



REGULAR COUNCIL MEETING AGENDA - NOVEMBER 3, 2008

3. **Hernando High School - Waivers for Annual Homecoming Events**  
Consideration of request to waive certain fees and/or insurance coverage for the annual Homecoming activities.

Presentation: Tanya Goodwin, SGA Event Sponsor  
Recommendation: Direction to Staff  
Attachments: Letter from Event Chair; Permit Applications; Memo and cost estimates from City Manager.

E. PUBLIC HEARING

1. **Ordinance No. 766-A - Amendment to Law Enforcement, Fire and Emergency Medical Services Cost Recovery Ordinance**  
Consideration of ordinance amending Section 4, paragraph (f) of Ordinance No. 766 providing for cost recovery measures for emergency service response to commercial or commercial carrier motor vehicle incidents and amending Section 10 to establish a separate cost recovery fund and to clarify use of cost recovery receipts.

[First Reading 10/20/08]

Presentation: City Attorney  
Recommendation: Approval of Ordinance No. 766-A upon roll call vote and set second and final reading for 11/03/08  
Attachments: Memo from City Attorney Rey dated 10/21/08; Proposed Ordinance

2. **Ordinance No. 769-A - 2008/09 Budget Amendment**  
Consideration of ordinance providing for revenue reduction and reserve revisions as a result of \$102,000 decrease in utility revenue.

[First Reading 10/20/08]

Presentation: Director of Finance  
Recommendation: Approval of Ordinance No. 769-A upon roll call vote and set second and final reading for 11/03/08  
Attachments: Memo from Director of Finance dated 10/21/08; Proposed Ordinance

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F. REGULAR AGENDA

1. Resolution No. 2008-28 to Florida Dept. of Transportation (FDOT) - Annual Christmas Parade Route

Consideration of approval of resolution supporting annual Kiwanis Christmas Parade route and closing of SR50/Jefferson St. & US41/Broad St., with authorization for Police Chief and Public Works Director to sign FDOT permit application.

Presentation: Director of Public Works  
Recommendation: Approval of Resolution upon roll call vote  
Attachments: Memo from Director of Public Works dated 10/20/08; Proposed Resolution

\*2. Majestic Oaks Phase Two Preliminary Plat

Consideration of Phase Two Preliminary Plat for 138 single family residential lots on approximately 52.67 acres of the 428+ acre property located approximately 1.2 miles east of U.S. 41 on the north side of Mondon Hill Rd.

Presentation: Director of Community Development  
Recommendation: Affirmation of preliminary plat petition as recommended by staff and the Planning & Zoning Commission or provide direction to staff  
Attachments: Memo from Director of Community Development dated 10/16/08; Preliminary Plat

3. Sea Gate - Water & Sewer Impact Fee Payment Proposal

Consideration of modification to the Utility Service Agreement (USA) and revised payment terms and conditions through April 10, 2009, authorize release of building plans upon initial payment deposit by November 10, 2008, and authorize the City Manager to execute the revised USA upon legal review and approval.

Presentation: Director of Public Works  
Recommendation: Approval of Staff Recommendations  
Attachments: Memo from Director of Public Works dated 10/24/08

G. ITEMS BY COUNCIL

H. CITIZEN INPUT

I. ADJOURNMENT

CORRESPONDENCE TO NOTE

Meeting agendas and supporting documentation are available from the City Clerk's office, and on line at [www.ci.brooksville.fl.us](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.

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

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

**MINUTES**

September 15, 2008

7:00 P.M.

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

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

Mayor Pugh adjourned the Council Meeting for the Local Planning Agency meeting at 7:03 p.m., reconvening at 7:13 p.m.

**CONSENT AGENDA**

Minutes

July 21, 2008 Regular Meeting

Surplus Equipment

Declare certain miscellaneous equipment surplus and authorize disposal accordingly.

Reuse Reimbursement #4 and Repayment of Oversizing Costs

Authorization to refund \$131,529.75 of Water Management District Reuse Reimbursement #4 to Hampton Ridge Developers, LLC and prepare budget amendment of \$183,900 from the 409 Grants From Other Local Units Account to 409 Other Current Charges Account.

Sewer Rehab Phase 2A Bid No. UD2008-08 - Section 1.0 Award

Consideration of awarding the portion of the bid for Section 1.0 for Open Cut Service Laterals to Love Construction Group, Inc. in an amount not to exceed \$84,416.20 and authorize the Mayor to sign an Agreement for Contractor Services when all documents have been reviewed by the City Attorney.

Public Nuisance Lien

Consideration of recording lien for expenses incurred for the cleanup of property in violation of the City's code.

Owner/Property - Stephanie Coggins, 610 Iris St. - \$201.14

Motion:

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

Council Member Bernardini asked if staff could check with the Museum to see if they are interested in the old Fire Department siren before it is auctioned. Council concurred and City Manager Norman-Vacha will look into the matter.

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Motion carried 5-0.

**CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS**

**Resolution No. 2008-18 - Brian Cowhig Retirement**

Consideration of resolution honoring over 14 years of service by Brian Cowhig, who retired August 28, 2008.

Mayor Pugh read the resolution in its entirety.

**Motion:**

Motion was made by Council Member Bernardini and seconded by Vice Mayor Burnett for approval of Resolution No. 2008-18.

City Clerk Phillips called role as follows:

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

**Family Day - A Day to Eat Dinner with Your Children Proclamation**

Proclamation in honor of "Family Day" on September 22, 2008.

Mayor Pugh read the proclamation in its entirety, which will be delivered to The National Center on Addiction and Drug Abuse.

**PUBLIC HEARINGS**

**Ordinance No.763 - Quasi-Judicial Ex-parte Communication**

Consideration of ordinance establishing rules and regulations for quasi-judicial proceedings.  
[First reading 8/18/08]

City Attorney Rey reviewed the ordinance.

Mayor Pugh asked for public input; there was none.

**Motion:**

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett for approval of Ordinance 763.

City Clerk Phillips read Ordinance No. 763 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, RESCINDING PRIOR POLICIES; ESTABLISHING PROCEDURES FOR REMOVING ANY PRESUMPTION OF PREJUDICE RELATING TO EX PARTE COMMUNICATIONS WITH LOCAL PUBLIC OFFICIALS IN REGARD TO QUASI-JUDICIAL MATTERS; ESTABLISHING PROCEDURES FOR INTERVENING AS A PARTY IN QUASI-JUDICIAL MATTERS INVOLVING LAND USE; ESTABLISHING PROCEDURES FOR TAKING TESTIMONY AS TO QUASI-JUDICIAL MATTERS INVOLVING LAND USE; PROVIDING DEFINITIONS; PROVIDING FOR CODIFICATION, CONFLICTS AND REPEALER, SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

Council Member Bernardini	AYE
Council Member Bradburn	AYE
Council Member Lewis	AYE

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Vice Mayor Burnett AYE  
Mayor Pugh AYE

Ordinance No. 764 - Parks & Recreation Regulations Revision

Consideration of ordinance repealing Ordinance #500, confirming Parks & Recreation Advisory Board, providing for adoption of Rules & Regulations by resolution and authorize penalties for violations.  
[First reading 8/18/08]

Mike Walker, Director of Parks & Recreation gave a brief overview of the ordinance.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Bernardini for approval of Ordinance 764.

Mayor Pugh asked for public input; there was none.

City Clerk Phillips read Ordinance No. 764 by title, as follows:

AN ORDINANCE REPEALING PRIOR ORDINANCE; PROVIDING FOR PARKS AND RECREATION ADVISORY BOARD; PROVIDING FOR THE ESTABLISHMENT OF RULES AND REGULATIONS FOR PARKS OR RECREATIONAL AREAS; PROVIDING FOR RESOLUTIONS TO ESTABLISH AUTHORITY OF CITY COUNCIL, LAW IN THE SUNSHINE, PENALTIES, AND REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

REGULAR AGENDA

Resolution No. 2008-19 - Parks & Recreation Regulations Revision

Consideration of resolution providing rules and regulations for the Parks Department as authorized by Ordinance No. 764 previously adopted.

Director Walker asked for approval of the resolution relating to the previous ordinance.

Motion:

Motion was made by Council Member Bernardini and seconded by Vice Mayor Burnett for approval of Resolution No. 2008-19.

Mayor Pugh asked for public input, there was none.

City Clerk Phillips read Resolution No. 2008-19 by title, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, ADOPTING RULES AND REGULATIONS FOR THE MANAGEMENT AND OPERATION OF THE PARKS OR RECREATIONAL AREAS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Council Member Lewis Aye  
Council Member Bernardini Aye

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Council Member Bradburn	Aye
Vice Mayor Burnett	Aye
Mayor Pugh	Aye

**Ordinance No. 754-A - Firefighters' Retirement Trust Fund Amendments**

Consideration of ordinance amending Sections 5, 6 & 10 of the City of Brooksville Firefighters' Retirement Trust Fund.

Fire Chief Mossgrove indicated the attorney for the Firefighters Pension Trust Fund could not be here and gave an overview of the amendment.

**Motion:**

Motion was made by Vice Mayor Burnett and seconded by Council Member Bradburn for approval of Ordinance 754-A.

Mayor Pugh asked for public input; there was none.

Council Member Lewis asked for confirmation that the annual payroll will be going down ½%. Fire Chief Mossgrove confirmed.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE CITY OF BROOKSVILLE FIREFIGHTERS' RETIREMENT TRUST FUND, ADOPTED PURSUANT TO ORDINANCE NO. 525-C, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 5, CONTRIBUTIONS; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 10, OPTIONAL FORMS OF BENEFITS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

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

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

**Ordinance No. 770 - Police Officers Retirement Trust Fund Plan Document Amendments**

Consideration of ordinance amending Sections 7, 8, and 16 of the City of Brooksville Police Officers' Retirement Trust Fund.

Bonnie Jensen, Attorney for the Police Officer's Pension Fund, reviewed the amendments which increases the normal retirement benefit from 3½% to 4%, amends the plan to provide for a death benefit for prior to and after vesting for in-the-line-of-duty deaths and to add some provisions from the Internal Revenue Code Section 415 to tie the benefits to the cost of living adjustments contained therein.

The actuarial impact statement of the costs, as calculated, came to \$26,671 which will be paid for from the F.S. 185 money for the plan. She advised that the City makes no contribution into the plan, which is self-funding from the F.S. 185 Fund and the City has a contribution reserve that is contained within the pension plan.

Council Member Bradburn reminded Council that should the contribution reserve account run out the City would be responsible for

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contributions. Accepting these amendments would essentially tie the hands of future Council. Therefore, she was not in favor of increasing the percentage rate. Council Member Bradburn stated she strongly supported adding death benefits regarding officers killed in the line of duty.

The non-vested benefit for in-the-line-of-duty deaths was discussed. For Council reference, City Manager Norman-Vacha advised that the City has separate insurance for that particular death benefit which is mandated by Statutes and not part of the pension fund. The amounts are \$59,694 for in-the-line-of-duty and pursuit deaths and \$179,083 for unlawful and intentional death benefits. Discussion continued.

Council Member Lewis asked if it would be possible to reduce the 4% in the future if the money was not available. Attorney Jensen indicated the benefits can be reduced or members can contribute. Discussion of survivor benefits and vesting continued.

**Motion:**

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett for approval of Ordinance 770.

Council Member Bernardini asked when the City would possibly have to contribute to the fund. Brad Heinrichs, Board Actuary from Foster & Foster, indicated it is probably 15+ years away depending on the growth of the department.

Mayor Pugh asked for public input; there was none.

City Clerk Phillips read Ordinance No. 770 by title, as follows:

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA; ENACTING INTO LAW AN AMENDED AND RESTATED PENSION PLAN FOR POLICE OFFICERS PROVIDING FOR A REVISED POLICE OFFICERS RETIREMENT TRUST FUND; PROVIDING FOR THE CREATION OF FUND; PROVIDING FOR DEFINITIONS; PROVIDING FOR PARTICIPATION; PROVIDING FOR BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR PRE-RETIREMENT DEATH; PROVIDING FOR DISABILITY; PROVIDING FOR VESTING; AMENDING VESTING PERIOD TO SIX YEARS OF CREDITED SERVICE; PROVIDING FOR OPTIONAL FORMS OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING FOR CLAIMS PROCEDURES; PROVIDING FOR REPORTS TO DIVISION OF RETIREMENT; PROVIDING FOR ROSTER OF RETIREES; PROVIDING FOR MAXIMUM PENSION; REVISING BASIC LIMITATIONS FOR INCREASES IN THE COST OF LIVING IN ACCORDANCE WITH THE REGULATIONS UNDER §415(d) OF THE CODE; PROVIDING FOR DISTRIBUTION OF BENEFITS; PROVIDING MISCELLANEOUS PROVISIONS; PROVIDING FOR REPEAL OR TERMINATION OF PLAN; PROVIDING FOR EXEMPTION FROM EXECUTION, NONASSIGNABILITY; PROVIDING FOR FORFEITURE OF PENSION; CONVICTION AND FORFEITURE; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR PRIOR POLICE SERVICE; PROVIDING FOR INDEMNIFICATION; PROVIDING FOR CONFLICT, SEVERABILITY, AND PUBLICATION; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

**Ordinance No. 765 - Environmental Standards Ordinance**

Consideration of ordinance amending Chapter 38, "Environment, Article II, "Junked, Wrecked, Abandoned, Lost, Seized Property" and Article III "Property Maintenance" of the City of Brooksville code.

Director Geiger gave a brief review of the ordinance.

**Motion:**

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett for approval of Ordinance 765.

Mayor Pugh asked for public input.

Mrs. Kemper of Brooksville Avenue, who was upset that a picture of her home had been published in the newspaper under a caption titled "Cluttered", asked for an explanation of proper maintenance. Director Geiger indicated the intent of the ordinance is to address litter, garbage, junk and types of material as defined within the ordinance. He read from the ordinance for clarification, as it relates to code enforcement, which was discussed. Council apologized for her property being singled out but assured her that her property has not been singled out for violations.

City Clerk Phillips read Ordinance No. 765 by title, as follows:

AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, FLORIDA, CHAPTER 38, "ENVIRONMENT, ARTICLE II, "JUNKED, WRECKED, ABANDONED, LOST, SEIZED PROPERTY," PROVIDING FOR NOTICES OF VIOLATIONS, APPEALS TO THE CITY MANAGER, AND POSSIBLE EXTENSIONS OF TIME FOR THE REMOVAL OF VEHICLES OR OTHER ARTICLES UNLAWFULLY LOCATED ON ANY PUBLIC OR PRIVATE PROPERTY; AMENDING ARTICLE III "PROPERTY MAINTENANCE," PROVIDING FOR THE PROHIBITION OF THE ACCUMULATION OF JUNK OR LITTER ON PUBLIC OR PRIVATE PROPERTY; PROVIDING FOR CODIFICATION, CONFLICTS AND REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

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

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

**Ordinance No. 766 - Law Enforcement, Fire and Emergency Medical Services Cost Recovery**

Consideration of ordinance providing for a recovery mechanism for costs associated with providing emergency services to our visitors and citizens.

Fire Chief Mossgrove reviewed the proposed ordinance. Regina Moore, President of Cost Recovery Corporation, reviewed the program as well stating it is not fund generating but a reimbursement of funds expended by the City for services outside the normal services provided. These

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would be billed only to the at-fault party, regardless of residency, which cause 60-70% of accidents. She indicated no fees are charged to the City for their services and they function only at the direction of Council. Discussion followed.

Mayor Pugh, commenting on the statement that this is not double taxation, stated that if the person's insurance company will pay the money will be accepted. He indicated he is not 100% on board with the idea because the City's Fire and Police are in the City's General Fund that comes out of Ad Valorem taxes. Further, the General Fund receives state profit sharing, state revenue sharing as well as sales tax. So people visiting our city are helping fund police, fire and other things already. Plus, at fault drivers are issued tickets, which the city gets a percentage of and that helps pay the officer's salary also.

He then referenced page 4 concerning residential property incidents, asking what happens if the property owner does not have insurance. Does the property owner have to pay? Regina Moore indicated no. Mayor Pugh expressed concern that only those whose insurance would pay would have to pay. Attorney Jennifer Rey advised there are provisions in the ordinance that address both exemptions and fee waivers for unusual and unforeseen circumstances as well as a hardship provision in circumstances where the City Manager has discretion to wave charges or fees being assessed. Discussion continued of insurance riders.

Mayor Pugh asked for public input.

Dan Patrick advised that if the city keeps hiring firms to do the work of the City Manager the citizens will not need a council. He referred to the waste of having multiple engines respond to incidents. He recommended anyone making over \$50,000 take a 10% reduction in pay to save the City money.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Bernardini for approval of Ordinance 766, keeping in mind the issues discussed.

City Clerk Phillips read Ordinance No. 766 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE AUTHORIZING THE CITY TO SEEK REIMBURSEMENT OF COSTS OF CERTAIN POLICE, FIRE, EMERGENCY AND RESCUE SERVICES FOR SERVICES PROVIDED WITHIN THE RESPONSE AREA OF THE CITY OF BROOKSVILLE BY IMPLEMENTING SERVICE CALL FEES; PROVIDING A RESIDENTIAL PROPERTY EXEMPTION; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

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

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

Council Member Bradburn asked about the time frame for a contract should it be approved upon second reading. City Manager Norman-Vacha indicated it could probably be finalized by January.

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Ordinance No. 767 - Flood Prevention and Protection

Consideration of ordinance amending Chapter 113, "Flood Prevention and Protection" of the City of Brooksville code.

Director Geiger reviewed the issue indicating 1986 to be the last time the ordinance was updated and that the Planning & Zoning Commission recommended approval upon review.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett for approval of Ordinance 767.

Mayor Pugh asked for public input; there was none.

City Clerk Phillips read Ordinance No. 767 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, REPEALING ORDINANCE NO. 437 AND AMENDING THE CODE OF ORDINANCES OF THE CITY OF BROOKSVILLE, FLORIDA, CHAPTER 113, "FLOOD PREVENTION AND PROTECTION," BY REPEALING THEREIN ARTICLE I, "IN GENERAL," ARTICLE II, "ADMINISTRATION," AND ARTICLE III, "PROVISIONS FOR FLOOD HAZARD REDUCTION" AND REPLACING HERewith ARTICLE I, "IN GENERAL," ARTICLE II, "DEFINITIONS," ARTICLE III, "GENERAL PROVISIONS," ARTICLE IV, "DESIGNATION AND DUTIES OF BUILDING OFFICIAL," ARTICLE V, "ADMINISTRATION," ARTICLE VI, "PROVISIONS FOR FLOOD HAZARD REDUCTION," AND ARTICLE VII, "VARIANCES;" PROVIDING FOR CONFLICT AND SERVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

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

Ordinance No. 768 - Small Scale Comprehensive Plan Amendments - Petitioner: Innovators Investment Group. LLC and Brooksville Hotel and Office Park, LLC

Consideration of a request for a change to the Future Land Use Map designation from Residential (County) to City Single-Family Residential for a 0.95 acre  $\pm$  parcel and from Residential (County) to City Commercial for a 4.81 acre  $\pm$  parcel. Both parcels are located on the North side of Cortez Blvd. (S.R. 50), west of Hale Avenue and east of Mildred Avenue.

