
(X) For your information  
( ) Appropriate action  
( ) Review and return  
( ) Review & route

**FROM:** Stephen J. Baumgartner  
Interim City Manager

**DATE:** May 11, 2007

**SUBJ:** Brooksville Housing Authority's Loan Request

---

With regard to the Brooksville Housing Authority Board's request for City Council to consider loaning the Authority \$500,000 (see correspondence attached), my opinion is with much uncertainty of with the situation with the State Legislature on the future of Ad Valorem tax revenues, the City should not consider loaning monies until the State Legislature completes its Special Session scheduled for the middle of June, and we complete our 2007/08 budget.

I understand the Housing Authority has serious issues, but unfortunately our future revenues are uncertain if these legislative mandates are passed.

leaf

5/15/07  
SE (TH) 6/4/07

**Julie Sherraden**

**From:** "WelcomeCtr WelcomeCtr" <welcomectr@co.hernando.fl.us>  
**To:** <htlbrooks@aol.com>; <papajoeres@aol.com>; <jsherraden@ci.brooksville.fl.us>;  
 <lbradburn@ci.brooksville.fl.us>; <rlewis@ci.brooksville.fl.us>; "Dianne Cox"  
 <DCox.GWIPPO.HCFL@co.hernando.fl.us>; "Rose Rocco"  
 <RRocco.GWIPPO.HCFL@co.hernando.fl.us>; <janknowles@earthlink.net>;  
 <ronbobbi@fbconnect.net>; <twhite@portabellagroup.com>; <gmbkvfl@tampabay.rr.com>;  
 <thostncoast@yahoo.com>  
**Sent:** Monday, May 14, 2007 1:38 PM  
**Subject:** REMINDER:

HI EVERYONE !

JUST A FRIENDLY REMINDER TO BE SURE YOU'VE NOTED ON YOUR CALENDAR ...

TDC MEETING \*- Thursday MAY 24th AT 3:00 AT THE (Welcome Center) BEST WESTERN  
in the Garden Sunroom

Please remember to advise me of your attendance ... need to be sure we have a quorum!

Have a great "Nature Coast" Day!

Carole

Hernando County Welcome Center  
 30305 Cortez Blvd.  
 Brooksville, Fl. 34602  
 352-754-4405  
 1-800-601-4580  
[www.hernandocounty.us/visit](http://www.hernandocounty.us/visit)

*re: L. Bradburn  
 R. Lewis  
 'Mad'*

*5/15/07  
 CAR 6/4/07  
 5/14/2007*



**Fran Flannery, GRI**  
 REALTOR-ASSOCIATE®  
 (352) 799-3000 Office  
 (352) 442-0425 Mobile  
 franflannery@bellsouth.net



**SCHRAUT &  
 ASSOCIATES**

421 West Jefferson Street  
 Brooksville, FL 34601

Each Office Is Independently  
 Owned And Operated

702 S. BROAD STREET  
 BROOKSVILLE, FL 34601

BUS. (352) 799-3000  
 FAX (352) 796-4121  
 gary@schraut.com  
 www.schraut.com

*file*

05-17-07 11:32 AM

May 14, 2007

Stephen J. Baumgartner  
 Interim City Manager  
 City of Brooksville  
 201 Howell Avenue  
 Brooksville, FL 34601

Re: 724 Brooksville Avenue

Dear Mr. Baumgartner:

Recently, I listed the property located at 724 Brooksville Avenue in the City of Brooksville. The parcel is .82 acres, zoned C-2, and abuts the City Department of Public Works building. Mr. Morris, the seller, is asking \$225,000 for this parcel but he has indicated that he is open to all offers.

If the City should be interested in acquiring this property, please give me a call at my office, (352) 799-3000, or on my cell phone, (352) 442-0425.

Thank you for your time and consideration.

Sincerely,

*Fran Flannery*

Fran Flannery, GRI  
 Realtor-Associate

cc: Emory Pierce, Director  
 Public Works

Bill Geiger, Director  
 Community Development

*cc: Bill  
 Emory P  
 Don L  
 lead  
 catch*

Each Office Is Independently Owned And Operated.

*5/18/07*

**Julie Sherraden**

*JB.*

**From:** "Frankie Burnett" <fburnett@ci.brooksville.fl.us>  
**To:** "Julie Sherraden" <jsherraden@ci.brooksville.fl.us>  
**Sent:** Monday, May 14, 2007 1:18 PM  
**Attach:** B&P Special Event 5-7-07 minutes.doc; Agenda 051607.doc  
**Subject:** Fw: Boots and Pearls Meeting reminder

please procss

\*\*\*\*\*

Karen M. Phillips  
Director of Administration/City Clerk  
City of Brooksville  
201 Howell Avenue  
Brooksville, FL 34601-2041  
<http://www.ci.brooksville.fl.us>  
[kphillips@ci.brooksville.fl.us](mailto:kphillips@ci.brooksville.fl.us)  
(352) 544-5407 (Phone)  
(352) 544-5424 (Fax)

----- Original Message -----

**From:** Gloria Gorby  
**To:** Bernadette Huff ; Carol Ellis ; Diane Cox ; Diane Rowden ; fburnett@ci.brooksville.fl.us ; Gina Prespare ; Glenn Parkinson ; Jean Rags ; Jim Simms ; Lt. Bobby Caruthers ; Marlene Shaw ; Martha Gonzalez ; Maureen Soliman ; Nancy Robinson ; Patricia Galbraith ; Tracy Dimuro  
**Cc:** Mark Phillips ; Carolyn Kehr ; Jennifer Lind  
**Sent:** Friday, May 11, 2007 2:13 PM  
**Subject:** Boots and Pearls Meeting reminder

Attached are the DRAFT minutes from May 7<sup>th</sup> and an Agenda for the up-coming meeting May 16<sup>th</sup> at 4 p.m. held at the NBYS. We hope that you will be able to make the meeting as there are a number of important issues to discuss regarding the Boots and Pearls Ball on June 15<sup>th</sup>. We are running out of time and need everyone's help to have a successful event.

Please confirm your attendance. Thank you and have a good day. Happy Mother's Day to all the mothers.

*PC: 'read' Julie (6/4/07 etc)*

*5/15/07 5/14/2007*

*P*

**Karen Phillips**

---

**From:** "Ronnie Gossett" <rgossett@ci.brooksville.fl.us>  
**To:** "Rick Hankins" <rhankins@ci.brooksville.fl.us>; "Norm Cartwright" <ncartwright@ci.brooksville.fl.us>; "Karen Phillips" <kphillips@ci.brooksville.fl.us>; "Jason Brough" <jbrough@ci.brooksville.fl.us>; "Duke Maeder" <dmaeder@ci.brooksville.fl.us>  
**Sent:** Tuesday, May 15, 2007 2:21 PM  
**Attach:** HCSO Bank Robbery Bulletin.pdf  
**Subject:** Fw: Bank Robbery Alert Bulletin

Ronald Gossett  
Communications Supervisor  
Brooksville Police Dept  
rgossett@ci.brooksville.fl.us

----- Original Message -----

**From:** Harrell, Teresa  
**To:** rgossett@ci.brooksville.fl.us ; Chief Ross ; John Messer ; Randy Orman ; Rick Hankins  
**Sent:** Tuesday, May 15, 2007 12:38  
**Subject:** Bank Robbery Alert Bulletin

Attached is the Community Alert Bulletin that was disseminated to the public, via our eLert email service. I also sent the bulletin to Citrus and Pasco Counties Crime Analysis Units and the Florida Highway Patrol for this region. Of course, it has also be emailed to all employees at the Hernando County Sheriff's Office.

Note, at the bottom of the bulletin I included the Crime Stoppers Reward contact information. Any tips that come in via this program will forwarded to you. Please let me know if you need any further assistance with your investigation. Good Luck!