Director Geiger briefly reviewed the petition heard by the Local Planning Agency earlier.

Mike Gaylor reiterated the specifics of the petition relayed in the LPA meeting in relation to Mildred and the Hogan house. He stressed there are no plans to tie into Mildred Avenue and it has been requested that the Hogan house have a land-use designation of single-family residential.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Bernardini for approval of Ordinance 768.

Mayor Pugh asked for public input; there was none.

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City Clerk Phillips read Ordinance No. 768 by title, as follows:

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

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

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

**Sheriff's Department Amended Mutual Aide Agreement**

Review of proposed amendments to the Combined Voluntary Cooperation and Operational Assistance Mutual Aide Agreement (agreement initially executed in January 2005) to address specific officer safety issues brought to light through our combined dispatch arrangement effective through March 31, 2009.

Police Chief George Turner indicated the cooperative agreement for Dispatch Services is working well but stressed certain officers safety issues now needed to be addressed and reviewed the agreement, which allows for a City of Brooksville officer to respond outside its jurisdiction.

Mayor Pugh asked for public input; there was none.

**Motion:**

Motion was made by Council Member Bernardini and seconded by Council Member Lewis for approval of the amended Agreement.

Discussion continued of a possible agreement with the Sheriff's Department for City Law Enforcement coverage for areas just outside the city limits that can only be accessed by crossing City streets and right-of-ways. City Manager Norman-Vacha explained the protocol associated with the agreement at hand and offered to meet individually with Council for their thoughts before meeting with the Sheriff on the issue.

Motion carried 5-0.

**Resolution No. 2008-20 - Building Division/Community Development Department Service Fees**

Consideration of resolution amending the current Permitting, Inspection, and Administrative & Development Fee Schedule.

Director Geiger reviewed the fees referenced in the resolution which he advised are comparable with other jurisdictions in the area. He indicated the Building Department met with the local Builders Association and made adjustments in line with comments made by the Association. Discussion followed. Mayor Pugh indicated that before the rates are raised he would like to consider moving the Building Division in-house or provide office space to the firm in order to help reduce costs.

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Lew Chandler and Mike Kraso of PDCS stated they have not made a profit in the last 8 months. They reviewed their staff and indicated they would like to keep the current level of services. Mr. Chandler indicated he would be open to Mayor Pugh's suggestion of bringing them in-house. He reviewed the services provided and agreed to reduce those fees in the future if services increase.

Discussion continued of individual fees for appeals as well as commercial and residential fees, which Mr. Chandler indicated are only at 75% of the state average for fees.

Council consensus was that a fee increase is warranted but they wanted to postpone voting on the issue to consider moving the Building Department in-house in order to alleviate some costs. Discussion continued in which Director Geiger indicated 100% of the impact fees are kept by the City.

**Motion:**

Motion was made by Council Member Bernardini and seconded by Vice Mayor Burnett for continuance of Resolution No. 2008-20 to the October 20<sup>th</sup> meeting. Motion carried 5-0.

**Resolution 2008-21 - Election Resolution**

Consideration of adoption of resolution ratifying the 11/04/08 ballot listing for the qualified municipal candidates for the Group No. 2 and 3 seats.

**Motion:**

Motion was made by Council Member Bernardini and seconded by Vice Mayor Burnett for approval of Resolution No. 2008-21.

The listing of the names on the ballot was briefly discussed.

Mayor Pugh asked for public input; there was none.

City Clerk Phillips read Resolution No. 2008-21 by title, as follows:

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA RATIFYING THE BALLOT FOR THE NOVEMBER 4, 2008, MUNICIPAL ELECTION; AND PROVIDING AN EFFECTIVE DATE.

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

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

**Oaks Towne Centre (Old Brooksville Hospital) - Preliminary and Final Plat Approval**

Consideration of Preliminary and Final Plat approvals for property that is located at the southwest corner of Ponce DeLeon Boulevard and Desoto Avenue (old Brooksville Hospital site).

**\*Preliminary Plat Approval**

Consideration of affirmation of action taken by the Planning & Zoning Commission at its 08/10/08 meeting.

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Attorney Hogan indicated this to be a quasi-judicial hearing, advising that Council make their decisions based upon competent substantial evidence. If any Council Member has a conflict or had discussions, site visits, or reviewed evidence on their own they should disclose it before the hearing for the record and benefit of legal counsel.

He stated that any witnesses should be sworn and expert witnesses identified prior to the start of the meeting.

Mayor Pugh asked for ex-parte communication by Council. Council Member Lewis and Council Member Bernardini indicated they attended the ribbon cutting. Vice Mayor Burnett indicated he temporarily worked for a contractor at the beginning of the project and had attended the site visit during the ribbon cutting as well.

Those wishing to do so were sworn by City Clerk Phillips.

Bill Geiger, Director of Community Development, having been sworn and accepted by Council to be an expert witness, reviewed the request for the preliminary plat approval. He indicated the Planning & Zoning Committee reviewed the proposal and recommended Council approval subject to the list of performance conditions as listed in the staff report.

Discussion followed in which Council Member Bernardini asked about the increase in the complete number of units, which Developer Representative Bill Rayne, having been sworn, elaborated on. Mr. Rayne gave an overview of the project, indicating there is 60,000 feet being leased and that they are looking into leasing space to a charter school as well as an independent living facility.

Council Member Bernardini indicated he probably had ex-parte communication relating to the number of units.

### Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Bradburn for preliminary plat approval.

Mayor Pugh asked for public input; there was none.

Motion carried 5-0.

### Final Plat Approval

Consideration of approval of the final plat as submitted by ArcPoint Surveying and Mapping, LLC, date stamped 09/02/08 and authorize Mayor to sign the plat documents.

Director Geiger indicated his previous presentation covered the specifics of the final plat approval as well.

### Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Bradburn for final plat approval.

Once again, Council Member Bernardini indicated he had ex-parte communication relating to the number of units.

Mayor Pugh asked for public input; there was none.

Motion carried 5-0.

**REGULAR COUNCIL MEETING MINUTES - SEPTEMBER 15, 2008**

**Resolution No. 2008-22 - Vacation of Certain R-O-W in Halemont Addition**

Consideration of Resolution vacating a portion of certain right-of-way in Halemont Addition.

Attorney Rey reviewed the request, indicating this to be a duplicate vacation action which is contained on the plat itself but is a separate document to ensure the vacating is accurately recorded.

**Motion:**

Motion was made by Vice Mayor Burnett and seconded by Council Member Lewis for approval of Resolution No. 2008-22.

Council Member Bradburn pointed out that there is a building in the right-of-way being vacated, which is being cleaned up. Mayor Pugh stated it is a commercial project which will bring in additional taxes. Mr. Rayne indicated that when Veterans Blvd. was built the road being vacated became pretty much useless.

City Clerk Phillips read Resolution No. 2008-22 by title, as follows:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING AND EVIDENCING THE VACATION OF A RECORDED PLAT; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

**Advisory Board Appointments**

Appointment of member to fill various board vacancies as follows:  
[Note - all applicants are registered voters as required]

**Parks & Recreation**

Three (3) positions to fill expiring 4-year terms of office through 8/31/2012 and one (1) position to fill the balance of an unexpired alternate 4-year term through 1/31/2011.

Jill M. Allen	[Unexpired Alternate Position]
James Brooks	[Current Member - Reapplying]
Alan Garman	[Current Member - Reapplying]
Gary E. Schraut	[Current Member - Reapplying]

City Manager Norman-Vacha indicated the expiring terms will be adjusted should Council vote on October 6 to readjust the expirations to coincide on December 31 of the year with staggered years of expiration. Discussion followed in which Council consensus was to go ahead and make the appointments at hand at this time.

**Motion:**

Motion was made by Vice Mayor Burnett and seconded by Council Member Bradburn for approval the appointments of all applicants to their respective positions. Motion carried 5-0.

**Police Officer's Pension Trust Fund**

One (1) position to fill and expiring 2-year term of office through 8/31/2010.

**REGULAR COUNCIL MEETING MINUTES - SEPTEMBER 15, 2008**

Charles W. Price [Current Member - Reapplying]

**Motion:**

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett for approval of Charles W. Price. Motion carried 5-0.

**City Hall Generator Brick Wall Bid No. GG2008-03**

Consideration of requesting USDA a) accept a negotiated bid/offer from Ressel Inc. in the amount of \$25,050 for a brick wall to be constructed around the City Hall generator (\$23,000 USDA funding and \$2,050 transfer from General Fund Reserves); b) authorize use of city staff and/or prison crew and purchase materials for \$7,750 to construct the wall (USDA funding for materials only); or, c) authorize city staff and/or prison crew to plant a hedge around the generator for the not to exceed plant and materials cost of \$2,000 (USDA funding for materials only).

Director Pierce reviewed the options concerning the generator wall, which were discussed.

**Motion:**

Motion was made by Council Member Lewis and seconded by Council Member Bradburn for approval of negotiations with Ressel, Inc. for building the brick wall at a cost not to exceed \$25,050 with \$2,050 transfer from General Fund reserves.

Mayor Pugh indicated he would rather see the prison crew construct the wall. Other options were discussed which included moving it but other possible locations were unacceptable or too expensive.

Motion carried 3-2 with Mayor Pugh and Council Member Bernardini voting in opposition.

**Auditing Services Bid Award - FI2008-05**

Consideration of award of bid for auditing services. The Evaluation Committee met to review, rank and recommend the top three firms. Council may wish to rank and award to one of these recommended firms or schedule interviews with these or any of the remaining proposers at the October 6, 2008, Council Meeting.

Steve Baumgartner, Director of Finance, reviewed the seven proposals received for Auditing Services which the evaluation committee narrowed down to the following three:

- Larson Allen, LLP
- Williams, McCranie, Wardlow & Cash, P.E.
- Baggett Henson CPA's.

He advised that Council can add to or narrow their recommendations or elect to have interviews.

Council discussion included narrowing the proposals to three and having presentations or interviews along with adding the current auditor, Oliver & Joseph.

**Motion:**

Motion was made by Council Member Bradburn and seconded by Council Member Bernardini for Council to interview the three recommended by the evaluation committee as well as Oliver & Joseph. Motion carried 5-0.

REGULAR COUNCIL MEETING MINUTES - SEPTEMBER 15, 2008

ITEMS BY COUNCIL

T. Jennene Norman-Vacha, City Manager

City Manager Norman-Vacha reminded Council of the Budget Hearing on Wednesday, September 17.

Frankie Burnett, Vice Mayor

City Manager Evaluations

Vice Mayor Burnett asked the status of the evaluation process. Mayor Pugh indicated he has received the last submission and is putting it together for the October 6 meeting.

United Way Kickoff Picnic

He indicated the event at the fairgrounds that past Saturday was an enormous success.

Lara Bradburn, Council Member

Hernando High Homecoming Parade

Council Member Bradburn asked if they had contacted the City. City Manager Norman-Vacha indicated it is in November and information had been received.

David Pugh, Mayor

Community Tour

Mayor Pugh thanked Vice Mayor Burnett for joining him for a tour through the residential and commercial properties in South Brooksville with other community leaders and for his commitment to the residents there.

Union Street Barricade

He indicated he does not think the barricade at Union Street is serving its purpose and would like to see if it can be opened back up because Hillside Estates only has one access out.

Patrolling Outside the City's Jurisdiction

Mayor Pugh indicated the residents in South Brooksville pay a surcharge of around 25% on utilities and weighing that against what they would pay in ad valorem taxes it may be a savings to see if they are interested in annexation.

Vice Mayor Burnett added that they are also considering walking through other areas of the City.

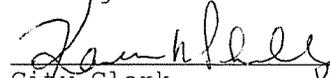
CITIZENS INPUT

Kojack Burnett

He wished Vice Mayor Burnett an early Happy Birthday for September 26.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 10:22 p.m.

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

Attest: \_\_\_\_\_  
Mayor

**CITY OF BROOKSVILLE  
FINAL PUBLIC HEARING  
FISCAL YEAR 2008/09 BUDGET  
201 HOWELL AVENUE**

**AGENDA**

SEPTEMBER 17, 2008

7:00 P.M.

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

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

Mayor Pugh adjourned the Hearing for the CRA Meeting at 7:02 and re-adjourned the Hearing at 7:06 p.m.

**PUBLIC HEARING - PRESENTATION OF PROPOSED BUDGET FOR FISCAL YEAR STARTING OCTOBER 1, 2008**

**Public Announcement - Ad Valorem Tax Rate (TRIM Notice)**

The Mayor read the Public Announcement as follows:

Pursuant to Section 200.069, F.S., "Notice of Proposed Property Taxes" (TRIM NOTICE) the proposed ad valorem rate for the Fiscal Year 2008/09 was advertised to be a maximum of 7.0000 mills. This millage rate would be a 6.3345% increase over the rolled back rate of 6.5830 mills. After reviewing revenue projections and proposed expenditure levels for the 2008/09 Fiscal Year, the General Fund budget is balanced at a proposed rate of 6.0690 mills, which is 7.8080% less than the current year's rolled-back rate.

**Public Hearing - Fiscal Year 2008/09 Proposed Budget**

**Consideration of the Recommended 2008/09 Fiscal Year Budget**

Review of balanced budget, together with consideration of additional proposed changes.

City Manager Norman-Vacha indicated the proposed budget includes changes as directed by Council at the 1<sup>st</sup> Public Hearing.

Vice Mayor Burnett and Council Member Lewis advised that they would like to re-address the employee pay raise along with the realignment of the Redevelopment Coordinator position. Council Member Lewis also wanted to discuss the issue of employees who don't participate in the City's insurance.

Council Member Bernardini wished to address the \$22,500 not allocated to the HRA.

## FINAL BUDGET HEARING - SEPTEMBER 17, 2008

Council Member Bradburn, referencing Fluoride, stated there are folks in the audience to speak on the issue.

Recapping, Mayor Pugh advised Council would be discussing five items:

- Employee Pay Raises
- Redevelopment Coordinator Position
- Health Reimbursement Account (HRA)
- Fluoride
- Insurance Premium Issue

Council Member Lewis requested Fluoride be the first discussion. Council concurred.

### Public Input

#### Fluoride

Council Member Lewis, as well as Vice Mayor Burnett, indicated that with all the concerned citizens that had contacted him concerning this issue he will be supporting the continuance of Fluoride in the water.

Council Member Bernardini indicated he is undecided on the issue, but felt that the money could be used to help the community receive Fluoride via other sources such as toothbrushes and toothpaste.

Mayor Pugh asked for public input.

#### Elizabeth Callahan, Director of the Hernando County Health Department

She advised that \$288,000 is saved on dental care for the \$7,000 the City spends on fluoridation.

She introduced Dr. Scott Tomar, Professor and Chair of the Department of Community Dentistry and Behavioral Sciences at the University of Florida and Gainesville College of Dentistry as well as the President Elect of the American Association of Public Health Dentistry, which is the nation's largest organization of dental health professionals dedicated to optimal oral health for all. Further, he formally served as Dental Officer and Epidemiologist with the United States Center for Disease Control and Prevention in the Division of Oral Health and is the author of several book chapters and peer review journal articles on fluoridation as well as a contributing author to the 2000 U.S. Surgeon General's Report on Oral Health.

Dr. Tomar spoke in favor of fluoridation, indicating that community water fluoridation was recognized by the centers for disease control and prevention as one of ten great public health achievements of the past century. He felt the totality of the evidence indicates it is safe and effective for the prevention of tooth decay. He explained how water fluoridation works and indicated it is most effective in areas where citizens are least able to access other sources of Fluoride or get to a dentist.

Ms. Callahan introduced Dr. William Holbrook, a local Dentist who has been here since 1978. Dr. Holbrook indicated that in 1978 there were a large number of children with decay and after fluoridation in the mid 80's he noticed a drop in the decay within 1-2 years. It was his opinion that the evidence over the years overwhelmingly supports fluoridation.

FINAL BUDGET HEARING - SEPTEMBER 17, 2008

Ms. Callahan introduced Deborah Trotter, a local resident and Dental Assistant, who spoke in favor of fluoridation and presented a petition from about 58 other citizens who are in favor of fluoridation as well.

Ms. Callahan introduced Shawn Isaacs, a Public Health Dental Coordinator for the Department of Health. He administers the fluoridation grant which assists in funding startup programs for fluoridation in the state of Florida.

Mr. Isaacs indicated that as of 1980 25% of community water systems had Fluoride in their water, today the number is 78%. He advised the state gets \$150,000 in grant monies per year for new systems and upgrades for equipment for communities. He encouraged Council to apply for the one-time funding if needed and to vote to keep Fluoride in the water.

Discussion followed in which it was pointed out by Dr. Tomar that filtration does not remove all Fluoride in the water. Director Pierce indicated the City's original equipment was installed in 1985 but some of the pumps are only 0-5 years old.

Discussion continued in which it was pointed out the County does not add Fluoride to their water.

Council Member Bradburn spoke of scientific reviews of the effects of Fluoride pointing out that 14 Nobel Prize winners in science and medicine have opposed water fluoridation and or questioned the safety and effectiveness of Fluoride. She referenced several peer reviewed studies showing how Fluoride damages the endocrine system and increases the Osteosarcoma among young black males. She presented Council with a packet referencing dozens of studies on the harmful effects of over exposure to Fluoride.

She indicated there is no government agency that has ever approved the use of Fluoride and reviewed material on the issue. She advised that if there is a doubt as to its safety it must be left out and quoted numerous articles and references against fluoridation and the risks associated with its use.

Council Member Lewis thanked Council Member Bradburn for her dedication and research of the issue but he indicated he has not heard any evidence that anyone has banned the use of fluoridation and spoke in favor of keeping fluoridation.

Vice Mayor Burnett concurred with Council Member Lewis' analogy and spoke from a point of view coming from an impoverished neighborhood in favor of fluoridation and its benefits.

**Motion:**

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett for continuance of fluoridation.

Council Member Lewis indicated that if in the future something comes out from any nationally recognized health agencies advising Fluoride be removed he would want to revisit the issue.

Mayor Pugh indicated he is still undecided about the issue but felt the majority of citizens wanted it. Council Member Bradburn advised that the unfortunate thing is that information is not being provided to those at risk.

## FINAL BUDGET HEARING - SEPTEMBER 17, 2008

Council Member Bernardini asked Dr. Tomar to reaffirm that filtering your water does not filter out all the Fluoride, which he did. He reiterated that Fluoride is everywhere, including in bottled water.

Council Member Lewis asked about the testing of the City's water, which Director Pierce and Utilities Superintendent Will Smith elaborated on, indicating samples are being continually collected and tested.

Motion carried 3-2 with Mayor Pugh and Council Member Bradburn voting in opposition.

Mayor Pugh asked staff to look into grant funding available through the State.

Council Member Bernardini thanked all who showed up in support of fluoridation.

A recess was taken at 8:18 p.m. and the meeting re-convened at 8:27.