**Teresa Harrell, Supervisor**  
**Crime Analysis Unit**  
**Hernando Co. Sheriff's Office**  
**P.O. Box 10070, Brooksville, FL 34603-0070**  
**Direct Phone 352-797-3804 & Cell 352-279-4025**  
**Main 352-754-6830 & FAX 352-796-0015**  
**CAU Group Email: cau4@hernandosheriff.org**  
**Website: www.hernandosheriff.org**

*PL: Council  
lead  
g*

*5/16/07 CRU 4/4/07  
88  
5/15/2007*

**Julie Sherraden**

---

**From:** "Hernando County Fairgrounds" <info@hernandocountyfair.com>  
**To:** "Brenda Fraizer" <brendaf@hernandocounty.us>; "Daina Simons" <dsimons64@peoplepc.com>; "Janet Agey" <jagey@sptimes.com>; "Karen Phillips" <kphillips@ci.brooksville.fl.us>; "Mike Duncan" <mduncan@wrec.net>; "Mike Walker" <mwalker@ci.brooksville.fl.us>; "Coke - Peggy Allen" <pegallen@na.cokecce.com>; "Rick Foti" <rickf@hernandocounty.us>; "Sharon Pavlik" <rpavlik2@tampabay.rr.com>; "Sheila Roush" <sheliaroush@yahoo.com>; "Tabatha" <trodier@na.cokecce.com>; "Pam and Brian Chytka" <pbchytka@earthlink.net>; "Anthony Kovic" <info@k2mall.com>; "Chris Kruff" <sleepwld@cs.com>; "Chuck & TC Schmidt" <tcs969@bellsouth.net>; "Dennis DeHoff" <cddehoff@earthlink.net>; "Donna Brown" <chevy\_dj@yahoo.com>; "Jason Martinez" <jjasontodd@hotmail.com>; "Jeff Johnston" <jmj114@bellsouth.net>; "John Edmonds" <gocoppermill@yahoo.com>; "Kathleen Keefe" <kkeefe4@tampabay.rr.com>; "Lori Bainum" <lbainum@sptimes.com>; "Nancy Hurst" <nannynanc@bellsouth.net>; "Patrick Jones" <sandpat45@yahoo.com>; "Sherry Whitford" <flip9104@bellsouth.net>; "Stephanie" <info@aimdirectmedia.com>; "Susan Grubbs" <dsbrgrubbs@bellsouth.net>; "Board of County Commisioners" <dcox@co.hernando.fl.us>; "Bill Sims" <leaphire@yahoo.com>; "Brooksville City Council" <jsherraden@ci.brooksville.fl.us>; "Cathy DeHoff" <cdehoff@pasco.k12.fl.us>; "Craig Fulmer" <cfulmer@cutlerdb.com>; "Dana Hurst" <haroldsautocente@bellsouth.net>; "Dave Russell" <drussell@co.hernando.fl.us>; "Deb Pedone" <DPedone@sptimes.com>; "Deidre Fletcher" <htlbrooks@aol.com>; "Don Page" <dpage@cortezcommunitybank.com>; "Jan Knowles" <janknowles@earthlink.net>; "Joe Bernardini" <joeb433@bellsouth.net>; "John Mitten" <01657@chick-fil-a.com>; "Joy Jackson" <flcrackerjack@hotmail.com>; "Judy Mamo" <jmamo@cortezcommunitybank.com>; "Nancy Moores" <nancym@co.hernando.fl.us>; "Richard Nugent" <rnugent@hernandosheriff.org>; "Sandi Nicholson" <snicholson@nicholson-engineering.com>; "Tammy Fincher" <ILOVEILLUSION07@AOL.COM>; "Tim Hill" <spfdtim7@aol.com>; "Tommy Clark" <BRYANT.CLARK@PGNMAIL.COM>  
**Sent:** Wednesday, May 16, 2007 1:30 PM  
**Subject:** Annual meeing reminder

Dear HCFA member:

The 2007 "Blue Jeans and Country Dreams" Hernando County Fair and Youth Livestock Show is now just a memory and we are ready to jump into our new year. We have plans for several functions throughout the coming year and we hope to see you many times before the 2008 Fair.

The Fair Association thanks you for the support you have given us before, during, and after the fair. Without people like you, we would not be able to continue hosting the county fair, which we believe is an important part of the community.

The Hernando County Fair Association will hold its Annual Membership Dinner and Meeting on May 24, 2007, at 6:00 p.m. in the auditorium. Please purchase your 2007 - 2008 membership card if have not already done so, which entitles you to vote at the meeting. You may stop by the Fair office or wait until the meeting to purchase your new membership card. This card will also be your daily pass to the 2008 Fair. Remember that a family membership allows one vote per family. Please RSVP to me at 352-796-4552 so we will know how many meals to provide.

We have several vacancies on the Board of Directors that will be filled, as well as a new Executive Board to put in place. We will also bring reports to the membership regarding the just-ended fair and our fiscal position.

*pl: 'read' 5/24/07*

*ATN 6/4/07 5/24/2007*

**Karen Phillips**

---

**From:** "Karen Phillips" <kphillips@ci.brooksville.fl.us>  
**To:** "David Pugh, Jr." <davidp@civil-tech.com>; "Frankie Burnett" <fburnett@ci.brooksville.fl.us>; "Joe Bernardini" <joebgrp1@bellsouth.net>; "Lara Bradburn" <laraline@hotmail.com>; "Richard E Lewis" <rlewis@ci.brooksville.fl.us>  
**Cc:** "Stephen Baumgartner" <sbaumgartner@ci.brooksville.fl.us>; "David LaCroix" <davidlac@earthlink.net>; "Tim Mossgrove" <tmossgrove@ci.brooksville.fl.us>; "Mike Walker" <mwalker@ci.brooksville.fl.us>; "Jim Delach" <jdelach@ci.brooksville.fl.us>; "Emory Pierce" <epierce@ci.brooksville.fl.us>; "Bill Geiger" <bgeiger@ci.brooksville.fl.us>; "Frank Ross" <fross@ci.brooksville.fl.us>; "Margaret Bosack" <mbosack@ci.brooksville.fl.us>; "Terri Slaughter" <tslaughter@ci.brooksville.fl.us>; "Susan Mcrary" <smccrary@ci.brooksville.fl.us>; "Pat Jobe" <pjobe@ci.brooksville.fl.us>; "Mary Cason" <mcason@ci.brooksville.fl.us>; "Lindsay Morgan" <lmorgan@ci.brooksville.fl.us>; "Jan Peters" <jpeters@ci.brooksville.fl.us>; "Brenda Benford" <bbenford@ci.brooksville.fl.us>; "Audrey Williams" <parks@ci.brooksville.fl.us>; "Allison Earwood" <aearwood@ci.brooksville.fl.us>; "Kim Harsin" <kharsin@ci.brooksville.fl.us>; "Julie Sherraden" <jsherraden@ci.brooksville.fl.us>  
**Sent:** Wednesday, May 16, 2007 3:13 PM  
**Subject:** Joint Meeting confirmation

Please be advised that we have received the final confirmation from the County that they concurred with the Joint School Concurrence meeting to be held on 7/31/07 at 3pm in the School Board Chambers so please make sure this is on your calendars. We will coordinate agenda and packet distribution closer to the meeting date.

\*\*\*\*\*

Karen M. Phillips  
 Director of Administration/City Clerk  
 City of Brooksville  
 201 Howell Avenue  
 Brooksville, FL 34601-2041  
<http://www.ci.brooksville.fl.us>  
[kphillips@ci.brooksville.fl.us](mailto:kphillips@ci.brooksville.fl.us)  
 (352) 544-5407 (Phone)  
 (352) 544-5424 (Fax)

*Real Julie*

*5/18/07*

*CTW 6/4/07*

*Florida House of Representatives*  
Democratic Office

Dan Gelber  
Democratic Leader

Joyce Cusack  
Democratic Leader pro tempore

May 16, 2007

Dear Senator Mike Haridopolos and Representative Dean Cannon:

Please find attached a draft of the House Democratic Caucus tax relief and reform package. We believe it addresses many of the issues that must properly be addressed in the upcoming Special Session. While we are not wed to any one approach, we do believe there are some notable goals that we aspired to and that are reflected in our plan:

- We need to provide meaningful relief to all property owners, but mostly to those that are feeling the most pain and are not receiving any significant benefit from Save Our Homes;
- Exemptions that are used to deliver taxpayer relief need to be indexed to account for growth, inflation, and the changing and diverse nature of Florida's communities and housing stock;
- We address the inequities of Save Our Homes by providing an alternative that gives Floridians a fairer deal that works for them;
- We must constrain growth of not only local property tax based budgets, but also state property tax increases through the Required Local Effort;
- We need assessment caps for all property in order to promote predictability in taxation and avoid the unhealthy spikes in assessments and resulting taxes that follow inflation in the real estate market.

We would respectfully request an opportunity to present this plan at the upcoming meeting of the Joint Committee scheduled for May 21. Further, we have had preliminary economic forecasts done on much of our plan. We calculate it will reduce local, county and state government taxes a total of between \$4 and \$5 billion each year. In order to properly forecast its impact we would need the revenue estimating conference to conduct an impact conference. We believe this would be beneficial to the legislature as it will help price features of relief that may be part of an ultimate tax package.

We look forward to working with you to make sure that all Floridians receive fair and meaningful tax relief.