### Redevelopment Coordinator Position

City Manager Norman-Vacha reviewed the reallocation and reclassification of the position to the City Manager's office for utilization of moving the City forward in several key areas, including improving and growing the City's economic base, improving coordination and cooperative efforts with Hernando County Economic Development Department; updating and forwarding the City's Redevelopment Plan as adopted and last updated in 1998, coordinating and assisting with several City projects and advancing programs in which Council has expressed an interest inclusive of outside private funding and other outside funding and grants available; the establishment of real operational performance measures and standardization of workflow and work plans to improve performance and insure efficiency and effectiveness with limited resources. The position would also entail updating and writing standard operating procedures and City policies inclusive of workflow, production service delivery methods and analysis of costs.

Discussion followed of the proposed reorganization of the position and the importance of moving forward with capital improvements needed, with a commitment that once the funding is there to re-fund that position within the Community Redevelopment Department.

The consensus of Council was to accept the reorganization.

### HRA Funding

City Manager Norman-Vacha indicated the General Fund amount for HRA is \$23,537 to fund at the recommended level discussed on August 29 plus a \$224 share for Fleet Maintenance for a total of \$23,761 for the General Fund. The Enterprise Fund total, including Utilities and Sanitations, is \$7,738 for a citywide total of \$31,499. This is for funding at 50%, which reflects an allocation of \$500 per employee versus the \$1,000 from previous years because of the reduction of the deductible from \$1,500 to \$750 on the Blue Cross Blue Shield plan for in-network benefits. She advised the goal is to fund the liability at 100% in the future if the City opts to stay with the HRA option.

Council Member Bernardini felt the HRA to be a valuable asset helping employees with the rising costs of insurance. He requested the money be left in the HRA. City Manager Norman-Vacha indicated the money had

## FINAL BUDGET HEARING - SEPTEMBER 17, 2008

not been allocated; only added to the Reserves for Contingencies, and could be added back in.

### Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Lewis to reallocate the money to fund the HRA, reversing Council's decision at the first budget hearing to remove it.

Discussion continued in which City Manager Norman-Vacha reviewed the in-network benefits.

Motion carried 4-1 with Mayor Pugh voting in opposition.

### Insurance

City Manager Norman-Vacha advised a survey of surrounding areas indicated most do not offer any additional benefits for not participating unless it is incorporated into a cafeteria plan. She indicated a total of 10 current employees opt out of the City's plan. Discussion followed.

Council consensus was to reimburse employees that opt out up to that amount but not over the amount allocated by the City. The employee would be required to produce evidence of other group insurance coverage. City Manager Norman-Vacha to bring policy to Council for approval.

### Employee Pay Raise

Council Member Bernardini recommended giving employees a 2% raise. City Manager Norman-Vacha indicated that if Council adopted a 2% merit increase to happen on the employee's anniversary the impact to the General Fund would be \$48,629. In the current General Fund Reserves for Contingencies \$956,011 was allocated which is 13% of the entire budget. That leaves a total balance of \$907,382 or approximately 12% in Reserves for Contingencies and the millage rate would not change.

### Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Bradburn for approval of a 2% merit-based increase for employees.

Council Member Bernardini clarified that it is not a cost of living raise but a merit increase based on performance evaluations at the employee's anniversary date. Discussion continued in which City Manager Norman-Vacha advised the citywide impact would be \$59,909 with increases for Utilities and Sanitation coming out of their Reserves for Contingencies.

Mayor Pugh expressed reservations about the proposed increase, with further discussion of streamlining and rewarding employees for productive service.

Motion carried 4-1 with Mayor Pugh voting in opposition.

### McKethan Capital Improvement Plan

City Manager Norman-Vacha reviewed staff request for Council to allocate \$25,000 to capital outlay for the repaving of the Jerome Brown Community Center bike and skate trail with approval to go out for bids.

FINAL BUDGET HEARING - SEPTEMBER 17, 2008

Motion:

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

In further discussion of the employee increase, Mayor Pugh relayed that in passing the Mercer Plan he felt there were internal oversights in the program. He felt it needed to be reevaluated at some point, which was discussed. City Manager Norman-Vacha indicated job descriptions are on the list to be updated, which will include re-designation of the pay system and classification plan.

Approval of Resolution No. 2008-23 for FY2008/09

Consideration of proposed resolution levying a General Fund Ad Valorem Millage Rate of 6.0690 mills.

[Note: Restatement of Public Announcement required if millage rate adjustment]

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Lewis for approval of Resolution No. 2008-23 establishing the FY2008/09 ad valorem tax rate at 6.3230 mills.

City Clerk Phillips read Resolution No. 2008-23 by title as follows:

A RESOLUTION LEVYING AN AD VALOREM MILLAGE RATE FOR THE FISCAL YEAR 2008-2009 FOR THE OPERATION OF THE VARIOUS DEPARTMENTS AND FUNDS OF THE CITY OF BROOKSVILLE, FLORIDA, AND PROVIDING AN EFFECTIVE DATE.

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

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

Mayor Pugh announced that the 2008/2009 millage rate of 6.0690 is below the roll-back rate of 6.5830 by 7.8080%. The roll-back rate is a calculation to adjust the increase in assessed property values and new construction within the city in order to maintain the amount of property tax revenue of the previous year.

Ordinance No. 769 - Recommended Budget for FY2008/09

Consideration of second and final reading of proposed budget effective October 1, 2008.

[FIRST READING 09/03/08]

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Bradburn for acceptance of the recommended FY2008/09 Budget, with adopted changes.

Mayor Pugh asked for public input; there was none.

City Clerk Phillips read Ordinance No. 769 by title as follows:

AN ORDINANCE APPROPRIATING CERTAIN MONIES FOR THE GENERAL OPERATIONS OF THE CITY OF BROOKSVILLE, FLORIDA, FROM ITS SEVERAL FUNDS FOR THE TWELVE MONTH PERIOD BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009.

FINAL BUDGET HEARING - SEPTEMBER 17, 2008

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

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

Kids Day in the Park

Mayor Pugh asked for a motion to add a request for the waiver of \$275 user fee for Kids day in the Park by the Kiwanis.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett to add the item to the agenda. Motion carried 5-0.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett to waive the requested fee.

Mayor Pugh asked for public input.

Motion carried 5-0.

Items to Discuss

Scott Smith, President of Kiwanis, thanked Council for their support.

Joe Bernardini, Council Member

Council Member Bernardini, referring to the City Manager's evaluation, indicated the evaluation asks if goals were met. He advised Council needs to set goals for the City Manager as well as Council.

Frankie Burnett, Vice Mayor

Vice Mayor Burnett asked that Council not forget the Hernando High School Homecoming Parade for fee waivers along with the waiver for the Kiwanis' Christmas Parade. City Manager Norman-Vacha indicated they will be forthcoming on the October 20 agenda.

Lara Bradburn, Council Member

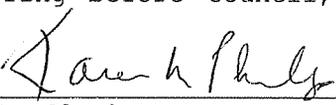
Referring to the Hernando High Homecoming on Friday, November 14, Council Member Bradburn advised the alumni band, the Golden Band from Leopard Land and the Royal Regiment will be coming back under the direction of Steve Manuel. All alumni are invited to participate.

T. Jennene Norman-Vacha, City Manager

City Manager Norman-Vacha thanked Council for all their support on the budget and staff for taking a conservative approach toward improvement to efficiencies and effectiveness. Council thanked staff as well.

ADJOURNMENT

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

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

Attest: \_\_\_\_\_  
Mayor

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

AGENDA ITEM NO. C-2  
11/3/08

To: Honorable Mayor and City Council Members  
Via: T. Jennene Norman-Vacha, City Manager  
From: Emory H. Pierce, Director of Public Works  
Date: 10/20/2008  
Re: Misc. Valve and Fire Hydrant Replacement Project



We are requesting permission to go out to bid for the Misc. Valve and Fire Hydrant Replacement Project. We have \$60,000 budgeted in the 08/09 CIP for water and sewer (project number 2000-UT20) for Replacement Water Valves. This is a project we budget for and perform annually. This year we are expecting to install two new fire hydrants and five each 6" gate valves at the locations shown on the attached sketch.

Florida Statute Section 255.05 allows public authorities to exempt contractors from providing payment and performance bonds if the contract amount is less than \$200,000. Since we are supplying all materials (valves, hydrants and fittings) and this type of work rarely includes any subcontractors, we are requesting a waiver from our Purchasing Policy to not require payment and performance bonds.

**Financial Impact**

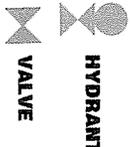
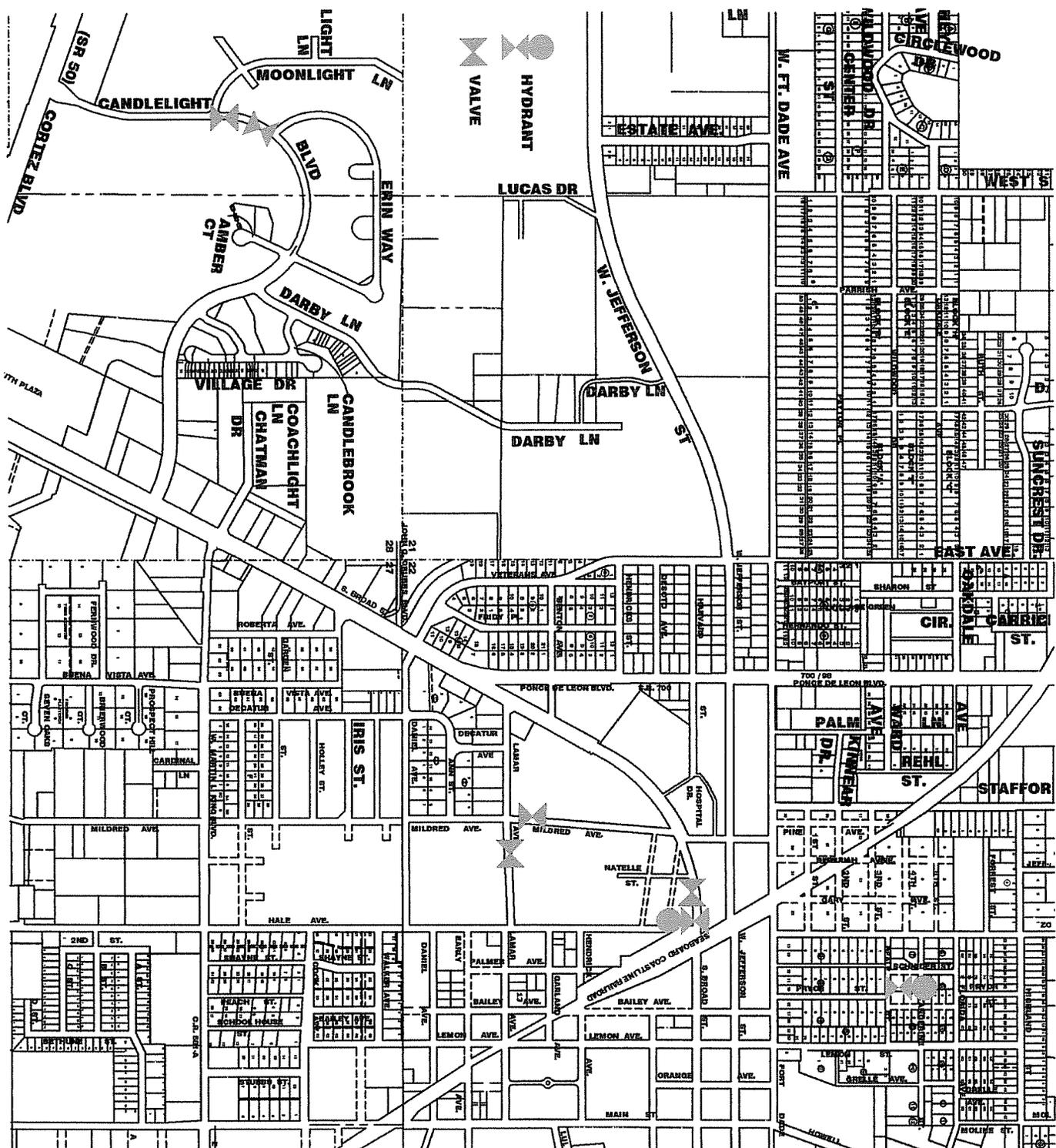
CIP # 2000-UY20 has \$60,000 budgeted for FY2008-2009 for this project.

**Legal Impact**

None

**Staff Recommendation**

Based on the above, staff recommends that Council approve bidding the Misc. Valve and Fire Hydrant Replacement Project as proposed.



(SR 50)  
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CANDLELIGHT

MOONLIGHT LN

BLVD

DARBY LN

CANDLEBROOK LN

COACHLIGHT LN

CHATMAN DR

VILLAGE DR

DR

ERIN WAY

AMBER CT

7TH PLAZA

LUCAS DR

ESTATE AVE

W. JEFFERSON ST

DARBY LN

DARBY LN

W. FT. DADE AVE

CIRCLEWOOD

WEST ST

EAST AVE

SUNSET DR

CIR. CARRIE ST.

STAFFOR

PALE DR.

KINWEAR ST.

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STAFFOR

MILDRED AVE

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LEMON AVE.

ORANGE AVE.

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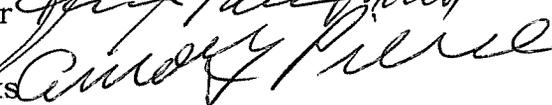
264TH ST.

265TH

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

To: City Council / Good Neighbor Trail Committee

Via: T. Jennene Norman-Vacha, City Manager 

From: Emory H. Pierce, Director of Public Works 

Re: **City of Brooksville Portion of the Good Neighbor Trail  
JBCC Bike Trail Repaving**

Date: October 22, 2008

---

Staff has been working on these projects for some time now and is requesting permission to bid out all or part of the work shown on the attached drawings. A previous memo from staff regarding this project is also attached for your quick reference. The Good Neighbor Trail work consists of about 4,000 lf of paved 12 foot wide trail. The JBCC work is 2,700 lf of paved trail 8 feet wide.

**Financial Impact**

In the 08 09 Good Neighbor Trail Fund No. 120 Budget there is a total of \$511,824 capital expenditures budgeted for the Good Neighbor Trail projects. The \$511,824 projects include the internal trail at the Trailhead, restrooms at the Trailhead, and the trail extension out to Jasmine Drive.

The funding sources for the internal trail are a FRDAP Grant for \$130,000 and approximately \$75,000 City funds in Fund #120 that were from the CSX RR settlement for illegal timber harvesting. The bid documents will be structured/awarded so that we will get the most trail for the funds available. The \$130,000 amount is available as reimbursement from a FRDAP Grant after the City expends the funds.

Funds for the JBCC Bike Trail are in the McKethan Capital Projects Fund 302 in the amount of \$25,000.

**Legal Impact**

None

**Staff Recommendation**

Authorize bidding of the trail work shown for both projects and recognizing that a budget amendment may be requested for the Good Neighbor Trail after bids are opened.

# CITY OF BROOKSVILLE

**TO:**

(X) Mayor Mary A. Staib  
(X) Vice Mayor Joe Bernardini  
(X) Council Member Richard E. Lewis  
(X) Council Member Joseph E. Johnston, III  
(X) Council Member E.E. "Ernie" Wever, Jr.

**ACTION:**

( ) As you requested  
( ) For your information  
(X) Appropriate action  
( ) Review and return  
( ) Review & route

**FROM:** Raymond Hess  
Redevelopment Coordinator

**DATE:** August 9, 2004

**VIA:** Richard E. Anderson  
City Manager

**SUBJECT:** Florida Recreation Development Assistance Program Grant

On July 1, 2004 the City was informed it was awarded a Florida Recreation Development Assistance Program (FRDAP) Grant in the amount of \$130,000. This represents 50% funding for the Good Neighbor Trailhead Parson's Brook Path project to construct a path along the creek with footbridges, informational signs, parking lot, restrooms, and security lighting.

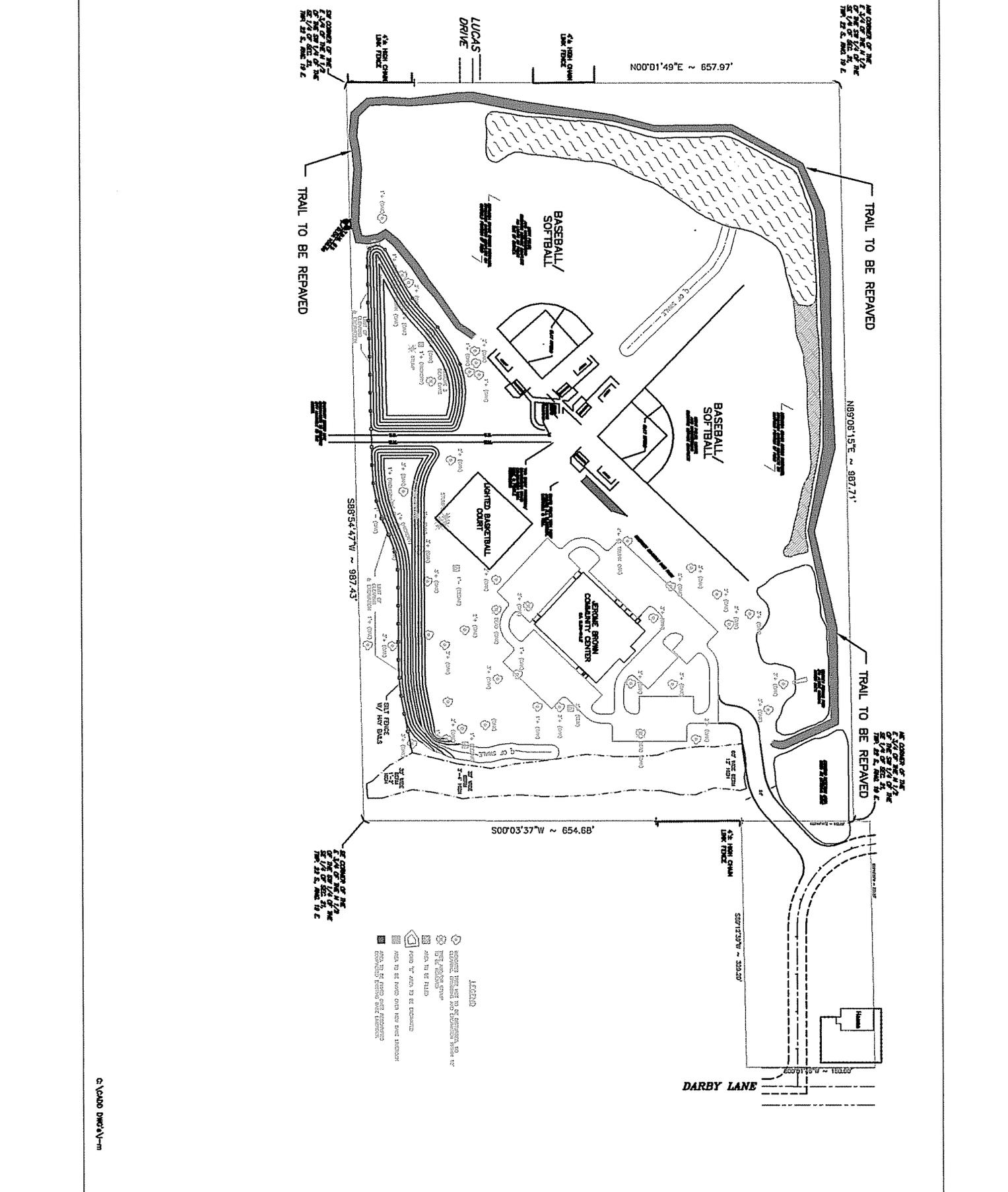
The City's match for this grant comes from land that was purchased from the Hernando Historical Museum Association Inc. and acquired from CSX in the illegal timber harvest settlement (totaling \$55,610) and Metropolitan Planning Organization (MPO) Enhancement Funds to build a restroom (\$75,000). This approach was purposefully taken so that money would not have to be spent from the City's general funds to match the grant.

There was some confusion about how the City's use of land would entitle it to cash reimbursements from the State. Mary Ann Lee of the Florida Department of Environmental Protection explained (8-9-04) the land match is considered part of the primary cost of the project therefore entitling the City to reimbursement of 50% of the total project cost (up to \$130,000). This amount combined with the \$75,000 from MPO gives a total cash budget of \$205,000 for contractual services to build the path and other amenities. Any costs above this total would have to be covered by the City. The City may wish to use part of the CSX cash settlement (\$60,000), which was earmarked for the Trail, if the project runs over budget.

**Staff Recommendation:**

Staff recommends City Council give the Mayor the authority to sign the Grant Agreement (due 9-3-04).





- LEGEND
- ⊕ RECONSTRUCT EXISTING TO BE RECONSTRUCTED, NO. 10"
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  - ⊕ RECONSTRUCT EXISTING TO BE RECONSTRUCTED, NO. 100"

c:\LOAD DRAW\m

SHEET 1 of 1	Rev #    Revision    Date 1    ADDITION OF 10' WIDTH OF PARKING    12/27/88 2    CHANGED FROM 48" TO 60"	 <p>City of Brooksville          Dep't of Public Works          600 South Brooksville Avenue</p>	SCALE: AS NOTED DRAWN BY: DCP DATE: 08/24/89 JOB #	(JEROME BROWN CENTER) AsBuilts
	1 of 1		1 of 1	

# City of Brooksville



AGENDA ITEM NO. D-1  
11/3/08  
(352) 544-5400 (Phone)  
(352) 544-5424 (Fax)  
(352) 544-5420 (TDD)

October 20, 2008

Ms. Melanie Smither and Mr. Robert Buckley  
240 E. Liberty Street  
Brooksville, FL 34601

Dear Ms. Smither and Mr. Buckley:

As you are already aware of, 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 home at 240 E. Liberty Street which is being purchased from Ms. Kathleen Hamm.

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, November 3, 2008 at 7:00 p.m. in the City Hall Council Chambers at 201 Howell Avenue. Please call the Beautification Board Secretary, Lindsay Morgan, and let her know, no later than Friday, October 24, 2008 by 12:00 p.m. if you will or will not be able to attend this meeting or if you have any further questions, 544-5407 x130.

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

Sincerely,

Sally Sperling, Chairman  
Beautification Board

SS/lam

cc: T. Jennene Norman-Vacha, City Manager  
Karen M. Phillips, City Clerk  
Lindsay A. Morgan, Beautification Board Secretary

*Margaret R. Ghiotto*



# *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*

*Melanie Smither and Robert Buckley*

*240 E. Liberty, Brooksville, Florida 34601*

*Presented this 3rd day of November, 2008.*

\_\_\_\_\_  
*Mayor*

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

# City of Brooksville



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

October 15, 2008

Kathleen S. Hamm  
240 E. Liberty Street  
Brooksville, FL 34601

Dear Ms. Hamm:

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 home at 240 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, November 3, 2008 at 7:00 p.m. in the City Hall Council Chambers at 201 Howell Avenue. Please call the Beautification Board Secretary, Lindsay Morgan, and let her know, no later than Friday, October 24, 2008 by 12:00 p.m. if you will or will not be able to attend this meeting or if you have any further questions, 544-5407 x130.

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

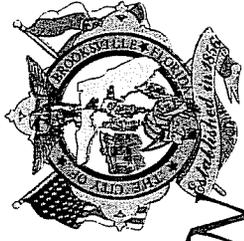
Sincerely,

Sally Sperling, Chairman  
Beautification Board

SS/lam

cc: T. Jennene Norman-Vacha, City Manager  
Karen M. Phillips, City Clerk ✓  
Lindsay A. Morgan, Beautification Board Secretary

*Margaret R. Ghetto*



# *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*

*Kathleen S. Hamm*

*240 E. Liberty, Brooksville, Florida 34601*

*Presented this 3rd day of November, 2008.*

\_\_\_\_\_  
*Mayor*

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

# City of Brooksville



October 15, 2008

Hernando Beach Inc.  
Mr. Charles Sasser, Jr.  
8075 Southern Pines Drive  
Brooksville, FL 34601

Dear Mr. Sasser:

The City of Brooksville Beautification Board is pleased to advise you that you have been selected to receive the monthly Margaret R. Ghitto Commercial Beautification Award for beautifying your business, Southern Pines Condominiums.

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, November 3, 2008 at 7:00 p.m. in the City Hall Council Chambers at 201 Howell Avenue. Please call the Beautification Board Secretary, Lindsay Morgan, and let her know, no later than Friday, October 24, 2008 by 12:00 p.m. if you will or will not be able to attend this meeting or if you have any further questions, 544-5407 x130.

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

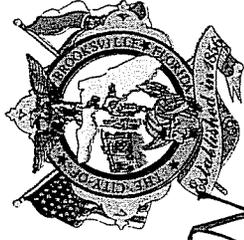
Sincerely,

Sally Sperling, Chairman  
Beautification Board

SS/lam

cc: T. Jennene Norman-Vacha, City Manager  
Karen M. Phillips, City Clerk ✓  
Lindsay A. Morgan, Beautification Board Secretary

*Margaret R. Ghotto*



# *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*

*Hernando Beach Inc. "Southern Pines Condominiums"*

*8075 Southern Pines Drive, Brooksville, Florida 34601*

*Presented this 3rd day of November, 2008.*

\_\_\_\_\_  
*Mayor*

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



**AGENDA ITEM  
MEMORANDUM**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER**

**FROM: JENNIFER REY, ESQ., THE HOGAN LAW FIRM, LLC**

**CC: TOM S. HOGAN, JR.**

**SUBJECT: COST RECOVERY ORDINANCE AMENDMENT**

**DATE: OCTOBER 21, 2008**

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**GENERAL SUMMARY:** Council approved Ordinance 766-A on first reading at its October 20, 2008 meeting. Ordinance No. 766-A is now being brought to Council for second reading and adoption. As previously noted, on October 6, 2008, City Council adopted Ordinance No. 766 establishing authority for the City to engage in cost recovery measures for emergency and public safety services. After the first reading of the ordinance and based on Council discussion and direction, a revision was added clarifying incidents involving commercial or commercial carrier motor vehicles; this revision was contained in Section 4 paragraph (f) of the ordinance. However, in the draft of the ordinance submitted to Council for second reading on October 6, 2008, the provision for commercial or commercial carriers was inadvertently omitted. Therefore, Ordinance No. 766-A contains the provision addressing commercial or commercial carriers and is being proposed to amend Ordinance No. 766 at Section 4, Paragraph (f). In addition, Section 10 Use of Revenue is being modified in response to Council's request to provide for allocation of cost recovery dollars to the services generating the funds.

**BUDGET IMPACT:** None.

**LEGAL REVIEW:** Legal staff has reviewed the proposed ordinance and has approved it as to form and content.

**STAFF RECOMMENDATION:** Staff recommends that the Council adopt Ordinance No. 766-A amending Section 4, paragraph (f) of Ordinance No. 766 providing for cost recovery measures for emergency service response to commercial or commercial carrier motor vehicle incidents; and amending Section 10 to provide for a separate cost recovery fund.

**ATTACHMENTS:** Ordinance No. 766-A Cost Recovery Amendment

ORDINANCE No.766-A

AN ORDINANCE OF THE CITY OF BROOKSVILLE AMENDING ORDINANCE NO. 766 RELATING TO COST RECOVERY OF CERTAIN POLICE, FIRE, EMERGENCY AND RESCUE SERVICES; PROVIDING FOR COMMERCIAL OR COMMERCIAL CARRIER INCIDENTS; AMENDING THE USE OF REVENUE PROVISION; AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Brooksville adopted Ordinance No. 766 on October 6, 2008; and,

WHEREAS, paragraph (f) of Ordinance No. 766 relates to commercial or commercial carrier incidents and provides no guidance as to such incidents; and,

WHEREAS, the City intended to address such incidents separate and distinct from other vehicle incidents; and,

WHEREAS, the City desires to amend Ordinance No. 766.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL MEMBERS OF THE CITY OF BROOKSVILLE, FLORIDA THAT:

**SECTION 1. COMMERCIAL CARRIER AMENDMENT.** Ordinance No. 766 Section 4 Liability for Emergency Services Costs, paragraph (f) is amended to read as follows:

(f) **Commercial or Commercial Carrier Motor Vehicle Incidents.** Commercially operated or owned motor vehicles shall not be eligible for any exemption from the Emergency Services Charges and Fees. Commercial or commercial carrier motor vehicle owners shall respond freely and cooperatively to inquiries regarding their insurance coverage. Commercial property owners shall be notified at the time a claim is filed, and at the time a claim is paid. Commercial property owners shall be invoiced directly under the terms of this Ordinance if they do not carry insurance sufficient to cover the impact to the City of Brooksville's loss of capital or material.

**SECTION 2. USE OF REVENUE AMENDMENT.** Ordinance No. 766 Section 10 Use of Revenue Collected is amended and restated as follows:

Charges and fees collected, under the provisions of this Ordinance, shall be deposited in a separate fund established for cost recovery revenue and shall be used to defray the costs of continuance, maintenance, enhancement or improvement of emergency services within the City. Such funds shall be allocated, during the budget process, to departments providing emergency service response, including police, fire, EMS, and other departments responding to cost recovery incidents.

**SECTION 3. SEVERABILITY.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or application hereof, is for any reason held invalid, unlawful or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 4. CONFLICTS AND REPEALER.**

All ordinances or parts thereof in conflict with this ordinance are hereby repealed to the extent of such conflict.

**SECTION 5. AMENDMENT TO CODE.**

This Ordinance shall be and become a part of the Code of the City of Brooksville, Florida, to amend and supplement Chapter 34 and 46 of the City of Brooksville Code of Ordinances as directed herein.

**SECTION 6. CODIFICATION.**

It is the intention of the City Council of the City of Brooksville that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the City of Brooksville, Florida and the word "ordinance," or similar words may be changed to "section," "article," or other appropriate word or phrase and the sections of the ordinance may be renumbered or re-lettered to accomplish such intention; provided, however, that Sections 2, 3, 4, and 5 shall not be codified. The Code codifier is granted liberally authority to codify the provisions of this Ordinance.

**SECTION 7. EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon its adoption by the Brooksville City Council.

**PASSED** on **FIRST READING** this 20<sup>th</sup> day of October, 2008.

**NOTICE** Published on Friday, October 24, 2008.

**ADOPTED** on the **SECOND READING AFTER DUE PUBLIC NOTICE AND HEARING,**  
**CITY OF BROOKSVILLE** this \_\_\_\_ day of \_\_\_\_\_, 2008.

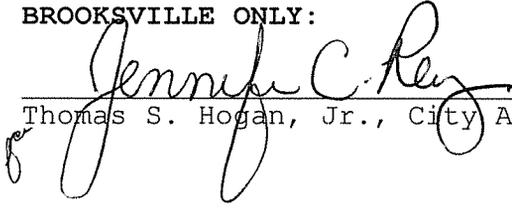
CITY OF BROOKSVILLE, FLORIDA

\_\_\_\_\_  
David Pugh, Mayor

ATTEST:

\_\_\_\_\_  
Karen Phillips, City Clerk

APPROVED AS TO LEGAL FORM AND CONTENT  
FOR THE RELIANCE OF THE CITY OF  
BROOKSVILLE ONLY:

  
\_\_\_\_\_  
Thomas S. Hogan, Jr., City Attorney

VOTE OF COUNCIL:

Bernardini \_\_\_\_\_  
Bradburn \_\_\_\_\_  
Burnett \_\_\_\_\_  
Lewis \_\_\_\_\_  
Pugh \_\_\_\_\_

## **CITY OF BROOKSVILLE FINANCE DEPARTMENT**

**Date:** October 21, 2008

**To:** Honorable Mayor and City Council Members

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

**From:** Stephen J Baumgartner, Finance Director

**RE:** Ordinance 769-A Second Reading 08/09 Budget Reduction due to Rate Freeze

---

### **SUMMARY**

On October 20, 2008 City Council passed Ordinance No. 769-A providing for revenue reduction and reserve revisions as a result of \$102,000 decrease in utility revenue due to adoption of Resolution 2008-27. November 3<sup>rd</sup> is the second reading.

### **GENERAL INFORMATION**

The 3% increase that was rescinded has a \$102,000 impact on the Water & Sewer Revenues. We will need to reduce our Water Revenues (401 000 343 48330) by \$53,000 and our Sewer Revenues (401 000 343 48350) by \$49,000. Public Works Director Emory Pierce is recommending lowering Reserves by \$102,000 to offset the corresponding loss in revenues.

### **BUDGET IMPACT**

We are lowering our Water and Sewer Revenues by \$102,000 and also lowering Reserves for Contingencies by \$102,000.

### **STAFF RECOMMENDATION**

We recommend approval of Ordinance 769-A for the second reading.

sjb

ORDINANCE NO. 769-A

AN ORDINANCE AMENDING APPROPRIATIONS OF CERTAIN MONIES FOR THE GENERAL OPERATIONS OF THE CITY OF BROOKSVILLE, FLORIDA, FROM ITS WATER AND SEWER FUND FOR THE TWELVE MONTH PERIOD BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009.

WHEREAS, on September 17, 2008, City Council of the City of Brooksville, Florida adopted Ordinance No. 769 appropriating certain monies for the general operations of the City of Brooksville, Florida for the twelve month period beginning October 1, 2008 and ending September 30, 2009;

WHEREAS, said appropriations ordinance included revenue for an increase in the water and sewer rates for utility customers; and,

WHEREAS, on October 6, 2008, City Council rendered that no rate increase shall be initiated for the 2008-2009 fiscal year water and sewer rates;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, as follows:

I. GENERAL APPROPRIATIONS FOR FISCAL YEAR 2008/2009: That the sums estimated as revenues, expenditures and fund balances for the fiscal year beginning October 1, 2008 and ending September 30, 2009 for the Public Works Water & Wastewater Proprietary Fund budget are hereby repealed and restated as follows:

d) Proprietary Fund Funds

Public Works - Water & Wastewater (ALL)	
Fund Balance October 1	\$ 4,946,949
Revenues	5,773,020
TOTAL AVAILABLE FOR APPROPRIATION	\$10,719,969
Expenditures	\$ 6,447,976
Reserves	4,271,993
TOTAL APPROPRIATIONS	\$10,719,969

II. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its adoption as required by the Code of the City of Brooksville, Florida and applicable State Law.

VIII. REPEALER: All Ordinances, or parts of Ordinances, in conflict herewith are hereby expressly repealed.

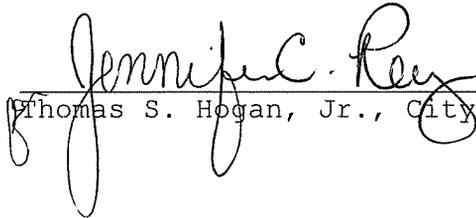
CITY OF BROOKSVILLE

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

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

PASSED on First Reading October 20, 2008  
NOTICE Published on October 24, 2008  
PASSED on Second & Final Reading \_\_\_\_\_

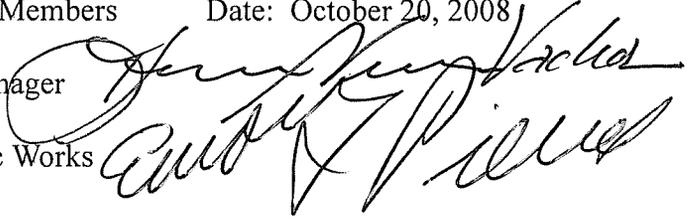
Approved as to form and content  
for the reliance of the City of  
Brooksville only:

  
\_\_\_\_\_  
Thomas S. Hogan, Jr., City Attorney

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

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

To: Honorable Mayor and City Council Members Date: October 20, 2008  
Via: T. Jennene Norman-Vacha, City Manager  
From: Emory H. Pierce, Director of Public Works  
Re: CHRISTMAS PARADE



---

Attached is a resolution and an FDOT special use permit application which are required to be approved/signed in order for the FDOT to grant permission for the closure of Broad St. and Jefferson St. for the subject parade.

**Budget Impact**

Fees and costs previously discussed and approved for partial waiver by City Council on 10/20/08.

**Legal Impact**

City Attorney has reviewed resolution, FDOT Request For Temporary Closing Special Use of State Road (permit), insurance certificate, and other related documents and found all to be acceptable.

**Staff Recommendation**

Approval of resolution and authorization for Police Chief and Public Works Director to sign the subject FDOT Permit.

EHP/mh

RESOLUTION NO 2008-28

RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA SUPPORTING A REQUEST TO CLOSE JEFFERSON STREET AND BROAD STREET BETWEEN MAIN STREET AND BELL AVENUE IN DOWNTOWN BROOKSVILLE ON DECEMBER 13, 2008; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City wishes to promote businesses in and to draw visitors to the downtown area; and,

WHEREAS, the City wishes to support the 34<sup>th</sup> Annual Brooksville Christmas Parade that brings visitors to the City and to the downtown area; and,

WHEREAS, pursuant to the City of Brooksville Code of Ordinances Section 74-1(b) and Section 74-165(a), the City Council may close streets for a parade; and,

WHEREAS, the Brooksville Kiwanis Club, the sponsoring organization for the parade, has been approved for a right-of-way closure and use permit and has provided liability insurance in an amount appropriate for the parade.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, that:

SECTION 1. STREET CLOSURES. The City Council recognizes the closure of the following Brooksville roadway segments to street traffic is necessary for public safety during the Brooksville Christmas Parade; and the City Council authorizes the following closures for the date of the parade:

- Jefferson Street, from Bell Avenue to Main Street
- Main Street, from Jefferson Street to Broad Street
- Broad Street, from Main Street to Bell Avenue
- Bell Avenue, from Broad Street to Jefferson Street

SECTION 3. CONFLICT. Any prior resolution or policy of the City inconsistent with the provisions of this resolution are hereby repealed to the extent of such inconsistency.

SECTION 4. SEVERABILITY. If any provision of this resolution or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications, and to this end, the provisions of this resolution are hereby declared severable.

SECTION 5. EFFECTIVE DATE. This resolution shall take effect immediately upon adoption by the City Council.

ADOPTED this \_\_\_\_ day of November, 2008.