Read  
CTV  
6/14/07  
5/18/07  
SA  
P

**Karen Phillips**

**From:** "Karen Phillips" <kphillips@ci.brooksville.fl.us>  
**To:** "Michael Alt" <michael1asp@yahoo.com>  
**Sent:** Wednesday, May 16, 2007 11:30 AM  
**Subject:** Re: Hernando High School Fall Football Program

Got it - I'll pass it around staff!

\*\*\*\*\*

Karen M. Phillips  
Director of Administration/City Clerk  
City of Brooksville  
201 Howell Avenue  
Brooksville, FL 34601-2041  
<http://www.ci.brooksville.fl.us>  
[kphillips@ci.brooksville.fl.us](mailto:kphillips@ci.brooksville.fl.us)  
(352) 544-5407 (Phone)  
(352) 544-5424 (Fax)

----- Original Message -----

**From:** Michael Alt  
**To:** Karen Phillips  
**Sent:** Wednesday, May 16, 2007 10:37 AM  
**Subject:** Re: Hernando High School Fall Football Program

Thanks Karen!

Sometimes I send these, knowing that such a thing would happen. But I also send them because you never know who's parents work where. This way, people get the information.

Take care and God bless.  
Michael D. Alt, Owner  
All Sports Sales & Marketing, Inc.  
(352) 353-5139 Brooksville #  
[Michael1asp@Yahoo.com](mailto:Michael1asp@Yahoo.com)

**Karen Phillips** <[kphillips@ci.brooksville.fl.us](mailto:kphillips@ci.brooksville.fl.us)> wrote:

Please be advised that this is not a budgeted advertising expense so we cannot consider at this time unless City Council directed otherwise. We wish you luck in your fundraising campaign and success to the team this year!

\*\*\*\*\*

Karen M. Phillips  
Director of Administration/City Clerk  
City of Brooksville  
201 Howell Avenue  
Brooksville, FL 34601-2041  
<http://www.ci.brooksville.fl.us>  
[kphillips@ci.brooksville.fl.us](mailto:kphillips@ci.brooksville.fl.us)  
(352) 544-5407 (Phone)  
(352) 544-5424 (Fax)

*PC: Council  
not send  
End of 1. 11. 07*

*5/17/07  
JO*

*CTW 8/9/07*

5/16/2007



# CITY OF BROOKSVILLE

## Memorandum

cc-mail  
EP  
WS  
JD  
SB  
KF  
Chrom  
5/18/07

**TO:**

- (X) Mayor David Pugh
- (X) Vice Mayor Frankie Burnett
- (X) Council Member Joe Bernardini
- (X) Council Member Lara Bradburn
- (X) Council Member Richard E. Lewis

**ACTION:**

- ( ) As you requested
- (X) For your information
- ( ) Appropriate action
- ( ) Review and return
- ( ) Review & route

**FROM:** Stephen J. Baumgartner  
Interim City Manager

**DATE:** May 16, 2007

**SUBJ:** Garbage Truck Loan - Solid Waste Fund

---

The Solid Waste Fund has ordered a 2007 Peterbilt 320 LCF garbage truck at a cost of \$148,470.22. Public Works Director, Emory Pierce has requested we finance the truck between 5 and 8 years. The garbage truck purchased in 2004 was financed for 5 years.

We expect to go out for Request for Quotes (RFQ) for the new garbage truck on approximately June 15, 2007. The advice from lenders is to wait until thirty (30) to forty-five (45) days prior to the delivery of the truck (August 1<sup>st</sup> estimated delivery date). Lenders prefer to not lock-in interest rates earlier than thirty (30) to forty-five (45) days.

We will bring back to Council the bids received in July for consideration. At that time, Council can award the low bid or consider borrowing the funds from the Vehicle Replacement Fund. A loan from the Vehicle Replacement Fund has been suggested, however Council also requested the RFQ process.

pc: Emory Pierce, Public Works Director  
Will Smith, Utilities Superintendent  
Jim Delach, Acting Finance Director

5/18/07  
5/14/07  
8

cc-mail  
FR  
SB  
Chron  
JCC



# CITY OF BROOKSVILLE

## Memorandum

**TO:**

- (X) Mayor David Pugh
- (X) Vice Mayor Frankie Burnett
- (X) Council Member Joe Bernardini
- (X) Council Member Lara Bradburn
- (X) Council Member Richard E. Lewis

**ACTION:**

- ( ) As you requested
- (X) For your information
- ( ) Appropriate action
- ( ) Review and return
- ( ) Review & route

**FROM:** Stephen J. Baumgartner *stew*  
Interim City Manager

**DATE:** May 16, 2007

**SUBJ:** Appreciation Luncheon for Local Law Enforcement Officers  
(National Law Enforcement Week)

I attended the appreciation luncheon for local Law Enforcement Officers (5-15-07) at the county's Emergency Operation Center. It coincided with the week-long celebration of National Peace Officers' Week, and Police Memorial Day also on May 15. The Brooksville Police Department was well-represented. Gifts were given by the Committee Against Assault on Law Enforcement Officers.

Lisa M. Marshall, Regional Director for Senator Bill Nelson's office was in attendance and expressed best wishes to City Council Members on behalf of Senator Nelson. She also talked with Chief Ross and expressed to him that she will be requesting security for an upcoming visit by the Senator. I expect a Town Meeting maybe scheduled in the near future. We will keep you apprised.

*pc: Julia  
hending  
mts*

pc: Frank Ross, Interim Police Chief

*Real*

*5/17/07  
SB  
CJW 4/4/07*

**Karen Phillips**

---

**From:** "Steve Baumgartner" <sbaumgartner@ci.brooksville.fl.us>  
**To:** "Karen Phillips" <kphillips@ci.brooksville.fl.us>  
**Cc:** "Janice Peters" <jpeters@ci.brooksville.fl.us>  
**Sent:** Wednesday, May 16, 2007 5:14 PM  
**Subject:** Fw: Purchases for our Communications Center

FYI--I would like Council to know about this good news.

----- Original Message -----

**From:** Frank Ross  
**To:** Stephen Baumgartner  
**Cc:** Jason Brough ; Jim Delach  
**Sent:** Wednesday, May 16, 2007 2:02 PM  
**Subject:** Purchases for our Communications Center

Good afternoon Steve:

I asked Sgt. Brough to invite Bill Kicklighter, 9-1-1 Coordinator for the County, to our communications center to determine what they could fund to update our telecommunications equipment. The 9-1-1 funds can only be used for equipment designed to receive the incoming 9-1-1 calls. Therefore, we can not purchase portable and mobile radio type equipment. Bill Kicklighter said he would recommend the following items to be purchased for us from these funds:

- **Replace a computer used to play the recordings of 911 calls.**
- **Replace the existing Dictaphone Recorder System.**
- **Add a third 9-1-1 phone line for the supervisor work station.**
- **Offered technical assistance to intergrate the 9-1-1 lines with the internal phone lines. This will allow dispatchers to transfer calls within the building and provide paging capabilities.**

We expect his recommendations to be approved.

Frank

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Frank Ross, Chief of Police  
Brooksville Police Dept.  
352-754-6800 \* 352-754-6809 - fax  
[frross@ci.brooksville.fl.us](mailto:frross@ci.brooksville.fl.us)

*inca*

*lead*

*2*

*5/17/07*  
*FR*

*on 6/4/07*

5/17/2007

**Karen Phillips**

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**From:** "Steve Baumgartner" <sbaumgartner@ci.brooksville.fl.us>  
**To:** "Paul Boston" <Legalbrothers@aol.com>  
**Cc:** "Frankie Burnett" <fburnett@ci.brooksville.fl.us>  
**Sent:** Wednesday, May 16, 2007 5:05 PM  
**Attach:** Steve B - Juneteenth.wpd  
**Subject:** Fw: Emailing: Steve B - Juneteenth.wpd

Dear Mr. Boston:

Vice Mayor Burnett requested that we review the minutes of the 5/7/07 Council Meeting on the Council's commitments to the Juneteenth Festival. The Vice Mayor asked me to then forward that to you.

City Clerk Karen Phillips has prepared a memorandum outlining our involvement. Karen verified with Emory Pierce and Mike Walker the accuracy of her memorandum.

Please review the memorandum. I'm also sending via e-mail the excerpt of the 5/7/07 meeting--the excerpt will follow in a separate e-mail. Thank you.

---

Steve Baumgartner  
Interim City Manager  
City of Brooksville, FL  
352-544-5435 Fax:352-544-5424  
sbaumgartner@ci.brooksville.fl.us  
<http://www.ci.brooksville.fl.us>

----- Original Message -----

**From:** Karen Phillips  
**To:** Stephen Baumgartner  
**Sent:** Wednesday, May 16, 2007 3:49 PM  
**Subject:** Emailing: Steve B - Juneteenth.wpd

with correction noted by Emory on title/type of meter.

The message is ready to be sent with the following file or link attachments:  
Steve B - Juneteenth.wpd

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

*per hand* 

*5/17/07* 

*on 6/4/07*  
5/17/2007

**Karen Phillips**

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**From:** "Gregg Sutton" <GSutton@co.hernando.fl.us>  
**To:** <kphillips@ci.brooksville.fl.us>  
**Sent:** Thursday, May 17, 2007 4:25 PM  
**Subject:** Thank You

Karen,

This is Gregg Sutton from Hernando County Engineering & an avid racquetball player. On behalf of all the other diehard racquetball players who use the courts at Tom Varn Park, I want to say thank you to the City for refurbishing & painting the courts. You did a wonderful job & they are now unquestionably the best courts in Hernando, Citrus & Pasco counties! The new floor surface provides much better traction & the paint on the walls provides much better visibility. Please convey our sincere appreciation & gratitude to those responsible.

Gregg

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mch  
lead

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gg  
Lm 6/4/07

5/17/2007

e

**Karen Phillips**

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**From:** "Sullivan, Jackson E." <JSullivan@CarltonFields.com>  
**To:** <ckingsley@co.hernando.fl.us>; <jcoleman@cityofbushnellfl.com>; <DOwen@ocalafl.org>; <drussell@co.hernando.fl.us>; <Dennis.Damato@bocc.citrus.fl.us>; <drowden@co.hernando.fl.us>; "Gary Bartell" <gary.bartell@bocc.citrus.fl.us>; <jbernardini@ci.brooksville.fl.us>; "Joyce Valentino" <Joyce.Valentino@bocc.citrus.fl.us>; <KGuinn@ocalafl.org>; "Larry Haag (E-mail)" <lmhaag@tampabay.rr.com>; <Michael.Francis@sumtercountyfl.gov>; <Dick.Hoffman@sumtercountyfl.gov>; <rrocco@co.hernando.fl.us>; <sophie\_diazfonseca@yahoo.com>  
**Cc:** "Alys Brockway" <abrockway@co.hernando.fl.us>; <Brad.Cornelius@sumtercountyfl.gov>; <waterboy1059@yahoo.com>; <brian.armstrong@swfwmd.state.fl.us>; <bruhickle@yahoo.com>; <bday@wrpc.cc>; <doreen.chan@swfwmd.state.fl.us>; <jesull@comcast.net>; <jhalcomb@ocalafl.org>; <keith.mullins@veoliawaterna.com>; <Kevin.Smith@bocc.citrus.fl.us>; <troy.kuphal@marioncountyfl.org>; <Larryj@co.hernando.fl.us>; <phubbell@wraconsultants.com>; <Robbie.Rogers@sumtercountyfl.gov>; <robert.knight@bocc.citrus.fl.us>; <rwells@wraconsultants.com>; "Russell Kreager" <RKreager@cityofinvernessonline.com>; <Terri.Keene@bocc.citrus.fl.us>; <terry@staffconnections.com>; <trey.arnett@thevillages.com>; <wsmith@ci.brooksville.fl.us>  
**Sent:** Thursday, May 17, 2007 2:51 PM  
**Attach:** ATT00049.eml  
**Subject:** FW: Fw: John Parker

I thought all of you would want to know about this tragedy.

Jack Sullivan

-----Original Message-----

**From:** Alys Brockway [mailto:abrockway@co.hernando.fl.us]  
**Sent:** Thursday, May 17, 2007 2:48 PM  
**To:** Sullivan, Jackson E.  
**Subject:** Fwd: Fw: John Parker

I seem to the bearer of terrible news..John Parker was killed last night on his way home from work. Apparently they airlifted him--but he died before arriving at the hospital....wow! is Hernando County a sad place.  
Alys

*Pc. Council  
Bill  
Smith  
Lead*

*5/18/07  
go  
5/17/2007*

**Karen Phillips**

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**From:** "Frank Ross" <fross@ci.brooksville.fl.us>  
**To:** "Stephen Baumgartner" <sbaumgartner@ci.brooksville.fl.us>  
**Cc:** "Karen Phillips" <kphillips@ci.brooksville.fl.us>  
**Sent:** Thursday, May 17, 2007 10:57 AM  
**Subject:** Memo on property tax progress update.doc

Dear Members:

I would like to take a few moments of your time to provide an update on where we are on property taxes.

In the final days of Regular Session, Senator Webster and I focused on one particular approach which has the potential to provide the levels of relief and reform that our members seek and which also appears to be favorably viewed by our partners in the Senate. As you may already know, Speaker Rubio recently publicly discussed this methodology upon which we hope to base a consensus product for property tax relief and reform. Under this approach, homestead exemptions would be dramatically increased based on a percentage of value (as opposed to a flat dollar amount.)

Here is one example of how this might work:

- On the home's first \$300,000 in just value, 80% of the value of the property would be exempt from property taxes.
- On the next \$700,000 in just value, 70% would be exempt.
- On just value above \$1,000,000, 30% would be exempt.

Under the above "tiered" example, about 90% of existing homestead property owners would benefit under the plan. Furthermore, the relief is targeted proportionally to the homestead properties that have been treated most unfairly as a result of the inequities created by the Save Our Homes amendment, i.e., people who recently purchased their home will receive greater relief than those longstanding homestead owners who have been living in their homes longer and receiving the valuation protection provided by the Save Our homes amendment.

It's important to note that the above tiered structure is only one example of how the percentage based exemption methodology could be implemented. There are several variables and options to be considered, including what percentage(s) to use and to what the percentage exemption will be applied, e.g., should the exemption be based upon a flat statewide percentage, a percentage that varies county-by-county like median home value, or a percentage based upon a tiered structure similar to the one above, or some combination or variation of these approaches.

With respect to the small percentage of homeowners who may be better off under the existing Save Our Homes structure than a percentage-based exemption, our goal would be to "grandfather" their existing benefit. Although they may not receive a reduction in their current property taxes, they would no longer be trapped in their homes, unable to move. The new larger homestead exemption would allow longstanding homestead owners to move without an excessive higher tax penalty, achieving a great reduction in the inequities created by the Save Our Homes and practical portability.

We may also be able to provide relief to non-homestead property owners through this percentage-based exemption approach as well. Both non-homestead residential properties and commercial and industrial properties could be granted an exemption equal to a percentage of their value and would consequently

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EP/30410/06/11/11/11

# City of Brooksville



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

May 17, 2007

David L. Moore  
Executive director  
Southwest Florida Water Management District  
2379 Broad Street  
Brooksville, FL 34604-6899

Re: Invitation to join the Southwest Florida Water Management District's Public Supply Advisory Committee

Dear Mr. Moore:

Thank you for your letter of May 7, 2007 inviting the City of Brooksville to participate on the Public Supply Advisory Committee. I appreciate very much your request and understanding how participation by all public and private utilities is vital to the protection of our water resources.

I am pleased to inform you that our Public Works Director, Emory Pierce, P.E. has notified me that he would be glad to participate on the Public Supply Advisory Committee. If you would like to contact Mr. Pierce directly, he can be reached at:

Brooksville Department of Public Works  
600 S. Brooksville Avenue  
Brooksville, FL 34601  
Telephone: (352) 544-5465

Thank you again for the invitation to participate on this important committee.