CITY OF BROOKSVILLE

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

ATTEST: \_\_\_\_\_  
Karen M. Phillips, City Clerk

APPROVED AS TO FORM AND CONTENT  
FOR THE RELIANCE OF THE CITY OF  
BROOKSVILLE ONLY:

\_\_\_\_\_  
Thomas S. Hogan, Jr., City Attorney

VOTE OF CITY COUNCIL

Bernardini	_____
Bradburn	_____
Burnett	_____
Lewis	_____
Pugh	_____

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**REQUEST FOR TEMPORARY CLOSING/SPECIAL USE OF STATE ROAD**

850-040-65  
 MAINTENANCE  
 03/06  
 Page 1 of 2

- Instructions: 1. Obtain signatures of local law enforcement and city/county officials.  
 2. This form must be submitted by the local governmental authority to FDOT to obtain written approval. Allow adequate time for the review.  
 3. Attach any necessary maps or supporting documents.

NAME OF ORGANIZATION <b>Kiwanis Club of Brooksville</b>		PERSON IN CHARGE <b>ROBERT DATTI</b>		DATE <b>9-16-08</b>
ADDRESS OF ORGANIZATION <b>19390 Cortez Blvd Brooksville FL 34601</b>			TELEPHONE NUMBER <b>796-2926</b>	
TITLE OF EVENT <b>Brooksville Christmas PARADE</b>				
DATE OF EVENT <b>12-13-08</b>	STARTING TIME OF EVENT <b>10:00 AM</b>	DURATION OF EVENT (APPROX) <b>4 HOURS</b>	ACTUAL CLOSING TIME (INCLUDING SETTING UP BARRIERS, ETC.) <b>2:00 PM</b>	
PROPOSED ROUTE (INCLUDE STATE ROAD NUMBER, SPECIFIC LOCATION, ETC. - INCLUDE MAPS) <b>South on MAIN STREET CROSSING OVER STATE ROAD 50 A (JEFFERSON ST.) TO US 41 (BROAD ST.) THEN EAST ON US 41 (BROAD ST.) TO BELL AVE. THEN NORTH ON BELL AVE CROSSING SR 50 A (JEFFERSON ST.)</b>				
DETOUR ROUTE (INCLUDE ALTERNATE ROUTES - INCLUDE MAPS) <b>SEE ATTACHED EXHIBIT "A"</b>				
NAME OF DEPT. RESPONSIBLE FOR TRAFFIC CONTROL, ETC. (CITY POLICE, SHERIFF'S DEPT., FLORIDA HWY. PATROL, ETC.)(INCLUDE PRECINCT NO.) <b>Brooksville Police Dept.</b>				
SPECIAL CONDITIONS				
THIS SECTION IS TO BE COMPLETED WHEN PERMITTING SPECIAL USE OF A STATE ROAD FOR FILMING				
LICENSED PYROTECHNICS OPERATOR _____ LICENSE NO. _____				
APPROVAL OF LOCAL FIRE DEPARTMENT _____				
LIABILITY INSURANCE CARRIER _____ POLICY EFFECTIVE DATE _____				
COVERAGE AMOUNT _____ (\$1,000,000 MINIMUM)				
LENGTH OF COVERAGE _____ DAYS				
FEDERAL AVIATION ADMINISTRATION APPROVAL FOR LOW FLYING FILMING _____				
ADDITIONAL LIABILITY INSURANCE AMOUNT _____ (\$5,000,000 MINIMUM)				
TYPED NAME AND TITLE (INCLUDE BADGE NO IF APPROPRIATE)		SIGNATURE OF CHIEF OF LAW ENFORCEMENT AGENCY		DATE SIGNED
TYPED NAME AND TITLE OF CITY/COUNTY OFFICIAL		SIGNATURE OF CITY/COUNTY OFFICIAL		DATE SIGNED

The Permittee, shall indemnify, defend, and hold harmless the Department and all of its officers, agents, and employees from any claim, loss, damage, cost, charge, or expense arising out of any acts, actions, neglect, or omission by the Permittee, its agents, employees, or subcontractors during the performance of the Contract, whether direct or indirect, and whether to any person or property to which the Department or said parties may be subject, except that neither the Permittee nor any of its subcontractors will be liable under this Article for damages arising out of the injury or damage to persons or property directly caused or resulting from the SOLE negligence of the Department or any of its officers, agents or employees.

Contractor's obligation to indemnify, defend, and pay for the defense or at the Department's option, to participate and associate with the Department in the defense and trial of any damage claim or suit and any related settlement negotiations, shall be triggered by the Department's notice of claim for indemnification to Contractor. Contractor's inability to evaluate liability or its evaluation of liability shall not excuse Contractor's duty to defend and indemnify within seven days after such notice by the Department is given by registered mail. Only an adjudication or judgment after highest appeal is exhausted specifically finding the Department SOLELY negligent shall excuse performance of this provision by Contractor. Contractor shall pay all costs and fees related to this obligation and its enforcement by the Department. Department's failure to notify Contractor of a claim shall not release Contractor of the above duty to defend.

It is understood and agreed that the rights and privileges herein set out are granted only to the extent of the State's right, title, and interest in the land to be entered upon and used by the Permittee, and the Permittee will, at all times, assume all risk of and indemnify, defend and save harmless the State of Florida and the Department from and against any and all loss, damage, cost, or expense arising in any manner on account of the exercise or attempted exercises by said Permittee of the aforesaid rights and privileges.

During the event, all safety regulations of the Department shall be observed and the holder must take measures, including placing and display of safety devices, that may be necessary in order to safely conduct the public through the project area in accordance with the Federal Manual on Uniform Traffic Control Devices (MUTCD), as amended, and the Department's latest Roadway and Traffic Design Standards.

In case of non-compliance with the Department's requirements in effect as of the approved date of this permit, this permit is void and the facility will have to be brought into compliance or removed from the R/W at no cost to the Department.

Submitted by: KIWANIS CLUB OF BROOKSVILLE Place Corporate  
Permittee

*R. Watts* *[Signature]*  
Signature and Title Attested President  
ROBERT WATTS PARADE CHAIRMAN Brooksville Kiwanis

Department of Transportation Approval: This Request is Hereby Approved

Recommended for approval \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Approved by: \_\_\_\_\_ Date \_\_\_\_\_  
District Secretary or Designee

DISTRIBUTION: Original - Permittee  
1st copy - District Maintenance Office  
2nd copy - Local Maintenance Engineer

# EXHIBIT "A"

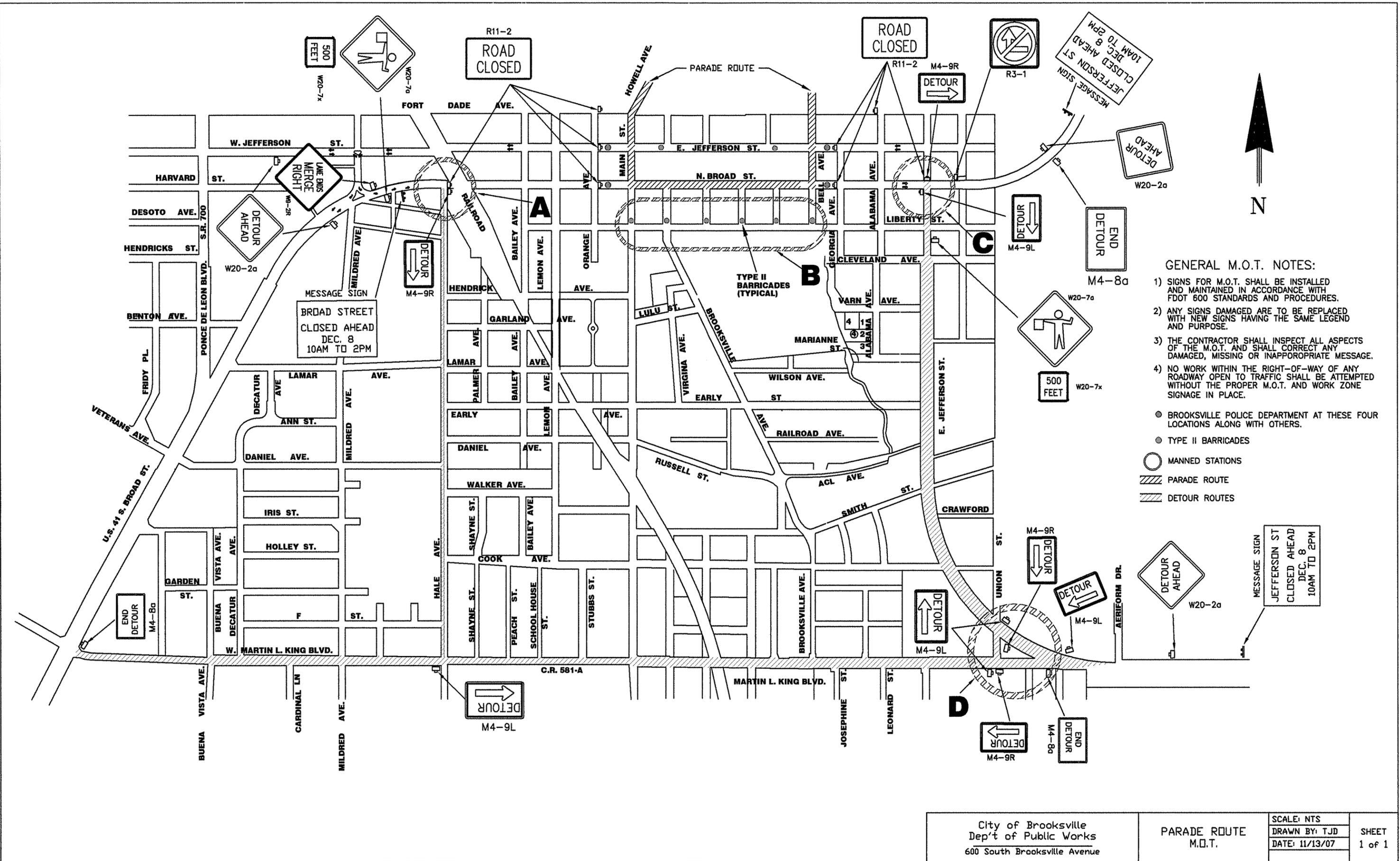
## PARADE DETOUR ROUTE

**Northbound traffic on U.S. 41 (South Broad Street) detoured south on Hale Avenue to Martin L. King Boulevard. Then East on Martin L. King Boulevard to S.R. 50A (East Jefferson Street) then North on S.R. 50A (East Jefferson Street) to U.S. 41 (North Broad Street) to end Northbound traffic detour.**

**Westbound traffic on S.R. 50A (East Jefferson Street) detoured West on Martin L. King Blvd. to U.S. 41 (South Broad Street) to end Westbound traffic Detour.**

**Eastbound traffic on S.R. 50A (West Jefferson Street) to merge into one lane at Mildred Avenue on Eastbound U.S. 41 (South Broad Street). Then detour South on Hale Avenue to Martin L. King Boulevard. Then East on Martin L. King Boulevard to S.R. 50A (East Jefferson Street) to end Eastbound Traffic detour.**

**Southbound traffic on U.S. 41 (North Broad Street) detoured South on S.R. 50A (East Jefferson Street) to Martin L. King Boulevard. Then West on Martin L. King Boulevard to U.S. 41 (South Broad Street) to end Southbound traffic detour.**



- GENERAL M.O.T. NOTES:**
- 1) SIGNS FOR M.O.T. SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH FDOT 600 STANDARDS AND PROCEDURES.
  - 2) ANY SIGNS DAMAGED ARE TO BE REPLACED WITH NEW SIGNS HAVING THE SAME LEGEND AND PURPOSE.
  - 3) THE CONTRACTOR SHALL INSPECT ALL ASPECTS OF THE M.O.T. AND SHALL CORRECT ANY DAMAGED, MISSING OR INAPPROPRIATE MESSAGE.
  - 4) NO WORK WITHIN THE RIGHT-OF-WAY OF ANY ROADWAY OPEN TO TRAFFIC SHALL BE ATTEMPTED WITHOUT THE PROPER M.O.T. AND WORK ZONE SIGNAGE IN PLACE.
- BROOKSVILLE POLICE DEPARTMENT AT THESE FOUR LOCATIONS ALONG WITH OTHERS.
  - TYPE II BARRICADES
  - MANNED STATIONS
  - ▨ PARADE ROUTE
  - ▨ DETOUR ROUTES

City of Brooksville Dept of Public Works 600 South Brooksville Avenue	PARADE ROUTE M.O.T.	SCALE: NTS	SHEET 1 of 1
		DRAWN BY: TJD	
		DATE: 11/13/07	

**MEMORANDUM**

**To:** Honorable Mayor & City Council Members  
**Via:** T. Jennene Norman-Vacha, City Manager   
**From:** Bill Geiger, Community Development Director   
**Subject:** Majestic Oaks Phase Two Preliminary Plat  
**Petitioner:** Majestic Oaks Developers, LLLP (Presented by Development Management Consultants, LLC and Coastal Engineering Associates, Inc.)  
**Location:** The property is located 1.2 miles East of U.S. 41 and North of Richbarn and Mondon Hill Roads.  
**Date:** October 16, 2008

**SUMMARY OF REQUEST - GENERAL INFORMATION**

The combined properties for the Majestic Oaks project consist of 428 ± acres, and are located approximately 1.2 miles east of U.S. 41 on the north side of Mondon Hill Road. The metes and bounds legal descriptions for the subject parcels are given in full in the petition packet. The petitioner is requesting City approval of the Majestic Oaks Phase Two Preliminary Plat for 138 single family residential lots on approximately 52.67 acres of the 428 ± acre property.

On November 3, 2004, the Planning and Zoning Commission approved and recommended Council approve the annexation of the above-referenced properties, and on December 20, 2004 (Ordinance No. 683) and July 12, 2005 (Ordinance No's 698, 699 and 700) the subject properties were approved by the City Council for annexation into the City of Brooksville. The City Council subsequently recognized and accepted the Majestic Oaks and BCC, LLC overall Master Plan. The Planning and Zoning Commission approved the Majestic Oaks Phase 1 Preliminary Plat consisting of 152 single family residential lots plus 14 model center lots on 110.25 ± acres on May 18, 2006. On February 12, 2007, the City Council approved and adopted Ordinance No. 741 approving amendments to the City Comprehensive Plan, assigning a Majestic Oaks Mixed Use District (MOMUD) Future Land Use Map classification for this property. On September 12, 2007, a revised Majestic Oaks Phase 1 Preliminary Plat was conditionally approved by the Planning and Zoning Commission. On May 14, 2008, a zoning classification of Planned Development Project (PDP) with a special exception use for a Combined Planned Development Project (CPDP) was conditionally approved by the Planning and Zoning Commission and recommendations for approval were forwarded to the City Council. The City Council approved and adopted Ordinance No. 759 on June 16, 2008, approving a zoning classification of Planned Development Project (PDP) with conditional approval for a special exception use for a Combined Planned Development Project (CPDP), and further approved the revised master plan, which includes residential, commercial and recreational uses.

**STAFF FINDINGS:**

**CURRENT LAND USE/ZONING/FACTUAL INFORMATION**

1. The subject property currently has a City zoning of CPDP (Combined Planned Development Project).
2. The subject property for the Phase Two preliminary plat is approximately 52.67 acres.

3. The subject site for phase two is undeveloped.
4. The subject property is within the boundaries of the 428 ± acre parcels of property that were annexed into the City on December 20, 2004 and July 12, 2005 (Ref. Ord. No.s 683, 698, 699 and 700).
5. The subject property has a City Comprehensive Plan Future Land Use map designation of Majestic Oaks Mixed Use District (MOMUD).
6. The requested phase two preliminary plat proposal is consistent with the Master Plan associated with the “Amended and Restated Development Agreement” dated August 15, 2005, as approved by the City Council, and the revised master plan as adopted in tandem with zoning Ordinance No. 759 on June 16, 2008.
7. The property is subject to terms and conditions of an Amended and Restated Development Agreement entered into between the City and the property owner on August 15, 2005, which supercedes the development agreement dated January 3, 2005. This Agreement was entered into pursuant to the Florida Local Government Development Agreement Act, Sections 163.3220 - 163.3243, Florida Statutes. Among other items, the Agreement establishes the availability and means for public utilities to serve the project, provides for the construction of transportation improvements, provides for the reservation of sites for future potential public facilities and purposes, and provides for development uses that may be permitted within the project. (A copy of the Amended and Restated Development Agreement is on file in the Community Development Department).
8. The preliminary construction plans for Phase two address topography, drainage retention and conservation areas pertaining to the property. Based on site visits and review of supporting documentation, the summary documentation appears to accurately portray existing conditions. Subsurface conditions are addressed in the “Nodarse & Associates, Inc.” geotechnical report dated February 20, 2006. The preliminary construction plans and geotechnical report are on file in the Community Development Department.
9. Existing and planned public facilities will adequately serve the development consistent with adopted City level-of-service standards.
10. The Phase two preliminary plat includes 138 single-family residential lots on 52.67 acres.
11. A portion of the north end of Fairway Woods Drive is located within the Dogwood Estates well head protection area. Applicable policies and standards will be applied to development proposed for this area.
12. Access connections for this Phase Two project is being proposed through Sand Springs Boulevard (connecting to Mondon Hill Road through Phase One) on the south end, and to a private road known as Links Drive on the north end. Additionally, emergency access to the property is being proposed through “Tract H” which allows access to “Cedar Cliff Court” from the south end of Domingo Drive.

### **STAFF DISCUSSION**

The subdivider is developing a mixed use development that includes a residential community featuring single family residences, multi-family villas, commercial (retail & office) and recreational uses. The approved master plan for the site provides an overview of the area including the distribution of planned uses and is on file in the Community Development Department.

As previously noted, the approved Amended and Restated Development Agreement addresses many aspects of this project as it relates to infrastructure exactions (to address concurrency

requirements in serving the development) and other developmental criteria. Additionally, the following conditions/statements should be considered in conjunction with the approval of this preliminary plat for phase two:

1. Development of the described property will be subject to all applicable terms and conditions as outlined in the Amended and Restated Development Agreement between the City of Brooksville and Majestic Oaks Partners, LLC, as executed August 15, 2005, and recorded in OR Book 1967, Pages 1650 to 1670; and
2. Unless specifically addressed to the contrary within the executed Amended and Restated Development Agreement or within conditions referenced herein, City ordinance regulations which apply with regard to zoning district classification shall apply to residential areas within this PDP as if they are zoned R3 and commercial areas as if they are zoned C2.
3. Uses or infrastructure for this project that may not be specifically addressed within the Amended and Restated Development Agreement or by existing code standards will be brought to the City Council for consideration. Council action on such items may be considered either independently or as a part of the final plat approval process for each phase of this development.
4. Development of this property will be subject to meeting all applicable federal, state and local agency permitting requirements.
5. The developer is required to provide the City with three original surveys of the property associated with the approved Majestic Oaks Phase two Preliminary Plat that are signed, dated and sealed by a Florida registered Land Surveyor.

Street names for the subdivision will be coordinated with the City and Property Appraiser offices and noted on the final plat.

#### **FINDINGS OF FACT**

The parent parcel to this phase two tract is located north of Mondon Hill Road and east of McIntyre Road. Surrounding development consists of residential and rural residential to the east, north and west. The area to the south is a former mining area. In the City's adopted Comprehensive Plan, the subject property is designated with a land use classification identified as Majestic Oaks Mixed Use District (MOMUD), which will consist of residential, commercial and recreational uses.

To address subsurface conditions in areas where ponds or drainage retention areas are located or being proposed, the developer is required to have geophysical/geotechnical investigations conducted and the findings of such incorporated into the final design so as to minimize stormwater discharge to the aquifer. Any portion of the property to be developed that lies within the zone of influence for existing water supply wells will be subject to applicable protection policies and standards. Existing wetlands on the property will be protected to the extent feasible. Encroachment into any existing wetland must be mitigated consistent with standards established by the City's Comprehensive Plan and applicable State and Federal standards.

Streets within the subject development must be built consistent with the provisions of the valid amended and restated development agreement and meet City construction standards. Provisions must be made as part of the platting process to provide for easements for ingress and egress to allow for emergency services access and maintenance of the water and sewer facilities that the City will own and operate. For water and sewer easements that are outside of road rights-of-

ways, a minimum 15' wide easement must be provided for all single lines and 30' for parallel pipe runs along with the right of ingress and egress across the properties the easements are located within.

Phased development and construction plans for this property will be analyzed for impact to roads, utilities, drainage, public services and facilities (including schools), the environment and all other applicable land use criteria, and will be subject to meeting all federal, state and local agency permitting requirements. The City and Developer have addressed utility (water & sewer) services via a separate service agreement. Police, Fire and Sanitation services will be provided by the City of Brooksville.

The developer is required to provide a 24-foot wide right-of-way width through the southern portion of the property to accommodate the future construction of the Good Neighbor Trail. The easement for this right-of-way is reflected on the preliminary plat document. Construction plans, as currently composed, will need to be modified to revise/relocate drainage retention pond features that encroach into the easement.

Preliminary construction plans have been provided as supporting documentation for the preliminary plat review process, and are on file in the City's Community Development Department. Said construction plans are subject to modification based on action taken in conjunction with the preliminary plat as well as subsequent regulatory review.

**Budget Statement:** Petition expenses and direct costs incurred by the City in processing this preliminary plat petition are billed to and paid by the petitioner.

**Legal Note:** The processing of this preliminary plat petition is subject to the rules of quasi-judicial procedure. The City Council has the authority to affirm, deny or modify Planning & Zoning Commission actions.

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

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

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

**STAFF RECOMMENDATION/PLANNING & ZONING COMMISSION ACTION:  
MAJESTIC OAKS PHASE TWO PRELIMINARY PLAT**

At their October 8, 2008 meeting, the Planning & Zoning Commission concurred with the staff recommendation to approve the preliminary plat labeled Majestic Oaks Phase Two, as prepared by Coastal Engineering Associates, Inc., date stamped October 1, 2008, subject to the following conditions and statements:

A. Development of the described property will be subject to all applicable terms and conditions as outlined in the Amended and Restated Development Agreement between the City of Brooksville and Majestic Oaks Partners, LLC, as executed August 15, 2005, and recorded in OR Book 2089, Pages 699 to 722.

B. Unless specifically addressed to the contrary within the executed Amended and Restated Development Agreement or within conditions referenced herein, City ordinance regulations which apply with regard to zoning district classification shall apply to residential areas within this PDP as if they are zoned R3 and commercial areas as if they are zoned C2.

C. Uses or infrastructure for this project that may not be specifically addressed within the Amended and Restated Development Agreement or by existing code standards will be brought to the City Council for consideration. Council action on such items may be considered either independently or as a part of the final plat approval process for each phase of this development.

D. Pursuant to an interlocal agreement between the City, County and the Hernando County School Board, the developer is required 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 the proposed development must be resolved prior to the approval of construction plans for this project and/or prior to the City taking final action on a PDP final subdivision plat.

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

F. Within two (2) years of the Commission's approval of the Preliminary Plat, final construction plans and the final plat (including all supporting documentation and bonds) must be submitted. Otherwise, the preliminary plat approval shall be considered null and void.

G. The developer is required to provide the City with three original surveys of the property associated with the approved Majestic Oaks Phase Two Preliminary Plat that are signed, dated and sealed by a Florida registered Land Surveyor.

H. As required by the zoning/special exception use Ordinance No. 759, an easement for the Good Neighbor Trail right-of-way is reflected on the preliminary plat document. Construction plans, as currently composed, will need to be modified to revise/relocate drainage retention pond features that encroach into the easement.

**STAFF RECOMMENDATION/COUNCIL ACTION:**

Review the Planning & Zoning Commission's decision on this preliminary plat petition and either affirm, deny or modify the Commission's action.

- Enclosures:**
- 1) Majestic Oaks Phase Two Preliminary Plat
  - 2) Letter dated July 21, 2008 from William L. Mallery, P.E., President, Development Management Consultants, LLC

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# *Development Management Consultants, llc*

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21 July 2008

JUL 22 2008

Mr. Bill Geiger  
Community Development Director  
201 Howell Avenue  
Brooksville, Florida 34601-2041

Reference: Majestic Oaks – Phase 2 Preliminary Plat Submittal

Dear Bill:

Please accept the following as correspondence to aid in the review and approval of the aforementioned plan. It has been my discussion with you and your staff in the past that the City will accept both the preliminary plat and the construction plans in order to work in harmony with one another to concur with your code requirements for preliminary plat package review. To help with communication on this issue and expedite review, I have (as I did with Phase 1) outlined which document will satisfy each code requirement.

Pursuant to Brooksville Part III, Land Development Code, Subpart A, Land Subdivision Regulations, Section III, B.4 and B.5, please find the following:

***(4). Plats and data for conditional approval:***

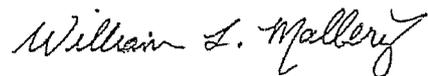
- a. Existing topography – Construction Plans, sheets GR-1 to GR-12.
  1. Boundary lines, Bearings and Distances – Construction Plans, sheet SP-1 and/or Preliminary Plat sheets 2 and 3.
  2. Easements – Construction Plans, sheets UT-1 to UT-7.
  3. Streets – Construction Plans, sheets GR-1 to GR-12.
  4. Utilities – Construction Plans, sheets UT-1 to UT-7 and/or PR-1 to PR-10.
  5. Ground elevations – Construction Plans, sheets DR-1 to DR-9 and/or sheets GR-1 to GR-12.

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*34201 Kentucky Derby Place Dade City, Florida 33525  
Mobile: 813.579.8650 email: wlmallerydmc@aol.com*

I trust you will find this format and information helpful in expediting your review process of the Majestic Oaks Phase 2 Preliminary Plat. I stand ready to help in any way I can and would appreciate a telephone call if I can do so. I may be reached at 813.579.8650.

Warm regards,



William L. Mallery, P.E.  
President, DMC, llc

Attachment: Nodarse & Assoc. Geotechnical Evaluation, dated 20 Feb. 2005  
1- full set of Phase 2 Construction Plans (Approved by COB)  
1- 11" x 17" mylar of Preliminary Plat  
3- 24" x 36" blacklines/bluelines of Preliminary Plat  
1- Electronic version of Preliminary Plat  
3-24"x36" Boundary Survey

Cc: Mr. Chris Santoro, M/I Homes, w/o attachment  
Mr. Dan Young, Avatar Holdings, w/o attachment  
File



# MAJESTIC OAKS PHASE TWO

A SUBDIVISION OF A PORTION OF SECTIONS 18 AND 19, TOWNSHIP 22 SOUTH, RANGE 20 EAST  
CITY OF BROOKSVILLE, HERNANDO COUNTY, FLORIDA.

PLAT BOOK PAGE

CURVE TABLE

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	425.00	31.2235	233.11	230.20	N 38.3635° E
C2	312.00	05.5447	32.20	32.18	N 54.1647° E
C3	233.00	79.1304	322.15	297.10	S 17.3736° W
C4	317.00	44.5041	243.50	237.96	N 00.0127° E
C5	233.00	44.5041	178.96	174.81	N 00.0127° E
C6	317.00	79.1304	438.28	404.20	S 17.3736° W
C7	238.00	38.1528	233.86	224.41	N 29.0628° E
C8	850.00	08.2014	84.36	84.20	N 14.0635° W
C9	75.00	107.1941	143.48	120.85	N 00.0127° E
C10	450.00	11.4650	92.79	92.82	N 00.0127° E
C11	850.00	19.1218	173.81	173.30	N 64.0510° E
C12	850.00	08.2014	138.28	138.13	N 14.0635° W
C13	425.00	29.8212	221.58	219.06	N 04.5740° E
C14	275.00	44.0041	211.24	208.08	N 00.0127° E
C15	275.00	79.1304	390.22	330.85	S 17.3736° W
C16	275.00	67.1236	322.56	304.41	N 23.3701° E
C17	800.00	05.2014	118.41	118.31	N 14.0635° W
C18	300.00	14.4044	128.22	128.47	N 04.1625° E
C19	225.00	107.1940	421.48	392.90	N 17.3633° W
C20	NOT USED				
C21	300.00	21.3212	187.94	186.94	N 05.0742° E
C22	500.00	02.4736	24.38	24.35	N 77.1738° E
C23	100.00	02.2828	81.91	81.93	N 03.3507° E
C24	850.00	06.3844	75.87	75.93	N 39.4828° E
C25	830.00	06.3844	81.47	81.44	N 39.4828° E
C26	830.00	07.1847	87.80	87.78	N 88.4740° E
C27	850.00	07.1847	83.79	83.71	N 88.4740° E
C28	850.00	01.1344	14.05	14.05	N 71.9428° W
C29	830.00	01.1344	11.37	11.37	N 71.9428° E
C30	25.00	90.0000	39.27	39.36	S 28.4117° W
C31	850.00	04.3828	78.12	78.10	N 18.0130° W
C32	825.00	04.3828	88.10	88.08	N 18.0130° W
C33	825.00	03.4448	53.85	53.94	N 11.5052° W
C34	850.00	03.4448	62.13	62.12	N 11.5051° W
C35	425.00	11.1348	83.30	83.17	N 04.2134° W
C36	300.00	11.1348	84.87	84.71	N 04.2134° W
C37	300.00	12.3101	85.54	85.41	N 07.3051° E
C38	425.00	12.3101	92.88	92.88	N 07.3051° E
C39	425.00	12.3101	92.88	92.88	N 07.3051° E
C40	300.00	12.3101	85.54	85.41	N 07.3051° E
C41	425.00	12.3101	92.88	92.88	N 07.3051° E
C42	300.00	12.3101	85.54	85.41	N 07.3051° E
C43	300.00	08.5424	30.88	30.88	N 04.1625° E
C44	245.00	79.1304	338.74	312.40	S 17.3736° W
C45	305.00	44.0041	234.28	228.57	N 00.0127° E
C46	248.00	44.0041	188.50	183.80	N 00.0127° E
C47	325.00	79.1304	431.70	398.90	S 17.3736° W
C48	250.00	56.4720	247.79	237.77	N 28.5207° W
C49	250.00	10.2518	48.43	48.41	N 04.4848° W
C50	850.00	00.1549	2.99	2.99	N 10.0623° W
C51	775.00	00.1549	3.57	3.57	N 10.0623° W
C52	775.00	00.1549	3.57	3.57	N 10.0623° W
C53	775.00	00.1549	3.57	3.57	N 10.0623° W
C54	850.00	06.0702	86.40	86.37	N 13.7148° W
C55	850.00	01.5723	22.18	22.18	N 17.2201° W
C56	775.00	01.5723	28.48	28.48	N 17.2201° W
C57	75.00	38.2229	83.23	83.21	N 37.2923° W
C58	200.00	38.2229	133.84	133.84	N 37.2923° W
C59	200.00	45.1200	157.78	153.72	N 79.1703° W
C60	75.00	45.1200	86.17	87.84	N 79.1703° W
C61	75.00	19.2236	20.24	20.18	S 70.2236° W
C62	200.00	07.4421	20.03	20.03	S 75.1423° W
C63	200.00	18.0100	62.80	62.83	S 43.2200° W
C64	75.00	08.1723	10.85	10.84	S 56.3018° W
C65	850.00	03.2048	30.88	30.88	N 08.0106° E
C66	825.00	03.2048	37.77	37.77	N 08.0106° E
C67	825.00	03.2048	37.77	37.77	N 08.0106° E
C68	825.00	03.2048	37.77	37.77	N 08.0106° E
C69	825.00	03.2048	37.77	37.77	N 08.0106° E
C70	825.00	03.2048	37.77	37.77	N 08.0106° E
C71	825.00	03.2048	37.77	37.77	N 08.0106° E
C72	825.00	03.2048	37.77	37.77	N 08.0106° E
C73	825.00	03.2048	37.77	37.77	N 08.0106° E
C74	825.00	03.2048	37.77	37.77	N 08.0106° E
C75	825.00	03.2048	37.77	37.77	N 08.0106° E
C76	825.00	03.2048	37.77	37.77	N 08.0106° E
C77	825.00	03.2048	37.77	37.77	N 08.0106° E
C78	825.00	03.2048	37.77	37.77	N 08.0106° E
C79	825.00	03.2048	37.77	37.77	N 08.0106° E
C80	825.00	03.2048	37.77	37.77	N 08.0106° E
C81	825.00	03.2048	37.77	37.77	N 08.0106° E
C82	825.00	03.2048	37.77	37.77	N 08.0106° E
C83	825.00	03.2048	37.77	37.77	N 08.0106° E
C84	825.00	03.2048	37.77	37.77	N 08.0106° E
C85	825.00	03.2048	37.77	37.77	N 08.0106° E
C86	825.00	03.2048	37.77	37.77	N 08.0106° E
C87	825.00	03.2048	37.77	37.77	N 08.0106° E
C88	825.00	03.2048	37.77	37.77	N 08.0106° E
C89	825.00	03.2048	37.77	37.77	N 08.0106° E
C90	825.00	03.2048	37.77	37.77	N 08.0106° E
C91	825.00	03.2048	37.77	37.77	N 08.0106° E
C92	825.00	03.2048	37.77	37.77	N 08.0106° E
C93	825.00	03.2048	37.77	37.77	N 08.0106° E
C94	825.00	03.2048	37.77	37.77	N 08.0106° E
C95	825.00	03.2048	37.77	37.77	N 08.0106° E
C96	825.00	03.2048	37.77	37.77	N 08.0106° E
C97	825.00	03.2048	37.77	37.77	N 08.0106° E
C98	825.00	03.2048	37.77	37.77	N 08.0106° E
C99	825.00	03.2048	37.77	37.77	N 08.0106° E
C100	825.00	03.2048	37.77	37.77	N 08.0106° E
C101	825.00	03.2048	37.77	37.77	N 08.0106° E
C102	825.00	03.2048	37.77	37.77	N 08.0106° E
C103	825.00	03.2048	37.77	37.77	N 08.0106° E
C104	825.00	03.2048	37.77	37.77	N 08.0106° E
C105	825.00	03.2048	37.77	37.77	N 08.0106° E
C106	825.00	03.2048	37.77	37.77	N 08.0106° E
C107	825.00	03.2048	37.77	37.77	N 08.0106° E
C108	825.00	03.2048	37.77	37.77	N 08.0106° E
C109	825.00	03.2048	37.77	37.77	N 08.0106° E
C110	825.00	03.2048	37.77	37.77	N 08.0106° E
C111	825.00	03.2048	37.77	37.77	N 08.0106° E
C112	825.00	03.2048	37.77	37.77	N 08.0106° E
C113	825.00	03.2048	37.77	37.77	N 08.0106° E
C114	825.00	03.2048	37.77	37.77	N 08.0106° E
C115	825.00	03.2048	37.77	37.77	N 08.0106° E
C116	825.00	03.2048	37.77	37.77	N 08.0106° E
C117	825.00	03.2048	37.77	37.77	N 08.0106° E
C118	825.00	03.2048	37.77	37.77	N 08.0106° E
C119	825.00	03.2048	37.77	37.77	N 08.0106° E
C120	825.00	03.2048	37.77	37.77	N 08.0106° E
C121	825.00	03.2048	37.77	37.77	N 08.0106° E
C122	825.00	03.2048	37.77	37.77	N 08.0106° E
C123	825.00	03.2048	37.77	37.77	N 08.0106° E
C124	825.00	03.2048	37.77	37.77	N 08.0106° E
C125	825.00	03.2048	37.77	37.77	N 08.0106° E
C126	825.00	03.2048	37.77	37.77	N 08.0106° E
C127	825.00	03.2048	37.77	37.77	N 08.0106° E
C128	825.00	03.2048	37.77	37.77	N 08.0106° E
C129	825.00	03.2048	37.77	37.77	N 08.0106° E
C130	825.00	03.2048	37.77	37.77	N 08.0106° E
C131	825.00	03.2048	37.77	37.77	N 08.0106° E
C132	825.00	03.2048	37.77	37.77	N 08.0106° E
C133	825.00	03.2048	37.77	37.77	N 08.0106° E
C134	825.00	03.2048	37.77	37.77	N 08.0106° E
C135	825.00	03.2048	37.77	37.77	N 08.0106° E
C136	825.00	03.2048	37.77	37.77	N 08.0106° E
C137	825.00	03.2048	37.77	37.77	N 08.0106° E
C138	825.00	03.2048	37.77	37.77	N 08.0106° E
C139	825.00	03.2048	37.77	37.77	N 08.0106° E
C140	825.00	03.2048	37.77	37.77	N 08.0106° E
C141	825.00	03.2048	37.77	37.77	N 08.0106° E
C142	825.00	03.2048	37.77	37.77	N 08.0106° E
C143	825.00	03.2048	37.77	37.77	N 08.0106° E
C144	825.00	03.2048	37.77	37.77	N 08.0106° E
C145	825.00	03.2048	37.77	37.77	N 08.0106° E
C146	825.00	03.2048	37.77	37.77	N 08.0106° E
C147	825.00	03.2048	37.77	37.77	N 08.0106° E
C148	825.00	03.2048	37.77	37.77	N 08.0106° E
C149	825.00	03.2048	37.77	37.77	N 08.0106° E
C150	825.00	03.2048	37.77	37.77	N 08.0106° E
C151	825.00	03.2048	37.77	37.77	N 08.0106° E
C152	825.00	03.2048	37.77	37.77	N 08.0106° E
C153	825.00	03.2048	37.77	37.77	N 08.0106° E
C154	825.00	03.2048	37.77	37.77	N 08.0106° E
C155	825.00	03.2048	37.77	37.77	N 08.0106° E
C156	825.00	03.2048	37.77	37.77	N 08.0106° E
C157	825.00	03.2048	37.77	37.77	N 08.0106° E
C158	825.00	03.2048	37.77	37.77	N 08.0106° E
C159	825.00	03.2048	37.77	37.77	N 08.0106° E
C160	825.00	03.2048	37.77	37.77	N 08.0106° E
C161	825.00	03.2048	37.77	37.77	N 08.0106° E
C162	825.00	03.2048	37.77	37.77	N 08.0106° E
C163	825.00	03.2048	37.77	37.77	N 08.0106° E
C164	825.00	03.2048	37.77	37.77	N 08.0106° E
C165	825.00	03.2048	37.77	37.77	N 08.0106° E
C166	825.00	03.2048	37.77	37.77	N 08.0106° E
C167	825.00	03.2048	37.77	37.77	N 08.0106° E
C168	825.00	03.2048	37.77	37.77	N 08.0106° E
C169	825.00	03.2048	37.77	37.77	N 08.0106° E
C170	825.00	03.2048	37.77	37.77	N 08.0106° E
C171	825.00	03.2048	37.77	37.77	N 08.0106° E
C172	825.00	03.2048	37.77	37.77	N 08

# MAJESTIC OAKS PHASE TWO

A SUBDIVISION OF A PORTION OF SECTION 18 AND 19, TOWNSHIP 22 SOUTH, RANGE 20 EAST, CITY OF BROOKSVILLE, HERNANDO COUNTY, FLORIDA.