Sincerely,

*Stephen J Baumgartner*  
Stephen J Baumgartner  
Interim City Manager

pc: City Council Members  
Emory Pierce, P.E, Public Works Director

*P.C. Reed*

G:\WP\_WORK\Crobe\Letters\Letters 2007\David Moore at swfwm.d wpd

*5/17/07*  
*CPW 6/4/07*

**Karen Phillips**

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**From:** "Brenda Frazier" <BrendaF@co.hernando.fl.us>  
**To:** <kphillips@ci.brooksville.fl.us>  
**Sent:** Friday, May 18, 2007 9:01 AM  
**Subject:** FW: Request Veto of Cable Legislation

FYI

Brenda Frazier  
 Community Relations Coordinator  
 Hernando County Government  
 20 N. Main Street - Room 460  
 Brooksville, FL 34601  
 (352) 540-6780  
 (352) 754-4477 (fax)  
[brendaf@hernandocounty.us](mailto:brendaf@hernandocounty.us)

>  
 > 

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 > From: Brenda Frazier  
 > Sent: Friday, May 18, 2007 8:20 AM  
 > To: Kent Weissinger; Garth Coller; Garry Allen; HCGB Resource  
 > Object; 'Roy Gordon'; [Jessica.Lambert@bocc.citrus.fl.us](mailto:Jessica.Lambert@bocc.citrus.fl.us); Jean Rags;  
 > Larry Jennings; Gary Kuhl; [CKingsley@co.hernando.fl.us](mailto:CKingsley@co.hernando.fl.us); Dave Russell  
 > ([DRussell@co.hernando.fl.us](mailto:DRussell@co.hernando.fl.us)); [DRowden@co.hernando.fl.us](mailto:DRowden@co.hernando.fl.us);  
 > [JStabins@co.hernando.fl.us](mailto:JStabins@co.hernando.fl.us); Rose Rocco ([RRocco@co.hernando.fl.us](mailto:RRocco@co.hernando.fl.us))  
 > Subject: Request Veto of Cable Legislation  
 >  
 > Below is the letter that was sent to the Governor yesterday (for what  
 > its worth).  
 >  
 > May 17, 2007  
 >  
 > Re: Please veto HB 529/SB 998  
 >  
 > Dear Governor Crist:  
 >  
 > The Hernando County Board of County Commissioners urges you to veto HB  
 > 529/SB 998 regarding cable franchises as this legislation severely  
 > undermines local government authority. We oppose the proposed  
 > legislation for the following reasons that will have a direct effect  
 > on Florida's consumers:  
 >  
 > \* Moving Education and Government Access channels: With the  
 > proposal of moving educational and government access channels to a  
 > more costly tier, consumers with basic cable service will be unable to  
 > access the local government channel which means no more easy  
 > government in the sunshine.  
 >

lead  
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 CTS 6/4/07  
 5/18/2007

**Karen Phillips**

---

**From:** "Diana Bunn" <dianab@co.hernando.fl.us>  
**To:** <bgeiger@ci.brooksville.fl.us>; <KPhillips@ci.brooksville.fl.us>; "Annie Williams" <AWilliams@co.hernando.fl.us>; "Brenda Frazier" <BrendaF@co.hernando.fl.us>; "Charles Mixson" <CharlesM@co.hernando.fl.us>; "Christopher Kingsley" <CKingsley@co.hernando.fl.us>; "Diane Rowden" <DRowden@co.hernando.fl.us>; "Dave Russell" <DRussell@co.hernando.fl.us>; "Gary Fisher" <GaryF@co.hernando.fl.us>; "George Zoettlein" <GeorgeZ@co.hernando.fl.us>; "Gary Kuhl" <GKuhl@co.hernando.fl.us>; "Grant Tolbert" <GrantT@co.hernando.fl.us>; "Jean Rags" <JeanR@co.hernando.fl.us>; "Jeff Stabins" <JStabins@co.hernando.fl.us>; "Juanita Sikes" <JuanitaS@co.hernando.fl.us>; "Karen Nicolai" <KarenN@co.hernando.fl.us>; "Larry Jennings" <LarryJ@co.hernando.fl.us>; "Mike Nickerson" <MikeN@co.hernando.fl.us>; "Mike McHugh" <MMcHugh@co.hernando.fl.us>; "Pat Fagan" <PatF@co.hernando.fl.us>; "Rose Rocco" <RRocco@co.hernando.fl.us>; "Thomas Leto" <TLeto@co.hernando.fl.us>; <RNugent@hernandosheriff.org>; <jmorrison@springhillfire.com>  
**Cc:** "Alvin Mazourek" <AlvinM@co.hernando.fl.us>  
**Sent:** Friday, May 18, 2007 11:50 AM  
**Subject:** Property Appraiser's Office - Chief Deputy

From the desk of Alvin R. Mazourek, CFA  
Hernando County Property Appraiser

I am very pleased to announce that John Emerson has been appointed Chief Deputy for the Property Appraiser's Office.

Many of you know and have worked with John for years. He is very deserving of this appointment. Please feel free to contact John on any matter pertaining to this office.

Alvin R. Mazourek, CFA  
Hernando County Property Appraiser  
201 Howell Avenue, Ste. 300  
Brooksville, FL 34601-2041  
(352) 754-4190 Fax (352) 754-4198  
[www.co.hernando.fl.us/pa](http://www.co.hernando.fl.us/pa)

*Lead  
for inspection*

*5/18/07  
CTW 6/4/07  
5/18/2007*

**Karen Phillips**

---

**From:** "Karen Phillips" <kphillips@ci.brooksville.fl.us>  
**To:** "Paul Boston" <Legalbrothers@aol.com>  
**Cc:** "Stephen Baumgartner" <sbaumgartner@ci.brooksville.fl.us>; "Mike Walker" <mwalker@ci.brooksville.fl.us>; "Emory Pierce" <epierce@ci.brooksville.fl.us>; "Frankie Burnett" <fburnett@ci.brooksville.fl.us>; "Jan Peters" <jpeters@ci.brooksville.fl.us>  
**Sent:** Friday, May 18, 2007 4:12 PM  
**Subject:** Juneteenth Celebration

I'm sorry Mr. Boston but we reviewed the meeting tape again after you called yesterday and I have to confirm that we could find no record of Council waiving the security deposit (which is required for all events by a past Council Policy Action). Nor could we find any reference to agreeing to provide restroom facilities for the event. I'm sorry there was confusion on the expected completion date of the bathrooms at the GNT but as I understand that project, it is not even off the drawing board yet.

If you would like to discuss this further with City Council, please be reminded that we have a Council Meeting on Monday, May 21st. This is not an agenda item but you can certainly address this during Citizen's Input.

Sorry for the confusion but please be assured that we are most receptive to working with your event committee the financial extent authorized by Council and/or budgetary constraints.

\*\*\*\*\*

Karen M. Phillips  
Director of Administration/City Clerk  
City of Brooksville  
201 Howell Avenue  
Brooksville, FL 34601-2041  
<http://www.ci.brooksville.fl.us>  
[kphillips@ci.brooksville.fl.us](mailto:kphillips@ci.brooksville.fl.us)  
(352) 544-5407 (Phone)  
(352) 544-5424 (Fax)

*lead  
FC Frankie*

*5:30 PM C7M 4/4/07  
[Signature]*

# *David La Croix*

## *Attorney*

*Land Use Planning  
and Zoning  
Local Government Law  
Appellate Practice*

*Post Office Box 381  
Brooksville, FL 34605  
Tel. & fax: (352) 382-1373  
davidlac@earthlink.net*

### MEMORANDUM

TO: Frankie Burnett, Council Member

FROM: David La Croix, City Attorney

SUBJECT: Requirements and Procedures for Municipal Recall  
Elections

DATE: May 24, 2007

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Municipal recall elections are governed by Florida Statutes, Section 100.361. The grounds for recall are set out in the statute as: (1) malfeasance, (2) misfeasance, (3) neglect of duty, (4) drunkenness, (5) incompetence, (6) permanent inability to perform official duties, and (7) conviction of a felony involving moral turpitude. No recall petition may be filed against a Council member until that person has served one-fourth of the term for which he or she was elected.

If anyone wants to initiate a recall, he or she must first circulate a petition, naming the person sought to be recalled and containing the grounds for recall stated in 200 words or less, and obtain the signatures of 10% of the registered voters in the City.

If the petition is determined to have the required number of signatures, the person sought to be recalled may file a defensive statement of no more than 200 words. The recall committee then has to circulate the petition and defensive statement together and obtain the signatures of 15% of the City's registered voters.

If the required number of registered voters is certified by the elections supervisor, the person sought to be recalled has five days in which to resign. If the person doesn't resign, the City Council must schedule an election between 30 and 60 days after the end of that 5-day period. At the same election, persons who wish to fill the remainder of the term run for the office, in case the recall petition is successful.

XC: Other Council Members

5/24/07  
JP  
Stew/KP  
cc  
Read  
CN 2/1/06

BEAUTIFICATION BOARD  
CITY ENTRANCE WELCOME SIGN SUBCOMMITTEE  
MINUTES

Monday, March 12, 2007

1:00 P.M.

The Beautification Board met with subcommittee members Nicole Sensale, Louise Taylor, and Jay Thompson. Also present was Lindsay A. Morgan, Board Secretary.

Board Member Sensale showed the subcommittee members a few signs she had printed out from her internet research for possible designs of the welcome signs. The one sign she had particularly liked was the one from Lake Alfred which included a planter in front of the sign, which the Board could plant annuals at different times of the year.

She had also printed an article about a developer donating the signs to the city, to which the Board was also looking into.

Board Member Taylor thought the upkeep of the plants in the planter would be troublesome. But she pointed out the sign near the entrance to Southern Hills could be maintained by their landscapers. Board Member Sensale suggested the other signs could possibly be maintained by local organizations such as the Master Gardeners, Garden Club or maybe even the City's landscapers.