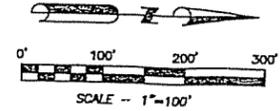
PLAT BOOK PAGE

LINE TABLE

LINE	BEARING	DISTANCE
L2	S 80°03'20" E	57.06'
L3	N 80°03'20" W	63.84'
L4	S 80°03'20" E	62.06'
L5	N 43°18'35" E	47.51'
L6	N 77°03'29" E	54.11'
L7	N 16°36'06" W	27.80'
L8	S 77°03'29" W	10.91'
L9	S 89°51'18" W	48.61'
L10	N 89°22'57" E	15.26'
L11	S 89°22'57" E	13.29'
L12	N 89°51'18" E	48.61'
L13	N 12°56'31" W	21.34'
L14	S 89°20'44" E	36.78'
L15	S 44°54'49" E	86.54'
L16	S 12°56'31" E	12.40'
L17	S 77°03'29" W	125.00'
L18	S 12°56'31" E	15.00'
L19	N 77°03'29" E	136.00'
L20	N 32°36'16" E	11.25'
L31	N 80°03'20" W	75.91'
L32	N 16°36'06" W	36.82'
L33	S 89°51'18" W	48.72'
L34	N 89°22'57" E	12.36'
L35	N 89°22'57" W	10.91'
L36	N 89°22'57" W	11.50'
L37	N 89°51'18" E	48.61'
L38	N 12°56'31" W	12.13'
L39	N 12°56'31" W	12.40'
L47	N 12°56'31" W	34.22'

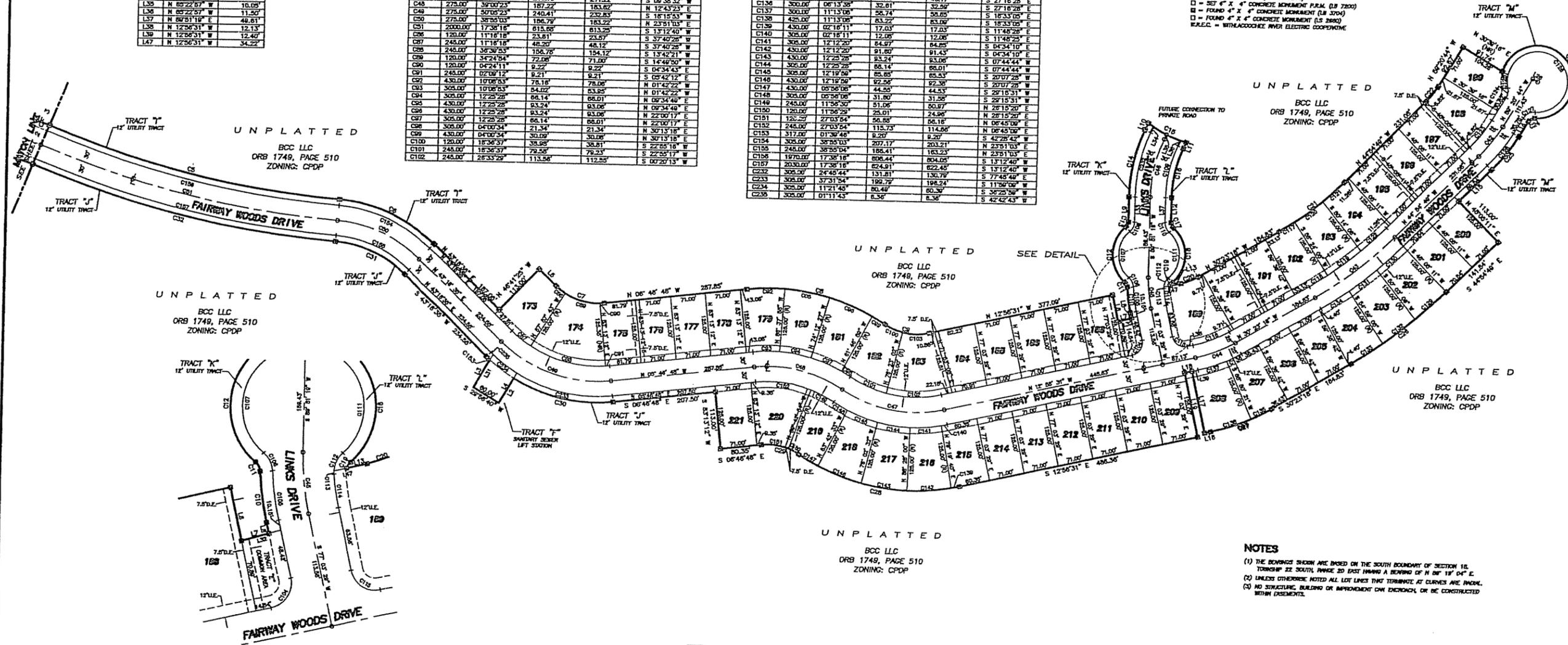
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C5	1850.00	17°38'16"	602.75	602.37	S 13°12'40" W
C6	317.00	38°50'03"	216.32	211.20	N 23°51'03" E
C7	120.00	83°05'33"	104.91	101.80	S 16°18'03" W
C8	430.00	39°00'23"	262.74	251.12	S 12°43'23" E
C9	120.00	48°10'07"	84.00	82.17	S 08°28'52" W
C10	317.00	09°18'02"	61.27	61.22	S 81°41'30" W
C11	13.00	48°42'03"	125.55	110.24	S 05°18'17" E
C12	72.00	59°54'36"	10.00	10.31	N 82°08'29" E
C13	13.00	48°42'03"	11.27	10.67	S 85°18'17" E
C14	317.00	24°48'44"	137.00	133.84	N 77°48'48" W
C15	211.00	22°58'10"	84.56	84.02	S 25°57'42" W
C16	233.00	14°48'44"	100.70	98.22	S 86°50'58" W
C17	13.00	48°42'03"	11.27	10.67	N 77°48'48" W
C18	72.00	59°54'36"	10.00	10.31	S 82°08'29" E
C19	13.00	31°46'30"	7.21	7.11	N 87°04'51" W
C20	125.00	17°28'48"	58.06	56.88	S 86°50'58" W
C21	850.00	14°31'31"	184.78	184.34	S 21°30'04" E
C22	150.00	14°25'25"	37.78	37.85	S 37°36'03" E
C23	72.00	25°57'42"	324.19	111.82	N 04°32'33" E
C24	13.00	62°07'41"	14.27	13.58	N 27°54'24" W
C25	337.00	14°25'25"	84.89	84.89	S 82°07'48" E
C26	850.00	14°31'31"	240.84	240.18	S 37°36'03" E
C27	425.00	17°28'48"	129.41	128.91	S 04°38'52" W
C28	430.00	48°10'06"	338.99	330.98	S 04°38'52" W
C29	120.00	39°00'23"	81.88	80.13	N 12°43'23" E
C30	317.00	37°30'04"	207.48	203.80	N 12°43'23" E
C31	233.00	38°05'04"	158.26	158.24	S 04°38'52" W
C32	2042.00	17°38'16"	628.81	628.13	S 13°12'40" W
C33	300.00	14°25'25"	75.57	75.57	S 82°07'48" E
C34	800.00	14°31'31"	229.81	229.27	S 37°36'03" E
C35	275.00	17°28'48"	83.74	83.41	S 04°38'52" W
C36	275.00	12°47'50"	61.42	61.30	S 63°27'24" W
C37	275.00	24°48'44"	118.85	117.83	N 77°48'48" W
C38	275.00	48°10'06"	216.79	211.22	S 16°18'03" W
C39	275.00	39°00'23"	187.27	183.62	S 18°15'53" W
C40	275.00	50°05'23"	240.41	232.83	N 12°43'23" E
C41	275.00	38°05'03"	186.79	183.22	N 23°51'03" E
C42	2000.00	17°38'16"	613.85	613.25	S 13°12'40" W
C43	120.00	11°18'18"	23.81	23.81	S 37°40'28" W
C44	248.00	11°18'18"	48.20	48.12	S 37°40'28" W
C45	248.00	36°36'53"	158.76	154.12	S 13°42'21" W
C46	120.00	34°24'54"	72.06	71.00	S 14°48'50" W
C47	120.00	04°24'11"	9.22	9.22	S 04°34'43" E
C48	248.00	11°18'18"	48.20	48.12	S 05°42'12" E
C49	430.00	10°08'53"	78.18	78.06	S 05°42'12" E
C50	308.00	10°08'53"	54.02	53.85	N 01°42'22" W
C51	308.00	12°25'28"	86.14	86.01	N 08°34'49" E
C52	430.00	12°25'28"	83.24	83.06	N 08°34'49" E
C53	308.00	12°25'28"	66.14	66.01	N 22°07'17" W
C54	308.00	04°00'54"	21.34	21.34	N 30°13'18" E
C55	430.00	04°00'54"	30.89	30.81	N 30°13'18" E
C56	120.00	18°36'37"	79.25	79.23	S 22°55'17" W
C57	248.00	18°36'37"	79.25	79.23	S 22°55'17" W
C58	248.00	28°33'29"	113.56	112.85	S 02°20'13" W

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C103	120.00	28°33'29"	56.82	55.13	S 00°20'13" W
C104	25.00	80°00'00"	39.27	35.36	S 87°56'31" E
C105	305.00	06°16'02"	48.33	48.28	S 81°41'30" E
C106	25.00	48°42'03"	20.38	19.82	N 82°08'29" E
C107	80.00	89°54'36"	104.83	91.67	S 89°54'37" W
C108	25.00	48°42'03"	21.08	21.00	S 85°18'17" E
C109	248.00	24°48'44"	108.85	108.86	N 77°48'48" W
C110	25.00	48°42'03"	21.08	21.00	S 85°18'17" E
C111	80.00	89°54'36"	103.28	90.99	N 89°54'37" W
C112	25.00	48°42'03"	20.37	19.81	N 84°32'28" W
C113	25.00	07°14'23"	3.16	3.16	S 89°28'50" W
C114	248.00	07°48'18"	33.45	33.42	S 89°28'50" W
C115	25.00	90°00'00"	39.27	35.36	S 87°56'31" E
C116	250.00	17°28'48"	78.12	75.83	S 21°30'04" E
C117	850.00	03°12'38"	38.42	38.42	S 31°56'36" E
C118	775.00	03°12'38"	43.43	43.42	S 31°56'36" E
C119	775.00	06°00'57"	83.40	83.36	S 36°40'54" E
C120	850.00	06°00'57"	86.85	86.91	S 36°40'54" E
C121	850.00	06°00'57"	86.81	86.86	S 42°20'20" E
C122	775.00	06°00'57"	86.85	86.82	S 42°20'20" E
C123	275.00	14°25'25"	86.27	86.09	S 82°07'48" E
C124	25.00	43°03'50"	18.15	18.06	S 81°17'38" W
C125	80.00	25°40'43"	28.89	28.67	S 89°33'47" W
C126	80.00	28°10'48"	23.82	23.69	N 27°54'24" W
C127	25.00	62°02'41"	27.44	27.44	N 82°08'29" E
C128	325.00	14°25'25"	81.86	81.85	S 82°07'48" E
C129	850.00	04°57'57"	82.34	82.31	S 42°25'00" E
C130	850.00	04°57'57"	71.30	71.48	S 42°25'00" E
C131	850.00	04°57'57"	71.02	71.02	S 37°28'53" E
C132	850.00	04°57'57"	61.78	61.78	S 37°28'53" E
C133	850.00	04°57'57"	78.72	78.70	S 32°42'06" E
C134	850.00	04°57'57"	66.62	66.61	S 32°42'06" E
C135	425.00	08°13'38"	58.91	48.17	S 27°16'28" E
C136	300.00	06°13'38"	39.81	39.81	S 27°16'28" E
C137	300.00	11°13'08"	56.74	56.85	S 27°16'28" E
C138	425.00	11°13'08"	83.22	83.06	S 18°33'05" E
C139	430.00	06°16'17"	17.03	17.03	S 11°48'28" E
C140	308.00	02°18'11"	12.08	12.08	S 04°34'10" E
C141	308.00	12°12'50"	64.97	64.88	S 07°44'44" W
C142	430.00	12°12'50"	61.80	61.43	S 04°34'10" E
C143	430.00	12°25'28"	83.24	83.06	S 07°44'44" W
C144	308.00	12°25'28"	66.14	66.01	S 20°07'28" W
C145	308.00	12°19'58"	65.93	65.53	S 07°44'44" W
C146	430.00	12°19'58"	62.95	62.56	S 20°07'28" W
C147	430.00	05°08'08"	44.80	44.53	S 29°15'31" W
C148	308.00	05°08'08"	31.90	31.90	S 29°15'31" W
C149	248.00	11°56'27"	51.06	50.97	N 28°15'20" E
C150	120.00	11°56'27"	22.01	22.01	N 28°15'20" E
C151	120.00	04°24'11"	9.22	9.22	N 28°15'20" E
C152	248.00	27°03'54"	56.88	56.18	N 08°45'09" E
C153	317.00	01°34'48"	115.73	114.66	S 42°28'42" W
C154	305.00	38°55'03"	207.17	203.21	S 42°28'42" W
C155	248.00	38°55'03"	186.41	183.23	N 23°51'03" E
C156	1970.00	17°38'16"	806.44	804.05	S 13°12'40" W
C157	2030.00	17°38'16"	824.91	822.45	S 13°12'40" W
C232	305.00	17°38'16"	248.44	244.81	S 13°12'40" W
C233	305.00	37°31'54"	199.77	193.79	S 77°48'48" W
C234	305.00	11°21'45"	80.48	80.39	S 38°25'08" W
C235	305.00	01°11'43"	6.36	6.36	S 42°42'43" W



LEGEND

- C1 = SEE CURVE TABLE
- CONC. = CONCRETE
- L1 = SEE LINE TABLE
- IR = IRON PIVOT
- IR = IRON
- D.E. = DRAINAGE EASEMENT
- ULC = UTILITY EASEMENT
- OR = OFFICIAL RECORDS BOOK
- PCP = PERMANENT CONTROL POINT
- PRM = PERMANENT REFERENCE MONUMENT
- SEC. = SECTION
- TWP. = TOWNSHIP
- RNG. = RANGE
- R/W = RIGHT OF WAY
- G = CENTERLINE
- = SET ANGLE AND DECK (FOR LB 7200)
- = SET 4" X 4" CONCRETE MONUMENT (LB 7200)
- = FOUND 4" X 4" CONCRETE MONUMENT (LB 3704)
- = FOUND 4" X 4" CONCRETE MONUMENT (LS 2880)
- W.A.C.C. = WITNACOCKE WITH ELECTRIC COOPERATIVE



NOTES

- (1) THE BEARINGS SHOWN ARE BASED ON THE SOUTH BOUNDARY OF SECTION 18, TOWNSHIP 22 SOUTH, RANGE 20 EAST HAVING A BEARING OF N 89° 18' 04" E.
- (2) UNLESS OTHERWISE NOTED ALL LOT LINES THAT TERMINATE AT CURVES ARE IRON.
- (3) NO STRUCTURE BUILDING OR IMPROVEMENT CAN ENCRUSH OR BE CONSTRUCTED WITHIN EASEMENTS.

**NOTICE**  
 THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL, IN NO CIRCUMSTANCES, BE SUPERSEDED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THIS PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

PREPARED BY:  
**COASTAL ENGINEERING ASSOCIATES, INC.**  
 908 CANDELIGHT BLVD.  
 BROOKSVILLE, FLORIDA 34601  
 FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER 7200

**CITY OF BROOKSVILLE  
AGENDA ITEM**

To: Honorable Mayor and City Council Members  
 Via: T. Jennene Norman-Vacha, City Manager  
 From: Emory H. Pierce, Director of Public Works  
 Date: 10/24/2008  
 Re: Sea Gate Development – Water & Sewer Impact Fee Payment Proposal



**General Summary**

This development consists of a 77 acre area outside the City limits lying west of Lowe’s and abutting Wiscon Road to the north and Mason Smith Road to the south. The plan is for 88 single family units, 216 multifamily units and 3 commercial areas. A utility service agreement (USA) was executed with the Developer on April 16, 2007 for City water and sewer service.

The total water and sewer impact fees estimated for this development are \$791,314.94. The payment provision of the USA requires the Developer to pay 20% of the total water and sewer impact fees (\$158,262.98) as a down payment within 180 days of the date of execution of the Agreement. The Developer has applied for and was granted two extensions to the original payment date. At the City Council meeting on March 17, 2008, Sea Gate was approved for an amendment to the USA and granted an extension of time establishing a new payment due date as of April 30, 2008. A second request for extension of time was made on April 2, 2008. At the City Council meeting on April 21, 2008, Sea Gate was granted an additional 180 days from April 30, 2008. The current down payment contractual date is October 28, 2008. .

A third request for an extension of time on the payment deadline was received by the City on October 21, 2008. In the attached letter to the City Manager, the Developer is asking for an incremental payment plan for the down payment, citing credit market problems and the general economic climate is hindering his ability to meet the current payment schedule. The Developer also expresses a sincere desire to complete the project. The net affect of granting this payment request is the current due date is extended by 5 months. The proposed payment schedule is as follows:

<u>Payment Amount</u>	<u>Due Date</u>
\$50,000.00	11/10/2008
\$25,000.00	12/10/2008
\$25,000.00	01/10/2009
\$25,000.00	02/10/2009
\$25,000.00	03/10/2009
\$ 8,262.98	04/10/2009

The off-site improvements to connect the development are installed and near ready for permit clearance. One phase of the residential lots and one of the commercial areas are also near completion. The developer wishes to start construction on a commercial building and has requested that the City release his building plans once the initial payment deposit of \$50,000 has been made.

**Financial Impact**

The revenues from this development were not forecasted in the current budget year. There are no current budget year impacts expected at this time.

**Legal Impact**

Legal Counsel has reviewed relevant documents and approves of the revised payment plan with the additional conditions set forth in the proposed utility service agreement amendment.

**Staff Recommendation**

Staff recommends that Council (1) approve the requested payment schedule, (2) affirm the release of the building plans, (3) approve the proposed amendment with the added payment terms and conditions, and (4) authorize the City Manager to sign a modification/amendment to the USA incorporating said revised payment plan after legal review and approval.