Board Member Taylor asked how many signs the Board was proposing, to which Board Member Thompson advised are four City entrances. Board Member Sensale suggested putting the larger welcome signs at the more prominent locations and putting smaller, understated signs at the less traveled locations.

Board Member Sensale felt opening up the design of the sign to the community as a contest would be a great idea, with the prize for the winner would be the pride of the Board selecting their design. The Board would pick three designs and put those out for bids to determine the cost and then the Board could pick the winner.

The subcommittee agreed the Board would ask local businesses and organizations for donations to offset the cost of the signs. Board Member Thompson advised he would draft a donation letter for the Board's review.

Regarding holding a fundraiser, the Board agreed that members of the Board would also need to personally contact the local organizations as well as holding many events.

PC: 'Mad' 5/26/07  
ORN 6/4/07

**BEAUTIFICATION BOARD MINUTES**

**Tuesday, March 13, 2007**

**5:30 P.M.**

The Beautification Board met with members Lou Kavouras, Sally Sperling, Nicole Sensale, Louise Taylor, and Jay Thompson. Also present were Joe Bernardini, Council Liaison and Lindsay A. Morgan, Board Secretary.

Meeting was called to order by Chairman Kavouras at 5:33 p.m., followed by moment of silence and the Pledge of Allegiance.

**Approval of Minutes**

February 13, 2007

**Motion:**

Board Member Thompson moved for approval of the February 13, 2007 minutes with correction to the Arbor Day celebration event date; seconded by Board Member Sperling. Motion carried 5-0.

**Margaret R. Ghiotto Residential Beautification Award**

**Nominations:**

No nominations this month.

Board Member Taylor nominated the new house on Liberty Street for the April agenda. She advised she would get the exact address to Board Secretary Morgan before the next meeting.

**Margaret R. Ghiotto Commercial Beautification Award**

**Nominations:**

1. 273 N. Broad Street - Cheyenne Asphalt Inc.  
(Nominated by Board Member Taylor)

**Motion:**

Board Member Taylor moved to award 273 N. Broad Street the Commercial Award for March; seconded by Board Member Thompson. Motion carried 5-0.

Board consensus was to hold off on Town and Country Realty for this month's award and place the nomination on the April 10, 2007 agenda.

PE: 'road' 5/24/07  
CN 6/4/07

**WITHLACOOCHEE REGIONAL PLANNING COUNCIL  
BOARD OF DIRECTORS MEETING**

**DATE:** April 19, 2007  
**TIME:** 7:00 P.M.  
**PLACE:** Withlacoochee Regional Planning Council  
1241 S. W. 10<sup>th</sup> Street  
Ocala, FL 34474-2798

**MEMBERS PRESENT:**

Vicki Phillips, Citrus County Commissioner  
Dennis Damato, Citrus County Commissioner  
Joyce Valentino, Citrus County Commissioner  
Carl Bertoch, Citrus County Governor's Appointee  
Joseph W. Sawyer, Citrus County Governor's Appointee  
Rose Rocco, Hernando County Commissioner  
Joe Johnston, III, Hernando County Governor's Appointee  
Walter "Buddy" Selph, Hernando County Governor's Appointee  
Steve Holcomb, Levy County Municipal Representative  
Nancy Bell, Levy County Commissioner  
Danny Stevens, Levy County Commissioner  
Eugene Trimpert, Levy County Governor's Appointee  
Wilma Loar, Marion County Municipal Representative  
Patricia Gabriel, Marion County Governor's Appointee  
Edward Abshier, Marion County Governor's Appointee  
Daniel Dooley, Marion County Governor's Appointee  
Ronald Allen, Sumter County Municipal Representative  
Richard Hoffman, Sumter County Commissioner

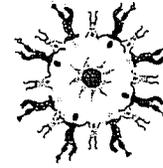
**MEMBERS ABSENT:**

Ken Hinkle, Citrus County Municipal Representative  
John Thrumston, Citrus County Commissioner  
Linda Powers, Citrus County Governor's Appointee  
David Pugh, Hernando County Municipal Representative  
Jeff Stabins, Hernando County Commissioner  
Diane Rowden, Hernando County Commissioner  
Chris Kingsley, Hernando County Commissioner  
Dave Russell, Hernando County Commissioner  
Stan McClain, Marion County Commissioner  
Barbara Fitos, Marion County Commissioner  
Andy Kesselring, Marion County Commissioner

5/11/07  
JTB  
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CEL

Hernando County Community Anti-Drug Coalition  
6147 Deltona Blvd., Spring Hill, FL 34606  
Phone: 352-596-8000 \* Fax: 352-596-8002  
[info@hernandoantidrug.org](mailto:info@hernandoantidrug.org)



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**Hernando County Community Anti-Drug Coalition**  
**Meeting Minutes**  
**April 25, 2007**

**Present:** Sandra Marrero (The Harbor), Lisa Hammond (BHERGroup), Ian Harper (DJJ), Tresa Watson (CENAPS), Shari Noriega (PTA), Karen Gidden (HC Health Dept.), Eugenia Karahalias, Alan Arick (HCSO)

**Excused:** Richard Forrester (DCF)

Meeting called to order at 3:40 p.m.

Lisa presented a motion to accept minutes from March meeting as amended. Karen second the motion. Motion carried

**YAAPI**

Tresa announced the possibility YAAPI may be reinstated. She further announced Bill Janes, from the Office of Drug Control has been re-instated by the new Governor. Tresa stated the Florida Drug Summit will be held in October this year, as opposed to May. Sandra reported Chill Smart participated in "Week of the young Child" on April 14, 2007. The event was successful. Tresa reported that Charlie and Alex from Chill Smart received rave reviews about their demonstration of "Susie, the smoking baby" at the event. They were allowed to demonstrate how tobacco harms a fetus in-utero. A crowd gathered at their demo and many positive comments were received. Sandra announced Teen Drug Court has referred several youth to Chill Smart. Sandra informed the members of a request for Chill Smart to host a table at an upcoming event entitled "Worlds Greatest Baby Shower". Sandra polled for interest. Lisa informed the group that she already registered the Coalition for the event, but will need someone to work at the table. Shari stated she could work the event but preferred not to do so alone. Sandra will call a Chill Smart parent to inquire interest in working the event, and will inform Shari.

**Youth Speak Out Sessions**

Lisa reported a session was conducted at Nature Coast Technical High School. The information gathered was the same as in other venues with the exception that access to marijuana was on campus as opposed to outside of school. Lisa reports not being sure if the issue is particular to Nature Coast Technical High School, or whether it just happen to be disclosed. She further informed had she been able to get into every school, it would be possible to discover school specific issues. However, because of not having access into every school, the survey must be considered county-wide. Nevertheless, the information obtained is sufficient to conduct a "Lock-Up-Your Liquor" campaign. Furthermore, it is evident that middle schools must be targeted stronger than high schools. Lisa reported that by the time students are in high school, their

5/15/07

pc: 'madd'  
idubog caw

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# Public Sector Digest

## APRIL NEWSWIRE

Our April issue is now available online. Listed below are this months featured articles and their executive summaries. Our members have unlimited access to our featured articles as well as all archived articles, whitepapers, online tutorials, and members forum.

To request an online tour you can visit our site at

<http://www.publicsectordigest.com/tour.php> or contact us directly at 519-690-2565.

### ARTICLES

1. Building a Broadband Economy
2. Worker or Independent Operator
3. Waste Management – A European Perspective (Article 3 of 3)
4. The First 100 Days

EVENTS - [www.publicsectordigest.com/events.php](http://www.publicsectordigest.com/events.php)

5. Canadian National Asset Management Working Session (May 13th – 16th, 2007)

<http://www.cnam.ca/>

6. Transforming Local Government (TLG) Conference (June 5<sup>th</sup>, 2007)
7. Building the Broadband Economy – Intelligent Community Forum Conference

### DIGEST FEATURES

8. Issue Archive
9. Online Executive Tutorials
10. Members Forum – New Feature
11. White Papers
12. CityWide Municipal & CityWide Tangible Assets



### LEADING ARTICLES

#### 1. Building a Broadband Economy

*(By Public Sector Digest Research Staff)*

In today's technologically evolving world communities must choose to develop their broadband economies or be left in the dust of those who have. Local governments have the opportunity to encourage technological investment and to engage in network development partnerships which can provide homes, local businesses, and government offices with affordable and reliable access to the broadband world; giving them the technological edge to compete with other communities across the globe.

#### 2. Worker or Independent Operator

*(By Paula Lombardi – Siskind, Cromarty, Ivey & Dowler LLP)*

A subcontractor or owner-operator may in fact be considered a worker or independent operator by the Workplace Safety and Insurance Board ("WSIB"). If considered a worker, the employer is required to pay premiums and register with the WSIB. Any

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## INSIDE THIS ISSUE:

Suncoast Parkway designated as scenic highway. 2

MPO prepared highway system report card. 3

511 System now operating in Hernando. 4

## ANNOUNCEMENTS

- ◆ Regular transit fares recently increased to \$1.00. See this page for more information.
- ◆ Hernando County now has two new, low floor transit buses.
- ◆ Anyone interested in information regarding roadway operations or the status of improvements, please call MPO staff at 352-754-4057.

## COUNTY APPROVES TRANSIT FARE INCREASE

Following a 30-day public comment period on proposed bus fare increases, the Board of County Commissioners approved the first fare increase for THE Bus which took effect April 1, 2007. Previous full and reduced bus fares were 50 cents and 25 cents, respectively. While the fares had not increased since the start-up of operations, bus operating costs have significantly risen. Although the transit operator has indicated that the impact upon revenue is difficult to calculate at this time, additional fare box revenue is necessary to keep pace with operating expenses. The main reasons to increase fares were higher than expected fuel and maintenance costs. Expenses connected with expanding demand on complementary Americans with Disabilities Act (ADA) paratransit van service was also a factor. Federal requirements dictate that limits of service cannot be applied to the number or frequency of trips by riders on ADA service. Also, ADA fares are capped to not exceed twice the cost of a regular bus fare.



An initial 25% decline in the number of riders has occurred, but is expected to be only temporary. The total fare receipts increased with the change in fares. However, to reduce the initial impact on bus riders, the monthly pass rates of \$15.00 and \$7.50 will remain unchanged, at least for the first six months. At that time, an assessment on increasing the charge for bus passes will be completed.



Passengers are able to transfer from Spring Hill routes to Brooksville at the SR 50 transfer station. New low floor buses offering easy access now serve all routes.

atn 6/4/07

City of Brooksville  
Attn: Stephen Baumgartner  
201 Howell Avenue  
Brooksville, FL 34601

# 2025

## Regional Long Range Transportation Plan



WEST CENTRAL FLORIDA MPO  
CHAIRS COORDINATING COMMITTEE

COORDINATING REGIONAL  
TRANSPORTATION PLANNING FOR  
CITRUS, HERNANDO, HILLSBOROUGH,  
MANATEE, PASCO, PINELLAS, POLK &  
SARASOTA COUNTIES

[www.regionaltransportation.org](http://www.regionaltransportation.org)

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*PC: [unclear] [unclear]*  
*CS: 6/4/07*



## U.S. Senator Bill Nelson FLORIDA

*From the Desk of Lisa M. Marshall*

### **Senate Passes FDA Bill**

On May 9, the Senate passed S. 1082, the Food and Drug Administration Revitalization Act. Senator Nelson voted for the bill, which extends current public-private partnerships to expedite the review and approval of new prescription drugs. It also improves the process of ensuring the safety and efficacy of pharmaceuticals and medical devices in children, and addresses weaknesses in our current system for ensuring the safety of both human and pet food supply.

Sen. Nelson cosponsored an amendment to S. 1082 that would allow for the reimportation of FDA-approved drugs from Canada and countries in Europe. Citizens in these countries regularly pay half the price that Americans do for the same exact drugs. Although this amendment passed, a subsequent amendment essentially nullified this provision by requiring certification from the Secretary of Health and Human Services, which will almost certainly not happen.

### **Senate Considers WRDA**

This week, the Senate is considering H.R. 1495, the Water Resources Development Act, also known as "WRDA." The \$14 billion bill authorizes the U.S. Army Corps of Engineers to carry out a variety of navigation, flood control, water supply, environmental restoration, and other water resource projects. The bill is almost identical to an earlier version that passed the Senate in 2006 but died in conference. This week's debate will mark the sixth time the Senate has taken up the matter since the last authorization was enacted in 2000. The House passed their \$14 billion version of the bill April 19.

### **Sudan Rejects Visa Request**

The U.S. State Department informed Senator Nelson last week that the Sudanese Ministry of Foreign Affairs would not act on his request for a visa to visit there late in May. A State Department official indicated this was the first such outright rejection of a member of Congress, and the third of a U.S. government delegation in the past week--signaling the start of a trend.

This rejection comes just weeks after Representative Hoyer led a bipartisan congressional delegation of 11 House members to Sudan, including stops in Khartoum and Darfur, and afterward launched a website aimed at drawing increased attention to the atrocities in Darfur. It also follows charges made late last month by State Department Deputy Secretary John Negroponte accusing the Sudanese government of engaging in a "campaign of intimidation" against humanitarian aid workers assigned to bring relief to the people of Darfur. Senator Nelson is still planning a trip to the region and hopes to visit the refugee camps in Chad that border the Darfur region.

### **Negro Leagues Resolution Passes Senate**

The Negro Leagues Resolution, S. Con. Res. 29, introduced by Senator Nelson at the end of April, passed the Senate on May 10 by unanimous consent. This bipartisan measure had a

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**Withlacoochee Regional Water Supply Authority**  
**Revised Legislative Summary Briefing**  
**May 5, 2007**

**Pending Issue:**

- Property tax reform – Special Session scheduled for June 12 through 22;

**Legislation that passed:**

- Southwest Florida Water Management District Governing Board changes, including adding one additional member from Polk County and requiring that one at-large member be appointed from **Hernando** or **Marion** counties, among other things (CS/HB 1039), effective upon becoming law;
- Growth management legislation authorizing a pilot program to expedite the local comprehensive plan amendment and review process in selected urban areas, among other things (HB 7203), effective 7/1/07;
- Public construction bond legislation clarifies that for design-build contracts the bond may not be conditioned on the performance or payment of non-construction services if those services are excluded from the amount of the bond, and provides flexibility to decide when and if a guaranteed maximum price and completion date may be required (CS/HB 1489), effective 7/1/07;

**Legislation that failed:**

- Alternative Water Supply Trust Fund reduction of \$30 million (HB 7059);
- Reorganization of Chapter 373, F.S. including all water resources and supply planning and permitting statutes (SB 2882);
- Springs protection legislation requiring a task force to report recommendations for a program encouraging best management practices to protect springs from agricultural and non-agricultural activities (CS/HB 299);
- Pre-emption of local government wetland regulation (HB 957);
- Expedited processing of environmental permits for certain economic development projects (HB 1031);
- Office of Program Policy Analysis and Government Accountability (OPPAGA) would annually evaluate works of each water management district (HB 1493);
- Independent special districts with taxing authority power would have elected governing boards (SB 1912);
- Special districts would be periodically abolished and revived (SB 1904).

*PC. 2/2007*

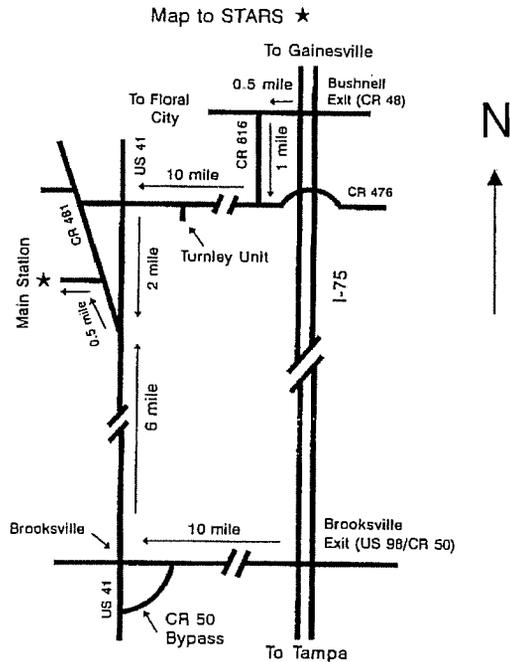
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5/19 RP- yes, all  
council members are welcome...  
j



You are cordially invited to join us as we celebrate the  
75<sup>th</sup> Anniversary of the  
SubTropical Agricultural Research Station (STARS)

Friday, May 25, 2007  
At Station Headquarters  
22271 Chinsegut Hill Road  
Brooksville, FL 34601

Program 9:30 a.m. – 12:00 noon  
Lunch will be provided.