**Attachments**

Letter from the Developer Requesting an Extension  
Proposed Utility Service Agreement Amendment



October 20, 2008

Ms. T. Jennene Norman-Vacha  
City Manager, City of Brooksville  
201 Howell Avenue  
Brooksville, FL 34601-2041

Ms. Norman-Vacha

I am writing to you today due to the hard economic times that our country is currently dealing with. As you are aware of Sea Gate Land is developing 77 acres between Wiscon Road and Mason Smith Road. I am writing today to request a short concession to be made on behalf of the water and sewer payment that is due to be paid on October 28, 2008 in the sum of \$158,262.98.

As I am sure you are aware, the credit markets have been frozen for months. This is preventing the banks to release funds and prevents any new loans from being put into place. This is not only causing delays with building progress but obviously with payroll, construction payments etc.

Ms Norman-Vache, I am proposing the following to you.

- Sea Gate is requesting to pay \$50,000 to the city on or before October 23, 2008 instead of the 158,262.98.
- Sea Gate will then pay \$25,000 per month until the balance of the 158,262.98 is paid in full.
- Upon acceptance of this proposal the city will sign the construction plans for the site not later than Thursday morning of this week October 24, 2008.

It is very important for you to know that Sea Gate has every intention to complete the 77 acre project that we have been working on for many years. However, it is also important during these economic down times that we all work together to guarantee progress for everyone.

I would like to thank you for your considerations and understanding. If you have any additional questions or concerns please feel free to call me directly on my cell anytime at 941-928-0077.

Regards,

A handwritten signature in cursive script that reads "Charles Hornback".

Charles Hornback  
Sr. Vice-President

**AMENDMENT TO UTILITY SERVICE AGREEMENT**  
**BETWEEN THE CITY OF BROOKSVILLE AND**  
**SEA GATE LAND HOLDINGS, INC.**

THIS AMENDMENT to the UTILITY SERVICE AGREEMENT between the CITY OF BROOKSVILLE and SEA GATE LAND HOLDINGS, INC. (“AMENDMENT”), is entered into this \_\_\_\_ day of November, 2008, by the CITY OF BROOKSVILLE, hereinafter referred to as the “CITY” and SEA GATE LAND HOLDINGS, INC., hereinafter referred to as “SEA GATE”, with reference to the following facts:

A. That CITY and SEA GATE entered into that certain Utility Service Agreement between the City of Brooksville and Sea Gate Land Holdings, Inc., dated April 3, 2007, and recorded in the Public Records of Hernando County at Official Records Book 2431, Pages 23 through 40 (“AGREEMENT”).

B. That CITY believes that the continuation and completion of the SEA GATE project will benefit the City of Brooksville.

C. That Paragraph B. 2. of “Exhibit G” of the AGREEMENT states that:  
“Within one-hundred-eighty (180) days of execution of this agreement but prior to obtaining any building permit, the DEVELOPER shall pay twenty (20) percent of the total utility fees for the DEVELOPMENT as a down payment.”

D. That the utility fees referenced in Paragraph B. 2. of “Exhibit G” of the AGREEMENT total \$158,262.98, and is due and payable to CITY.

E. That there have been significant changes in the marketplace which have delayed the SEA GATE project, and SEA GATE has requested that CITY extend the payment date of the utility fees.

F. That the requested extension was approved by CITY on November 3, 2008, subject to the conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises contained herein between CITY and SEA GATE, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

1. Paragraph B. 2. of “Exhibit G” of the AGREEMENT shall be amended to read as follows:

“SEA GATE shall pay to CITY, \$158,262.98 in accordance with the payment schedule set forth herein, which amount reflects twenty (20) percent of the total utility fees for the DEVELOPMENT as a down payment. Release of any building plans for this project, pending before the CITY prior to the date of this Amendment, which qualify for approval or authorization by the CITY, are conditioned upon receipt by the CITY of the initial utility fee payment of \$50,000, on or before the scheduled due date. The payment of the total amount of \$158,262.98 must be paid prior to the issuance, authorization or approval by the CITY of any building or construction plans or permit for the project filed after the effective date of this Amendment. Any partial payments on the utility fees made by or on behalf of SEA GATE are non-refundable. Requests for extensions of time for the payment of the utility fee must be received by CITY at least thirty (30) calendar days prior to the date payment is due. The utility fee payment schedule will be as follows:

<u>Payment Amount</u>	<u>Due Date</u>
\$50,000.00	11/10/2008
\$25,000.00	12/10/2008
\$25,000.00	01/10/2009
\$25,000.00	02/10/2009
\$25,000.00	03/10/2009
\$ 8,262.98	04/10/2009”

*[THIS SPACE INTENTIONALLY LEFT BLANK]*

**IN WITNESS WHEREOF**, the parties have signed and sealed these presents as of the day and year first above written.

FOR THE DEVELOPER  
Sea Gate Land Holdings, Inc.

\_\_\_\_\_  
By: Irving E. Gitlin

The foregoing instrument was acknowledged  
Before me this \_\_\_\_ day of March, 2008, by  
Irving E. Gitlin, Vice President of Sea Gate  
Land Holdings, Inc., who is personally known.

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

Approved by City Council on:

CITY OF BROOKSVILLE

BY: \_\_\_\_\_  
David Pugh, Mayor

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

ATTEST:

\_\_\_\_\_  
Karen M. Phillips, City Clerk

BY: \_\_\_\_\_  
Thomas S. Hogan, Jr. City Attorney

Approved as to technical content and City  
requirements.

BY: \_\_\_\_\_  
Will Smith, Utilities Supt.

**CORRESPONDENCE-TO-NOTE**  
**REGULAR COUNCIL MEETING - NOVEMBER 3, 2008**

1.    TYPE:                   Letter  
      DATE:                 October 6, 2008  
      RECEIVED FROM:      Elizabeth A. Callaghan, Florida Department of Health  
      ADDRESSED TO:       T. Jennene Norman-Vacha  
      SUBJECT:             Appreciation for having the opportunity to speak with  
                            Council concerning keeping fluoride in the City's  
                            water.
  
2.    TYPE:                   Letter  
      DATE:                 October 15, 2008  
      RECEIVED FROM:      David L. Moore, SWFWMD  
      ADDRESSED TO:       T. Jennene Norman-Vacha  
      SUBJECT:             Cooperative Funding - Expedite Implementation of  
                            Capital Projects.
  
3.    TYPE:                   Letter  
      DATE:                 October 16, 2008  
      RECEIVED FROM:      Mayor Raymond F. Marin, City of North Miami Beach and  
                            Mayor Kevin Burns, City of North Miami  
      ADDRESSED TO:       Mayor, Council and Utility Director  
      SUBJECT:             Section 180.191, Florida Statutes - Outside City  
                            Utility Rate Surcharge.
  
4.    TYPE:                   Letter  
      DATE:                 October 20, 2008  
      RECEIVED FROM:      Ronald G. Whitfield, USDA  
      ADDRESSED TO:       T. Jennene Norman-Vacha  
      SUBJECT:             2008 Community Development Award.
  
5.    TYPE:                   Letter  
      DATE:                 Received October 21, 2008  
      RECEIVED FROM:      Southwest Florida Water Management District  
      ADDRESSED TO:       City of Brooksville  
      SUBJECT:             Blue Sink Watershed meeting.
  
6.    TYPE:                   Memo  
      DATE:                 October 21, 2008  
      RECEIVED FROM:      Stephen J. Baumgartner, Finance Director  
      ADDRESSED TO:       T. Jennene Norman-Vacha  
      SUBJECT:             City's Investments at Year End 09/30/08.

**NOTE: COPIES OF ALL CORRESPONDENCE ON FILE IN THE OFFICE OF THE CITY CLERK**

Charlie Crist  
Governor



Ana M. Viamonte Ros, M.D., M.P.H.  
State Surgeon General

October 6, 2008

Ms. T. Jennene Norman-Vacha  
City Manager  
City of Brooksville  
201 Howell Avenue  
Brooksville, FL 34601

Subject: Keeping Fluoride in Brooksville

Dear Ms. Norman-Vacha:

Thank you for allowing us the opportunity to speak with the city council members concerning the importance of keeping fluoride in the city's water supply system.

It is only through the actions of many that positive outcomes happen in helping to achieve our vision of a Healthy Hernando.

Thank you for your efforts

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth A. Callaghan".

Elizabeth A. Callaghan, M.S., L.D.  
Administrator/CEO

/rld

CTN  
11.3.08  
[Handwritten initials]



An Equal Opportunity Employer

# Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899

(352) 796-7211 or 1-800-423-1476 (FL only)

TDD only 1-800-231-6103 (FL only)

On the Internet at: WaterMatters.org

**Bartow Service Office**  
170 Century Boulevard  
Bartow, Florida 33830-7700  
(863) 534-1448 or  
1-800-492-7862 (FL only)

**Lecanto Service Office**  
Suite 226  
3600 West Sovereign Path  
Lecanto, Florida 34461-8070  
(352) 527-8131

**Sarasota Service Office**  
6750 Fruitville Road  
Sarasota, Florida 34240-9711  
(941) 377-3722 or  
1-800-320-3503 (FL only)

**Tampa Service Office**  
7601 Highway 301 North  
Tampa, Florida 33637-6759  
(813) 985-7481 or  
1-800-836-0797 (FL only)

**Neil Combee**  
Chair, Polk

**Todd Pressman**  
Vice Chair, Pinellas

**Jennifer E. Closshey**  
Secretary, Hillsborough

**Ronald E. Oakley**  
Treasurer, Pasco

**Bryan K. Beswick**  
DeSoto

**Patricia M. Glass**  
Manatee

**Hugh M. Gramling**  
Hillsborough

**Albert G. Joerger**  
Sarasota

**Sallie Parks**  
Pinellas

**Maritza Rovira-Forino**  
Hillsborough

**H. Paul Senft, Jr.**  
Polk

**Douglas B. Tharp**  
Sumter

**Judith C. Whitehead**  
Hernando

**David L. Moore**  
Executive Director

**William S. Bilenky**  
General Counsel

October 15, 2008

Ms. Jennene Norman-Vacha  
City Manager  
City of Brooksville  
201 Howell Ave.  
Brooksville, FL 34601

Subject: Cooperative Funding - Expedite Implementation of Capital Projects

Dear Ms. Norman-Vacha:

The Southwest Florida Water Management District has maintained a long tradition of funding projects that provide for the future sustainability of our region's limited water resources. The proposed fiscal year budget will enable the District to invest \$166.6 million in Cooperative Funding projects. Through public and private partnerships, these dollars can be leveraged for a potential investment of over \$310 million in sustainable alternative water supply development and other water resource management projects.

Florida has been impacted by the economic events that are impacting our nation. In response to these challenging economic conditions, Governor Charlie Crist has requested state agencies and water management districts to "aggressively focus available resources on activities that keep Floridians employed and move our economy forward."

In a letter to Department of Environmental Protection Secretary Michael W. Sole and the water management districts, Governor Crist stated: "Economic development is critical to Florida's fiscal recovery and we, as leaders, must be a part of the solution. It is vital that the fiscal resources of Floridians be used in a timely and beneficial manner. Therefore, I am asking you to work cooperatively and proactively with your local project sponsors to expedite the beneficial use of funds provided for capital projects such as water projects, park improvements, and restoration activities. The faster we get planners, contractors, engineers, electricians, laborers, and others working on these projects, the faster we will realize the benefits of our effort."

In light of the Governor's request, the District is asking all our cooperators to join with the Southwest Florida Water Management District and state agencies to expedite capital projects and put Florida first on the road to economic success. Thank you for your prompt attention, and let us know if we can be of assistance in this matter.

Sincerely,

David L. Moore  
Executive Director

DLM:spa

cc: Governor Charlie Crist  
Secretary Michael Sole  
Governing Board Members  
Basin Board Members



CTM  
11-03-08  
JML



Florida/Virgin Islands  
4440 Northwest 25<sup>th</sup> Place  
Post Office Box 147010  
Gainesville, FL 32614-7010

Office of the State Director  
Telephone: (352) 338-3402  
FAX: (352) 338-3405  
TDD: (352) 338-3499  
[www.rurdev.usda.gov/fl](http://www.rurdev.usda.gov/fl)

October 20, 2008

T. Jennene Norman-Vacha, City Manager  
201 Howell Avenue  
Brooksville, FL 34601

Re: 2008 Community Development Award

Dear Ms. Norman-Vacha:

Your nomination of the City of Brooksville for the USDA Rural Development 2008 Community Development Award included admirable examples of rural economic and community development. However, after careful review, it was determined that the winner of this year's award is the Indiantown Western Martin County Chamber of Commerce.

As an excellent nominee for this award, we recognize and applaud the successes of the City of Brooksville as noted in your application. In addition, we encourage you to participate next year in the process as your application included many excellent examples of development success.

Thank you for participating in this year's award process. We look forward to continued collaboration with your community to support your community's vision and strategic goals.

Sincerely,

  
**RONALD G. WHITFIELD**  
State Director

Committed to the future of rural communities.

"USDA is an equal opportunity provider, employer and lender."  
To file a complaint of discrimination write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W.,  
Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD).

*Handwritten notes:*  
CN  
11-23-08  
Pa: Emory Platt  
JW



An Equal Opportunity Employer

# Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899  
(352) 796-7211 or 1-800-423-1476 (FL only)  
TDD only 1-800-231-6103 (FL only)  
On the Internet at: [WaterMatters.org](http://WaterMatters.org)

*Lead*

The Southwest Florida Water Management District (District) does not discriminate upon the basis of any individual's disability status. This nondiscrimination policy involves every aspect of the District's functions including one's access to participation, employment, or treatment in its programs or activities. Anyone requiring reasonable accommodations as provided for in the Americans with Disabilities Act should contact the General Services Department at (352) 796-7211 or 1-800-423-1476 (FL only), extension 4527, TDD only 1-800-231-6103 (FL only).

MEETING NOTICE

CITY OF BROOKSVILLE  
201 HOWELL AVE  
BROOKSVILLE  
FL  
34601

10-21-08 P02:08 IN

*Pc: David Bellamy*

SUBJECT: Blue Sink Watershed

Hernando County anticipates adopting new Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) starting in 2009.

Preliminary flood maps show that your property is in an area where the flood risk may have changed. This could impact the need and cost for flood insurance. To get a more in-depth explanation and view this information online, please refer to the Southwest Florida Water Management District's (District) web site at [WaterMatters.org/floodrisk](http://WaterMatters.org/floodrisk). You may also attend a public meeting, or contact the District at (352) 796-7211, extension 4297.

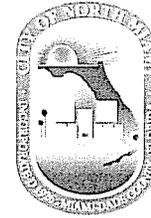
The District is hosting public meetings to present the information for review and comment, and to answer questions. The meeting will be held at the District's Brooksville office on October 30, 2008 from 4:00 p.m. until 7:00 p.m. Below is a map showing the location of the meeting.



*CTM 11-03-08*



Mayor Raymond F. Marin  
City of North Miami Beach  
17011 NE 19<sup>th</sup> Avenue  
North Miami Beach, FL 33162  
Office (305) 948-2986  
[nmbmayor@citynmb.com](mailto:nmbmayor@citynmb.com)



Mayor Kevin Burns  
City of North Miami  
776 Northeast 125<sup>th</sup> Street  
North Miami, FL 33161  
Office (305) 893-6511 ext.12183  
[kburns@northmiamifl.gov](mailto:kburns@northmiamifl.gov)

October 16, 2008

Re: Section 180.191, Florida Statutes – Outside City Utility Rate Surcharge

Dear Mayor, City Manager, Utility Director:

The Miami-Dade County Legislative Delegation, under the guidance of the Miami-Dade Board of County Commissioners is preparing to **inflict your city with an additional burden**. In these difficult economic times, we have already endured hardship in the preparation of our mutual annual budgets. The Commission is instructing their Legislative Delegation to amend Section 180.191, Florida Statutes, to **ban the utility surcharge** on your water and sewer customers residing outside your municipal boundaries. This **loss in revenue** to your current budgets ranges between 10% and 50% at your current surcharge levels. If you thought that balancing the budget was difficult for the up-coming fiscal year, wait until next year if the Miami-Dade County Commissioners are successful in their plans. **Do not let Miami-Dade County dictate to you how to recoup the capital costs and burden your taxpayers bear** without enabling you to recover acquisition and maintenance expenses to provide water and sewer services to non-residents.

We should all remember that with Section 180.191, Florida Statutes, the surcharge permitted by the state recognizes and justifiably offsets the capital costs and burden that you and your taxpayers have incurred for the benefit of municipalities and counties outside of your municipal boundary. Through your taxpayers' burden you enhance the ability of communities outside of your boundaries to prosper and enjoy economic development. Without your assistance, the communities outside of your boundaries could not meet concurrency or other requirements of community development. We all create economic development, by making an investment for all communities and like all investments, we merit dividends.

The Miami-Dade County Board of County Commissioners passed Resolutions R-404-08 and R-444-08, in April 2008, referring to North Miami Beach and North Miami, respectively. Resolution R-404-08, as amended, **“urges the Florida Legislature to prohibit municipal water and sewer utilities from levying a surcharge on consumers outside the city.”** The original text of Resolution R-404-08, urged prohibiting municipal water and sewer utilities located within charter counties from charging the surcharge to consumers located outside the city. The words “within charter counties” were intentionally deleted from the amended and adopted resolution.

CTM  
11-03-08  
JW

## **CITY OF BROOKSVILLE FINANCE DEPARTMENT**

**Date:** October 21, 2008  
**To:** T. Jennene Norman-Vacha, City Manager  
**Cc:** Jim Delach, Ass't. Finance Director  
**From:** Stephen J Baumgartner, Finance Director *slaw*  
**RE:** City's Investments at Year End 9 30 08

---

I just received the statements from the SBA and the FMIVT investment accounts. At 9 30 08 our SBA "B" funds have a total unrealized loss of \$75,215.55. I will discuss with our Auditors the approach they prefer we take with the year end entries. The SBA has issued a memorandum on this issue and I have discussed with another Finance Director (Clewiston) his approach, but will verify with Mary Beth her preferences before the books are closed.

Our Water and Sewer Fund has invested in the Florida Municipal Investment Trust. This month we have a loss of \$3,892.98. I did receive an e-mail (attached) from Dustin Heintz, Investment Services Manager, who explains the loss and expects the unrealized losses should provide gains on future monthly statements. The most recent performance returns and yield reports are attached.

After the problems surfaced with the SBA, we chose to diversify our investments and in addition to the FMIVT we invested in the Federated Government Obligations Funds through our SunTrust Bank. These funds can be brought back and forth between our Federated and SunTrust account daily if needed. We normally transfer around 2 or 3 times a month depending upon our balances at our SunTrust Pooled Cash Account.

I have confidence in the ongoing efforts at the SBA and the management of the FMIVT to want to remain participants. The Federated Government Obligations Fund reports no unrealized losses and is reported to us at 9 30 08 at par.

Our cash balances at fiscal year end are as follows:

*slaw*  
11-03-08  
2/16