Research Program Highlights from 1-3 PM  
RSVP 352 796 3385 or [George.Lee@ars.usda.gov](mailto:George.Lee@ars.usda.gov)

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**Karen Phillips**

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**From:** "Hernando County Chamber" <heather@hernandochamber.com>  
**To:** "Karen" <kphillips@ci.brooksville.fl.us>  
**Sent:** Monday, May 14, 2007 9:56 AM  
**Subject:** Budget Workshop Scheduled

**NEWS RELEASE**

**FOR IMMEDIATE RELEASE**

**May 11, 2007**

**Board of County Commissioners Schedules Budget Workshop**

The Hernando County Board of County Commissioners will hold a workshop to discuss the preliminary 2008 and 2009 Biennial Budget on Thursday, May 17, 2007, at 9:00 a.m. in the John Law Ayers Room, First Floor, Hernando County Government Center, 20 North Main St., Brooksville. The Board will also discuss the potential effects of the state-mandated revenue reductions which the state legislature will consider during the upcoming Special Legislative Session.

The meeting is open to the public. Persons with disabilities requiring assistance to participate should contact the County Commissioners' Office 48 hours in advance of the meeting. Questions regarding the workshop or the budget may be directed to the Budget Office at 754-4004.

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**Karen Phillips**

**From:** "Brenda Frazier" <BrendaF@co.hernando.fl.us>  
**To:** <askerritt@sptimes.com>; <aloder@sptimes.com>; <desk@baynews9.com>; <ferdinand.zogbaum@baynews9.com>; <bvillebelle@tampabay.rr.com>; <cbroadwater@sptimes.com>; <cdocampo@wfla.com>; <hamilton@sptimes.com>; <kmartin@hernandotoday.com>; <rnolte@hernandotoday.com>; <webb@sptimes.com>; <mkruse@sptimes.com>; <mbates@hernandotoday.com>; <mkonrad@sptimes.com>; <ayee@sptimes.com>; <pday@sptimes.com>; <wholt@hernandotoday.com>; <lmarrero@hernandotoday.com>; <chefchipg@yahoo.com>; <barbara@wwjb.com>  
**Cc:** "All\_Network\_Users" <All\_Network\_Users@co.hernando.fl.us>; <micki@211tampabay.org>; <511tampabay@traffic.com>; <newstips@wfts.com>; <barbara.ferrara@correctionscorp.com>; <renczkowski\_b@hcsb.k12.fl.us>; <crowley\_b@hcsb.k12.fl.us>; <barry.goldsmith@noaa.gov>; <desk@baynews9.com>; <beth.kerly@myflorida.com>; <bhite@wfla.com>; <Brenfroe@hernandosheriff.org>; <corr-bcpo@tampabay.rr.com>; <bvillebelle@tampabay.rr.com>; <smccrary@ci.brooksville.fl.us>; <callaghan@doh.state.fl.us>; <DonRichards@ClearChannel.com>; <pat@hernandochamber.com>; <desk@tampabays10.com>; <gmcqueen@tampabays10.com>; <news@wvt.com>; <diten217@foxtv.com>; <desk@wesh.com>; <newstips@wfts.com>; <desk@wkmg.com>; <news@wfla.com>; <jodra@WFLA.com>; "Cheryl Weston" <CWeston@co.hernando.fl.us>; <cbrennan@chronicleonline.com>; <newsdesk@chronicleonline.com>; <news@970wfla.com>; <dalbert@hometownamerica.com>; <ann.kelly@coxtampa.com>; "Daniel Roberts" <DanielR@co.hernando.fl.us>; <don.stewart@correctionscorp.com>; <dblack@hernandosheriff.org>; <eho>  
**Sent:** Friday, May 11, 2007 9:55 AM  
**Subject:** Smoke Advisory

**PRESS RELEASE**  
**For Immediate Release**  
**Smoke Advisory**  
**May 11, 2007**  
**10:00 a.m.**

Hernando County Emergency Management officials advise that smoke from wildfires burning in south Georgia and Florida is being pushed across the state today by sub-tropical depression Andrea off the Florida east coast. Visibility on roadways may be affected and individuals may experience respiratory discomfort while outdoors.

The Florida Department of Health offers the following public health recommendations with regard to the recent wildfires affecting the state, the Florida Department of Health (DOH) is providing health recommendations to citizens impacted by the wildfire smoke.

Smoke is a respiratory irritant, and can cause a scratchy throat, and/or irritated eyes and nose. Smoke may also worsen conditions such as asthma and other chronic respiratory or lung conditions.

There are many steps you can take to protect yourself and your family from the health effects of smoke:

- o Be your own health judge. If you can see smoke outside, or you feel the effects of the smoke, avoid prolonged outdoor activities. It is especially important to limit time spent outdoors for children and persons with existing medical conditions.

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# Chinsegut Nature Center Schedule

## July through September, 2007

### July

July 6, Friday

8:00 - 10:00 p.m.

**Spider prowl.** Join biologist, Mark Stowe, for a nocturnal spider prowl walk on Chinsegut's trails. Bring a flashlight and insect repellent.

July 10, Tuesday

9:00-11:00 a.m.

**Big Pine wildflower and tree walk.** Meet at Big Pine Tract off Old Crystal River Road to see what is blooming in the summer and learn our native trees.

July 12, Thursday

9:00 a.m. - 3:30 p.m.

**Schoolyard ecosystems for Florida.** For 9:00 a.m. - 3:30 p.m. All educators. Educators receive free materials as well as practical, hands-on training that focuses on wildlife and wildlife ecosystems. Bring a lunch. In-service credit available.

July 24, Tuesday

9:00 a.m. - 12:00 p.m.

**Map and compass class.** We will supply the equipment and teach you about how to use a map and compass. Participants will also learn about orienteering and geocaching.

### August

August 4, Saturday

9:00 - 11:00 a.m.

**Dragonfly walk by Don Stillwaugh.** Bring a pair of binoculars and dragonfly field guide if you have them.

August 7, Tuesday

7:00 - 8:30 p.m.

**Central Florida edible plants by Sid Taylor.** Join us for a power point presentation that prepares us for the culinary incredible edibles on September 11.

August 10, Friday

8:30 - 10:00 p.m.

**Big Pine night walk.** Meet at Big Pine Tract off Old Crystal River Road. Bring a flashlight and insect repellent.

August 25, Saturday

9:00 -11:00 a.m.

**Introductory Archery.** The Commission will provide all the equipment. Please pre-register.

### September

September 11, Tuesday

7:00 p.m. - 9:00 p.m.

**Incredible edibles.** Bring a place setting to sample from our wild plant and game demonstrations.

September 25, Tuesday

9:00 - 11:00 a.m.

**Big Pine fall wildflower/butterfly walk.** Meet at the Big Pine parking lot on Old Crystal River Road.

September 29, Saturday

10:00 a.m. - 1:00 p.m.

**Butterfly workshop by Mark Minno.** Bring a pair of binoculars and butterfly book if you have them.

All programs meet at the Chinsegut Nature Center unless otherwise noted.

Please call or write for free reservations because seating is limited: Chinsegut Nature Center 352-754-6722.

Visit us on the Internet: [MyFWC.com/Chinsegut](http://MyFWC.com/Chinsegut)



Florida Fish and Wildlife  
Conservation Commission  
[MyFWC.com](http://MyFWC.com)

Chinsegut Nature Center  
2321 Lake Lindsey Road  
Brooksville, Florida 34601  
352-754-6722

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IN THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA  
CIVIL DIVISION

BOYCE E. TINCHER,

Plaintiff,

vs.

Case No.

CITY OF BROOKSVILLE, Florida, a Municipal Corporation, and STEPHEN J. BAUMGARTNER, Acting City Manager for City of Brooksville, DAVID LACROIX, City Attorney for City of Brooksville, Florida,

Defendants.

\_\_\_\_\_ /

**RESPONSE TO MOTION TO DISQUALIFY COUNSEL**

COMES NOW, Plaintiff, BOYCE E. TINCHER (hereinafter "TINCHER"), by and through its undersigned counsel, hereby files this Response to Motion to Disqualify Counsel and would further state as follows:

1. Defendant has not shown any necessity for Plaintiff's attorney Ronald Freeman's testimony at trial. When moving for disqualification of an opponent's chosen counsel, based on the need for that attorney's testimony at trial, "[t]he moving party bears the burden of demonstrating the necessity of the attorney's testimony and thus his disqualification." Hiatt v. Estate of Hiatt, 837 So.2d 1132, 1133 (Fla. 4th DCA 2003). *See also* Singer Island Ltd., Inc. v. Budget Constr. Co., 714 So.2d 651, 652 (Fla. 4th DCA 1998)(affirming the denial of a motion to disqualify where "the petitioner alleged, at most, only a possibility that disqualification might be necessary" and noting that the motion might have been proper if the movant "had waited until after he had deposed opposing counsel" so as to "develop more of a record to support his motion

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5/17/07 [Signature] 5/14/07 B